

Response to ABP Opinion

For a Proposed Strategic Housing Development on
lands at Stepside, Co. Dublin

on behalf of McGarrell Reilly Homes Ltd.

July 2022



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CHARTERED PLANNING CONSULTANTS

Document Control Sheet

| | | |
|-----------------------------|-----------------------------------------------|-----------|
| Client | McGarrell Reilly Homes Ltd. | |
| Project Title | Stepaside SHD | |
| Document Title | Response to ABP Opinion | |
| Document Comprises | Volumes | 1 |
| | Pages (Including Cover) | 24 |
| | Appendices | - |
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| Checked by | Martina Keenan Rivero | |
| Office of Issue | Dublin | |
| Document Information | Revision | A |
| | Status | Final |
| | Issue Date | July 2022 |

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Contents

| | |
|------------------------------------------------|----|
| 1. Introduction..... | 3 |
| 2. Statement of Response to Issues Raised..... | 4 |
| 3. Notification of Statutory Bodies..... | 22 |

1. Introduction

This report addresses the 16 no. specific information requirements requested by An Bord Pleanála (ABP) in their Notice of Pre-Application Consultation Opinion (Case Ref. ABP-312231-21) issued on 1 April 2022 in relation to the proposed development on lands at Stepside in County Dublin.

Importantly the Notice states that having considered the issues raised in the consultation meeting and the submission of the planning authority, ABP considers that the information provided to enter into consultations constitute a reasonable basis for the making of an application for a Strategic Housing Development.

Matters raised in Dún Laoghaire-Rathdown County Council's (DLRCCs) submission to ABP at the Pre-Application Consultation stage have also been considered by the Design Team and the proposed design and supporting reports that accompany this application are cognisant of these matters.

2. Statement of Response to Issues Raised

This section responds to the 16 no. specific matters raised in the Opinion received from An Bord Pleanála on foot of the Pre-Application Consultation meeting that was held on Thursday 24 March 2021.

1. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant zoning objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

Two separate **Statements of Consistency (SoC)** prepared by MHP are included with this planning application. One SoC assesses the proposal against the relevant zoning objectives and local planning policy contained in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Ballyogan and Environs Local Area Plan (BELAP) 2019-2025.

An additional SoC has been prepared to assess the proposal against national and regional policy and relevant Section 28 Ministerial Guidelines.

2. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with specific objectives of the Ballyogan and Environs Local Area Plan (BELAP) 2019-2025 for area 11 Kilgobbin South and area 13 Stepside East. Such statement should have regard to the development plan and or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

As set out above, this planning application is accompanied by two separate **Statements of Consistency (SoC)** prepared by MHP. One SoC assesses the proposal against the relevant zoning objectives and local planning policy contained in the Dun Laoghaire Rathdown County Development Plan 2022-2028 and the Ballyogan and Environs Local Area Plan (BELAP) 2019-2025. It addresses the compliance of the proposal having regard to its location in two neighbourhood areas,

Kilgobbin South (Neighbourhood 11) and Stepside East (Neighbourhood 13).

3. A detailed statement demonstrating how the building height by neighbourhood and density proposed is appropriate, given the Dun Laoghaire Rathdown Development Plan 2016-2022 and the new Draft Dun Laoghaire Rathdown Development Plan 2022-2028 and the BELAP 2019-2025.

The SoC with Local Planning Policy that accompanies this application demonstrates how the proposed building height and density is appropriate having regard to the relevant policy of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the development plan in force, and the Ballyogan and Environs Local Area Plan (BELAP) 2019-2025. The SoC with Local Planning Policy responds to the relevant BELAP policies for both building height and density by neighbourhood area.

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 came into effect in April 2022 in advance of lodging this SHD application, and the proposed development has therefore been assessed against the policies and objectives contained therein. It was not deemed necessary to demonstrate compliance with the provisions of the former County Development Plan (2016-2022) which has now been replaced.

This response and the **Statement of Consistency with Local Planning Policy** should also be read in conjunction with the **Planning Statement** and **Material Contravention Statement** prepared by MHP which accompany this planning application under separate cover and contain further detail and assessment in relation to the proposed height and density.

