



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-308695-20**

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#### **Strategic Housing Development**

Demolition of existing buildings, construction of 360 no. residential units (128 no. houses, 232 no. apartments), childcare facility and associated site works.

#### **Location**

In the townlands of Kellystown, Porterstown and Diswellstown, Dublin 15.  
([www.kellystownshd.com](http://www.kellystownshd.com))

#### **Planning Authority**

Fingal County Council

#### **Applicant**

Castlethorn Construction UC and  
Castlethorn Developments  
(Kellystown) UC

#### **Prescribed Bodies**

Irish Water

Iarnród Éireann  
National Transport Authority  
Department of Tourism, Culture, Arts,  
Gaeltacht, Sport and Media

**Observer(s)**

Annmarie McGovern and Peter  
McKiernan  
DART West Community Coalition  
Emer Currie  
Fingal Cycling Campaign  
Gary and Angela Hegarty  
John Walsh  
Kevin Molloy  
Liam Shiels  
Pamela Conroy and Roderic  
O’Gorman  
Paul Donnelly  
St. MOchta’s FC Stephen Toomey.

**Date of Site Inspection**

13<sup>th</sup> February 2021

**Inspector**

Una O'Neill

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## **1.0 Introduction**

- 1.1. 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**

- 2.1.1. The subject site (9.73 ha in area) is a greenfield site, with one residential dwelling and the ruins of a dwelling/farm sheds on the site. The site is under grass and appears to be largely in agricultural use, comprising three large fields subdivided by hedgerow/tree boundaries. The site is relatively flat, with a high point of c.62.5m OD Malin towards the southern side of the site, falling northwards to a low point of c. 60.5m OD Malin at the centre of the site before climbing again to c. 62m OD Malin at the northern boundary of the site. The south-western portion of the site falls from a high point of c.61.5m OD Malin to a low point of c. 56.5m OD Malin.
- 2.1.2. The site is irregular in shape with the majority of the site located north of the partially delivered Kellystown Link Road and the open space zoned section of the site is located south of this road. The site is bounded to the north by the Dublin-Maynooth (- Sligo) /Dunboyne Commuter railway line and the Royal Canal. The site is bisected by Old Porterstown Road, which is a narrow road, rural in character, lined with hedgerow/trees on both sides which connects to Clonsilla village to the north (approx 500m from the site, separated by the level crossing of the train line and canal) and connects into Kellystown Link Road and the existing school campus to the south. St. Brigid's Lawn Traveller Accommodation and St. Mochta's Football Club are located to the east of Porterstown Road and bound the southeast section of the site. At the northern end of the site on the western side of Porterstown Road is a detached cottage. To the east is Diswellstown Road Overpass/Dr. Troy Bridge, which is 11m above ground level where it crosses the railway and canal. The Diswellstown Road comprises cycle/pedestrian paths on both sides and connects to Clonsilla Village to the north and Luttrellstown Road to the south, with a connection into the wider Diswellstown and Carpenterstown suburbs to the east at the junction with Kellystown Link Road. There is a 20m rail reservation on the eastern side of the Diswellstown Road to allow for the potential delivery of a light rail corridor along this route. Scoil

Choilm National School, Luttrellstown Community College and Porterstown Scout Den are located in a campus style layout to the south of the application site on the southern side of the Kellystown Link Road/Diswellstown Road junction. The red line boundary of the site also incorporates a separate section along the Riverwood Road to the east of the development, where wastewater infrastructure is proposed to be upgraded.

- 2.1.3. The site is located approximately 1-1.5km from Coolmine and Clonsilla rail stations, located to the east and west of the site respectively. The shortest route to both stations is currently via an existing path along the canal. Coolmine is the closest when accessed via the road network. Clonsilla village is located approximately 500m to the north. Blanchardstown Town Centre is approximately 1.5km to the northeast.

### **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development comprises the construction of:

- 360 residential units, 1 no. childcare facility and 1 no. retail unit. The breakdown of residential accommodation is as follows:
  - 104 no. 3-bed 2-storey houses, of which 28 no. have optional single storey extension to rear, and
  - 24 no. 4-bed 2 to 3-storey houses) and
  - Apartment units (232) accommodated in 3no. blocks, including:
    - Block A: 1 to 8 storeys, accommodating 164no. apartments (62no. 1-beds and 102no. 2-beds) and a residential amenity area (c.380 sq m gfa);
    - Block B: 4 to 5 storeys, accommodating 41no. apartments (12no. 1-beds, 24no. 2-beds and 5 no. 3- beds);
    - Block C: 4 to 6 storeys, accommodating 27no. apartments (11no. 1-beds and 16no. 2-beds), the childcare facility (c.278 sq m gfa) and the retail unit (c.98 sq m gfa).
- Road infrastructure works, including:
  - The provision of new pedestrian and cycle facilities along the northern edge of an existing road, which extends c. 280m west from Diswellstown

Road to a point west of the existing main vehicular entrance to Scoil Choilm Community National School (hereafter referred to as 'Kellystown Link Road');

- A c. 160m new western extension of the 'Kellystown Link Road';
- The reconfiguration of a section of the 'Kellystown Link Road' at its junction with the Diswellstown Road;
- The realignment of a southern section of Porterstown Road at its junction with the 'Kellystown Link Road';
- Repositioning of existing vehicular site entrance to 'Abbey Cottage' on its eastern boundary to Porterstown Road;
- New vehicular access to the site at 1 no. new site entrance on the Porterstown Road to Block A and 1 no. site entrance to the scheme via the 'Kellystown Link Road'; and
- New internal residential road network including pedestrian and cycle links, a north-south pedestrian and cycle green route on the eastern side of Porterstown Road and new pedestrian and cycle access to the proposed public park to the south west.
- New dedicated public park (c. 2.1 Ha), smaller pocket parks and green links;
- Waste water infrastructure, including pumping station and pipe network to connect to a public watermain under the proposed 'Kellystown Link Road' and an associated pump station service road, and upgrade works to existing drainage infrastructure in the Riverwood Distributor Road.
- 435no. car parking spaces, including: 256no. spaces in-curtilage and on street for the houses; 58no. spaces at undercroft level of Block A and 116no. spaces at surface level for the apartments; and 5no. spaces on-street for the proposed commercial units and to facilitate shared car club vehicles in the future;
- 12no. motorcycle parking spaces, including: 4 no. at surface level and 8 no. at undercroft level of Block A;
- 562no. bicycle parking spaces, including 401 no. covered spaces and 161 no. uncovered spaces;
- Bin stores;

- 3no. ESB sub-station units;
- Demolition of the existing vacant house and agricultural buildings.

3.2. The following tables set out some of the key elements of the proposed scheme:

#### Key Figures

<b>Site Area Net</b>	5.6ha net, excluding zoned open space, road extension, and road works, (9.73 ha gross)
<b>No. of Residential Units</b>	360 (128 houses; 232 apartments in 3 apartment buildings)
<b>Density</b>	65 u/p/h
<b>Childcare Facility</b>	1 x 278sqm facility, to cater for 54 children
<b>Other Uses</b>	1 x 98sqm retail unit
<b>Public Open Space</b>	6848 sqm on RA zoned land (pocket parks and green routes around the site) 21019 sqm on OS zoned land 1744 sqm of communal open space at podium level in Block A, ground level in Block B, and roof level in Block C.
<b>Height</b>	2-3 storeys for houses; 4-8 storeys for apartments
<b>Part V</b>	41 units

#### Unit Mix

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Apartments</b>	85	142	5		232
<b>Houses</b>			104	24	128
					<b>360</b>
<b>As % of total</b>	24%	39%	30%	7%	100%

## Parking Provision

<b>Car Parking</b>	<p>435 car spaces, of which:</p> <p>256 for the houses (in-curtilage and on street)</p> <p>174 for the apartments (116 at surface; 58 undercroft)</p> <p>5 spaces for commercial units</p>
<b>Bicycle Parking</b>	<p>562 bicycle spaces (41 covered and 161 uncovered)</p>

- 3.3. The vehicular access points to the site are from Kellystown Link Road. One access is off Porterstown Road via the existing link from Kellystown Link Road and the second is directly off the proposed extension to the Kellystown Link Road.
- 3.4. The application is accompanied by a letter of consent in relation to an existing dwelling, Abbey Cottage, which is included in the application site boundary.
- 3.5. A letter of consent has been submitted by Fingal County Council in relation to roads within their ownership which are within the application site boundary, namely sections of Porterstown Road, Kellystown Link Road, Diswellstown Road and Riverwood Distributor Road. Road upgrades and drainage infrastructure works are proposed. The letter of consent also covers a small section of land in the southeast section of the site which is in the ownership of FCC.
- 3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Confirmation of Feasibility and Statement of Design Acceptance in relation to water and wastewater connections were submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater and water connections to the Irish Water network can be facilitated subject to works to be undertaken at the cost of the developer.



3.7. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- Planning Report and Statement of Consistency
- Material Contravention Statement
- EIA Screening Report
- AA Screening Report
- Ecological Impact Assessment
- Community Infrastructure Audit
- Housing Quality Assessment
- Architectural Design Statement
- Engineering Assessment Report
- Flood Risk Assessment
- Traffic and Transport Assessment
- Travel Plan
- Preliminary Construction Management Plan
- Energy Statement
- CGI Views and Photomontage Views
- Landscape Design Development Report
- Landscape and Visual Impact Assessment
- Arboricultural Report
- Lighting Report
- Building Life Cycle Report
- Property Management Strategy Report
- Archaeological Assessment
- Daylight, Sunlight and Overshadowing Study
- Noise Impact Assessment

- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan

## 4.0 Planning History

4.1. There is no relevant planning history.

## 5.0 Section 5 Pre-Application Consultation

### 5.1. Pre-Application Consultation

- A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on ABP-306942-20 in respect of a proposed development of 354 units (122 houses and 232 apartments). The main topics discussed at the meeting were –

1. Principle/Expected Kellystown LAP timeline
2. Transport
3. Design including density/height/layout/detailed design
4. Landscape/Trees/Ecology
5. Residential Standards
6. Site Services
7. Any Other Matters

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

### 5.2. Notification of Opinion

An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

- Kellystown LAP: The prospective applicant should demonstrate that the proposal is not premature pending the finalisation of an LAP for the area

(Kellystown LAP). In particular, the prospective applicant should demonstrate that the proposal does not prejudice the delivery of housing on a phased basis, in tandem with the necessary infrastructure, and does not prejudice the delivery of the overarching objectives for the Kellystown Area, as set out in 'Objective Blanchardstown 18' of the Fingal Development Plan 2017-2023. Further consideration of this issue may require amendments to the documents and/or design proposals submitted.

- Kellystown Link Road: The prospective applicant should demonstrate that the proposal does not prejudice in any way the delivery of the Kellystown Link Road Objective, as set out in Table 7.1 'Road Schemes' and Sheet 13 'Blanchardstown South' of the Fingal Development Plan 2017-2023, pending the finalised design of same. The applicant should also ensure that the technical specifications (including, but not limited to, the alignment, width and finishes) of the portion of the link road proposed as part of this development are to the satisfaction of the Planning Authority. Further consideration of this issue may require amendments to the documents and/or design proposals submitted.
- Residential Density: Further consideration and/or justification of documents as they relate to the proposed residential density, having regard to the existing and future accessibility of the site to surrounding public transport options, including existing rail stations at Coolmine and Clonsilla, any future rail stations in the Porterstown Area, and to the nearest existing and proposed bus stops/routes. Particular regard should be had to the criteria relating to appropriate residential density, as set out in Sustainable Residential Development in Urban Areas Guidelines (2009). Further consideration of this issue may require amendments to the documents and/or design proposals submitted.
- Massing/Detailed Design/Ground Floor Treatment of Block A: The prospective applicant should provide further justification and/or detail in relation to the proposed massing and detailed design of Block A. In particular, the prospective applicant should provide further justification and/or detail in relation to the treatment of the ground floor of Block A, having regard to the level of active frontage provided at ground floor level. Further consideration of

this issue may require an amendment to the documents and/or design proposals submitted.

- Compliance with DMURS: The prospective applicant should provide further justification and/or detail in relation to compliance with DMURS, in particular the creation of active street edges along Kellystown Avenue, Porterstown Road and Diswellstown Road Overpass, the prioritisation of safe walking and cycling routes both within and around the development, the treatment and nature of the proposed 'Homezones' and the number of cul-de-sacs within the site. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. Additional details in relation to Transport, having regard to the report of the Transportation Planning Department, in particular the provision of a parking layout drawing/schedule, details of cycle parking, details of the set-down parking area for the crèche, details of upgrade works to the Porterstown Road and details of any other road upgrades that are required, impacts of the Irish Rail Electrification Project on vehicular, cycle and walking routes; sightline drawings; connections and permeability to adjoining sites and the provision of a taking in charge drawing.
2. Additional details and/or revised proposals in relation to site services, having regard to the report of the Water Services Division of the Planning Authority, and having regard to the detailed comments included in the Irish Water Submission on this pre-application (dated 15th May 2020). These include confirmation in relation to the adequate capacity of the foul water sewer network to accommodate the development, details of the proposed foul water pumping station; upgrades required to connect to the water supply network and additional detail and/or revised proposals in relation to the SuDS measures proposed; Further consultation is required with Irish Water and/or the Planning Authority (as appropriate) in relation to foul water

capacity/infrastructure and in relation to required upgrades to the water supply network.

3. Additional details and/or revised proposals in relation to open space/landscaping, having regard to the report of the Parks and Green Infrastructure Division, including clarification of the quantum of public open space being provided, the location of the proposed pump station details of play provision, the layout of the public open space within the development and management of tree and hedgerow retention.
4. Additional CGIs/visualisations/3D modelling.
5. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross sections showing the relationship between the proposed development and nearby residential development.
6. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
7. A plan of the proposed open space within the site clearly delineating public, communal and private spaces.
8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
9. Waste Management Details.
10. Site Specific Construction and Demolition Waste Management Plan.
11. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

### **5.3. Applicant's Statement**

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

**Item 1 Kellystown LAP:**

- The lands have been zoned since 2008. Castlethorn has been instrumental in delivering much of the existing local infrastructure to date, including the Diswellstown Road Overpass and local distributor roads, in addition to providing the land and the construction of the Beechpark Class 1 open space with playing fields, a playground and associated parking. It has provided the school lands to the south east. It has also provided lands to the north of the rail line and south of St Mochta's National schools for use by the school and St Mochta's FC. Castlethorn is nearing completion of negotiations with the Council to deliver the cemetery lands, and has held early stage discussions with St. Mochta's FC in relation to the possible relocation of the Club's grounds to the (Castlethorn) Open Space zoned lands, to the south of 'Kellystown Link Road'. The Kellystown lands are zoned and are capable of being fully serviced in a sequentially appropriate manner.
- The proposed development is consistent with the objectives of the Draft LAP and broadly aligns with the indicative layout (detailed assessed in section 12.1 of the submitted planning report from the applicant).
- The proposed development delivers on all elements of Development Plan 'Objective Blanchardstown 18'.
- It has been confirmed with the relevant transport bodies (NTA, Iarnrod Eireann) that there is no train station planned for Porterstown, and that the level crossing is envisaged to be omitted to facilitate the electrification of the rail line.
- The area of the current St. Mochtas FC grounds measures c.3.15ha (c.2.45ha is under licence from FCC and c.0.70ha is under short term licence from Castlethorn). A larger quantum of land, measuring c.4.05 ha, zoned 'open space' to the south of the 'Kellystown Link Road', is in the control of the Applicant, which could facilitate the relocation of St Mochta's. The dedication of these lands to St Mocha's would be in addition to the delivery of c.2.1ha of Class 1 Public Open Space within the red line SHD application site, as part of the planned delivery of an 8ha public park at Kellystown. The eventual location and layout of the relocated St. Mochta's pitches

will ultimately be determined by others, including St. Mochta's FC and Fingal County Council. There is a significant quantum of zoned open space lands to the south of 'Kellystown Link Road' to facilitate this. We consider the proposed development to be consistent with the Development Plan objective to facilitate the relocation of St Mochtas and to deliver Class 1 public open space, in a manner that does not prejudice the future aspirations of the Council for the development of the overall Kellystown LAP lands in line with the Draft LAP.

- The proposed development includes dedicated pedestrian and cycle facilities along the road that connect with the existing school campus and Porterstown Road, and by extension to the Diswellstown Road and the Riverstown / Carpenterstown
- The proposed pedestrian and cycle network is designed to facilitate sustainable future connections with existing and future development to the east and south and with adjacent development lands to the north and west, in accordance with DMURS promotion of pedestrian and cycle priority.

#### **Item 2 Kellystown Link Road:**

- The Applicant has engaged in discussions with the Planning Authority to ascertain its preferred design specifications for that portion of Kellystown Link Road subject of this application. At a meeting held on 7 August 2020 with FCC Transportation Department, the Planning Authority provided its recommended specifications for the preferred design of 'Kellystown Link Road' within the application site, to include the following: Road width of 19m (6.5m carriageway, 2.0m verges, 2.25m cycletrack, 2.0m footpaths); Restriction of the number of vehicular access points to the proposed development from Kellystown Link Road.
- FCC published for public consultation their preferred alignment for Kellystown Link Road. The proposed road extension has been adjusted to comply with this.
- Upgrading of the junction arrangement at Diswellstown Road Overbridge, road widening and the accommodation of turning lanes, site access, bicycle and pedestrian facilities has been incorporated into the proposed road design, in accordance with the Council's requirements.
- The proposed development includes the construction of a 160m of the 'Kellystown Link Road' extending west. 280m of road currently exists and was

constructed by FCC for access to the school campus, connection to Porterstown Road and access to the proposed cemetery.

- The proposed access point along the Kellystown Link Road has been relocated, in accordance with the Draft LAP diagram, to provide access to the residential development area to the north and to connect with the cemetery road to the south.
- The second vehicular access point is via the existing Porterstown Road. Further north along this road a new site entrance is proposed to Block A to the east. A proposed green route along the western edge of the length of Porterstown Road is intended to provide appropriate pedestrian and bicycle circulation options, in accordance with DMURS. There is a possibility that with the proposed future removal of the level crossing at Porterstown, vehicular traffic would be removed from the Porterstown Road. There would then be potential to integrate the pedestrian and cycle facilities with the existing road carriageway and enhance the green corridor either side of the carriageway.
- The proposed road network facilitates future pedestrian, cycle and pedestrian connectivity with the zoned residential development areas to the north and west, and via the Porterstown Road and 'Kellystown Link Road' to lands to the south and east. The priority is focussed on pedestrian and cycle permeability in accordance with DMURS. Vehicular connections are however also facilitated.

### **Item 3 Residential Density**

- The site is adjacent to the Dublin-Maynooth rail line, a high capacity heavy rail (diesel) commuter line. The application site lies roughly equidistant from the Coolmine and Clonsilla rails stations, approximately 1-1.5 km to the east and west respectively.
- Metro West was shelved in 2011 and does not feature in the NTA's transport strategy for the GDA.
- In September 2020 Iarnrod Eireann published the emerging option for DART+ West (Maynooth Line), which proposes the electrification of the Dublin-Maynooth rail line. Level crossings at Coolmine, Porterstown and Clonsilla are to be removed and replaced with overbridges. As has been previously confirmed in this report, both the NTA and Irish Rail have confirmed that there is no plan for a Porterstown rail station.



- Having regard to the provisions of the 'Sustainable Residential Development in Urban Areas Guidelines' (2009), the application site may be categorised as being located at an intermediate urban location in respect of its location at the western periphery of the built up 'Dublin and Suburbs' area and proximity to planned high frequency rail based transportation. The application site is also served by nearby bus stops.
- A net residential density upward of 50 dwellings per hectare should be achieved in accordance with the Guidelines recommendations.
- Currently, the application site is more conveniently connected to the Coolmine station by the urban road network, including pedestrian and cycle facilities, that extend through the Riverwood and Carpenterstown areas to the east of the Diswellstown Road overpass. The site is more immediately accessible by Dublin Bus, and is within 10 minutes walking distance of a number of high frequency routes, including route nos 37, 39 and 239. These routes connect the site to the city centre and to other locations in west Dublin, including Blanchardstown Shopping Centre and Liffey Valley Shopping Centre.
- A net residential density of 64.5 dwellings per hectare is proposed, which is sustainable and delivers a mix of residential dwelling types appropriate to this location. It does not prejudice the balanced delivery of sustainable density throughout the Kellystown LAP as illustrated in the Design Statement prepared by O'Mahony Pike Architects.

#### **Item 4 Massing/Detailed Design/Ground Floor Treatment of Block A:**

- The design changes to Block A on foot of the tripartite meeting consist broadly of the following:
  - Increase in size and design reconfiguration of ground floor residential amenity space (now c.380 sq m) to provide more active frontage to Kellystown Link Road.
  - Introduction of a visually interesting double height entrance space, at ground floor level of the 8-storey element of Block A.
  - Reconfiguration of balconies and windows on the external elevations of the 8 storey element.