Height

The proposal provides for a medium-rise residential scheme. The height strategy across the scheme differs substantially in response to the site characteristics and established residential development, particularly Stepside Park. To the south, the proposed houses and crèche have a maximum height of 2-storeys, while the apartment block in the northern part of the site ranges from 3-6 storeys.

The tallest elements are concentrated toward the north, in response to the topography of the site and established residential context. This approach makes optimum use of the carrying capacity that exists within this part of the site, tapering down to 3 storeys toward the western site boundary, mindful of the scale of adjacent development.

The Development Plan policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5):

- Policy Objective BHS 1 – Increased Height.
- Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas.

In the context of this proposed development, Policy Objective BHS2 is relevant, 'Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan)' which states:

"It is a policy objective to promote and support proposed heights as set out in any approved statutory Local Area Plans and as set out for certain areas in this County Development Plan (Sandyford Urban Framework Plan area, Dundrum Urban Framework Plan Area and Dun Laoghaire Urban Framework Plan area). Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above on the basis of placemaking. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria. Within the built up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area."

Section 3.6 of the BHS deals with Key Growth Corridors and Ballyogan is identified. The strategy does not include an explicit height for this area but does state:

"Proposals shall generally accord with the policies and objectives as set out in the approved Local Area Plan unless a strong justification has been provided in respect of place making."

The key policy of relevance in respect of building height is set out in the approved Ballyogan and Environs Local Area Plan under Policy BELAP RES5 which states that there is no maximum height limit prescribed for the subject lands, rather building heights in excess of 4-storeys are permitted subject to the relevant assessment criteria being satisfactorily addressed. An assessment that responds to each of the criteria is included in the **Statement of Consistency** with Local

Policy included under separate cover. The Statement of Consistency also addresses other relevant LAP policies in respect of height, including Policy BELAP RES3 which deals with 'Building Height by Neighbourhood' and Policy BELAP RES4 'Locations for Higher Buildings'.

The assessment identifies that the development of this site, part of a new residential community that is within a strategic development corridor in the MASP, creates opportunities for the development of strong placemaking and will deliver an attractive and sustainable environment in which to live, while protecting residential amenities. The proposed building heights are based on an understanding of the emerging character of the area and respect the surrounding context.

Having regard to the assessment contained therein, it is concluded that the proposed development is in line with the relevant height policy of both the Development Plan and Local Area Plan in force.

Density

The application site measures 1.97 ha in area and the provision of 118 units would result in a net density of 79 uph. The methodology used to calculate the net density figure is detailed in the accompanying **Planning Statement** and is consistent with Appendix A ('Measuring Residential Density') of the Sustainable Residential Development in Urban Areas Guidelines (2009).

Increased density is achieved, concentrated in the northern part of the site where greater carrying capacity exists, while retaining a significant quantum, approx. 0.55 ha (28%) of public and communal open space across the site. In this context, the scheme would be an attractive and sustainable development and would not represent over development of the site.

Section 4 of the Development Plan indicates that Council will continue to utilise all policy avenues available to it to ensure the optimum delivery of residential units over the duration of the Plan which seeks, *inter alia*, to increase the supply of housing in a compact and sustainable manner and in appropriate locations and provide housing choice for the residents of the County through an appropriate mix, type and range of units.

Section 4.3.1 of the Development Plan encourages higher densities at a minimum of 50 uph at sites located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route. The application site fulfils this criteria, being within circa 800 metres walking distance of the Leopardstown

Valley Luas stop via Clay Farm. The Gallops LUAS stop is also located c. 600 metres to the north-east of the site.

The site is also subject to the requirements of the BELAP. It is noted that the subject site is within the Kilgobbin Site Development Framework (SDF) included at Section 12 of the BELAP. This Framework includes Guiding Principles which are applicable to development proposals within the lands. In respect of density it states that residential densities shall accord with the ranges set out by way of the [net] 'Target Residential Density' bands indicated on Figure 12.8 of the BELAP. The whole of the subject site is within an area indicated as 'RES B' on Figure 12.8 of the plan with a target residential density band of 55-80 dwellings per hectare (net).

The net density proposed across the entire development site is 79 uph which is in accordance with the applicable threshold for residential density as prescribed in the Kilgobbin Site Development Framework.

The BELAP also groups the LAP lands into a series of 'Quarters' and 'Neighbourhoods'. The application site straddles two distinct neighbourhood areas, Neighbourhood 11 - Kilgobbin South and Neighbourhood 13 - Stepside East. Target net densities for Neighbourhood 11 and Neighbourhood 13 are identified as being 60 uph (net) and 35 uph (net) respectively.

The net density proposed within the scheme has been calculated with respect to the two neighbourhood areas and shows that the net densities achieved are 200 uph in that part of the site that falls within Kilgobbin South (Neighbourhood 11) and 37 uph for the lands situated within Stepside East (Neighbourhood 13).

While the density achieved in that portion of the scheme within Neighbourhood 13 is aligned with the applicable target, that part of the development located within Neighbourhood 11 exceeds the target residential density of 60 uph.

The **Statement of Consistency** with Local Policy provides a detailed response to the relevant BELAP policies related to density, Policy BELAP RES1 'Density General' and Policy BELAP RES2 'Density by Neighbourhood'. The SoC also addresses the full range of guiding principles that are applicable to the Kilgobbin SDF (see Consistency Statement at section 2.10 of that report) which also deals with density.

Having regard to the indicative density range set out in the Kilgobbin Site Development Framework, it is our view that the proposed density is appropriate for this location. Notwithstanding, the site straddles two neighbourhood areas and the prescribed density target for Neighbourhood 11 is lower than that proposed within the scheme in

this part of the site. A justification is established having regard to the provisions of 37(2)(b) of the Planning and Development Act 2000, as amended, in the **Material Contravention Statement** that accompanies this application under separate cover.

A detailed planning justification for the proposed density is also provided in the accompanying **Planning Statement**.

4. A detailed statement demonstrating further justification and clarity of the proposal with respect to:

- (i) Access to the upper site (19 units) via Stepside Park, given the issues raised by the planning authority with respect to circuitous route, steep gradients, junction access with Enniskerry Road, phasing requirements for the Clay Farm Loop Road, access arrangements and density requirements set out in BELAP 2019-2025.

Following feedback received as part of the Pre-Application Consultation meeting with An Bord Pleanála held on 24 March 2022, it was decided that the best approach for development of the subject site would be to omit the proposed 19 no. units referred to as the 'Upper Site'. As such, for the purpose of this application, any concerns relating to the 19 no. residential dwellings gaining access from within Stepside Park and subsequently out onto Enniskerry Road or any concerns relating to the proposed layout and density are no longer relevant.

- (ii) Proposals to further increase the number of dwellings (118 units) accessing via Clay Farm Loop Road which is essentially a cul de sac.

Section 4.3 of the BELAP highlights the overall transportation and movement objective for the area, and in summary seeks to develop a network of interconnected Quarters where walking and cycling shall be suitable as an alternative to the private car, which provides for a permeable, legible pedestrian and cyclist internal and external network.

In order to implement the objectives of the LAP, a number of new and/or improved linkages are required under Policy BELAP MOV12 – New Linkages, which are set out in Table 4.6 of the BELAP.

The linkages from Table 4.6 pertaining to the application site are Link No. 4 'Ballyogan Road to Stepside Park' and Link No. 16 'Clay Farm Loop Road'.