- Re-design of shared entrances to stair and lift cores.
- Increase in size of private amenity areas for apartments at ground floor level.
- Introduction of new materiality and colour for balconies facing into the communal courtyard area at podium level. Re-location of surface car parking previously adjacent to southern side of block.
- Full brick façade on the Eastern Elevation.

#### **Item 5 Compliance with DMURS:**

- A statement of consistency with DMURS has been submitted.
- The portion of the Porterstown Road which is within the red line of the proposed development has been designed to incorporate junctions and crossings to encourage slower vehicle speeds and create a greater sense of place.
- The Porterstown Road junction with Road 12 (providing access to Block A) is approximately 95m from the junction with Kellystown Link Road. Between these two junctions is a pedestrian crossing with a raised table, and this portion of the proposed road includes a gentle horizontal curvature. While the remainder of the Porterstown Road falls outside the development area, it is proposed to provide a two-way cycle track within the site boundary, running parallel to the carriageway.
- The Diswellstown Over Pass Road is being treated in compliance with DMURS.
- The proposed development does include some cul-de-sacs. However, it should be noted that all of these cul-de-sacs allow for pedestrian and cyclist connectivity, and only limited connectivity for road vehicles. The use of these vehicular cul-de-sacs has been deemed necessary given the irregular shape of the site. As noted in Section 3.3.2 of DMURS, cul-de-sacs may be used to serve a small number of dwellings, to enable more compact/efficient forms of development. The proposed cul-de-sacs are safe, with clear, open sightlines and passive surveillance.
- Roads 1, 8, 10 and 11, while terminating in vehicular cul-de-sacs, allow for through pedestrian and cyclist access, connecting with the new cycle track adjacent to Porterstown Road. Pedestrian and cyclist connections are provided from Road 6 to the new footpath and cycle track on Kellystown Link Road. A landscaped

pedestrian route is provided at the end of Roads 4, 5 and 7, providing connection to Road 1. Roads 4, 5 and 7 have also been designed to allow for possible future connections to the north-west future LAP lands.

- Although vehicular cul-de-sacs have been incorporated into the proposed layout, the number of walkable/cyclable routes between destinations has been maximised.

The specific information required in the Opinion issued to the applicant has been submitted.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

#### **Project Ireland 2040 - National Planning Framework**

A number of key policy objectives are noted as follows:

- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 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.
- National Policy Objective 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.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 6.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 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 (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013) (as updated)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

## 6.3. **Regional Policy - Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031**

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin.

The following Regional Policy Objectives are of note:

- RPO 4.3: Support the consolidation and re-intensification of infill/brownfield and sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- Table 5.1 'Strategic Development Area and Corridors, Capacity Infrastructure and Phasing' – the development of Kellystown landbank is identified as one of the strategic D15 landbanks listed for residential development. Phasing/enabling infrastructure listed for the development of D15 lands in the short term: public transport, Clonsilla Station, water network, and waste water upgrades.
- RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- 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 5.8: Support the promotion and development of greenway infrastructure and facilities in the Dublin metropolitan area and to support the expansion and connections between key strategic cycle routes and greenways as set out in the NTA Greater Dublin Area Cycle Network Plan.
- The Royal Canal is identified in the MASP as one of the strategic natural, cultural and green infrastructure assets in the region.

## 6.4. Local Planning Policy

### 6.4.1. Fingal County Development Plan 2017-2023:

#### Zoning

- Part of the site is zoned RA 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'.
- The southern part of the site is zoned OS Open Space 'Preserve and provide for open space and recreational amenities'.

#### Map Based Objectives

- LAP 13.C – Lands are subject to a Local Area Plan.
- Provision for a Link Road connecting the existing Diswellstown Road to the proposed Ongar Barnhill Distributor Road (not yet constructed).
- Indicative cycle/pedestrian route along Old Porterstown Road connecting south onto the east-west Link road and connecting north to Clonsilla village.
- Protect and Preserve Trees, Woodlands and Hedgerows on the site.

The site is located in the River Valleys and Canal Character Type, which is also classified as a Highly Sensitive Character Type.

#### Chapter 2, Core Strategy and Settlement Strategy – as amended by Variation 2

Blanchardstown is identified as being within the Dublin City and Suburbs Consolidation Area.

Table 2.4 Total Residential Capacity provided under Fingal Development Plan 2017-2023, updates as of September 2019:

Blanchardstown (in which Kellystown is located) has a remaining capacity in hectares of 260 hectares and remaining residential units of 9306 units.

#### Chapter 3 relates to Placemaking

Objective PM31 – Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM32 – Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government's Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority's Permeability Best Practice Guide (2015), in the provision of good urban design.

Objective PM38 – Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM41 - Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective PM42 Implement the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.

#### Chapter 4 Urban Fingal

##### Objective Blanchardstown 18

Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan – which includes inter alia the Kellystown Local Area Plan.

##### Kellystown Local Area Plan:

- Provide for a programme for the phasing of construction of residential and commercial development in tandem with the delivery of transport, recreational, community and educational infrastructure.
- Facilitate the development of a new railway station on the existing Dublin-Maynooth line at Porterstown if required.
- Facilitate re-location of St. Mochtas FC grounds to a new site north of the Luttrellstown Road. This new site will be in addition to a proposed 8 hectare public park.
- Provide pedestrian and cyclist access routes to the subject lands from the Riverwood/ Carpenterstown area.

- Create a new neighbourhood public park of a minimum of 8 hectares. This park shall be linked to Porterstown Park, Luttrellstown Road and Beech Park by dedicated pedestrian and cyclist facilities.
- Protect the rural character and setting of Luttrellstown Road and enhance its use for pedestrians and cycling.
- Provide a study of the trees, hedgerows and other features of biodiversity value suitable for retention and a programme agreed with the Council's Biodiversity Officer as to how these features can be protected or improved and the biodiversity value of the Canal maintained or improved.

### Chapter 9 Natural Heritage

- The site is located within the River Valley and Canal Landscape Character Type, which is considered to have a high landscape value and high landscape sensitivity. The following landscape character objectives are relevant.

Objective NH33: Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

Objective NH34: Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types.

### Chapter 12 Development Management Standards

Light Rail Corridor (previously known as Metro West) –

Objective DMS123 – Allow high density development along the Light Rail Corridor, in accordance with the land-use plans of the Council.

Section 12.3 - 'Design Criteria for Urban Development':

Objective DMS03 – Submit a detailed design statement for developments in excess of 5 residential units or 300sq.m of retail/commercial/office development in urban areas...

Open Space Objective DMS57 - Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy



rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS73 - Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of open space provision shall be taken up by SuDS. The Council will give consideration to the provision of SuDS on existing open space, where appropriate.

Objective DMS57A & DMS57B - Require a minimum 10% of a proposed development site area be designated for use as public open space...

#### **6.4.2. Kellystown Local Area Plan (adopted 11<sup>th</sup> January 2021)**

The SHD application site is located within Development Area 1 (DA1) of the LAP.

Some of the objectives as set out in the LAP are listed hereunder.

Section 6 Development Areas – The following ‘General Guiding Principles are noted:

- Objective 6.11 New development shall seek to preserve and retain existing quality trees and hedgerows of amenity value, as identified in Section 8 Blue and Green Infrastructure and in Objective 8.8.
- Objective 6.12 Align pedestrian and cycle links to capture views to local features (natural and built) and incorporate opportunities for overlooking and passive surveillance insofar as possible.
- Objective 6.13 Create safe and attractive pedestrian and cycle routes with high levels of legibility and permeability connecting the lands to local amenities and the adjoining areas of Clonsilla and Carpenterstown.
- Objective 6.14 Ensure buildings/features of a high-quality design are provided on the approach roads to the Kellystown LAP lands.

Section 6.6.2 Key Objectives for Development Area 1 (DA1):

- DA 1.3 Promote and encourage increased levels of pedestrian and cycle connectivity between the subject lands and the surrounding areas through the provision of new pedestrian and cyclist links.

- DA 1.4 Provide for a mixed typology of high quality residential units including apartments, duplexes and townhouses.
- DA 1.5 Existing trees, hedgerows, field boundaries shall be protected and retained as far as is practicable in any development proposal. Existing hedgerows shall incorporate blue/green corridors and swale corridors for the protection of biodiversity and for SuDS.
- DA 1.6 One vehicular access to the site will be from the new Kellystown Link Road, with all internal road networks to be home zones or local access roads only. An emergency access will also be required.
- DA 1.7 The access road through the Development Area shall provide for street trees in appropriately designed tree pits and grass margins.
- DA 1.12 Provide appropriate drainage infrastructure in accordance with the requirements of the Fingal County Council Drainage Department and as set out in this LAP.
- DA 1.13 Ensure passive surveillance of green route including that associated with the Royal Canal.
- DA 1.14 Ensure the preservation of trees and hedgerows as set out in Section 8 of this LAP.
- DA 1.15 The upgrading of the Kellystown Road/Diswellstown Road junction shall be carried out in Phase 1 with the timeframe and specifications to be agreed in advance with the Planning Authority.

#### Section 7 Movement and Transport Strategy

- Objective 7.1 Ensure the streets and roads within the LAP are designed as per Design Manual for Urban Roads and Streets and the National Cycle Manual to function as urban streets and to accommodate multi-modal movements, create a sense of place and contribute to the public realm.
- Objective 7.4 Ensure delivery of the appropriate road infrastructure in line with the LAP road hierarchy of streets to develop the lands to their full potential. The design should be in accordance with the principles outlined in the Design Manual for Roads and Streets (DMURS) and the NTA's National Cycle Manual.

- Objective 7.12 Facilitate the required lands to provide a link between the Royal Canal Way and the Liffey Valley Greenway throughout the Kellystown Lands.
- Objective 7.21 Upgrade the Diswellstown Road / Kellystown Link Road junction in Phase 1 of the development, to accommodate the forecast growth of traffic from Kellystown, support the delivery of reliable public transport services and facilitate the safe movement of pedestrians and cyclists.

#### Section 8 Green and Blue Infrastructure:

- Objective 8.3 Protect existing trees and hedgerows within the LAP lands which are of amenity or biodiversity value as identified on Figure 8.5.
- Objective 8.4 Incorporate identified trees and hedgerows into future development proposals in order to maintain and contribute to the landscape character of the area, insofar as practicable.
- Objective 8.5 Conserve, protect and enhance existing trees and hedgerows within the LAP lands which form wildlife corridors and link habitats providing the stepping stones necessary for wildlife to flourish.
- Objective 8.7 Require all development proposals to demonstrate how the proposal will enhance biodiversity and avoid or minimise the loss of existing habitat and wildlife corridors.
- Objective 8.8 The following existing hedgerows/treelines, shown on Figure 8.5 shall be retained: H2, H5, H8, H12, H13, and H16, except where required to facilitate the construction of the Kellystown Link Road.
- Objective 8.9 Retained hedgerows shall be maintained so that a diversity of hedgerow structure is provided, including tall and short section ( $\leq 3\text{m}$ ) sections, with thick and dense cover at the base of the hedgerow. Gaps along hedgerows shall be minimised except to facilitate pedestrian access or visual permeability at appropriate locations.
- Objective 8.10 A Method Statement for the construction, planting regime and species selection of both 'dry' and 'wet' hedgerows shall be provided with all planning applications for development within 10m of existing hedgerows within the LAP lands.

- Objective 8.13 Where hedgerows cannot be retained, or will be severed, a new hedgerow network composed of the same species shall be planted along roadways within future development proposals.

## **6.5. Designated Sites**

- 6.5.1. The proposed development does not overlap with any European sites. The nearest European site to the proposed development is Rye Water Valley/Carlton SAC, c.5.3km to the west.
- 6.5.2. Surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located c.15km east of the proposed development site. Dublin Bay contains the following European sites: North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC, Dalkey Island SPA, Howth Head Coast SPA and Howth Head SAC.
- 6.5.3. The Royal Canal proposed Natural Heritage Area (Site Code 002103) is located to c.35m to the north of the site. The proposed development site drains from north to south and is not hydrologically connected to the Royal Canal. The next nearest nationally designated site is the Liffey Valley pNHA, located c.4.45km south-west of proposed development site. The proposed development site is located in the River Liffey catchment and is therefore hydrologically connected to the Liffey Valley pNHA.

## **6.6. Applicant's Statement of Consistency**

- 6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the Fingal Development Plan, and also includes an assessment against the then Draft Kellystown LAP. The following points are noted:
  - The proposed development is consistent with the 'Sustainable Residential Development Guidelines' in terms of density.
  - The proposed scheme is laid out so as to facilitate connectivity to existing and planned development to the east, proposed and planned facilities to the south of Kellystown Link Road, and potential future connectivity to adjoining development lands to the west and north.

- The proposed development is consistent with the Building Height Guidelines. The development is assessed against section 3.2 of the guidelines and is considered in compliance with the criteria set out.
- Homogeneity of form is avoided through the variety of dwelling types provided (including 2 and 3 storey houses), and through the palette of materials proposed. The development doesn't feature any long, monolithic slab blocks. The proposed 3no. apartment blocks are not located adjacent to one another.
- The development will significantly enhance the streetscape along the existing thoroughfares of Porterstown Road, Kellystown Road and Diswellstown Road, as described above, and will also facilitate improved pedestrian and cyclist access to the adjacent Royal Canal.
- Draft Kellystown LAP:
  - No change to the landuse zoning as per the development plan.
  - The development is sequentially appropriate.
  - The development is consistent with quantum of residential in LAP.
  - Objective DA1.1 – relocation of St. Mochta's – The relocation of St. Mochta's is not within the redline boundary as the eventual location and layout will be determined by St. Mochta's and FCC. The class 1 open space south of the road meets the requirements for this SHD and will be handed over to FCC. Given that the lands for St. Mochta's lie within the blue line area controlled by the Applicant, it would be open to the Board to condition the delivery of the St Mochta's sporting facilities to these lands upon the release of the Club from its current land lease with Fingal County Council, as part of any grant of permission in respect of the proposed development, were it so minded.
  - The development is delivering a green route along Porterstown Road. While the same quantum (width) of green corridor as indicated in the Draft Plan is not being provided within the site, there may be potential to augment this to the east of the Porterstown Road when that land becomes available for development. In any case, given the quantum of public open space proposed within the application site, and the balance of open space planned to the

south of the Kellystown Link Road within the LAP area, the Applicant seriously question the merit of such an expansive green corridor at this location. The applicant states that it is noted that it is confirmed by the Draft LAP that the indicative layout plan is not intended to be prescriptive, so we would not see this as a contravention of the Draft Plan objectives arising in this regard.

- The Applicant has sought to retain the maximum feasible quantum of trees and hedgerows within the residential development area to the north of the Kellystown Link Road, while still delivering a viable residential scheme at sustainable density. To the south of the Link Road, in lands zoned open space further hedgerows are retained, and the parkland area will accommodate SUDS measures.
- The proposed vehicular access arrangements and internal road network have been subject of positive consultation with the Council's Roads Department and are considered to be reasonably consistent with Objective DA 1.6 of the draft LAP.
- Objective DA 1.9 "The Eastern Development Area shall incorporate all new Irish Rail infrastructure resulting from any amendments to the level crossing" - Iarnrod Eireann's recently published Dart+ West Programme, would see the existing level crossing on the Old Porterstown Road immediately to the north of the subject site be replaced with a pedestrian/cyclist overbridge. The proposed development does not encroach on these areas and will not prejudice the Iarnrod Eireann proposals.
- Objective DA 1.13 "Ensure passive surveillance of green route including that associated with the Royal Canal" - The north-south green route proposed parallel to Porterstown Road will benefit from extensive passive surveillance from the adjacent proposed houses and apartment blocks.
- Objective DA 1.15 "The upgrading of the Kellystown Road/Diswellstown Road junction shall be carried out in Phase 1 with the timeframe and specifications to be agreed in advance with the Planning Authority" - The design of the proposed junction upgrade is in accordance the advice provided to the Applicant by Fingal County Council Roads Department, prior to the submission of this application.

- Section 12 of the Draft LAP sets out that phasing will generally extend from the east to the west of the LAP lands - Phase 1 corresponds to the Eastern Development Area (DA1), within which this SHD is included.
- Phasing - “Upgrade the Diswellstown Road / Kellystown Road junction to accommodate the forecast growth of traffic from Kellystown and facilitate the safe movement of pedestrians and cyclists” – the upgrade of this junction is proposed.
- Phasing - “Agreement of Green Infrastructure Masterplan (including all areas of passive and active open space) for entire Eastern Development Area at pre-planning stage” - The Applicant does not control the entire Eastern Development Area, and as such it is not within its gift to propose an overall Green Infrastructure Masterplan for agreement prior to the making of this application.
- Phasing - “Provision of a constructed wetland/pond(s) as part of SuDS management strategy to the west of the lands and adjoining DA2 as well as water quality infrastructure. Extents to be agreed with the planning authority at pre-planning stage” - The proposed development provides a wetland/pond within the proposed public park to the south of the Kellystown Link Road, as part of the SUDs management strategy for Kellystown East.
- Phasing - “Provision of a minimum of 2. no MUGA’s adjacent to the relocated St. Mochta’s Football Club for community use” - All of St. Mochta’s current existing pitches and facilities can be accommodated at the Applicant’s lands to the east of the proposed Class 1 open space. This includes capacity for 2no. MUGA’s. The proposed development also includes a number of sports facilities and a pitch for community use within the Class 1 open space. The park will ultimately be taken in charge by Fingal County Council, who may wish to reconfigure the layout of the park and sports grounds differently.
- Phasing – “All Class 1 open space generated by development proposals in DA1 shall be provided for within the Open Space zoned lands or as agreed with the Planning Authority” - Provision is made for all of the Class 1 open space, commensurate with the requirements of the proposed housing development, to be provided on lands within the zoned Open Space lands

and controlled by the Applicant, to the south of the Kellystown Link Road. It is envisaged that this park area will form part of the planned 8ha park within the Kellystown LAP, as indicated in the Draft LAP diagram.

- Objective 8.8: “The following existing hedgerows/treelines, shown on Figure 8.5 shall be retained: H1, H2, H5, H6, H7, H8, H9, H10, H13, H15, H16, H17 and H19, except where required to facilitate the construction of the Kellystown Link Road” - The removal of hedgerows to facilitate the construction of the Kellystown Link Road is allowed for in the wording of Objective 8.8. The removal of some of the H8 hedgerow to accommodate Block C is in the interest of achieving sustainable residential density, and given the small area of hedge concerned is justifiable in our opinion. In the event that Objective 8.8 is adopted in its current form as part of the Kellystown LAP, the Board may be required to consider whether this represents a material contravention of written Objective 8.8. The accompanying Arboricultural Assessment Report considers that this hedge is “of dubious retention merit”. This assessment further supports our consideration that the removal of this section of hedgerow is justifiable in the context of the proposed development. The proposed development along the eastern residential site boundary with Porterstown Road has been designed to retain and enhance hedgerow H9 where feasible. This hedgerow will function mainly as a green buffer between the proposed green route and Porterstown Road. Certain sections of this hedgerow will need to be removed to accommodate the pedestrian and cycle route. It is noted that H9 is considered to be of ‘low’ value in the draft LAP.

- Objective 8.13 “Where hedgerows cannot be retained, or will be severed, a new hedgerow network composed of the same species shall be planted along roadways within future development proposals” - Sections of hedgerow H8 and H9 will be removed to facilitate the proposed development. However the bulk of these hedgerows will be retained within the proposed development. The condition of the hedgerows will be substantially improved through appropriate additional planting and appropriate management, as described in the landscape report prepared by Doyle O’Troithigh Landscape Architects.



- The re-location of St. Mochta's sports grounds to a new location south of Kellystown Link Road is another key element of the open space guidance in the draft LAP for DA1. As described above, the proposed development does not trigger the requirement to re-locate St. Mochta's. Notwithstanding this, it is demonstrated in the accompanying Architectural Design Statement that there is sufficient lands adjacent to the west of the proposed public park to facilitate the re-location of St. Mochta's as part of a future phase of development.

## **6.7. Applicant's Statement on Material Contravention**

6.7.1. The application documentation includes a report titled Material Contravention Statement, which relates the Core Strategy as set out in the Fingal County Development Plan 2017-2023 and associated Variation No. 2 of the development plan. Table 2.4 sets out the total residential capacity under the Fingal Plan 2017 – 2023 updated as of September 2019 under Variation 2, where Blanchardstown has a land supply of 260 Hectares capable of delivering 9,306 no. residential units for the plan period. The submitted Material Contravention Statement states the following in relation to the Core Strategy:

- A simple assessment of these figures would conclude that the approximate average density for land supply in the Blanchardstown area would be c. 35.8 units per hectare (9,306 no. units divided by 260 Ha). The proposed development density of approximately 65 units per hectare, therefore, is above the density average of the Development Plan core strategy, with potential consequently to result in higher population and housing growth than anticipated by the Core Strategy...
- The objectives of the Development Plan are not clear in respect of the appropriate residential density for this site. The Core Strategy would indicate average density for new residential development in Blanchardstown in the order of 36 units per hectare.
- It is stated that there is no specific residential density standard prescribed by the Fingal County Development Plan. Objective PM 41 seeks to: "Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised." The Development Plan otherwise refers to the assessment of planning applications having regard to the Sustainable Residential Development in

Urban Areas Guidelines (2009) and its companion document Urban Design Manual. For sites on 'Public Transport Corridors', the Guidelines promote general minimum net residential densities of 50 dwellings per hectare, involving a variety of housing types.