| Link No. | Link Name | Link Description | Link Type | Link Origin |
|----------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 4 | Ballyogan Road to Stepside Park | This Link would connect the established residential area of Stepside Park with Ballyogan Road, providing a direct desire line to the Luas, schools, Samuel Beckett Campus and neighbourhood centre facilities and negating the need to traverse Enniskerry Road and Kilgobbin Road. | Road Link - All modes (existing road to south to be Cul-De-Sac'd) | Development Management. A requirement of existing planning permissions. |
| 16 | Clay Farm Loop Road | This road, which is provided for in Specific Local Objective 135 of the CDP would loop off Ballyogan Road, providing access to the undeveloped zoned lands of Kilgobbin South. It is similar to the implemented Belarmine Avenue / Village Road loop road to the west of Kilgobbin Road. This road would also assist in providing access between the Stepside Quarter and the Luas. At the time of writing, western parts of the Clay Farm Loop Road exist along to the east of Kilgobbin North and parts of the eastern section are under construction in the eastern part of Kilgobbin East. | Road Link - All modes | County Development Plan. Is also being pursued through Development Management. |

Figure 1 Extracts from Table 4.6 of BELAP ('Proposed Linkages') relevant to application site

The two proposed linkages (No. 4 and No. 16) of relevance to this site are indicated in the below extract of Figure 4.11 of the BELAP 'Movement Strategy - Planned Linkages'.

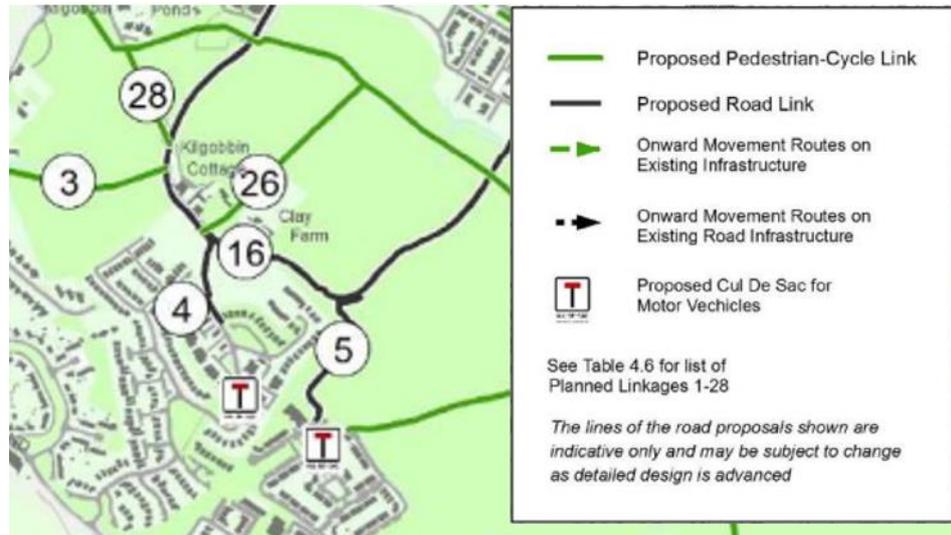


Figure 2 Extract from Figure 4.11 of BELAP ('Movement Strategy - Planned Linkages')

It is noteworthy that Figure 4.11 makes clear *"The lines of the road proposals shown are **indicative only and may be subject to change as detailed design is advanced**"*. (emp. added)

In this instance, although Link No. 4 and the proposed cul-de-sac of the road further to the south do not strictly adhere to the locations shown in Figure 4.11, the associated objective will be achieved. Extension of the Clay Farm Loop Road through the application site will

facilitate direct connections from the established residential area of Stepside Park with Ballyogan Road. In so doing, pedestrian and cycle access will be made available for existing residents to access the Luas, schools, Samuel Beckett Campus and neighbourhood centre facilities. This is in line with the overall transportation and movement objective for the LAP area which seeks to develop a network of walking and cycling routes that will provide an alternative to the private car by providing a permeable, legible pedestrian and cyclist internal and external network which connects existing and proposed residential areas.

Section 12.1 of the BELAP sets out phasing requirements regarding infrastructure and services. In respect of the Kilgobbin Site Development Framework, it indicates the following requirements regarding Access:

The Kilgobbin lands will be served by the Clay Farm Loop Road. To progress the development of these lands the Loop Road will either be in place, with the necessary legal agreements in place for the developer to access the route, or the Applicant shall provide evidence that the Loop Road will be available to serve the development as homes are completed.