- It is contended that the material alteration of the development plan is warranted with a proposed density of c. 65 dwellings per hectare on this site, having regard to national guidance under the NPF and RSES in relation to compact growth; and section 28 guidelines with regard to the location of the site within 500m of a high frequency bus stop to Dublin City Centre and within 1km of Coolmine Railway Station.
- The Material Contravention Statement states that 'In the event that the draft LAP is adopted in its current form or with further amendments, prior to the Board's determination of this SHD application, the Board may be required to consider the proposed development against the LAP in effect at that time, and its justification for any material contravention considerations that may arise'. The applicant states that in this regard the Boards attention is drawn to Objective 8.8 of the LAP which relates to hedgerows to be retained.

## **7.0 Third Party Submissions**

- 7.1. In total fifteen submissions were received, of which four are from prescribed bodies (see section 9 hereunder for summary of submissions from prescribed bodies).
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

### Principle of Development

- Development is premature pending adoption of LAP and approval of Part 8 for Kellystown Road.
- Development is a material contravention of the development plan and fails to take account of the designation of the Kellystown lands as a Highly Sensitive Landscape, which is vulnerable to major change.

- Concern that the proposed development would compromise the phased delivery of housing in conjunction with appropriate infrastructure in the LAP which is to be adopted.

#### Density, Design and Layout

- Buildings too high and out of character with the existing residential landscape. Other apartment blocks in the area are 2-3 storeys.
- Density is double that set out in the development plan of 36 units/ha to 65 u/p/h.
- Recent SHDs in D15 contain a large amount of 1 bed units which will not cater for the housing needs of D15.
- Opposition to provision of Part V housing as not conducive to building sustainable communities which one entire block is identified as social housing. Concerned that finished and conditions would be different to other blocks.
- Connectivity not effectively addressed.
- Poor walking and cycling links to the train stations at present.
- Impact of development on St. Mochta's Football Club – club recommend condition in relation to relocation, alternatively recommend that ball retention netting be provided. Consider impacts on club of overshadowing and overlooking.

#### Impact on Residential Amenity

- Overlooking, impact of traffic, noise and light pollution on St. Brigid's Lawn halting site which would impact on future plans to develop St. Brigid's Lawn which the residents are currently seeking to negotiate with FCC.
- Part V provision in one block is not conducive to building sustainable communities.

#### Open Space

- Submission from St. Mochta's FC note that the relocation of the football club is intended as phase 1 and should be relocated early with development progressing from east to west, not as suggested by the developer consequent to the completion of the committed development with their land developed first. This approach carries

huge risk to the delivery of the LAP as the club may not be redeveloped for many years and this key piece of land will remain undeveloped.

- A condition is recommended from St. Mochta's FC that the land to the south of the pitch should not be developed until the relocation of the club is ensured.
- Where development goes ahead prior to the FC relocation, the football club objects to the impact of Block A on the club lands, given overshadowing and impact on grass growth, overbearing impact to those playing on the pitch and child protection and their welfare.

### Traffic and Transportation

- DART + Maynooth Rail Line and Bus Connects are two proposals that will have an impact on the overall development of the lands and these major infrastructural projects are still at the consultation and draft states, with the Bus Connects proposal being far more advanced.
- If this development is allowed as a standalone development there will potentially be only one way in and out of the development through an already busy junction at Dr. Troy bridge.
- Layout of the road could have a serious impact on the development of the LAP.
- Current infrastructure inadequate. Walking and cycling infrastructure to the train stations is poor.
- Porterstown Road and Luttrellstown Road are rural in nature and are already busy, not capable of taking significant volumes of extra traffic.
- High density will significantly increase traffic in an already congested road network.
- Public transport provision not at level indicated in Design Standards for New Apartment Guidelines.
- Kellystown LAP provides for safe walking/cycling routes to Clonsilla Station but not to Coolmine Station. TIA suggested 50% of residents will use Coolmine Station. No plans as part of this development for safe walking or cycling facilities to either Coolmine or Clonsilla.

- Trip generation data in TIA appears flawed. There are no trip generation figures provided for the creche or the retail unit. Only one site survey was used to provide for the trip generation figures. The survey used a selection location Edge of Town but the location subcategory is industrial zone. This is not compatible with the development. The description of the site used in the survey is not compatible.
- Further consideration should be given to construction of new roads to reduce congestion.
- Fingal Cycling Campaign welcomes this design, with some nice walking and cycling features, however, there are specific concerns with planned road junction designs.
- The design of a slip road into the proposed upgrade to the junction at Diswellstown Road goes against the proposed plans by FCC in relation to Kellytown Link Road which have been out on public display; health and safety of cyclists and pedestrians at this busy junction with the school would be at increased risk; DMURS, National Cycle Manual, and the NTA. Proposed slip road at Kellystown Link Road and Diswellstown Road not considered good practice.
- There are proposed extra left turning lanes in Kellystown Link Road plan put on display by FCC, but they do not feature slip roads with a stand alone left turning lane and concrete islands increasing crossing times for pedestrians and cyclists. Pg 20 of DMURS document includes an image which discourages this layout.
- Segregated shared pedestrian/cycle route along Porterstown Road welcomed, however no width indicated. Minimum of 3m recommended in National Cycle Manual and by TII.
- Cycle parking – unclear where it will be located and type to be provided. Will sheltered cycle parking be provided for visitors?
- Public transport does not meet criteria in Apartment Guidelines in relation to walking distances to bus service, commuter rail.
- No plans for safe walking or cycling to either Clonsilla or Coolmine Rail stations.

#### Biodiversity and Natural Heritage

- Serious concerns with regard to impact on the Royal Canal, which is a pNHA. The Royal Canal in the vicinity of Keenan Bridge does not have an official tow path and is an unspoilt area. It is not overlooked by buildings and is a significant green asset. Building high density units beside the rail line would undermine existing habitats and water quality in the canal would deteriorate, as witnessed at Hansfield.
- Concern regarding biodiversity as green corridors shown on the LAP are proposed to be built on in the SHD.
- The Draft LAP requires protection of existing trees and hedgerows. This SHD does not ensure that appropriate measures will be taken to protect the existing trees and hedgerows.
- EIA should be carried out taking the entire LAP lands into consideration.

#### Social Infrastructure

- Concern development will be built out before proposed new schools.
- No assessment of the impact on schools in the area, which are already oversubscribed.
- Social Infrastructure Report is out of day, inaccurate and fails to depict appropriately the pressure on school places in the area.
- This will be a brand new town in Dublin 15 with much needed housing and supporting infrastructure, and it needs to meet the needs of the existing and new community.

#### Surface Water and Flood Risk

- Recommend that any works to expand the attenuation pond or increase in its capacity be carried out within the application site without affecting the Molloy farmlands. It is noted that the applicant's submission suggests the proposed attenuation pond within the site could be decommissioned in the future and connected to the district/regional attenuation area identified west of the site, on the Molloy farm lands.
- Foul drainage – require assurances that the expansion of the foul drainage infrastructure and any proposed alternative foul drainage layout required by Irish

Water would not compromise the use for farming of the Molloy lands south of the proposed Kellystown Road.

## **8.0 Planning Authority Submission**

### **8.1. Overview**

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Fingal County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 21<sup>st</sup> January 2021. The report notes the site description, proposal, planning history in the area, policy context, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Fingal County Council. The Chief Executive's (CE) Report concludes that it is recommended that permission be refused. The CE Report from Fingal County Council is summarised hereunder.

#### **Summary of Inter-Departmental Reports**

- Parks and Green Infrastructure Division – not in compliance with LAP in terms of the relocation of St. Mochta's Football Club; landscaping plan generally acceptable subject to conditions.
- Transportation Department – there are a significant number of issues to be resolved. The SHD does not comply fully with the objectives of the Kellystown LAP and with the movement and transport strategy set out.
- Water Services Section – proposed development is generally acceptable subject to conditions.
- Housing Department – no report received.
- Community Archaeologist – the present of a stream, townland and parish boundaries within and at the edges of the site are general indicators of increased archaeological potential. Further assessment recommended.
- Environment – generally acceptable subject to conditions.
- Community, Culture and Sports Department – recommends a piece of public art to be agreed for the site.

- Architects Department – a number of revisions required to the overall design in relation to the proposed blocks and dwellings.

### **Summary of View of Elected Members:**

- Members expressed their unanimous opposition to the proposed development and requested that the development be rejected as it is in material contravention of the Fingal Development Plan 2017-2023 and pre-empted the Kellystown Local Area Plan.
- The application is premature as LAP has not been adopted, and is at draft stage.
- Traffic impacts, particularly at Dr. Troy Bridge, on Riverwood Bridge, and Scoil Choilm.
- Traffic congestion at Clonsilla.
- Proposal is premature pending adoption of LAP.
- 8 storey height inappropriate for the area.
- No market in this area for apartments other than rental.
- Query over status with Irish Rail of proposal for a rail station near Porterstown.
- The RSES mandates high density beside rail stations.
- Query proposals for green space.
- Note other developments in the area, eg Windmill Green Development, where associated open space has not been provided.
- Query impact of Block A on halting site in the future.
- Impact on biodiversity.
- Impact on St. Mochta's club queried.
- Lack of school places.
- Halting site is overcrowded and would be impacted by high building beside it. Halting site needs to be addressed first as part of the LAP.
- SHD is anti-community and local democracy.
- Long delays in delivery of parks, childcare, retail and schools.



- A risk that social infrastructure will not be delivered in parallel with housing.
- Number of one bed units.

## **Planning Analysis**

- Zoning – in accordance with development plan.
- Density – Site is within 500m of a bus stop and accessible to two rail stations. New density proposed is 65 units per hectare. LAP identifies for this area density of 50-75 units per hectare. The density is achieved, however, traditional two storey houses occupy the majority of the site. Development form is considered unsustainable given the location of the site proximate to two train stations and does not present compact urban growth. Higher density could be achieved by incorporating innovative design and increased height at certain locations within the site rather than the dominance of traditional two storey housing.
- Unit typologies and mix – acceptable.
- Access and Connectivity – The Kellystown Link Road will be subject to a future Part 8 procedure. The SHD proposes its main access off Kellystown Link Road as per LAP which is acceptable. The second access proposed to the apartments is not acceptable. A limited number of vehicular access points are proposed in LAP balanced against important strategic function of the road. A vehicular access across Porterstown Lane is envisaged in the LAP.
- The setback on the northern boundary is acceptable. Junction with Diswellstown Road is not cycle friendly or in accordance with DMURS. Other alterations including provision for bus stops and maximising footpath widths on the school side of the Link Road required.
- Shared pedestrian and cycle facilities along Porterstown Lane welcomed. It is proposed to keep the existing footpath along a portion of the route, however, a minimum footpath width of 2m should be provided. This would affect the retention of the existing hedgerow, therefore the details of the design, layout and construction of the pedestrian and cycle facilities along the western boundary of Porterstown Road would require further design and agreement with FCC.

- Permeability – Proposed design relies heavily on cul-de-sac in its layout. This could affect potential connections west and north. Revised layout of the scheme required.
- Proposal is not fully in line with principles of adopted LAP and the Movement and Transportation Strategy Objectives for road hierarchy for local access roads, shared surface residential streets, minimising surface parking layout, vehicle connectivity and the indicative pedestrian/cycle layout.
- The cycle connection along the northern boundary of the site connecting west should be designed and constructed as part of the proposed development and agreed with the planning authority.
- Road alignment requires amendment to extend some of the cul-de-sacs up to the site boundary on the western side.
- Relocation of St. Mochta's Football Club – The proposed relocation of St. Mochta's is not within the red line boundary of the site. The LAP outlines further requirement required to cater for future development of St. Mochta's FC. It is critical it is shown within the red boundary line.
- Detailed Issues:
  - Street Layout – lack of permeability within the site, to adjoining lands and the design of the Kellystown Link Road. Lack of clarity between home zones and shared surfaces. Many of these areas are not suitable for homes zones/shared surfaces. Road hierarchy is not in line with the adopted Kellystown LAP; Road build outs conflict with parking spaces opposite; Proposed layout does not align with network of walking/cycling routes in the LAP; Swept path analysis indicates areas of conflict, giving rise to safety issues; Taking in charge drawings indicated areas of private parking surrounded by footpath and access road.
  - Green Infrastructure and Open Space/Landscaping – A key goal of the LAP was to improve liveability of Kellystown by creating green links between open space and other key assets such as existing and future schools. Within Development Area 1, two green corridors were identified. Development is proposed along the western side of the Porterstown Road green corridor. A

further area to the south west of DA1 is shown as a green area in the LAP but is the location of Block C in the application. The key goals and objectives for Green Infrastructure in the LAP would be compromised. Other comments – incidental strip of grass south of creche should be incorporated into the creche; ESB substations are not acceptable on POS and should be relocated; additional swings required in proposed playground; lack of street trees in which would be considered public areas.

- A key objective of LAP is passive surveillance on the eastern side of Porterstown Road. The SHD proposed development on the western side instead. Some passive surveillance is provided onto the road, however, there are long expanses of rear garden boundaries fronting onto Porterstown Road, reducing active frontage. Also large areas of back gardens to open space and street to the north of the site. Blocks of perpendicular parking each side of the road layout and back to back rears gardens result in a lack of innovative layout design for the proposed houses.
- Architectural Design – Block A is visually dominant and bulky. The massing of the building could be refined to present a more elegant tower as a gateway building. The location of Block B is ad hoc within the overall context. A sensitive approach to the existing St. Brigid's Lawn traveller accommodation site and other existing residents is recommended. It is an objective of the LAP to upgrade St. Brigid's Lawn as part of Development Area 1 in line with the FCC Traveller Accommodation Programme.
- There are opportunities to vary the building height across the scheme and through greater building typology.
- Reduced parking is welcome. However, the dwellings are provided with two dedicated spaces per unit, which impacts the overall road layout in terms of blocks of perpendicular parking each side of the road layout and does not comply with the sustainable goals set out in the LAP. The proposed layouts do not minimise the need for surface parking through innovative design for the residential development.
- No parallel parking has been provided for the creche. A revised parking layout for Block C is required.

- All residential cycle parking should be provided within the building footprints to a high standard, with parking for each unit provided in a separate secure compartment. Cycle parking quantum should be in accordance with the guidelines.
- The development is near the Royal Canal Greenway. E-bike infrastructure should be provided for and more detail in relation to EV parking and E-bike parking is required.
- Water Services – The attenuation tanks associated with Diswellstown Road are located under proposed Block A. They are not shown on the drawings. The existing tanks would need to be relocated to a suitable new location. This may require revision to the design.
- Social Infrastructure – a number of submissions raise concerns with capacity of schools. On-going consultation with the DOES is required to ascertain their requirements in relation to the delivery of school places to serve Kellystown.
- Phasing of Development – The phasing proposed differs from that in the LAP. It is an objective of the LAP that development should extend from east to west from Diswellstown Road across the LAP lands to the R121. Leapfrogging should be avoided. If this is not feasible a clear justification should be provided in a planning application. No justification has been given. A Green Infrastructure Masterplan was also to be agreed at pre-planning and should form part of any phasing. The development of Class 1 should occur in tandem with development. It is proposed after the construction of 162 of the 360 units. The Kellystown Link Road and upgrade of junction with Diswellstown Road and network of pedestrian/cycle links should be provided in tandem with the occupation of development and not subsequent to the occupation of dwellings. Concerns in relation to provision for creche in last phase of development, which would result in 169 units constructed prior to the construction of the creche in phase 3.
- The creche is proposed within Block C on an area proposed as green space within the LAP. There is also no set down area.

## 8.2. Statement in accordance with 8 (3) (B) (II)

Fingal Council Chief Executive's Report recommends a refusal. The following are the stated reasons for the recommended refusal:

1. Having regard to the core principles for delivery of housing and National Policy Objective 4 of the National Planning Framework which seek to deliver future environmentally and socially sustainable housing of a high standard for future residents and to ensure the creation of high quality urban places, to the Fingal County Development Plan 2017-2023 which promotes excellence in urban design responses and the promotion of high quality, well designed entries into town and villages, to the Urban Design Manual for Urban Roads and Street (2013) and to the Sustainable Residential Development In Urban Areas Guidelines for Planning Authorities and Urban Design Manual A Best Practice Guide (2009), it is considered that the proposed development by virtue of:

- The lack of innovative design of the development which is expressed in traditional housing with blocks of perpendicular parking either side of the road layout and back-to-back rear gardens.
- The expanses of rear garden boundaries which face onto the public open spaces and street and lack of active street frontage and passive surveillance.
- The location of development on areas which are identified as green corridors in the Kellystown LAP which form an integral part of the green infrastructure principles of the LAP.
- The scale, design and massing of the proposed blocks which are visually dominant.
- The scale and massing of Block B and its impact on the residential amenity of St. Brigid's Lawn.
- The proposed layout which would limit permeability and connectivity to the adjacent lands to the north and west within the overall Kellystown LAP lands.
- The location of attenuation tanks to serve the Diswellstown Road on lands where Block A is proposed.

would fail to provide a satisfactory standard of design, would not comply with the objectives of the Kellystown Local Area Plan, would adversely affect the amenities of adjoining development, would be contrary to Section 28 Guidelines, and would therefore be contrary to the proper planning and sustainable development of the area.

2. The failure to include the relocation of St. Mochta's Football Club within the red line boundary in order to appropriately secure these facilities at the earliest opportunity is considered to be contrary to the Kellystown Local Area Plan 2021, in particular with the Parks, Open Space and Recreation Strategy and the Phasing Plan for development of the LAP lands. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## **9.0 Prescribed Bodies**

The applicant was required to notify the following prescribed bodies prior to making the application:

1. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. Iannród Éireann
5. Commission for Railway Regulation
6. Transport Infrastructure Ireland
7. National Transport Authority
8. Irish Water
9. Inland Fisheries Ireland
10. Waterways Ireland
11. Fingal County Council Childcare Committee

Four of the bodies have responded and the following is a summary of the points raised.

### 9.1. Irish Water:

- A confirmation of feasibility was issued to the applicant for 1160 residential units for connection(s) to the Irish Water network(s). IW notes that this application is for 360 units representing the first phase of development. IW confirms that subject to the works outlined the Irish Water network has the capacity to cater for the development. To connect this development to Irish Waters water network significant upgrades are required. Irish Water currently has no plans to carry out work in this area, therefore the applicant will be required to fund these upgrades which will be carried out by Irish Water. The applicant is responsible for any 3<sup>rd</sup> party consents that may be required.
- To connect to the Irish Water wastewater network a pump station and rising main will be required. To service connection(s) a re-routing of Porterstown Pump station catchment is required from its current discharge point (a 375mm sewer in Clonsilla which in turn directs flow to the 675mm branch of the 9C sewer) to a 375mm sewer to the east which discharges to Castleknock 525mm branch of 9C sewer. Approximately 450m of rising main are required to reroute the Portestown PS. The applicant has confirmed that approx. 350m of the required 450 has already been installed.
- Irish Water has issued the applicant a Statement of Design Acceptance for the development as proposed.

### 9.2. National Transport Authority (NTA):

- Supportive in principle of development of lands at Kellystown due to its strategic location between Clonsilla, Blanchardstown and Lucan, and its proximity to the existing settlement area at Clonsilla. The lands are located between Clonsilla Station to the west and Coolmine Station to the east, providing a high-capacity rail link to Dublin city centre and intermediate destinations, which is in line with the principles of land use and transport integration.
- The Kellystown LAP and the Kellystown SHD, in terms of the integration of land use and transport planning should focus on providing direct connections to the two existing stations, the bus network and providing optimum conditions for walking and cycling.

- The DART+ West project includes the closure of the level crossing at Porterstown and the provision of a pedestrian and cycling bridge to provide connectivity between the plan lands and Clonsilla.
- The BusConnects New Dublin Area Bus Network includes a complete redesign of the bus network to provide a more efficient network with high frequency spines, new orbital routes and increased bus services. The Kellystown area will be served by the L52 on the Clonsilla Road (or future route to be determined following the closure of the level crossing) and the P65 and the 34 on the Diswellstown Road.
- The draft LAP indicates a potential future pedestrian and cycle connection to the south of the rail line. It is critical that appropriate provision for this route is protected as part of this application.
- The proposed pedestrian and cycle bridge at Porterstown as part of DART+ West will continue to be a strong desire line between schools which can be served by walking and cycling and the importance of this route for these modes should be reflected in the LAP and the SHD.
- Insufficient east-west permeability for walking and cycling - there is no pedestrian or cycle links provided onto the Porterstown Road from the 2 no. cul-de sacs adjoining it. In order to provide the safest route to schools, families should be able to easily access this north-south cycletrack and footpath.
- The principle of filtered permeability should be a feature of direct routes to key destinations (schools, neighbourhood centre, Clonsilla Station and the wider cycle network), whereby movement by walking and cycling is accommodated at certain locations without facilitating vehicular access.
- The drawings indicate a looped walkway running along the western boundary of the site. This stops short of meeting the Kellystown Road. As the lands are within the red line boundary of this application, the walkway should continue on to meet the Kellystown Road as part of this application. This route could provide a safe and convenient way for future residents to get to the Kellystown Road and crossing point to access the amenity lands to the south. The proposed walkway should be a shared surface path wide enough to be capable of accommodating both pedestrians and cyclists.



- Kellystown Road - The road scheme (as per public display documents) does not take sufficient account of the pedestrian and cycle environment which will be created by providing a four lane road directly adjacent to the schools campus. The following recommendations are made in relation to the application and works to Kellystown Link Road:

- The approach to the junction with the Diswellstown Road should be revised in the context of providing a safe pedestrian and cycle environment adjacent to the schools;
- The pedestrian and crossing point as currently designed does not provide a safe environment for school children outside a school campus - it is located at a point where there are two easterly lanes, a median (to allow a right turning pocket and one westerly lane, creating a very wide crossing point for pedestrians and cyclists) – this stretch of the proposed road should be redesigned to reflect the location adjacent to the school campus and to provide a safe crossing point for vulnerable road users;
- Zebra crossings over two lanes are not recommended (such as on the northern portion of the road) – as above this should be redesigned to reflect the school campus environment;
- A right turning pocket to the school should not be a requirement coming from a westerly direction. These schools will serve the immediate catchment of the Kellystown LAP lands which should be served by high quality walking and cycling routes – this should be omitted;
- The provision of the second easterly lane, if deemed absolutely necessary, should start further east than the crossing point for the schools in order to reduce the road width and provide a safe crossing environment;
- Notwithstanding the proposed inclusion of an apartment block, the requirement for a turning pocket to Porterstown Road from an easterly direction is questioned, as this road will be a cul-de-sac as part of the DART+ West proposals;
- The proposed crossing point (to the east of the school gates), does not align with the internal school crossing point (located to the west of the school

gates, provision should be made for a continuous safe pedestrian and cycling route from the northern side of the road to the school doors, potentially by providing a new internal crossing point to the east of the school gates which would create less conflict with internal vehicular traffic; and

- As per advice from DMURS and taking into account the location adjacent to a school campus the left-turn slip should be omitted. A two lane exit should be the most that is acceptable at this location in order to avoid excessive crossing distance for vulnerable road users. Potentially either a combined left-turn with straight ahead, or right turn with straight ahead, depending on which movements have highest demand.
- The NTA considers that the outcome of the current planning application should not compromise the ability of the local authority to address the concerns the NTA has raised as part of the draft LAP process.

### 9.3. Iarnrod Éireann

- The red application boundary line encroaches on lands in CIE ownership at the level crossing. Any works proposed near the level crossing will require written approval of Iarnród Éireann. A list of conditions in relation to works near the railway line and level crossing are listed.

### 9.4. DAU of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media –

- Conditions recommended in relation to Archaeology.
- It is recommended that the Board should consider whether it is possible in the interests of conserving biodiversity to reduce the proposed lateral cutting back of some of the hedgerows to be retained on the site. Also it should be considered if the landscaping proposals could be modified so that the planting of trees in the new public park could totally compensate for the area of admittedly recently established immature woodland/scrub habitat to be cleared to allow the proposed development.
- Conditions recommended in relation to mitigation.

## 10.0 **Assessment**

### 10.1. **Introduction**

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:

- Principle of Development
- Density and Housing Mix
- Layout and Design
- Biodiversity
- Residential Amenity – Proposed Dwellings Units
- Impact on the Amenities of Neighbouring Properties
- Traffic, Transportation and Access
- Water Services including Flooding Issues
- Archaeology
- Material Contravention

These matters are considered separately hereunder.

## **10.2. Principle of Development**

10.2.1. The subject site falls within the Blanchardstown Metropolitan Consolidation Area as set out in the core strategy and is governed by the Fingal Development Plan 2017-2023 (as varied) and the Kellystown Local Area Plan (adopted 11<sup>th</sup> January 2021). While the application was submitted when the Kellystown LAP was at draft stage, the plan has since been adopted and I have assessed the application against the adopted plan.

10.2.2. There are two zoning objectives affecting the site. The northern portion, where dwellings are proposed, is zoned RA, which seeks to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. The vision for this zoning is to 'ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide

an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'. The OS zoning, where open space is proposed, seeks to 'preserve and provide for open space and recreational amenities', with a vision to 'provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority'.

- 10.2.3. The principle of development on this zoned land is acceptable, subject to detailed considerations in relation to layout, design, amenity, traffic and other considerations discussed hereunder in this report.

### **10.3. Density and Housing Mix**

- 10.3.1. The total site area is a stated 9.73 ha gross, and the net site area (excluding zoned open space, new public road and road works) is 5.6 ha. The total net density is therefore 64 units/ha.
- 10.3.2. A number of observers raise concerns that the density proposed is too high and the number of one bed units is excessive considering the number of one bed units permitted in other SHDs in the area. It is also contended that the provision of all Part V housing in one block, with potentially different finishes and condition, is not conducive to building a sustainable community.
- 10.3.3. Policy at national, regional and local level seeks to encourage higher densities in key locations. It is Government and regional policy to increase compact growth within specified areas and increase residential density. The RSES requires that all future development within the metropolitan area be planned in a manner that facilitates sustainable transport patterns and is focused on increasing modal share of active and public transport modes. The MASP identifies strategic residential and employment corridors along key public transport corridors existing and planned, with the Maynooth/Dunboyne Commuter line being one such corridor, which is just north of the application site and bounds the LAP lands. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), Sustainable Urban Housing: Design Standards for New Apartments (2020) and the Urban Development and Building Heights (2018) provide for increased residential density along public transport corridors. The Sustainable Residential Development in

Urban Areas Guidelines in particular support consolidated higher density developments within existing or planned public transport corridors (within 500m walking distance of a bus stop and 1km of a light rail stop/station), where higher densities with minimum net densities of 50 dwellings per hectare are supported, subject to appropriate design and amenity standards, in order to maximise the return on public transport investment.

10.3.4. The proposed density of 64 units per hectare is in my opinion acceptable at this location as supported by national, regional and local policy. The application lands are strategically located proximate to the Dublin-Maynooth(-Sligo)/Dunboyne commuter railway line between two existing rail stops (Clonsilla and Coolmine), at a distance of approx 1-1.5km to the stops. There are existing pedestrian connections to Clonsilla and Coolmine Stations with plans for improved connections via a direct pedestrian/cycle route to Clonsilla station along the southern side of the railway line from the plan lands as part of the Kellystown LAP, as well as plans to upgrade the GDA cycle network and canal path in the area of the site. I note that development to the east could also ultimately provide for a direct pedestrian/cycle link south of the railway line to Coolmine lands under the Dr. Troy Bridge. Rail services along this line, which are currently high frequency, are planned to undergo a substantial upgrade in the coming years as part of the NTA's plan for electrification of the line known as the DART + West programme, which is supported in the RSES (I note the NTA's website indicates that permission will be sought for these works via a railway order to ABP in 2021 and at present proposes to close the existing level crossing on the Old Portsterstown Road and provide for a pedestrian/cycle bridge over). The density of 64 units per hectare proposed is supported by local policy as set out within the adopted Kellystown LAP, which supports higher density in Development Area 1 (DA1), where the application site is located, with a net density of 50-75 units per hectare identified as being suitable for DA1. The proposed density of 64 units per hectare falls within this range.

10.3.5. I note concerns raised in the CE Report that the dominance of the traditional 2/3 storey housing form across the site does not deliver compact urban growth for this strategic site and higher densities could be achieved by incorporating innovative design and increased height at certain locations within the site, rather than the dominance of traditional, two storey housing as set out in the current layout. I note

this also forms a basis for the recommended refusal in the CE Report. The Design Standards for New Apartments Guidelines for Planning Authorities (2020) recognises that increased housing supply must include a dramatic increase in the provision of apartment development, and the scale and extent of apartment development should increase in relation to factors such as proximity of existing public transport nodes or locations where high frequency public transport can be provided. The Building Height guidelines state that development should include an effective mix of 2, 3 and 4-storey development. While the density proposed on this site is within an acceptable range as determined by national and local guidance with an appropriate mix of unit sizes and variation in height, I consider the distribution of density and height further hereunder in relation to design and amenity issues arising.

#### Dwelling Mix & Typology

- 10.3.6. The following key objective of the Kellystown LAP is noted: DA 1.4 'Provide for a mixed typology of high-quality residential units including apartments, duplexes and townhouses'.
- 10.3.7. The proposed development provides for a range of 1, 2, 3 and 4 bed units, taking the form of semi-detached and terraced dwellings, and apartments. The proposed mix is generally acceptable and will contribute to the development of a sustainable community in this area. Having regard to the number of 3-4 bed type dwellings in the wider area, I consider the level of 1 bed units proposed which comprises 24% of the units, to be acceptable. I note the unit mix accords with SPPR1 of the Apartment Guidelines 2020 as the percentage of 1 bed units does not exceed 50%.
- 10.3.8. With regard to the distribution of Part V, I do not consider the location of the units as proposed will give rise to social exclusion. I consider this issue is a matter to be addressed by way of condition, in consultation with the planning authority.

#### **10.4. Layout and Design**

##### Overall Development Strategy

- 10.4.1. The layout of the scheme has been informed by the existing site context, which comprises the Dublin-Maynooth-(Sligo)/Dunboyne rail line and Royal Canal to the north of the site; the Porterstown Road through the site; and the partially delivered Kellystown Link Road along the entrance road to the site from Diswellstown Road. A

large school campus exists on the southern site of the Kellystown Link Road, at the junction with Diswellstown Road. There is an existing traveller accommodation site on the eastern side of Porterstown Road (St. Brigid's Lawn) and one residential dwelling (Abbey Cottage) to the north adjoining the railway crossing on Porterstown Road, with the remainder of the lands greenfield in nature.

- 10.4.2. The application site is located within the Blanchardstown development area and is governed by the Kellystown Local Area Plan (adopted 11<sup>th</sup> January 2021). I have several concerns about the design and layout of the development in the context of local planning policy and Ministerial guidelines, which are detailed hereunder.

Street Layout and Connectivity/Permeability

- 10.4.3. Two vehicular accesses are proposed as part of this application to serve the development from Kellystown Link Road, one of these being from the existing Porterstown Road and the other from the new section of extended link road. The access off the Porterstown Road is to serve the southeast corner of the site only, where apartment Block A is proposed. A crescent of public open space is located mid-way along the Kellystown Link Road, demarcating the entrance/access street serving the rest of the application site. No east-west connectivity across Porterstown Road is proposed. This main access street to the site is 5.5m wide, and traverses the site east to west, serving 7 north-south cul-de-sacs off the main street. The street then travels in a north-south direction on the eastern part of the site, serving 4 east-west cul-de-sacs. This results in a total of 11 cul-de-sacs on the proposed site layout plan. Nine home zones are proposed along some of the proposed cul-de-sacs and the submitted Design Statement states these are designed with a carriageway width of 4.8m and a 2m pedestrian refuge, which has the same surface finish and is at grade with the carriageway, separated by a linear gully. It is stated that landscaping protrudes into the homezone to provide further traffic calming. I note the submitted Design Statement (page 48) indicates three potential connections to adjoining lands to the north and west and two to the eastern block across Porterstown Road, however, none of the potential vehicular connections are designed up the boundaries of the site, with pedestrian connections to adjoining lands designed into the layout at two points only (at the northern and southern end of the cycle lane west of Porterstown Road) and two additional indicative/'potential' dotted lines indicated for pedestrian routes at the northwest and southwest boundaries.

- 10.4.4. The LAP sets out key objectives for Development Area 1, within which the application site is located. DA 1.6 states 'One vehicular access to the site will be from the new Kellystown Link Road, with all internal road networks to be home zones or local access roads only. An emergency access will also be required'. I note the LAP Road Hierarchy Map (figure 7.10 of the LAP) indicates the access to Porterstown Road from Kellystown Link Road is to be for emergency access only/filtered permeability. The LAP states the Kellystown Link Road will be the main vehicular road serving the lands, with this road to be designed as a 'Link Street' in accordance with DMURS, with a recommended speed limit of 50 kph. Access to existing properties on Porterstown Road is to be from Kellystown Link Road and across the Porterstown Road to serve the development on the eastern side of Development Area 1. It is stated in the LAP that the closure of Old Porterstown Road level crossing and the creation of a walking and cycling bridge over the railway at this location has been factored into the LAP.
- 10.4.5. The submitted CE Report states it does not support the use of Porterstown Road north-south off Kellystown Road as an access but rather envisages east-west vehicular movement with vehicles accessing/egressing the site via the main new access off Kellystown Link Road. FCC Transportation Planning Report submitted with the CE Report states the access to Block A is contrary to the LAP and Porterstown Road is to be prioritised for pedestrians and cyclists. The CE Report as part of its refusal reason raises the lack of permeability and connectivity to the adjacent lands to the north and west within the overall Kellystown LAP lands. The applicant considers the layout as proposed will support the potential closure of Porterstown Road to vehicular traffic for the majority of its length if the rail line to the north becomes electrified and connectivity to adjoining lands is highlighted in the documentation submitted.
- 10.4.6. I note the LAP's provision for east-west connections across the road instead of north-south along it and the layout as proposed in this application does not support such connections, with the indicative east-west connection to the north terminating in a cul-de-sac, which does not connect up to the street on the site layout plan. While the second east-west indicative connection is not aligned with the connection east to Block A and therefore this east-west connectivity as envisaged in the LAP is not achievable. The proposal undermines the principle movement strategy as presented



in the LAP, specifically relating to Block A and its access from the junction of Porterstown Road and Kellystown Link Road, and would therefore be contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown LAP. I do not consider the alternative layout proposed future proofs such connectivity in the event Porterstown Road closes to through traffic.

10.4.7. I note the site layout plan indicates at the northern end a 'potential future pedestrian and cycle path to the adjoining lands', however, this is also not designed into the site layout and as shown it would conflict with a turning head. The omission of this cycle/pedestrian path would compromise a very important direct link to Clonsilla Station, as per the LAP map and objective 7.5, and the omission of the developer to design the associated short section that traverses this site into the layout is a concern. The NTA submission similarly raises concern in relation to the identification of this route as a 'potential' connection on the site layout plan and states 'it is critical that appropriate provision for this route is protected as part of this application'.

10.4.8. Concern is raised in the CE Report that the footpath improvements proposed along Porterstown Road at below 2m are substandard and to create a wider provision would require removal of the hedgerow. Given the plan is for Porterstown Road to become a cul-de-sac with pedestrian/cycle bridge over the railway I do not consider the removal of the hedgerow warranted, particularly given its value as per the Kellystown LAP. I note the NTA website indicates a railway order will be submitted to ABP in 2021 in relation to the DART + West programme, however, there is no definitive timeline or certainty in relation to the closing of the Porterstown road as part of this and hence in my opinion the substandard footpath provision needs to be mitigated as part of this development. To this end I consider the cycle path on the western side of the hedgerow should be widened to accommodate a pedestrian path alongside it. I refer to the overlapping issue of the width of the green corridor at this location (see section 10.4.17 below).

10.4.9. To the southwest the pedestrian route indicated along the western boundary of the site ends at the start of the street/cul-de-sac serving Block C, with a dotted line indicated toward Kellystown Link Road stating 'potential future pedestrian path to adjoining land'. I note the pedestrian crossing point and link proposed would direct pedestrians/cyclists along the side boundary of the creche garden and between a bank of car parking spaces, via an indirect route. Given the significant scale of the

parks to the south proposed, it is important that the location of pedestrian/cycle connection is delivered at a highly visible and direct location as part of the layout of the scheme. I further note the indicative route of the 'potential future crossing' would likely compromise the hedgerow to be retained at this location (see LAP, H13, figure 8.5 valuable hedgerows).

- 10.4.10. At the southeast section of the site, there is a pedestrian connection indicated onto Diswellstown Road from Block A, which is welcomed, however, I consider an additional pedestrian entrance onto Diswellstown Road is warranted from the east-west street to the north of Block A, which would provide for a direct east-west desire line for pedestrian/cyclists accessing Diswellstown Road and its existing cycle/footpath network. A pedestrian link from this cul-de-sac to Diswellstown Road would be warranted, as would a pedestrian footpath along the end of this cul-de-sac where none is at present proposed, particularly given the LAP indicates a looped pedestrian walk along this boundary should be accommodated, which is not provided for on the site layout plan.

#### Public Realm

- 10.4.11. With regard to the public realm along the streets within the site and bordering Porterstown Road, there are a number of locations across the site, where the orientation and design of dwellings do not provide for a strong active edge and passive surveillance of the public realm/open space. The CE Report raises this as part of its reason for refusal stating there are 'expanses of rear garden boundaries which face onto the public open spaces and street and lack of active street frontage and passive surveillance'. I refer the Board to the built edge along Porterstown Link Road, north of apartment Block B. The extent of boundary walls and the end of cul-de-sacs onto this path results in a poor active edge and poor level of passive surveillance onto what would be a busy cyclist route between school sites and Clonsilla Village, as well as to the Royal Canal cycle route/greenway, and access route to train stations. I am of the opinion that this area requires a redesign to accommodate a pedestrian path adjoining the cycle path (given the substandard pedestrian path on Porterstown Road), increased width for hedgerow retention, in addition to a redesign of the buildings fronting onto the cycle path to provide for more active frontage.

10.4.12. With regard to the cul-de-sac layout, the design of the housing in the three cells to the west of Block B, specifically the house design and cul-de-sac edge along the northern end, provides for poor passive surveillance of the linear open space and pedestrian/cycle path at this location. I further note the view as one enters the site from Kellystown Link Road via the main vehicular entrance is of a boundary wall at the southern end of one of these housing cells, which provides for a poor active street edge at this location, as well as at the southern end of the two blocks on either side.

10.4.13. With regard to the public realm along Kellystown Link Road, the submitted Architectural Design Statement states apartment Blocks A (4-8 storey) and C (4-6 storeys) will act as bookends, positioned at the east and west end of the development fronting Kellystown Link Road, with distinctive gable fronted three storey houses in between providing animation and variety to the road and creating an urban streetscape onto Kellystown Link Road. I note overall the manner in which the buildings address the new Link Road and welcome this definition of its edge by taller buildings, with direct front door access off the link road further contributing to an active edge. I consider the boundary treatment, which comprises of low hedging against a low railing, as per the CGI views, is acceptable, however, I note this boundary is not clearly indicated on the submitted Boundary Plan, therefore a condition in relation to boundaries to the Kellystown Link Road would be required, should the Board be minded to grant permission. The provision of low railings with an active edge will support the role of Kellystown Link Road as a street, and not a traditional distributor road with high railings/boundary walls.

10.4.14. The LAP layout indicates a 'gateway building' should be provided at the northeast of the LAP lands (outside the application boundary), with provision for an 'architectural landmark' at the Kellystown Link Road/Diswellstown Road junction to the southeast (within the application site boundary). The LAP Indicative Layout Plan (figure 6.1 of the LAP) indicates a block at this location with a defined edge to the Diswellstown Road as well as Kellystown Link Road and provision for a pedestrian link north-south within the site. The proposed gateway building at the southeast corner, is labelled apartment Block A and is predominantly 6-8 storeys in height. I note the set back of Block A from Diswellstown Road with surface parking and a pocket park at this edge. I consider parking at open space results in a poor definition

of this street edge and junction, particularly when considered against the context of development on the opposite side of Diswellstown Road, which provides little in the way of activity or passive surveillance at street level (the height and design of Block A is discussed separately in the section 'Height, design and Visual Impact Assessment hereunder'). The quality of the pocket open space at this location is also questionable. Furthermore there is no provision for a pedestrian/cyclist route at this corner linking north within the site, as identified in the LAP. I note the dominance of the road layout proposed at this junction, as raised in the submission from the NTA, adds further to the dominance of vehicles over pedestrians/cyclists at this location with resultant impacts on the public realm (see Traffic section 10.8.5 hereunder).