Delivery of the Clay Farm Loop Road is identified as a 6 year road objective in the Development Plan. Table 5.3 contained in the Plan sets out that the loop road is to be ‘Developer Delivered’ (rather than by the Local Authority).

Figure 4.9 of the BELAP shows planned road infrastructure including the Clay Farm Loop Road (as per the DLRCDP 2016-2022). The loop road is indicated as No. 1 on the extract shown below.

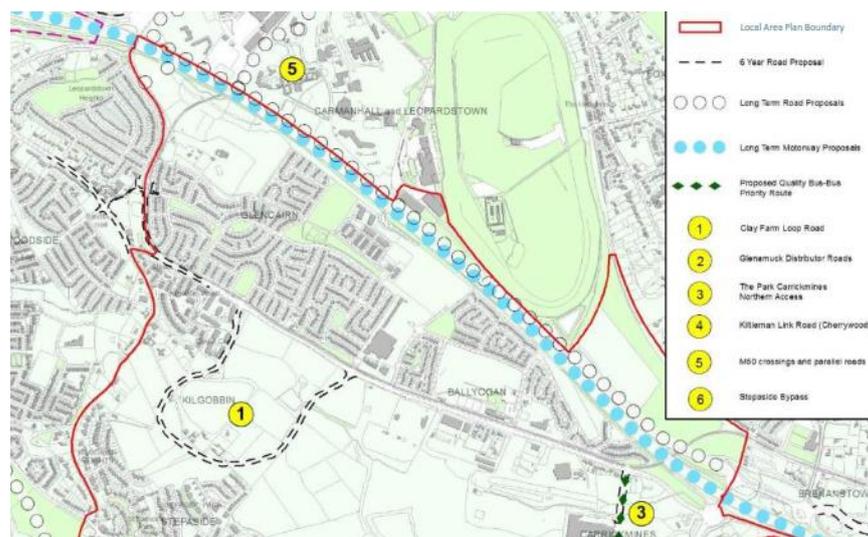


Figure 3 Planned Road and Transport Infrastructure from 2016-2022 County Development Plan (Source: BELAP 2019-2025)

The indicative alignment for this road is indicated on the County Development Plan Land Use Zoning Map 9. Under the current Development Plan, adopted in March 2022, its alignment has been altered, seen in the Figure below.



Figure 4 Extract from Land Use Zoning Map 9 of the DLRCDP 2022-2028, showing indicative alignment of the Clay Farm Loop Road

Appendix 1 of the Development Plan contains the Infrastructure Assessment. It identifies that the Clay Farm Loop Road is required to progress the development of the zoned lands in Kilgobbin by providing suitable transport infrastructure. It identifies this as a '6 Year Road Objective', which is consistent with the phasing requirements set out in the BELAP which seeks to restrict development of the Kilgobbin lands until such time as either the loop road is in place or the Applicant can provide evidence that the road will be available to serve the development as homes are completed.

This application provides for delivery of a section of the Clay Farm Loop Road which will enable it to be extended further north-west of its currently permitted location within the Clay Farm Phase 2 development to the south-east currently under construction. This proposed extension of the road will facilitate vehicular access to the development site via the Clay Farm / Ballyogan Road / Leopardstown Valley junction along the newly constructed section of the Clay Farm Loop Road.

The applicant is seeking to deliver that portion of the proposed road over which they have control within the application site boundary. This approach will enable delivery of a further section of the road, a vital piece of enabling infrastructure which will contribute to unlocking the development potential of the wider zoned lands in Kilgobbin South.

Following its completion, the Clay Farm Loop Road (CFLR) will be approximately 1,550m in length. At present, there is an existing 325m completed section of the loop road adjoining Kilgobbin Wood / Elmfield. The Clay Farm Phase 2 development provides for the delivery an additional section 685m in length (incorporating bridge structure over water course) through the Clay Farm lands, as an integral element of the permitted Clay Farm Phase 1 and Phase 2 development.

The current application includes for a further 137m extension of the Clay Farm Loop Road. The remaining section of the loop road to the north is located within third party lands and will be delivered in time by others in conjunction with future development proposals.