10.4.15. I consider the street network east-west across Porterstown Road and the public realm/passive surveillance issues requires a redesign of house types at specified locations and further consider the narrow width of the green corridor along Porterstown Road (see section below) requires re-examination, as does the manner in which Block A addresses Diswellstown Road. I do not consider these issues can be appropriately addressed by way of condition, however, should the Board be minded to grant permission, I consider the following elements should be addressed:

- Delivery of an east-west connection across Porterstown Road from the street to the north of Block A connecting into the street layout to the western side of Porterstown Road, with this east-west connection delivered as part of this development (this may require a revision to the housing layout to facilitate this connection and revised junctions/crossings of cycle/pedestrian paths).
- An east-west pedestrian and cyclist path to be delivered across the northern section of the site as part of this development, at the location where a 'potential future' path is indicated on the site layout plan.
- The eastern most dwellings at the end of the cul-de-sacs north of Block B should be omitted to facilitate delivery of a north-south pedestrian route adjoining the proposed cycle route. I consider the paths should be moved west to support the retention of the hedgerow at this location and provide for a wider green corridor, with consequent reduction in the extent of lateral cutting of the hedgerow to be determined. The end dwellings along this route should be redesigned to front onto the cycle/pedestrian route to provide for an active edge and high level of passive

surveillance at this location. This will require a revision of the two block layouts at the northern end of the site. The dwellings on plots 116, 117, 106 and 105 should also be omitted and replaced with dwellings which front onto the street to the west.

- Relocation and delivery of a cycle-pedestrian path from the western side of Block C to the east of Block C, connecting into the Kellystown Link Road is recommended at this location. This may require the relocation of Block C westwards to facilitate this and require further assessment of the hedgerow to be retained at this location to ensure it is not negatively impacted upon.
- Provision of a pedestrian path along the entirety of road 12 (the street north of Block A), with the pedestrian path connecting to Diswellstown Road at the eastern end of this street.
- Extension of road 7 up to the boundary of the site to allow for connectivity to adjoining lands to the north.
- Extension of road 8 up to the western boundary of the site to allow for connectivity to adjoining lands to the west.

#### Green Infrastructure and Green Routes

10.4.16. With regard to the overall layout, the Kellystown LAP map identifies two green corridors within the Eastern Development Area 1 (DA1), which are within the application site boundary. One green corridor (which is approximately the width of the northern section of the application site) adjoins the Porterstown Road on its western side and a further green area is identified to the southwest of DA1 (where proposed Block C is located). The LAP states that the green infrastructure objectives of the LAP are informed both by the results of the baseline ecological surveys undertaken, as well as scientific research and good practice in the area of green and blue infrastructure. It is a 'General Guiding Principle' as per Objective 6.11 that 'New development shall seek to preserve and retain existing quality trees and hedgerows of amenity value, as identified in Section 8 Blue and Green Infrastructure and in Objective 8.8' and Key Objectives DA 1.5 and DA 1.14 for the Eastern Development Area apply. The LAP states that the following element shall be provided in the first phase of development of the Eastern Development Area (DA1): 'A Green Infrastructure Masterplan (including all areas of passive and active open space) for the application site at pre-planning stage'.

10.4.17. The width of the green corridor envisaged alongside Porterstown Road, as per figure 6.1 of the LAP Indicative Layout Plan, has not been incorporated within the submitted application site layout. It is difficult to identify exactly the extent of this green corridor relative to the proposed site layout plan without an overlay of both, however, it appears to affect all of the 24 houses to the north, a section of Block B and six houses adjoining Kellystown Link Road and the entirety of Block C. In place of the green corridor adjoining Porterstown Road, a narrower green corridor incorporating the hedgerow to the west of Porterstown Road (H9, see figure 8.5 of the LAP) and the hedgerow along the western boundary of the site (H8, see figure 8.5 of the LAP) is proposed, with a cycle only route proposed parallel to the western side of the hedgerow adjoining Porterstown Road, with this hedgerow requiring lateral cutting to support the proposed layout (see Tree Impacts Plan North for overlay of hedgerows and the development). Where Block C is proposed, a hedgerow at this location is to be retained (lateral cut back required due to the layout, see also Tree Impacts Plan North and West submitted), with the pedestrian/cycle plan indicated on the LAP map not proposed as part of the development but instead represented by a dotted line as a 'potential' path.

10.4.18. It is argued in the applicant's submitted Design Statement that the green areas in the LAP are excessive in scale, result in an overprovision of open space, and underutilisation of residentially zoned land. It is argued that the residential zoning of this land has not changed from that set out in the development plan and the proposal complies with the landuse zoning, with the development of the northern area for housing required to maintain a sustainable density. The CE Report states the proposed blue/green routes along Porterstown Road and to the southwest are integral features of the LAP lands and by proposing development on these green corridors in the manner proposed it would compromise the key goals and objective for Green Infrastructure in the LAP. It is suggested that a design solution more in keeping with the spirit of the LAP is required. A part of the reason for refusal within the CE Report is 'the location of development on areas which are identified as green corridors in the Kellystown LAP which form an integral part of the green infrastructure principles of the LAP'. It is further argued in the CE Report that the development form with a dominance of traditional two storey housing is considered unsustainable given the location of the site proximate to two train stations and does

not present compact urban growth. Higher density could be achieved by incorporating innovative design and increased height at certain locations within the site.

10.4.19. The residential zoning has not changed on the site, however, the lands are subject to a specific objective for the preparation of a LAP, which has now been adopted. The LAP details the key principles for development at this location, which includes the delivery of a series of indicative green corridors along hedgerow lines. While the applicant argues that these hedgerows are of low value, the LAP differs in its assessment of the amenity and ecological importance of these corridors. I note the CE Report states that a design solution in keeping with the LAP is required and I also note the LAP states in the phasing section that a Green Infrastructure Masterplan should be agreed at pre-planning stage. I note no Green Infrastructure Masterplan agreement has been submitted as part of the phasing plan. The proposed development requires in my opinion further consideration and agreement of a green infrastructure plan which would address significant issues around the delivery of the green routes as set out in the adopted LAP. I consider the extent of construction on large sections of the green corridors to be contrary to the LAP given the extent of lateral cutting of the hedgerows required (see Tree Impact Plans submitted). While the hedgerows are being retained, their function and value is in my opinion being compromised. As discussed in the section above, the width of the proposed green corridor alongside Porterstown Road as proposed on the site layout plan results in issues in relation to the improvement and delivery of a pedestrian path adjoining the cycle path west of Porterstown Road (which would be highly desirable to mitigate substandard footpath provision on Porterstown Road itself) and also there are issues in relation to the poor levels of passive surveillance given the orientation of housing at this location. I note the area to the southwest where Block C is proposed shows the pedestrian/cycle loop as an indicative line on the layout and, having examined the landscaping plan and the Tree Impacts Plan West and North, it would appear that the hedgerow area would be compromised should the cycle/pedestrian route ever be delivered, however no analysis of this is submitted. As per the section above, I consider a relocation of this pedestrian/cycle route to a more over looked and direct location east of Block C would be preferable, with an examination of the lateral cutting of the hedgerow required to ensure the hedgerow is

not compromised further should Block C be required to relocate further west to accommodate the delivery of this cycle/pedestrian path.

10.4.20. Overall, I consider the layout as proposed does not accord with the green corridors envisaged in the LAP and while hedgerows are being retained, their value and future value as green corridors is being reduced by virtue of the layout proposed. I do not consider that the scale of the green corridors will necessarily have to be delivered as per the indicative LAP map, however, in my opinion a further increase in their width would be warranted to address issues arising. Increasing the width of the green corridors at either location (north or west) would not in my opinion necessitate a low density development, however, it would require a redesign of the layout and potentially a revision to the typology of housing proposed to achieve a density in accordance with national guidance at this strategic site. I note the extent of the traditional housing typology is part of the reason for refusal set out in the CE Report. I do not consider the housing in itself a reason for refusal given the overall density achieved, however, its impact on land take along the area of the green corridors and its unsuccessfulness in delivery of adequate passive surveillance of the public realm and resultant impact on density would give rise to an issue. A more innovative and varied housing solution with less of a focus on in-curtilage parking should be considered. I do not overall consider the green infrastructure issues can be satisfactorily addressed by way of condition given the potential impacts and issues arising in relation to the site layout. Should the Board, however, be minded to grant permission, I refer to the elements of the development requiring further consideration under section 10.4.15 above and further recommend that an assessment of the extent of lateral cutting of hedgerows, as identified in figure 8.5, be re-examined to support the retention of such hedgerows and creation of a green infrastructure network of value.

#### Open Space

10.4.21. Under Kellystown LAP, class 1 open space is proposed to be located on the zoned open space lands immediately south of the residential zoned land, with key goals for the Open Space as set out in the LAP to include the provision of a new neighbourhood park, the relocation of St. Mochta's Football Club and multi-use games areas (MUGAs). Table 9.1 sets out a hierarchy of open space.



10.4.22. The development plan states the overall standard for public open space provision is a minimum 2.5 hectares per 1,000 population. The Design Statement submitted with the application states an area of 20,987sqm class 1 open space is being provided to the south of the Kellystown Link Road with a connection across the proposed link street to the application lands, just west of Block C/childcare facility. This open space is designed to incorporate a kickabout area, boules court, playground and attenuation pond, which is to be designed as an amenity area. Within the residential zoned lands, class 2 open space is proposed with a stated area of 6848 sqm. A main central 'neighbourhood park'/open space (1178sqm) is proposed, with central kickabout area, boules area, informal play area, and in-ground chess area. At the northwest boundary a half-basketball court (611sqm in area) is proposed. An open space area is identified alongside the hedgerow to be retained at the western boundary (1910sqm in area) and at the main entrance/'arrival space' two class 2 pockets are identified on either side of the entrance (292sqm and 356 sqm in area). An additional 133 sqm 'threshold space' is identified to the front of Block C and open space to the west and east of Block A (1651sqm to the west of the block and 717sqm to the east of the block). I note that a significant area of the class 2 open space is linear in nature along the edges of the development adjoining hedgerows to be retained. I would question the inclusion of some of areas in the public open space calculation given the lack of usability of certain spaces by future residents, for example, the spaces at the entrance to the development on either side of the main access and bounded by the Kellystown Link Road and the entrance area/path to the front of the Block C with its bicycle parking spaces. Nonetheless, the overall quantum of open space is considered acceptable.

10.4.23. With regard to the open space areas along the western/northwestern boundary, as stated previously, I have concerns in relation to the issue of overlooking and passive surveillance, with poorly defined urban edges overlooking this linear open space and its associated cycle/pedestrian path. I consider the three housing blocks to the northwest of the site should be redesigned to provide for a fully active edge.

#### St. Mochta's Football Club

10.4.24. An area of contention raised in the CE Report submitted by FCC is the requirement for the relocation of St. Mochta's FC from its current location and the

failure of the applicant to include the required lands in the applicant's ownership to the south within the red line boundary of the site to facilitate the relocation of the club. I note this is a stated recommended reason for refusal in the submitted CE Report. It is the applicant's view that the re-location of St. Mochta's sports grounds to a new location south of Kellystown Link Road is not triggered by the proposed development. Notwithstanding this, it is stated that there are sufficient lands adjacent to the proposed public park to the south to facilitate the re-location of St. Mochta's as part of a future phase of development.

10.4.25. The following Objectives of the adopted LAP in relation to St. Mochta's Football Club are relevant:

- DA1.1: Provide for the relocation of St. Mochta's Football Club to an appropriate site in the Open Space Area in the southern portion of the LAP land bank in close proximity to the existing schools campus. The relocated facilities will be constructed and finished on site by the development to a suitable standard to be agreed with Fingal County Council prior to the re-development of the existing St. Mochta's Football Club site.
- Objective 9.2: Provide for the relocation of St. Mochta's Football Club to the south of the proposed Kellystown Link Road. The new facility shall accommodate a similar range of facilities and pitches as currently provided for within the existing facility. The re-location, construction and completion of the facility shall be carried out by the developer to the specifications of the Planning Authority.
- Objective 9.6: A programme for the re-location and completion of all works in relation to St. Mochta's Football Club shall be agreed with the Planning Authority in advance of or as part of re-development proposals for the existing grounds. All works in relation to the completion of the new re-located sports grounds shall be completed and made available to the club for use prior to the commencement of re-development proposals at the existing club site.
- Table 12.1 Development Phasing – Relocation of St. Mochta's Football Club to a location within OS- Open Space zoned lands, with all specification and a programme of works to be agreed with the Planning Authority. The relocation of the Football Club will be facilitated and undertaken by the

developer and works including the fitting out and completion of the sports pitches, boundary treatments, lighting, car parking, drainage and all other necessary requirements to be agreed with the local authority.

10.4.26. It is not proposed to redevelop the land on which St. Mochta's Football Club is located as part of this application and the wording of Objective DA1.1 and Objective 9.6 suggests that the relocation of the club is required when the football club lands themselves are being redeveloped. I do not consider that the relocation of the football club is required as part of this development. I note St. Mochta's land is under lease from FCC and the applicant, both of whom own lands in the open space zoned site to the south where it is intended the club will be relocated. This will be an important facility for the future residents of this area. I note the lands are in the blue line ownership of the applicant and the applicant has suggested in their submission that a condition in relation to the relocation may be applied if required by the Board.

10.4.27. I note submissions, including from St. Mochta's FC, contend that the proposed development is not sequentially located as the LAP requires development be sequentially developed from east to west, which would mean St. Mochta's land be developed first. However, it is my understanding from reviewing the LAP, that the sequential development relates to the three character areas identified of the eastern area, central area and western area. I do not think it reasonable to enforce a sequential approach relating to individual parcels of land within each development area, which due to various factors may not be at a stage to proceed ahead of adjoining parcels within a particular block. The SHD site is within the eastern development area and this area is identified as phase 1 of development in the adopted LAP. The location of St. Mochta's on residential lands does hinder the development of these DA1 lands, however, I would note that their development will be required prior to any development taking place on DA2 lands, therefore the relocation will need to be resolved prior to the development of lands to the west. This is a matter for the planning authority and the applicant as landowners.

#### Height, Design and Visual Impact Assessment

10.4.28. There are three apartment blocks proposed, Block C (4-6 storeys) to the southwest, Block A (4-8 storeys) to the southeast, and Block B (4-5 storeys) on the western side of Porterstown Road. The remainder of the site comprises

predominantly of two storey semi-detached and terraced dwellings served by in-curtilage parking. I note Kellystown LAP does not specify a height range for development, but it does set out a vision for the southeastern corner of the site as follows: 'The Eastern Development Area shall also provide a key Gateway Building at the corner of Diswellstown Road and the new Kellystown Road, whereby the building will act as a landmark for the area through high-quality architectural design and appropriate height'. This is where Block A, the tallest building, is positioned.

10.4.29. A number of submissions raise concerns in relation to the height of the proposed development which is considered out of context with the immediate area where the highest apartments are stated to be 3-4 storeys.

10.4.30. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) sets out the requirements for considering increased building height at various locations and recognises the need for our cities and towns to grow upwards, not just outwards, in order to deliver and achieve compact urban growth, as supported by the NPF. The guidelines state 'there is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility'. I have had specific regard to SPPR3 and Section 3.2 of Urban Development and Building Height Guidelines in assessing the overall height of the proposed development, specifically Block A which has an overall height of 8 storeys. I note a Visual Impact Assessment has been submitted with the application, in addition to a Daylight, Sunlight and Overshadowing Study and a Noise Impact Assessment. I have had regard to all documents submitted and submissions made.

10.4.31. I note the site is well served by public transport, with a high capacity rail line proximate to the site and also access to bus routes, with the site adjoining a cycle/pedestrian path along Diswellstown Road and existing Kellystown Link Road, which connects into a wider cycle/pedestrian network to the north and east. There is also an unpaved path east-west along the canal which links to the railway stations at Clonsilla and Coolmine. There are plans to continually upgrade and improve all these sustainable modes of transport in the area, including the DART + West programme, bus connects, GDA cycle plan, and plan for canal path greenway by FCC, NTA and Waterways Ireland. The site is an appropriate location for consolidated urban growth and buildings of height. I consider the site of sufficient

scale to establish its own character and note the separation of the site from the surrounding area by existing infrastructure, the location of the railway line and canal to the north, and the scale of the Diswellstown Road to the east and provision for the new Kellystown Link Road to the south. Given the scale and location of the site I do not consider it appropriate or necessary that this application imitate the height and scale of developments in the wider area.

10.4.32. The proposal will integrate with and enhance the adjoining public realm along the Kellystown Link Road, providing for an active edge with variety in building form and height. With regard to the design, scale and massing of Block A, I note this block is located at a wide junction between two main roads/streets, which is a location identified in the LAP as requiring a landmark structure of suitable height. The block is roughly square in shape (63m x 65m) comprising a central undercroft parking area with additional surface level parking to the north and east of the block. A central podium of communal open space is proposed above the parking area. The block on its western and eastern arm is six storeys in height, rising to eight storeys at a cranked corner section of the building at the junction with Kellystown/Diswellstown roads. The southern section of the building (35m wide), which connects the western and eastern arms, is single storey in height with a ground level residential amenity space provided in this section of the building overlooking Kellystown Link Road. I consider this aspect to Kellystown Link Road will contribute positively to the public realm. There is also a gap 8m wide between the east/west arms in the northern section of the building, which allows for additional light into the central podium space. The CE Report considers that ‘...While the site is capable of accommodating a taller building, the proposed building results in a very visually dominant and bulky building at this location. The massing of this building could be refined to present a more elegant tower as a gateway building...’. I have reviewed the CGIs submitted, the visual impact assessment, and the design details. I am overall satisfied that the height of the building, predominantly 6-8 storeys, is appropriate at this junction and given separation distances involved from surrounding developments and the scale of the junction itself, the height and massing is in my opinion acceptable and would not detract from the visual or residential amenity of the area. However, I have concerns in relation to the positioning of the block relative to the Diswellstown Road and impact of frontage of surface parking and open space on the quality of the public

realm to this road. Given the set back of development on the eastern side of Diswellstown Road (light rail reservation line), it is important that Block A address Diswellstown Road and provide for activity and passive surveillance at ground level at this location. I consider the building poorly addresses the Diswellstown Road at ground level and while the overall height and design is in my opinion acceptable, the location of the parking and open space remains a concern.

10.4.33. With regard to Block B, I consider its height at the proposed location will add variety to the urban form. The block overlooks the adjoining pedestrian/cycle path to the east contributing to the public realm, albeit surface parking does dominate the north-south and western boundaries with the adjoining streets. I note the parking is however broken up with landscaping and overall I consider this block would make a positive contribution to the public realm here.

10.4.34. Having examined the photomontages and visual impact assessment, I am overall satisfied that the site can accommodate the scale of development proposed and would support additional legibility in the area. The proposal will not have a significant negative visual impact on the area or give rise to significant impacts on neighbouring properties in terms of sunlight/daylight or microclimate issues (see section of Residential Amenity hereunder for a more detailed analysis). However, I do consider the proposal does not maximise on its contribution to the public realm in certain locations, as discussed above, both within the site and adjoining Diswellstown Road.

#### Community Infrastructure Audit and Childcare Analysis

10.4.35. The applicant has submitted a Community Infrastructure Audit (CIA), which is stated to examine community facilities within 1km of the site, including education facilities, health, sports and recreation, social/community services, arts and culture, faith and other (post offices, office related services, credit unions, transport). I note the issue of childcare facilities is addressed in the submitted Planning and Statement of Consistency Report.

10.4.36. In terms of population, the CIA states that the area within the 1km radius of the site saw a 6% growth between 2011 and 2016, which is above the national average of 3.8% and slightly above the Dublin City average growth increase of 5.1%.

- 10.4.37. The Kellystown LAP 2020 sets out that a local centre (retail provision and services) and civic square are to be provided for in Development Area 2 (DA2), which is located to the west of the application site. A primary school and secondary school are also proposed in DA2. Submissions have raised serious concerns in relation to school capacity in the area with schools stated to be oversubscribed, with submissions stating the CIA fails to depict appropriate pressure on the schools in this area.
- 10.4.38. I accept that schools in this rapidly growing area are under pressure, notwithstanding the location of a number of schools proximate to the site, including the school campus (primary and secondary) immediately south of the site and St. Mochtas national school to the north. The CIA refers to the DES School Build Programme 2020 which provides for upgrades to three schools in the vicinity. The CIA also refers to a document published by the DES titled 'Projections of full time enrolment Primary and Secondary Level 2020-2038'. The LAP has assessed the issue of school provision for this area and provides for new schools in DA2. I note the lands subject of this application are not identified as being required for school provision. Having regard to the plans for schools within the LAP lands, the timing of the delivery of schools is within the remit of the Department of Education and Skills in conjunction with the planning authority.
- 10.4.39. I have reviewed the Community and Social Infrastructure Audit Report submitted and I am overall satisfied with the contents therein. I am satisfied that the area is well served in terms of community facilities and retail services. I note that the LAP further provides for such facilities in line with the phased development of the LAP lands.
- 10.4.40. With regard to childcare, it is proposed to provide for a childcare facility at the ground level of Block C, which is stated to be 278sqm in area. It is stated in the Planning Report submitted that assuming an average of 3sqm per child and ancillary spaces, the size of the proposed creche is considered adequate. I note the Architectural Design Statement states the creche will cater for 54 children, however, the floor plans submitted indicate 51 children can be accommodated based on assumptions in relation to age categories per room. I note the Architectural Design Statement excludes ancillary spaces in the calculation of space for children, as per

Appendix 1 of the Childcare Facilities Guidelines for Planning Authorities, therefore I consider the figure of 51 to be the accurate figure.

10.4.41. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Appendix 1 of the Guidelines set out clear floor space requirements per child based on their age and excluding ancillary spaces. I note that Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments' states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be considered to contribute to a requirement for any childcare provision. In accordance with the Childcare Guidelines (with the exclusion of 1 bed units), the proposed development would generate a requirement for 73 childcare spaces, which results in an under provision of 22 childcare spaces based on the scale of the childcare facility proposed which can cater for 51 children. There is no scope to increase the scale of the childcare facility at the ground level of Block C without the omission of the proposed retail unit. In this regard I note Key Objective DA 1.11 for the Eastern Development Area which states: 'Provide for a small-scale commercial unit on the ground floor of one block, which has future potential to revert to residential accommodation if required. This commercial unit can act to support the residential development in the Eastern Development Area (DA1) prior to the development of a local centre as part of the Central Development Area (DA2)'. An alternative solution, should the Board be minded to grant permission, would be to redesign the first floor level through the omission of one/two apartments to accommodate a childcare facility of appropriate scale.

10.4.42. The childcare facility as proposed is inadequate in scale. Given the growth experienced and anticipated in this area I consider an appropriately sized childcare facility should be delivered to serve the housing proposed, as per national guidelines.

#### Conclusion – Layout and Design

10.4.43. The proposed vehicular layout and access arrangement to Block A is contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown LAP and the layout as



proposed compromises the potential delivery of east-west connectivity and closure of Porterstown Road in the future. The scale of green infrastructure corridors proposed compromises the ecological value of tree/hedgerow retention on the northern portion of the site, contrary to Key Objective DA 1.14 of Kellystown LAP, with the lack of an agreed Green Infrastructure Masterplan for the application site contrary to the requirements of Phase 1 Eastern Development Area (DA1) of the LAP. The lack of a pedestrian footpath of sufficient width adjoining the proposed cyclepath to the west of Porterstown would exacerbate the poor pedestrian facilities along Porterstown Road and fail to provide safe pedestrian and cycle facilities along what is a key desire line for pedestrians and cyclists in this area and would be a key desire line for future occupants. The lack of a pedestrian/cyclist route incorporated within the northern portion of the site would also compromise plans for an east-west pedestrian/cycle route along the southern side of the railway line to Clonsilla Station, as per Objective 7.5 of the LAP. Having regard to the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which includes key criteria such as context, connections, layout, and public realm, it is considered that the proposed development results in a high number of cul-de-sacs, poorly defined and poorly overlooked streets and open spaces, specifically to the northwest of the site and to the west of Porterstown Road, and furthermore presents a poor public realm to Diswellstown Road, which would overall result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants and would be contrary to the aforementioned Ministerial Guidelines. The proposed development is also deficient in the provision of childcare places having regard to the guidance set out in the Childcare Facilities – Guidelines for Planning Authorities 2001.

## **10.5. Biodiversity**

- 10.5.1. I note submissions raise concerns in relation to loss of biodiversity from the lands, removal of hedgerows from the site and impact on the Royal Canal.
- 10.5.2. An Ecological Impact Assessment was submitted with the application (final issue dated 3<sup>rd</sup> November 2020). The assessment sets out the methodology adopted. A desktop study and field surveys were undertaken in relation to habitats and flora,

breeding birds, mammals, bat surveys (inspection of trees, buildings, dusk activity survey and dawn activity survey). The surveys were undertaken on various dates in 2019 and 2020. I am satisfied with the timings of the proposed surveys.

- 10.5.3. The proposed development site is largely comprised of improved agricultural grassland habitat. There are areas of unmanaged dry meadows and grassy verges habitat and some scrub, with 3 no dilapidated farm buildings and 2 roads within the boundary. The habitat is valued as being of local importance (lower value). Some of the hedgerows and treelines on the proposed development site are stated in the EclA to be visible on historic maps dating back to 1837 and represent part of the old Kellystown-Porterstown townland boundary (identified as WL1) and are therefore of heritage value. I note these WL1 hedgerows relate to the boundary to the southwest/adjoining the zoned open space, adjoining the western end of the Kellystown Link Road, to the west and north of apartment Block C, along the northwest boundary, and also along the western side of northern half of Porterstown Road. All the hedgerow habitats are valued in the EclA as being of local importance (higher value) (both WL1 and WL2) and of importance due to their connectivity as ecological corridors, including to the railway line and Royal Canal. Scrub (WS1)/ Immature woodland (WS2) mosaic was identified on the site. This habitat is comprised of native species and if left undisturbed, has the potential to develop into a stand of woodland, and is valued as being of local importance (higher value).
- 10.5.4. With regard to mammals (excluding bats), the EclA notes that the Royal Canal pNHA is located c. 35m north of the proposed development. No signs of badger, otter or other protected mammal species were found during surveys. Given that the habitats on the proposed development site are suitable to support breeding and foraging protected mammal species, the record of stoat onsite and its close proximity to the Royal Canal pNHA, the ecological value of the proposed development site for mammals is considered to be of local importance (higher value).
- 10.5.5. Two species of bat were recorded foraging and commuting along the treelines- common pipistrelle and Leisler's bat. The hedgerows and treelines within the proposed development site and the abandoned farm buildings are considered to be of moderate suitability for commuting and foraging bats. The ecological value of the proposed development site for bats is considered to be of local importance (higher value). The ecological value of the proposed development site for breeding birds is

considered to be of local importance (higher value). Although wintering bird surveys were not carried out, areas of dry meadows and grassy verges habitat on the proposed development site are considered to be suitable to support wintering bird species such as snipe *Gallinago gallinago* (an amber-listed species) and lapwing *Vanellus vanellus* (a red-listed species). Additionally, hedgerows and treelines are suitable to support a range of wintering passerine species. Given that the habitats present onsite are suitable to support wintering birds, the ecological value of the proposed development site for wintering birds is considered to be of local importance (higher value).

10.5.6. The EclA assesses the effects and proposed mitigation measures in relation to the proposed development. It is stated mitigation measures intended to avoid or reduce any harmful effects of the proposed development on European sites were not required or taken into account (see section 11 on AA hereunder). The Royal Canal pNHA was considered and impacts assessed. While noise, vibration and increased human presence associated with the construction of the proposed development is likely to result in a disturbance impact to fauna populations, such impacts are considered temporary in nature. Increased human presence associated with the operation phase of the proposed development was also considered with regard to the Royal Canal. Given the residential nature of the immediate surrounding area and the presence of the Maynooth to Dublin railway line directly south of the canal, it is considered that fauna in the locality are expected to be somewhat habituated to a degree to human and vehicle related disturbance. Disturbance impacts on fauna during the operation of the proposed development, are not expected to result in a significant effect at any geographical scale. I accept the findings in this regard.

10.5.7. Section 6.2.2.1 of the EclA set out measures to protect water quality in the Liffey Valley pNHA during construction as the site drains to the River Liffey, including location of fuel/oil stores away from the site drainage system and edge of watercourses; use of bunding around drums of oil and chemical; construction vehicle wheel washing; and all run-off leaving a disturbed area will pass through a sediment entrapment facility before exiting the site. Operational mitigation measures include implementation of SUDS measures as part of the development. Cumulative impacts of other developments have been considered and no significant residual effects are anticipated.

10.5.8. With regard to habitat loss, the proposed development is stated to result in the loss of 272m<sup>2</sup> of hedgerow/ treeline habitat and 2,315m<sup>2</sup> of immature woodland/ scrub habitat. However, it is stated that it is proposed to retain approximately 1,479m<sup>2</sup> of hedgerow/ treeline habitat on the development site and there are extensive areas of green space in the vicinity of the development site, including the proposed public park to the south. Gaps along hedgerows are stated to be minimised except to facilitate pedestrian access, to facilitate road connections to other lands contained within the LAP lands or for visual permeability at appropriate locations.

10.5.9. The Kellystown LAP comprises a number of objectives relating to hedgerows, including the following: Key Objective DA 1.5 states 'Existing trees, hedgerows, field boundaries shall be protected and retained as far as is practicable in any development proposal. Existing hedgerows shall incorporate blue/green corridors and swale corridors for the protection of biodiversity and for SuDS'; Key Objective DA 1.14 'Ensure the preservation of trees and hedgerows as set out in Section 8 of this LAP'; Objective Objective 8.3 'Protect existing trees and hedgerows within the LAP lands which are of amenity or biodiversity value as identified on Figure 8.5'; Objective 8.8 'The following existing hedgerows/treelines, shown on Figure 8.5 shall be retained: H2, H5, H8, H12, H13, and H16, except where required to facilitate the construction of the Kellystown Link Road'; and Objective 8.9 'Retained hedgerows shall be maintained so that a diversity of hedgerow structure is provided, including tall and short section ( $\leq 3\text{m}$ ) sections, with thick and dense cover at the base of the hedgerow. Gaps along hedgerows shall be minimised except to facilitate pedestrian access or visual permeability at appropriate locations'.

10.5.10. The removal of 2,315 square meters of immature woodland/scrub habitat, which is considered of local (higher) value, is to be compensated for by the planting of 1,065 square meters of woodland as well as semimature trees. I consider the scale of this replacement acceptable, when considered against other landscaping measures proposed. I note that six hedgerows are proposed for lateral cutting, which the submission from the DAU raises as a concern given the impact this will have on their value as wildlife corridors. It is noted that these hedgerows have a particularly high biodiversity value given their age. The submitted Arboricultural Report states the development works require the removal of/part of three hedgerows and the localised cutting of six other hedgerows (see page 9 of report and associated Tree Impacts

Plan drawings). I have reviewed the six hedgerows referenced, some of which are labelled as high value in the LAP and are original townland boundaries. I note that cutting back appears to be required due to the site layout adopted, however a clear rationale for same is not set out. I would question the need for lateral cutting of hedgerows as raised in the submission from the DAU, having regard to the intended location of these hedgerows within green corridors as per the LAP which have not been incorporated into the application site layout to the same extent as envisaged on the LAP map. This issue is also discussed under the section on Green Infrastructure and Green Routes above. I consider the proposed layout compromises the successful achievement of Key Objective DA 1.14 'Ensure the preservation of trees and hedgerows as set out in Section 8 of this LAP'.

10.5.11. Mitigation measures relating to bats are set out in section 6.4.2 of the submitted EclA; section 6.5 relates to mammals (stoats in particular); section 6.6 relates to foxes; section 6.7 relates to birds; and section 6.8 relates to amphibians.

10.5.12. I am generally satisfied with the mitigation measures proposed, none of which I note are related to the protection or management of European sites. I consider the landscaping measures, which include for existing hedgerows to be infilled and augmented, will mitigate the impact of any loss, subject to condition.

#### **10.6. Residential Amenity – Proposed Dwelling Units**

10.6.1. The proposed development provides for semi-detached and terraced dwellings, in addition to three blocks of apartments, referred to as Blocks A, B and C.

##### Design Standards for New Apartments

10.6.2. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2020 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

10.6.3. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.

10.6.4. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual

aspect apartments in a single scheme. The development achieves this, with a stated provision of 59% dual aspect apartments.

10.6.5. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. SPPR 6 specifies a maximum of 12 apartments per floor per core. These requirements are complied with.

10.6.6. A Building Lifecycle Report has been submitted, as required.

10.6.7. Car parking provision is considered acceptable and in accordance with guidelines.

10.6.8. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

#### House Designs

10.6.9. There are 128 dwellings proposed across the site, which are predominantly two storey in height, with 18 number three storey dwellings proposed along the Kellystown Link Road. The three storey dwellings provide additional height and definition to the proposed road at this location and are welcomed. The remaining dwellings are of similar design and roof profile.

10.6.10. In relation to housing, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings.

10.6.11. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1. The rear gardens associated with dwellings vary in shape and area, providing a satisfactory amount of private amenity space in accordance with development plan standards and achieve adequate separation distances to adjacent dwellings. Generally, back to back distances of 22m are achieved where windows are directly opposing. I note where less is proposed, the dwellings have been designed to avoid direct overlooking of first floor habitable rooms. Two parking spaces are proposed per dwelling.

#### Sunlight Daylight

10.6.12. The submitted Daylight, Sunlight and Overshadowing Study addresses the impact in terms of sunlight to the proposed amenity areas within the development and the average daylight factor for apartments within the proposed development.

The amenity area in the development examined include the podium level open space in Block A, communal open space adjoining Block B, and roof level open space of Block C. It is stated that on the 21st of March, each of the proposed amenity spaces assessed would receive at least 2 hours of sunlight on over 50% of their area, exceeding BRE recommendations.

10.6.13. In relation to Average Daylight Factor, a select number of units on the ground level, level 1 and level 4 of Block A were analysed. With regard to Block B, some apartment at level 0, level 1 and level 4 were examined, with a select number of apartments over the same floors in Block C also examined. A number of houses are also included in the analysis. It is stated that 96% of the rooms sampled across the development within the apartments and proposed housing are achieving Average Daylight Factors (ADF) above the recommended minimum average daylight factors within the BRE guidelines.

10.6.14. I have reviewed the BRE document and the submitted Daylight, Sunlight and Overshadowing Study and accept the findings of the report. I am satisfied that, overall, the development is mainly in compliance with the BRE recommendations set out in the document BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' by Paul Littlefair, 2011.

#### Noise Assessment

10.6.15. I note an Assessment of Noise Impacts has been submitted with the application, with the site affected by transport and rail noise. The ProPG Noise Risk Impact of low applies to the site and an Acoustic Design Statement has been prepared. Overall, I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

#### **10.7. Impact on the Amenities of Neighbouring Properties**

10.7.1. Concerns are raised in relation to impact of the potential impact of the development in terms of overlooking, traffic, noise and light pollution, in particular on the residents of St. Brigid's Lawn. The CE Report as part of its reason for refusal states as an issue the scale and massing of Block B and its impact on the residential amenity of St. Brigid's Lawn.

- 10.7.2. I have examined the layout proposed and where potential impacts may arise with neighbouring properties, including St. Brigid's Lawn traveller accommodation, single storey dwelling at the northern boundary and Woodbrook Development on the eastern side of Diswellstown Road, as well as St. Mochta's FC. The potential for negative impact on established amenity is assessed particularly with regard to impact of overshadowing, overlooking and overbearance of the adjacent properties. I note A Daylight, Sunlight and Overshadowing Study and Noise Impact Assessment has been submitted. I further note Objective DMS30 of the Fingal Development Plan 2017-2023 seeks to 'Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents'. I have consulted both referenced documents, including the updated version of the latter document referenced.
- 10.7.3. St. Brigid's Lawn is located on the eastern side of Porterstown Road. The site is set back from the road edge with tree/hedgerow/shrub planting along the boundary wall. From aerial maps, the site appears to be laid out in a L shape, with the majority of caravans set back from the boundary with the road, with the exception of two caravans at the northern end. The caravans are overall not overly visible from the road. It is an objective of the Kellystown LAP under DA 1.16 to 'Review the accommodation needs of residents of St. Brigid's lawn and refurbish and upgrade the existing halting site to provide upgraded service units (including heating systems) in line with the requirements of the Traveller Accommodation Programme 2019-2024'.
- 10.7.4. On the western side of Porterstown Road, opposite St. Brigid's Lawn is proposed apartment Block B (separation distance of 25-41m) and to the south/southeast is proposed apartment Block A (separation distance of 36m). I note the existing hedgerow along Porterstown Road is to be retained, with provision for a cycle path and planting in between Block B and Porterstown Road. I note Porterstown Road will not be utilised by vehicles to access Block B or the remainder of the development to the west, with the only proposed access being further south to serve Block A to the southeast. A Daylight, Sunlight and Overshadowing Study has been submitted which examines the impact of Block B and A on St. Brigid's Lawn. Shadow Diagrams for



December 21<sup>st</sup>, March 21<sup>st</sup> and June 21<sup>st</sup> have been submitted, which indicates no additional shading visible from the proposed development Blocks A and B on the existing caravan park in June and December, with minimal overshadowing in late afternoons in March. The Vertical Sky Component (VSC) analysis of the cluster of caravans closest to the road indicates a VSC of greater than 27% which is within BRE guidance. The assessment has had regard to the BRE Report, "Site layout planning for daylight and sunlight: a guide to good practice (BR209)", which I have also examined. The impact in terms of overshadowing and daylight will not therefore significantly impact St. Brigid's Lawn. In terms of outlook, the proposed development at 4-5 storeys to the west and at 6 storeys at the closest point to the south will inevitably alter the outlook of the existing residents and result in some overlooking, however, this is an evolving urban area and the lands are zoned for residential development, therefore a degree of overlooking is to be expected. I am of the opinion, overall, that the proposed development, having regard to separation distances involved, as well as the design and layout of the proposed blocks, proposed landscaping measures and street layout and access arrangements, have adequately mitigated impacts on residential amenity. I do not consider the proposal will seriously injure the amenities of the existing neighbouring properties in terms of overlooking, overshadowing or loss of outlook to such an extent as to warrant a refusal.

10.7.5. Block A is located at the junction of Kellystown Road and Diswellstown Road, with a separation distance of 64m-103m to Woodbrook Court, which is a 3-4 storey apartment development on the eastern side of Diswellstown Road. The shadow analysis within the submitted report 'A Daylight, Sunlight and Overshadowing Study' indicates no additional shading will arise from the proposed development on Woodbrook Court and a VSC of greater than 27% of the windows tested in Woodbrook Court, which is in accordance with BRE guidance. Given the intervening infrastructure and separation distances involved, there is no significant overlooking or overshadowing of residential property as a result of the development anticipated. In terms of outlook and overbearance, I note that Block A has a staggered height to Diswellstown Road, from a high point on the corner section of 8 storeys, reducing down to 6 storey for the majority of the elevation to Diswellstown Road. I do not consider the proposal given its design and layout would be overbearing.

- 10.7.6. Abbey Cottage is located to the north of the development with a separation distance of 26m from the two storey dwellings proposed at this end of the scheme to the single storey dwelling. The applicant is proposed to construct a new boundary wall along the shared boundary with the cottage and a slight alteration to the location of the vehicular access to the dwelling from Porterstown Road. The submitted Daylight, Sunlight and Overshadowing Study indicates no additional shading will arise from the proposed development on the dwelling in March and June with minimal overshadowing indicated on late afternoons in December. A VSC of greater than 27% of the windows tested in the cottage is achieved, which is in accordance with BRE guidance.
- 10.7.7. Scoil Coilm Community School was also considered in the submitted Daylight, Sunlight and Overshadowing Study, with no additional shading visible from the proposed development on the existing Community School as the proposed development sits directly north of the school and does not obstruct the sun path. A VSC of greater than 27% was also recorded, which is in accordance with BRE guidance.
- 10.7.8. With regard to St. Mochta's FC I note it is an objective of the LAP to relocate this club to the open space zoned lands on the southern side of Kellystown Link Road. Concerns are raised by the club that should the development go ahead prior to their move to the south, issues arise in relation to overshadowing, impact on grass growth, overbearing impacts on those playing on the pitch and child welfare. While there will be some overshadowing of the southern end of the pitch, this will not be significant, as illustrated in the submitted shadow diagrams. This is an evolving urban area and I do not consider the location of an apartment block to the south would appear overly out of character or be overbearing on users of the pitch, nor do I consider child welfare issues arise. I further note the LAP envisages the lands to the north being developed for residential purposes. The location, scale or height of Block A will not impact on the development potential of lands to the north.
- 10.7.9. Having regard to all of the information before me, including the layout, design and separation distances involved, I consider that impacts on the residential amenity of neighbouring properties would not be so great as to warrant a refusal of permission.

#### 10.8. **Traffic, Transportation and Access**

10.8.1. The Kellystown Link Road is proposed to be extended 160m west to facilitate the proposed development and provide access to the lands. Further extensions are envisaged as the LAP lands develop. As per the submitted Engineering Report it is stated that the proposed street is 19m wide, comprising a 2m footpath, 2.25m cycle track and 2m verge on either side of a 6.5m wide carriageway. The road reservation is widened towards the Diswellstown Road signalised junction to facilitate the junction upgrade. The CE Report raises no issues in relation to the design of Kellystown Link Road, however, concerns are raised in relation to the Kellystown Link Road/Diswellstown Road junction upgrade.