This application is accompanied by a **Traffic and Transport Assessment** (DBFL) which includes a network impact assessment and junction analysis and should be referred to. The TTA confirms that the impact at all junctions on the local road network has been calculated as subthreshold and the traffic generated by the proposed development is predicted to have only a negligible impact on the performance of the existing Clay Farm signal controlled junction.

Notwithstanding the significant gain that would be achieved by delivery of a further section of the Clay Farm Loop Road, its delivery has been staggered and it is unlikely the full extent of the loop road will be in place as the proposed homes are completed. A justification is therefore established in the accompanying **Material Contravention Statement** prepared by MHP which further addresses this matter.

(iii) [Clear indication on plans and drawings what section of the Loop Road will be delivered by the applicant under the subject application.](#)

Please refer to **DBFL Drawing No. X-04-Z00-DTM-DR-DBFL-CE-1201 Proposed Road Layout** which is submitted with this application. The drawing indicates the full extent of the Loop Road proposed to be delivered as part of this SHD application.

(iv) [Further justification for the proposal in relation to section 12.1 phasing of the BELAP 2019-2025 regarding the provision of Clay Farm Loop Road.](#)

Please refer to the response to item 4(ii) above which also addresses this matter in further detail.

Dún Laoghaire-Rathdown Forward Planning and Infrastructure have endeavoured to pursue a LIHAF scheme for the undeveloped section of the Clay Farm Loop Road but have not progressed procurement of

the relevant lands. The conditions of the LIHAF grant require that the lands are in the ownership of the Council and not third parties. The DLR Chief Executive's report issued to the Board in response to the PAC submission by the applicant (refer Transport Section comments at Appendix A) confirm *"It is not envisaged that this section can be delivered by DLR in the short to medium term."*

The Clay Farm Loop Road has been identified as a 6 year road objective in successive development plans and was also an objective of the 2000 Stepside Action Plan. It is also a requirement of the Development Plan that the road be delivered through the development management process and thus its delivery, while incremental to date, has been facilitated by the granting of planning permissions. In the absence of new development proposals that would extend the Loop Road, its full delivery is likely to be further undermined and potentially unviable. The Loop Road is a critical piece of enabling infrastructure required to unlock the development potential of these zoned Kilgobbin lands which are strategically located within Dublin City and Suburbs and are situated within a strategic development corridor as per the Dublin Metropolitan Area Strategic Plan.

Having regard to the applicable phasing requirements in respect of the Loop Road, a justification is established in the **Material Contravention Statement** (MH Planning) submitted under separate cover.

5. [A detailed statement demonstrating how the proposed development ties in with the wider development strategy for the landholding and the overall Stepside Area, with regard to a phasing strategy.](#)

As outlined in the **Architectural Design Statement** prepared by CCK and the plans and particulars included with this planning application, the proposed development continues the Loop Road proposed under the Development Plan, from the south-eastern boundary where its section in the adjoining Clay Farm development is currently under construction, to the north-eastern boundary with adjoining lands zoned for future residential development. In cognisance of this section of the Loop Road being at the bottom of the loop, and hence the quietest part in terms of traffic, the Road alignment is bent to its maximum curvature to help slow vehicles on entry to the space, which will be the largest in the vicinity. On approach to this space, vistas that were constrained by buildings close together are opened wide. Buildings front this space and those that spill down the hill create a sense of termination to Stepside Park, the threshold space into Clay Farm.

Houses are positioned such that they will close off the otherwise exposed rear gardens of Stepside Park and to front the public open space from the south. These are split-level houses to follow the contours here at the bottom of the hill. The northern edge of the space is provided by a terrace of houses and the creche, while the western edge is provided by the east wing of the apartment block.

While the houses are in semi-detached and terraced form in recognition of the existing houses adjoining, the apartment block makes use of the slope of the site to concentrate its massing on the Loop Road and step its wings up in response to the slope and reduce its height in response to the existing houses visible up the hill. The slope also allows the apartment car parking to be securely provided at grade under a podium. This podium provides a large communal amenity space at around the same level as the existing rear gardens of the nearby houses.