#### Kellystown Link Road/Diswellstown Road Junction

10.8.2. The CE Report states that the proposed junction upgrade at the Kellystown Link Road/Diswellstown Road junction with provision for a left turn slip onto Diswellstown Road is not pedestrian or cyclist friendly and would not be in accordance with DMURS. A revised cycle-friendly junction is stated to be required with details to be agreed with FCC. It is stated that a two way cycle track on the northern boundary of Kellystown Road should be considered and may require an additional set-back of the boundary. I further note other issues raised by the NTA in relation to the positioning of the pedestrian crossing relative to the entrance gate of the school, slip roads east and west, and the zebra crossings. The proposed junction layout as proposed fails to comply with Objective 7.21 'Upgrade the Diswellstown Road / Kellystown Link Road junction in Phase 1 of the development, to accommodate the forecast growth of traffic from Kellystown, support the delivery of reliable public transport services and facilitate the safe movement of pedestrians and cyclists'. It is important that pedestrians and cyclist safety is prioritised at this junction given its location adjoining a school campus and access to a future significant open space amenity. This is an issue which could be addressed by way of condition, should the Board be minded to grant permission.

#### Internal Street Design and Parking

10.8.3. Having regard to the overall layout of the proposed development, the report from the Transportation Planning section of FCC considers that the proposal has been developed in isolation and the proposed layout would limit options for connectivity to adjacent LAP lands. It is stated that the proposal would not be in line with the

adopted LAP, particularly with regard to the movement and transportation strategy objectives. I have considered the overall layout of the site and this issue in detail under section 10.4 above. The east-west movement across Porterstown Road in place of north-south access is compromised by the primary access route to Block A being from the junction of Porterstown Road and Kellystown Road. The lack of an east-west link compromises the long term potential of closing Porterstown Road to through traffic and making it a pedestrian/cyclist priority route. While Porterstown is at present a public through road, at a minimum an east-west connection should be delivered as part of this development to future proof the movement strategy as set out in the LAP. The layout at present does not support this and would require an amendment to connect the street north of Block A into the street network to the west in a legible manner, with safe pedestrian/crossing points and appropriate removal of hedgerow boundary. I consider overall that the layout does not support permeability and connectivity and is contrary to Key Objective DA 1.6, which states 'One vehicular access to the site will be from the new Kellystown Link Road, with all internal road networks to be home zones or local access roads only. An emergency access will also be required' and Objective 7.4 which seeks to 'Ensure delivery of the appropriate road infrastructure in line with the LAP road hierarchy of streets to develop the lands to their full potential. The design should be in accordance with the principles outlined in the Design Manual for Roads and Streets (DMURS) and the NTA's National Cycle Manual'. I further note the site layout plan does not deliver on Key Objective DA 1.3 'Promote and encourage increased levels of pedestrian and cycle connectivity between the subject lands and the surrounding areas through the provision of new pedestrian and cyclist links', with connections up to the boundary of the site at various locations to ensure connectivity to the surrounding lands not provided for in the site layout plan, omission of the delivery of a section of east-west path at the northern boundary which would connect a future path along the railway line to the site; omission of the delivery of a direct pedestrian/cycle path to the south west; and no connection to the east of block A onto Distwellstown Road from the proposed street at this location; and also lack of provision of an adequate pedestrian path adjacent to the proposed north-south cycle path within the site to mitigate sub-standard pedestrian facilities on Porterstown Road (the plan to close Porterstown

Road has no permission and no timeline associated with it and it is feasible the development of these lands could be in place before this occurs).

- 10.8.4. In relation to the design of the home zones, concerns are raised in the Transportation Planning report accompanying the CE Report indicating that many of the home zones/shared surfaces proposed are not suitable as shared spaces. The report states that some of the home zones are car dominant, citing cross section 7-7 where there is a hard landscape of c. 19.5m between dwellings with no street trees in the public domain. I note it is an objective DA 2.12 of the LAP states 'The access road through the Development Area shall provide for street trees in appropriately designed tree pits and grass margins'. The layout appears to be deficient in this regard with street trees indicated along boundaries between front gardens, with their long term survival dependent on individual owners maintenance. Car build outs in the home zones are stated to be acceptable, however, it is stated that parking proposed opposite a build out as indicated would not leave adequate space to do reverse manoeuvres out. It is also noted that perpendicular parking should generally be restricted to one side of the street to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape. It is stated that the home zones/shared spaces 'appear to be orientated to maximising space than a properly coherently design pedestrianised space'. Concerns are also raised that through connections would not work with some of the home zone proposals. It is also stated there are a lack of street trees within the layout and there would be no trees to break up the lines of parking that would be taken in charge. I have reviewed the documentation submitted and would agree with some of the concerns raised in relation to the design and location of the home zones and the level of green infrastructure provided with regard to street trees.
- 10.8.5. I note a signalised junction is proposed at the new vehicular access with Kellystown Link Road, with the applicant stating that a roundabout could be facilitated should FCC require this. I note the LAP text envisages a roundabout access to the application site, as per section 7 of the LAP. Objective 7.2 of the LAP is to 'Deliver the Kellystown Link Road and necessary works, as required in the Fingal Development Plan'. The CE Report raises no issue with the signalised junction proposed and I consider this approach in compliance with DMURS, therefore I do not consider the option of a roundabout as an alternative to be necessary or appropriate.

- 10.8.6. It is stated in the CE Report that there are existing attenuation tanks associated with the Diswellstown/Porterstown Road within lands associated with apartment Block A which are not addressed in the application and would need to be accommodated within the design proposal and may include relocation the tanks to a suitable new location. It is unclear what the implications of this on the layout are.
- 10.8.7. The proposed development will be served by a total of 435 car parking spaces, with 179 being provided for the apartment blocks and 256 for the houses. Two spaces per house are proposed and 0.75 spaces per apartment unit. The CE Report states the sentiment to reduce parking at this location as per the apartment guidelines is welcomed, however, it is stated that the provision of two spaces per house impacts on the road layout in terms of blocks of perpendicular parking each side of the road layout and would not be in line with respect to the sustainable goals of the LAP. It is stated that the proposed layouts do not minimise the need for surface parking through innovative design for residential development. The CE Report also raises issues with the lack of a parallel set down area for the creche.

#### Traffic and Transport Assessment

- 10.8.8. The application is accompanied by a Traffic and Transport Assessment (TTA), dated November 2020. The report details the methodology in relation to the Traffic and Transport Assessment undertaken. The existing road network, public transport routes, and pedestrian/cycle facilities were assessed; the existing traffic pattern was established and analysed; and a Stage 1 Road Safety Audit is included. The application is also accompanied by a Travel Plan and Preliminary Construction Management Plan. The information utilised in the assessment includes census data in relation to car ownership, modal split for the journey to work, train passenger numbers, and the Kellystown LAP traffic and transport assessment. The Kellystown LAP states that, by 2027, the majority of the Public Transport trips will be undertaken by DART. The TTA submitted for this application states it is assumed that the DART trips will represent 70% whilst the remaining 30% will be undertaken by bus. While the TTA notes that the modal split set out in the Kellystown Draft LAP (September 2020) is expected to be achieved in 2027, as the proposed development may be constructed and occupied in 2023 – prior to the DART Expansion Programme, for the purpose of this assessment the TTA states the Census 2016 Modal Split has been used to derive the all-mode trips of the proposed development.

10.8.9. While I note observers raise issue with the methodology adopted in the TTA, including in relation to trip generation assumptions, survey work and trip assignment, I am overall satisfied with the methodology as set out and that best practice has been followed. I note submissions also question the lack of assignment of additional traffic to the crèche and retail unit. Notwithstanding that there may be some users of the crèche and retail unit from outside the site, these uses are intended to serve the proposed development and I do not consider any additional traffic that may be generated would be so significant as to result in a significant increase in the traffic generation figures. I am overall satisfied with the robustness of the survey work, traffic assumptions, and trip assignment, as presented in the TIA. I note the report from the FCC Transportation Planning Section states the submitted TTA is generally acceptable.

10.8.10. A traffic survey was undertaken at six junctions over a period of 24 hours on Wednesday 29<sup>th</sup> January 2020. TRICS was used to aid in the determination of car trip generation. The proposed development is expected to generate a total of 177 car trips in the AM peak hour (51 inbound and 126 outbound) and a total of 192 car trips in the PM peak hour (121 inbound and 71 outbound) based on an opening year of 2023. The junction assessment is examined for the opening year of 2023; for the future year of 2038 when it is assumed Porterstown Road will be closed for through traffic; and for the future year of 2038 + overall development of Kellystown lands. It is noted that all junctions will operate within capacity subject to mitigation. The only junction of issue is Junction 4, which relates to the Kellystown/Diswellstown junction, which is currently operating with restricted movements during the AM and PM peak hours and will continue to do so for the opening year of 2023 with the baseline traffic factored up and the inclusion of the trips generated by the proposed development. In order to improve the operational capacity of Junction 4 to accommodate the increased traffic demand resultant of the overall Kellystown developments, an upgraded layout has been proposed for Junction 4. I note both the NTA and the CE Report raise significant concerns in relation to the junction design proposed. The CE Report raises no concern in relation to the principle of the development at this location and the capacity of the road network to absorb the development however has requested a redesign of the junction. The NTA further support the development of these strategic lands, however, notes that the focus should be on providing direct

connections to the two existing train stations, the bus network and providing optimum conditions for walking and cycling.

10.8.11. The concerns raised by observers regarding traffic congestion are noted, however, I consider the road infrastructure, existing and proposed, to be appropriate for the scale of development proposed, ultimately providing for connections to the wider area. This is an urban area where existing traffic congestion is a factor and I do not consider the addition of more roads will in itself reduce traffic congestion. It is the management of the growth in this area through the development of sustainable modes of transport (eg public transport and active modes of travel), which will support the sustainable development of this land and support improvements to the public transport network. The development site, as stated previously, is located within the catchment of high capacity public transport modes of Coolmine and Clonsilla train stations and a bus network served by the 37 and 239 bus routes. Both the train and bus service in this area are identified for further improvements through the DART + West Programme (increase from 7 trains per hour to 15) and Bus Connects (provision of a high frequency route from Clonsilla to the City Centre and UCD). The LAP states that as the Kellystown LAP develops and the demand for travel increases, it is envisaged that additional buses will be provided to serve the site. It is stated that Fingal County Council will work closely with the NTA to ensure the future public transport needs of the site are met. It is further noted that Blanchardstown has been identified as a major interchange point and the LAP will facilitate the provision of walking and cycling routes to the interchange. Upgrades to the cycle network, including the Grand Canal Towpath (preferred route went on public consultation in 2019) are also proposed as part of the GDA Cycle Network Plan. While submissions content that the existing public transport and cycle/pedestrian links are poor, I have had regard to the network that exists along Diswellstown Road and to the east to the Riverwood/Carpenterstown area, and also along the canal, with plans for improvements in this areas. The existing sustainable transport modes will support the sustainable development of the lands at this strategic location and ultimately reduce car dependency. However, there are issues with regard to the development site layout, connections, and proposed junction upgrade at Kellystown/Diswellstown which would affect the connections to existing



and proposed active and sustainable modes of transport at this location, which could result in a more car dependant development than envisaged in the LAP.

#### Construction Traffic

- 10.8.12. An outline construction management plan has been submitted by the applicant. All construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. Mitigation measures in relation to traffic management, noise and vibration, air quality and dust control and construction working hours will reduce any adverse amenity impacts during the construction phase.

### **10.9. Infrastructural Services including Flooding Issues**

#### Water and Wastewater

- 10.9.1. It is proposed to extend the existing Ø200mm watermain along the length of Kellystown Link Road. The subject site will be served by two connections to this Ø200mm trunk main, with a water meter and kiosk proposed at one of the connections in accordance with Irish Water's Code of Practice. A secondary connection will be made to the Ø100mm watermain in the Porterstown Road to the east of the development. Irish Water has stated that the applicant will be required to fund required works to the network as they have no plans to carry out work in this area. Subject to the works being undertaken, it is stated that the Irish Water network has the capacity to cater for the development.
- 10.9.2. Foul waters for the development will be discharged to a new wastewater pumping station with 24 hour storage, in the southwest of the site, off the southern side of the Kellystown Link Road. The pumping station is stated to be designed to allow for future expansion. Foul waters will be pumped into the existing foul network and will ultimately be treated at Ringsend Wastewater Treatment Plant. The population equivalent (P.E.) for this development is 972. As part of the works, it is proposed to divert the Porterstown Foul Water Pumping Station eastwards to the 375mm gravity sewer on the Carpenterstown Road. This requires a c.40m extension of the existing unused rising main east of the Porterstown Foul Water Pumping Station to extend to

the 375mm sewer on Riverwood Road. Irish Water has issued the applicant a Statement of Design Acceptance for the development as proposed.

#### Surface Water Management and Flood Risk

- 10.9.3. The ground conditions at the site comprise of generally impermeable brown boulder clay on a gentle gradient which falls south-westwards. Currently surface water from the site discharges south-westwards into this series of on-site ditches, which in turn drain south-westwards to a series of streams and ponds that drain through Luttrellstown Golf Club, ultimately outfalling to the River Liffey. A Ø1,200mm surface water sewer, constructed by the applicant to facilitate the Porterstown Development to the east of the subject site, traverses the site, discharging to the ditch at the south west of the subject site, which in turn discharges to the Luttrellstown golf course and ultimately to the River Liffey.
- 10.9.4. In terms of surface water management, the site is divided into four sub-catchments. It is stated that Block A and Block B will utilise private on-site attenuation tanks. The open space to the south will include a pond and forebay to serve as attenuation for the main site, with discharge limited to the greenfield equivalent run-off rate with a flow-control device. The LAP identified proposed wetlands/pond to the west of the pond proposed to serve the entire LAP lands. It is stated that as these LAP ponds are located on lands that are not within control of the applicant, the applicant is proposing a pond in the current location, however, this pond has the capacity to be connected by gravity to potential wetlands/ponds to their west in the future. It is stated in the submitted Engineering Report that the attenuation area proposed as part of this application could be decommissioned at a later date and the surface water directed to the district / regional attenuation area to the west. I consider the attenuation strategy for this application to be acceptable and note that it does not compromise the functioning of the district/regional pond attenuation area proposed for the entire lands to the west of it.
- 10.9.5. A Storm Water Management Plan for the subject site is set out within the submitted Engineering Report and is based on recommendations set out in the Greater Dublin Strategic Drainage Study (GDSDS) and in the SuDS Manual (C753). Surface waters generated will pass through a range of SuDS measures, involving source control, site control and regional control, before outfall to the River Liffey. These measures

include permeable paving, green roofs (apartment Block A), bio-retention systems, filter drains, and an attenuation pond with a forebay (described above). I note the Water Services report from FCC (submitted with the CE Report) has no objection to the surface water management proposals, subject to condition in relation to treatment of existing infrastructure.

- 10.9.6. A Site-Specific Flood Risk Assessment (FRA) was submitted with the application. The site is located within Flood Zone C. Mitigation has been incorporated into the design relation to pluvial/overland flows. Finished floor levels have been set above the road levels, to ensure that any seepage of ground water onto the development does not flood into the buildings or if the surface water network were to become blocked. In the event of ground water or surface water flooding on site, this water can escape from the site via the overland flood routing. The residual risk of flooding following mitigation is deemed to be low.
- 10.9.7. I am satisfied the applicant has adequately addressed the issue of flood risk and proposes a surface water management strategy which indicates the proposed development will manage surface water from the site to the greenfield run off rate as per the GDSDS and will not impact on neighbouring sites.

#### **10.10. Archaeology**

- 10.11. An Archaeological Assessment of the application lands has been submitted with the application. A desktop study and site visit were undertaken. I note no geophysical survey or test trenching has taken place on the site as part of this application or as part of the LAP.
- 10.12. The report states that a programme of geophysical survey is recommended across the site prior to any groundworks taking place. It is stated that any pre-groundworks engineering investigations should either take place following this survey (and thus be able to avoid areas of potential), or else be archaeologically monitored. It is recommended that the ruined masonry structures in the east of the Study Area should be cleared of vegetation and visually examined in detail by an archaeologist specialising in built heritage to estimate their date and record any features of archaeological interest. Should the Board be minded to grant permission a condition in this regard is recommended.

#### **10.13. Material Contravention**

- 10.13.1. The applicant has submitted a material contravention statement in relation to density. The submitted statement highlights that pending the adoption of the Kellystown LAP the application may be considered a material contravention of Objective 8.8 in relation to hedgerows as a section of H8 is to be removed to accommodate Block C and it is noted that certain sections of H9 will need to be removed to accommodate the pedestrian and cycle route along Porterstown Road.
- 10.13.2. With regard to the issue of density, Objective PM 41 of the Fingal Development Plan 2017-2023 seeks to: 'Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised'. The Development Plan states that 'In determining densities, regard should be given to Sustainable Residential Development in Urban Areas (2009) and its companion document Urban Design Manual. The Council promotes higher densities at suitable locations such as along public transport corridors and in main town centres'. Objective MT05 states 'Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors'. The adopted Kellystown LAP identifies a density range of 50-75 units per hectare for lands in DA1, where the application site is located. I note the applicant's reference to the core strategy as set out by variation 2 to the Fingal Development Plan 2017-2023 and their extrapolation of an average density based on the population figures given. The extrapolated figure of 35.8 units per hectare is not stated in the development plan. I consider the objectives of the Development Plan and the adopted Kellystown LAP are clearly stated in relation to the issue of residential density in so far as the proposed development is concerned and no material contravention issue arises in relation to this issue.
- 10.13.3. With regard to the issue of hedgerows, I note the LAP comprises a number of objectives in relation to hedgerows, which are identified under Chapter 6 Development Areas and under Chapter 8 Green and Blue Infrastructure. In relation to Chapter 6, Objective 6.11 is stated to be a 'general guiding principle' and states 'New development shall seek to preserve and retain existing quality trees and hedgerows of amenity value, as identified in Section 8 Blue and Green Infrastructure and in Objective 8.8'. The section under Chapter 6 relating to the Eastern Development Area has a list of 'Key Objectives', of which Key Objective DA 1.5

states 'Existing trees, hedgerows, field boundaries shall be protected and retained as far as is practicable in any development proposal. Existing hedgerows shall incorporate blue/green corridors and swale corridors for the protection of biodiversity and for SuDS'; and Key Objective DA 1.14 states 'Ensure the preservation of trees and hedgerows as set out in Section 8 of this LAP'. Under Chapter 8 the list of 'Green and Blue Infrastructure Objectives' relating to hedgerows are as follows:

- Objective 8.3 Protect existing trees and hedgerows within the LAP lands which are of amenity or biodiversity value as identified on Figure 8.5.
- Objective 8.4 Incorporate identified trees and hedgerows into future development proposals in order to maintain and contribute to the landscape character of the area, insofar as practicable.
- Objective 8.5 Conserve, protect and enhance existing trees and hedgerows within the LAP lands which form wildlife corridors and link habitats providing the stepping stones necessary for wildlife to flourish.
- Objective 8.8 The following existing hedgerows/treelines, shown on Figure 8.5 shall be retained: H2, H5, H8, H12, H13, and H16, except where required to facilitate the construction of the Kellystown Link Road.
- Objective 8.9 Retained hedgerows shall be maintained so that a diversity of hedgerow structure is provided, including tall and short section ( $\leq 3\text{m}$ ) sections, with thick and dense cover at the base of the hedgerow. Gaps along hedgerows shall be minimised except to facilitate pedestrian access or visual permeability at appropriate locations.
- Objective 8.13 Where hedgerows cannot be retained, or will be severed, a new hedgerow network composed of the same species shall be planted along roadways within future development proposals.

10.13.4. It would appear to me that the guideline principle is to, as stated above, seek to retain hedgerows listed in Objective 8.8, however, it is acknowledged as per Objectives 8.8 and 8.9 that there may be scenarios where the entire retention is not practicable. I do not consider the proposal to remove sections of the hedgerows to be a material contravention, however, I do consider that a deviation from retention requires a rationale to be made in relation to the removal of hedgerows and a degree

of judgement from the Board/PA to be applied in relation to whether a deviation from retention/part removal is acceptable or not. This has been discussed elsewhere in this report.

- 10.13.5. To conclude, I do not consider the issue of density or hedgerow boundaries results in a material contravention of the development plan.

#### **10.14. Planning Assessment – Conclusion**

- 10.14.1. To conclude, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned and serviced site within an established area where a wide range of services and facilities exist and along a high capacity public transport corridor. An appropriate development on this site has the potential to contribute to the provision of high-quality housing and the development of sustainable communities. However, the proposed design and layout of the scheme is, in my view, contrary to the adopted Kellystown LAP in terms of the vehicular movement strategy proposed and pedestrian/cyclist strategy, specifically key objectives DA 1.3 and DA 1.6. The proposed development also does not achieve the key objectives set out in the Kellystown LAP, in particular those relating to the retention of natural heritage and green infrastructure features, specifically Key Objective DA 1.5 and DA 1.14. The layout and design with a predominance of cul-de-sacs would not meet the standard of provision required under the various section 28 guidelines including the Urban Design Manual – A Best Practice Guide 2009 and the 12 criteria therein, in relation to context, connections, layout and public realm and is not compatible with the principles of DMURS. The development would, therefore, seriously injure the residential amenities of future occupants and would be contrary to the aforementioned Ministerial Guidelines.

### **11.0 Screening for Appropriate Assessment**

#### **11.1. Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

#### **11.2. Background on the Application**

- The applicant has submitted a screening report for Appropriate Assessment as part of the planning application, titled 'Appropriate Assessment Screening Report' by Scott Cawley, final issue dated 3<sup>rd</sup> November 2020.
- The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential impacts during construction and operation of the development are considered as well in combination impacts of neighbouring developments.
- The screening is supported by associated reports submitted with the application, including Ecological Survey and Impact Assessment, EIA Screening Report, Arboricultural Report, Landscape and Visual Impact Assessment, Landscape Design Report, Engineering Assessment Report, Flood Risk Assessment, preliminary Construction Management Plan, and Noise Impact Assessment.

#### 11.3. The applicants AA Screening Report concluded that:

Following an examination, analysis and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded, for the reasons set out in Section 3.3 above. In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.

Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

#### 11.4. **Screening for Appropriate Assessment - Test of likely significant effects**

- The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

### **Brief Description of the Development**

- 11.4.1. The applicant provides a description of the project on pages 6-7 of the AA screening report and elsewhere in the submitted EIA Screening Statement. I refer the Board to section 3 of this report above.
- 11.4.2. The development site/overview of the receiving environment is described on pages 7, 8 and 9 of the screening report. It is noted that the environmental baseline conditions are discussed, as relevant to the assessment of ecological impacts where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. hydrogeological and hydrological data), which informs whether the development will result in significant impacts on any European Site.
- 11.4.3. Surveys confirmed there are no Annex I habitats on the proposed development site. There were no protected flora species recorded and no non-native invasive plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, were recorded. No flora or fauna species for which European sites have been designated were recorded during the field surveys. There are no non-native invasive plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) present on the proposed development site.
- 11.4.4. The nearest watercourse is the Royal Canal which is located c.35m north of the proposed development site. However, the site drains from north to south and is within the River Liffey catchment. Surface waters from the site discharge through a series of on-site ditches, which in turn drain south-westwards to a series of streams and ponds in Luttrellstown Golf Club, ultimately outfalling to the River Liffey, c. 1km south of the development site. The River Liffey then flows in an easterly direction



and enters Dublin Bay c.15km from the proposed development site. Dublin Bay has a water quality status of 'good' and a WFD risk status of 'not at risk'. There is one European site, designated for groundwater dependent terrestrial habitat and species, located within the same groundwater body as the proposed development site- the Rye Water Valley/Carton SAC, which is located c.5.3km west of the proposed development site.

11.4.5. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance
- Construction related - uncontrolled surface water/silt/ construction related pollution

### **European Sites**

11.4.6. The development site is not located in or immediately adjacent to a European site. The nearest European site to the proposed development is Rye Water Valley/Carton SAC, c.5.3km to the west. Using the source-pathway-receptor model, surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located c.15km east of the proposed development site, and therefore may indirectly have an impact. Dublin Bay contains the following European sites: North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC, Dalkey Island SPA, Howth Head Coast SPA and Howth Head SAC.

11.4.7. A summary of the European Sites that occur within a possible zone of influence of the proposed development is set out below:

<b>European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)</b>	<b>Location Relative to the Proposed Development Site</b>
Rye Water Valley/Carton SAC [001398] [7220*] Petrifying springs with tufa	c.5.3km west of the proposed development site

<p>formation (Cratoneurion) [1014] Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1016] Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> NPWS (2018)</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Conservation objectives for Rye Water Valley/Cartron SAC [001398]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.</p>	
<p>South Dublin Bay SAC [000210] [1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] <i>Salicornia</i> and other annuals colonising mud and sand [2110] Embryonic shifting dunes NPWS (2013b)</p> <p>Overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c.13.7km east of the proposed development site</p>
<p>North Dublin Bay SAC [000206] [1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] <i>Salicornia</i> and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1395] Petalwort</p>	<p>c.15km east of the proposed development site</p>

<p>Petalophyllum ralfsii [1410] Mediterranean salt meadows (Juncetalia maritimi) [2110] Embryonic shifting dunes [2120] Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2190] Humid dune slacks NPWS (2013a)</p> <p>Overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht</p>	
<p>Howth Head SAC [000202] [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts [4030] European dry heaths NPWS (2016)</p> <p>Conservation Objectives: Howth Head SAC 000202. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>c.20.5km east of the proposed development site</p>
<p>Rockabill to Dalkey Island SAC [003000] [1170] Reefs [1351] Harbour porpoise Phocoena phocaena NPWS (2013)</p> <p>Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>c.21.1km east of the proposed development site</p>

Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.	
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A179] Black-headed Gull <i>Croicocephalus ridibundus</i> [A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i> [A999] Wetland and Waterbirds NPWS (2015b)</p> <p>Overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	c.12km east of the proposed development site
<p>North Bull Island SPA [004006]</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna</i></p>	c.15km east of the proposed development site

<p>tadorna [A052] Teal Anas crecca [A054] Pintail Anas acuta [A056] Shoveler Anas clypeata [A130] Oystercatcher Haematopus ostralegus [A140] Golden Plover Pluvialis apricaria [A141] Grey Plover Pluvialis squatarola [A143] Knot Calidris canutus [A144] Sanderling Calidris alba [A149] Dunlin Calidris alpina [A156] Black-tailed Godwit Limosa limosa [A157] Bar-tailed Godwit Limosa lapponica [A160] Curlew Numenius arquata [A162] Redshank Tringa totanus [A169] Turnstone Arenaria interpres [A179] Black-headed Gull Croicocephalus ridibundus [A999] Wetlands &amp; Waterbirds NPWS (2015a)</p> <p>Overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Howth Head Coast SPA [004113] [A188] Kittiwake Rissa tridactyla NPWS (2018)</p> <p>Overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Conservation objectives for Howth Head Coast SPA [004113]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.</p>	<p>c.23.6km east of the proposed development site</p>

<p>Dalkey Islands SPA [004172] [A192]  Roseate Tern <i>Sterna dougallii</i> [A193]  Common Tern <i>Sterna hirundo</i> [A194] Arctic  Tern <i>Sterna paradisaea</i> NPWS (2018)</p> <p>Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p> <p>Conservation objectives for Dalkey Islands SPA [004172]. Generic Version 6.0.  Department of Culture, Heritage and the Gaeltacht.</p>	<p>c.23.6km south-east of the proposed development site</p>
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Additional European sites are considered in the submitted Screening Report, however, these can be excluded given the lack of a source-pathway-receptor and distances from the site.

#### Identification of Likely Effects

- 11.4.8. With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation. The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European site(s). There is therefore no potential for any in combination effects to occur.
- 11.4.9. With regard to hydrological links, surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network via a proposed attenuation pond in the south-west of the proposed development site. Foul waters from the proposed development will be discharged to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay. The Zone of Influence (Zol) therefore of potential effects on water quality from the proposed development could extend to Dublin Bay.
- 11.4.10. Having regard to surface water run-off, having regard to the following factors, it is considered that there is no possibility of the proposed development undermining

the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of surface water run-off or discharges:

- The scale and location of the proposed development relative to the receiving surface water network;
- The relatively low volume of any surface water run-off or discharge events from the proposed development site relative to the receiving surface water and marine environments; and,
- The level of mixing, dilution and dispersion of any surface water run-off/discharges from the proposed development site in the receiving watercourses, Dublin Bay and the Irish Sea.

11.4.11. Having regard to foul water, the Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status. The Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. There are plans in place to improve the pollutant content of discharges to Dublin Bay, as set out in the submitted Screening Report. Dublin Bay is currently unpolluted and the proposed development will not result in any measurable effect on water quality in Dublin Bay. It is considered that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

11.4.12. Having regard to ground water, the Rye Water/ Carton Valley SAC is designated for groundwater dependent habitats and is within the same groundwater body as the proposed development however, the proposed development site is considered to be outside of the zone of influence of the Rye Water/ Carton Valley SAC for the following reasons:

- The SAC is approximately 5.3km from the proposed development site and is buffered from the development by significant infrastructure including the Maynooth-Dublin railway line, regional roads and residential developments;

- The presence of waterbodies between the proposed development site and the SAC including the Rusk Stream, and the Oranstown Stream; and,
- The Dublin groundwater body flows east towards the Irish Sea. The Rye Water/ Carton Valley SAC is therefore located upstream of the proposed development in the Dublin groundwater body flow.

Therefore there will be no groundwater impacts on European sites as a result of the proposed development and no in-combination issues arise.

11.4.13. Potential disturbance and displacement impacts during construction and operation are considered. No European sites within the disturbance Zol have been identified. The nearest European site is c. 5.3km from the site. There are no habitat areas within the disturbance Zol of the proposed development that support populations of qualifying/special conservation interest species of any European site. No in-combination issues arise.

#### **Mitigation measures**

11.4.14. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### **Screening Determination**

11.4.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 001398 (Rye Water Valley/Carton SAC), 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 000202 (Howth Head SAC), 003000 (Rockabill to Dalkey Island), 004024 (South Dublin Bay and River Tolka Estuary SPA), 004006 (North Bull Island SPA), 004113 (Howth Head Coast SPA), 004172 (Dalkey Islands SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

11.4.16. This determination is based on the following:

- The nature and scale of the proposed development on fully serviced lands,



- To the intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

## **12.0 Environmental Impact Assessment Screening**

12.1. Item (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.)

12.2. The site is 9.73 ha in area gross (5.6ha net residential area) and located in an urban area. The proposed development is for 360 residential units, 1 no. childcare facility and 1 no. retail unit. The development also proposes a 2.1ha public park on zoned open space, new section of road and upgrades to the existing road network. The site is on zoned and serviced land. The site is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

12.3. The applicant has submitted an EIA Screening Report including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

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

12.4. The submitted EIA Screening Statement concludes that the proposed residential development does not require the preparation of an Environmental Impact Assessment Report.

- 12.5. The various reports submitted with the application (as listed in section 3.1.4 of the submitted EIA screening document) are stated to address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site (of which there are none as this is the first phase of the Kellystown LAP lands to be development), and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment.
- 12.6. I have assessed the proposed development having regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment, and landscape details. I have completed a EIA screening assessment as set out in Appendix A.

#### Characteristics of the Proposed Development

- 12.7. The proposed development is for 360 units, a childcare facility and a retail unit on an urban site of local value biodiversity. The proposal is not of a scale which would be unusual on an urban site and there will be no significant impacts from construction or operation.
- 12.8. Submissions contend that an EIA should be undertaken of the entire LAP lands. I am of the opinion that this proposal may be assessed as a stand-alone residential development and there is no requirement to prepare an EIA for a future quantum of development, the details of which do not exist. I note the Kellystown LAP was assessed in terms of SEA and AA.

#### Location of Proposed Development

The site comprises undeveloped land, zoned for residential uses and open space in the urban area of Blanchardstown. The quantum of development proposed and the location contiguous to a built-up area would have a minor impact on the natural resources of the area. The main use of natural resources is the land.

#### Type and Characteristics of Potential Impacts

12.9. The size and design of the proposed development would not be unusual in the context of a developing urban area adjoining a railway line. The proposed use as residential on the residential zoned lands 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 Royal Canal is 35m north of the site. There are no surface water features on the site, other than a minor drainage ditch. The canal is uphill from the site and surface waters would therefore have no impact on it. I have had regard to the cultural heritage considerations in the area. The proposed development will not significantly impact on any protected views or prospects listed in the Development Plan. There are expected impacts locally to the site; however, this must be taken in the context of the land being zoned for development.

12.10. The proposed development is not likely to have a significant effect on any European designated site (as per the findings of section 11 of this assessment).

12.11. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

The conclusion of this assessment is as follows:

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective RA 'to provide for new residential communities subject to the provision of the necessary social and physical infrastructure' and by zoning objective OS 'to preserve and provide for open space and recreational amenities', in the Fingal Development Plan 2017-2023,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The availability of mains water and wastewater services to serve the proposed development,

- e) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### **13.0 Recommendation**

I recommend that permission be refused for the reasons and considerations set out below.

### **14.0 Reasons and Considerations**

1. The proposed vehicular layout and access arrangement to Block A is contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown LAP, compromising the delivery of east-west connectivity as set out in the LAP, as well as cyclist and pedestrian connectivity in accordance with Key Objective DA 1.3. Furthermore, it is considered that the development fails to integrate existing trees/hedgerows satisfactorily into the layout of the development and, as such, would be contrary to Key Objective DA 1.14 of Kellystown LAP and the

lack of an agreed Green Infrastructure Masterplan for the application site is contrary to Phase 1 Eastern Development Area (DA1) of the LAP.

2. Having regard to the Urban Design Manual – a Best Practice Guide (DoEHLG, 2009) which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013, as updated), it is considered that the proposed development results in a high number of cul-de-sacs, poorly defined and overlooked streets and open spaces, and a poor public realm to Diswellstown Road, which would result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants. The development furthermore fails to deliver adequate pedestrian facilities along the eastern boundary of the site with Porterstown Road, with proposed pedestrian facilities along Porterstown Road substandard. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

## 15.0 Recommended Draft 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 17<sup>th</sup> day of November 2020 by Stephen Little & Associates, Chartered Town Planners & Development Consultants on behalf of Castlethorn Construction Unlimited Company and Castlethorn Developments (Kellystown) Unlimited Company

### **Proposed Development**

The development will consist of a residential-led development comprising 360no. dwellings, 1no. childcare facility and 1no. retail unit, in buildings ranging from 1 to 8-storeys. The breakdown of residential accommodation is as follows:

128no. own door detached, semi-detached and terraced houses (including: 104no. 3-bed 2-storey houses, of which 28no. have optional single storey extension to rear, and 24no. 4-bed 2 to 3-storey houses) and 232no. apartment units accommodated in 3no. blocks, including:

- Block A: 1 to 8 storeys, accommodating 164no. apartments (62no. 1-beds and 102no. 2-beds) and a residential amenity area (c. 380 sq m gfa);
- Block B: 4 to 5 storeys, accommodating 41no. apartments (12no. 1-beds, 24no. 2-beds and 5no. 3-beds);
- Block C: 4 to 6 storeys, accommodating 27no. apartments (11no. 1-beds and 16no. 2-beds), the childcare facility (c. 278 sq m gfa) and the retail unit (c. 98 sq m gfa).

Private rear gardens are provided for all houses. Private patios / terraces or balconies are provided for all apartment units and feature on all apartment block elevations.

All associated and ancillary site development, drainage and infrastructural works (including plant), hard and soft landscaping and boundary treatment works, including:

- Road infrastructure works, including:
  - The provision of new pedestrian and cycle facilities along the northern edge of an existing road, which extends c. 280m west from Diswellstown Road to a point west of the existing main vehicular entrance to Scoil Choilm Community National School (hereafter referred to as 'Kellystown Link Road');
  - a c. 160m new western extension of the 'Kellystown Link Road';
  - the reconfiguration of a section of the 'Kellystown Link Road' at its junction with the Diswellstown Road;
  - the realignment of a southern section of Porterstown Road at its junction with the 'Kellystown Link Road';
  - repositioning of existing vehicular site entrance to 'Abbey Cottage' on its eastern boundary to Porterstown Road;

- new vehicular access to the site at 1no. new site entrance on the Porterstown Road to Block A and 1no. site entrance to the scheme via the 'Kellystown Link Road'; and
- new internal residential road network including pedestrian and cycle links, a north-south pedestrian and cycle green route on the eastern side of Porterstown Road and new pedestrian and cycle access to the proposed public park to the south west.
- New dedicated public park (c. 2.1 Ha), smaller pocket parks and green links;
- Waste water infrastructure, including; pumping station and pipe network to connect to a public watermain under the proposed 'Kellystown Link Road' and an associated pump station service road, and upgrade works to existing drainage infrastructure in the Riverwood Distributor Road;
- 435no. car parking spaces, including: 256no. spaces in-curtilage and on street for the houses; 58no. spaces at undercroft level of Block A and 116no. spaces at surface level for the apartments; and 5no. spaces on-street for the proposed commercial units and to facilitate shared car club vehicles in the future;
- 12no. motorcycle parking spaces , including: 4no. at surface level and 8no. at undercroft level of Block A;
- 562no. bicycle parking spaces, including 401no. covered spaces and 161no. uncovered spaces;
- Bin stores;
- 3no. ESB sub-station units;
- Demolition of the existing vacant house and agricultural buildings.

## **Decision**

**Refuse permission for the above proposed development 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**

1. The proposed vehicular layout and access arrangement to Block A is contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown LAP, compromising the delivery of east-west connectivity as set out in the LAP, as well as cyclist and pedestrian connectivity in accordance with Key Objective DA 1.3. Furthermore, it is considered that the development fails to integrate existing trees/hedgerows satisfactorily into the layout of the development and, as such, would be contrary to Key Objective DA 1.14 of Kellystown LAP and the lack of an agreed Green Infrastructure Masterplan for the application site is contrary to Phase 1 Eastern Development Area (DA1) of the LAP.
2. Having regard to the Urban Design Manual – a Best Practice Guide (DoEHLG, 2009) which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013, as updated), it is considered that the proposed development results in a high number of cul-de-sacs, poorly defined and overlooked streets and open spaces, and a poor public realm to Diswellstown Road, which would result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants. The development furthermore fails to deliver adequate pedestrian facilities along the eastern boundary of the site with Porterstown Road, with proposed pedestrian facilities along Porterstown Road substandard. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.



Note 1: The applicant is advised that the Board considers that the proposed development is deficient in the provision of childcare places having regard to the guidance set out in the Childcare Facilities – Guidelines for Planning Authorities 2001.

Note 2: The applicant is advised that the Board considers that the junction upgrade at Kellystown Link Road/Diswellstown Road is not pedestrian or cycle friendly and would be contrary to design and layout guidance as set out in the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013, as updated) and the National Cycle Manual.

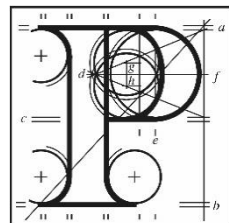
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Una O'Neill

Senior Planning Inspector

2<sup>nd</sup> March 2021

## Appendix B: EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-308695-20
Development Summary		360 no. residential units (128 no. houses, 232 no. apartments), childcare facility, retail unit, road infrastructure works, public park.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	Biodiversity Report, SEA, AA Screening, and Surface Water Management Plan undertaken in respect of Kellystown Local Area Plan (adopted 11 <sup>th</sup> January 2021).

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	<b>No</b>	The development comprises construction of residential units on lands zoned residential in keeping with the residential development in the vicinity. The lands zoned OS are being retained in open space use.	No
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	The proposal includes construction of a residential estate, on relatively flat lands, which is not considered to be out of character with the pattern of development in the surrounding town.	No
<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b>	<b>Yes</b>	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No
<b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b>	<b>Yes</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p><b>No</b></p>

<b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b>	<b>Yes</b>	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	<b>No</b>
<b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b>	<b>No</b>	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	<b>No</b>
<b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b>	<b>No</b>	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	<b>No</b>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in an increase in residential units by 360 no. units which is considered commensurate with the development of a site along a strategic transport corridor within the MASP for Dublin.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	Stand-alone development, with other residential developments in the immediately surrounding area on zoned lands.	No
2. Location of proposed development			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ul style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> </ul>	<b>No</b>	No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.	No

<b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b>			
<b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b>	<b>No</b>	No such species use the site and no impacts on such species are anticipated.	No
<b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b>	<b>No</b>	The design and layout of the scheme considered all built environment, natural and cultural heritage issues and mitigation measures are in place to address concerns in relation to potential for archaeology.	No
<b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b>	<b>No</b>	There are no areas in the immediate vicinity which contain important resources.	No



<b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b>	<b>No</b>	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water and groundwater, however, no likely significant effects are anticipated.	
<b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>	<b>No</b>	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.	No
<b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b>	<b>No</b>	The site is served by a local urban road network with plans to construct a new link street as per the adopted LAP.	No
<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	<b>Yes</b>	There is no existing sensitive land uses or substantial community uses which could be affected by the project.	No

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	Permitted and underconstruction residential developments in the wider area have been considered. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective RA, which seeks to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure' and by zoning objective OS, which seeks to 'preserve and provide for open space and recreational amenities', in the Fingal Development Plan 2017-2023,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction Management Plan,

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_ Una O'Neill \_

**Date:** \_ 24/02/2021 \_