The proposed apartment block is designed such that it anticipates the future development of adjoining lands, presenting an edge to the Loop Road as well as acting as a visual marker at the termination of the linear tree stand.

While vehicular access is provided from the Loop Road, facility is made for pedestrian and cycle connections to the surrounding lands.

- Pedestrian/cycle only connections between Stepside Park and the Site in three locations, at the linear tree stand to the west, the playground area to the south and at The Courtyard to the east.
- Pedestrian/cycle connections associated with the Loop Road at both eastern and western boundaries.

The pedestrian/cycle only connection at the playground area to the south is proposed to be bollarded at either end to allow emergency vehicles along it should the need arise. It will be prudent to provide such emergency vehicle access between Stepside Park and the proposed development and the adjoining Clay Farm development while the Loop Road remains incomplete.

6. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory County Development Plan or LAP for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

A **Material Contravention Statement** prepared by MHP is included with this application. It has been prepared following an assessment of the proposed development against the relevant policies, objectives and standards contained in the Dún-Laoghaire Rathdown County Development Plan 2022-2028 and the Ballyogan and Environs Local Area Plan 2019-2025.

The report identifies that four material contraventions arise relating to density, unit mix, external storage, and proposed transport linkages. The report concludes that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development notwithstanding the material contraventions identified in accordance with Section 9(6) of the Planning and Development Act Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and by reference to section 37(2)(b) of the 2000 Act (as amended) for the reasons set out in the report.

7. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

The **Landscape Report** and **Landscape Drawing No.s L-1, L-2, L-3, and L-4** prepared by Browne, Richardson & Rowe Landscape Architects submitted with this application show appropriately scaled areas of hard and soft landscaping. **Drawing No. L-5** identifies the different boundary types proposed on site and the Landscape Report describes the landscape approach, street furniture and lighting, and play facilities being proposed on site.

The proposed landscape strategy incorporates highly usable public open spaces and a large communal amenity space for the apartment building residents. The streetscape has been carefully considered to provide a safe environment for the neighbourhood and generous pathways and bicycle connections that provide legible connections for residents and visitors to navigate the site. These pathways connect the new open spaces, provide important connections to the existing open spaces already built on adjoining/nearby lands, and provide key links to destinations further afield. The result is a cohesive, connected, overlooked, and highly usable public realm.

Three main public open spaces proposed include a “Lower Lawn” near the existing stand of beech trees, a Western Neighbourhood Park, and an Eastern Neighbourhood Park. There is also a large communal

amenity space allocated for use by the future occupants of the apartment building. The open spaces are located adjacent to the proposed new apartment building and houses, thus ensuring each open space has excellent passive surveillance. Visual sightlines into and out of the open spaces are maintained. Physical pedestrian crossings and pathways connect homes directly to the open spaces. Street furniture has been located at key locations to take advantage of views and to further animate the open spaces, while street lighting illuminates the main pedestrian vehicular routes.

A large, recently constructed playground immediately abuts the proposed new open spaces. As such a smaller appropriately sized area with natural play features such as timber stepping pods, wood balance beams, and boulders is provided to activate the main seating area and overlook the proposed open spaces.

The proposed large communal amenity space located within the courtyard of the apartment building provides a variety of sitting, gathering, and play opportunities for residents. A perimeter of shrub and perennial planting helps screen the courtyard level apartments. The centre of the space features a gathering area with seating, a rolling lawn, and a play area for younger children. And finally, the courtyard is surrounded by a tree-lined buffer to help create privacy and screening between the apartment building and adjacent existing houses.

Details regarding legibility and wayfinding are also set out in the accompanying **Architectural Design Report** prepared by CCK. An **Outdoor Lighting Report** and drawing prepared by Sabre Electrical Services provide full details regarding proposed lighting details.

8. [A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:](#)

- [Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.](#)
- [Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.](#)

Please refer to the **Daylight, Sunlight and Overshadowing Analysis** prepared by Passive Dynamics.

This analysis includes an assessment of the daylight and sunlight in line with the latest European standard EN17037 and the recently published BR209 BRE Guidance Document based on the British interpretation of this standard found in the National Annex of BS EN17037.

The results show that 100% of bedrooms and kitchen/living/dining areas within the proposed development meet the daylight requirements set out in both the previous BR209 guidance document (based on BS8206) and the latest BR209 guidance document (based on the national annex within BS EN17037). Further analysis was carried out to show that 99.62 of these spaces achieve the minimum recommended level of daylight according to the new European standard EN17037.

A Vertical Sky Component (VSC) Analysis was carried out to assess the impact of loss of daylight to neighbouring properties as a result of the proposed development massing. Our simulation analysed the impact that the proposed development has on the VSC at the windows of its surrounding buildings. Each of the assessed bedroom, kitchen and living space windows in Stepside Park achieve their recommended VSC value according to the BRE Guide.

A comprehensive sunlight availability analysis was carried out for the proposed development. The results of this assessment show that all eligible kitchen/living room windows that face within 90° of due south achieve the BRE minimum recommended sunlight availability level of 1.5 hours on the design day (March 21st). In addition, the recommended level of sunlight availability is met for many of the openings located in facades with northerly orientations, despite the BRE Guide stating that “if a room faces significantly north of due east or west it is unlikely to be met.”.

Although the BRE guidance document does not provide a recommendation for sunlight availability to private balconies, additional sunlight availability analysis was carried out for the private balconies of the proposed development. It was found that the sunlight availability to each private balcony was dependant on the specific orientation, however, in general, the vast majority of balconies within the proposed development receive the recommended level of sunlight in line with the BRE’s recommendation for open spaces. This metric is not specifically designed for private balcony spaces as there are additional obstacles for sunlight such as the railings/banisters as well as the building itself covering one side - such obstacles rarely hinder the sunlight availability in an open space. However, the analysis was included nonetheless, and the results are generally positive. Tenants of these spaces will largely receive a high degree of sunlight availability to their private balcony, as well as receiving good levels of daylight and sunlight to the interior spaces of their apartments. These tenants will also have access to a well-sunlit central courtyard to the southwest of the apartment block.

The gardens of the neighbouring properties were also assessed for sunlight availability. These areas largely receive sufficient levels of sunlight in line with the BRE guidance, achieving 2 hours of sunlight over the vast majority of their total areas on the design day. Any instance where the BRE recommended level of sunlight is not achieved on the design day occurs within north-facing gardens, where the amenity area is shaded by the neighbouring property itself rather than the proposed apartment development. The proposed development will not cause a significant impact to the level of sunlight in the neighbouring gardens.

The simulation models used for this daylight/sunlight report do not include trees in line with the BRE guidance document which states that *"it is generally more difficult to calculate the effects of trees on daylight because of their irregular shapes and because some light will generally penetrate through the tree crown. Where the effect of a new building on existing buildings nearby is being analysed, it is usual to ignore the effect of existing trees."*

9. Additional CGIs are required, as well as a Landscape and Visual Impact Assessment with photomontages, to include, consideration of winter views from the surrounding areas.

A full suite of **Photomontages** prepared by Digital Dimensions included with this application contain views from 13 no. viewpoints, including consideration of winter views from surrounding locations. Following receipt of the ABP Pre-application Consultation Opinion, further views were captured to the north and east of the development site. In these locations, particularly to the north / north-east, the selection of potential viewpoints was constrained by the lack of development and the lands being in private ownership such that locations in close proximity to the site that are within the public realm were limited. Notwithstanding, in deciding which viewpoints to include, every effort was made to include locations that may be impacted by the proposed development.

The book of Photomontages also informed the **Landscape and Visual Impact Assessment (LVIA)** undertaken by Mitchell and Associates and included with this application. The LVIA concludes that the proposed development represents a relatively modest insertion into the existing residential area. The design incorporates many aspects of mitigation of the potential for high levels of visual impact due to height or massing and would appear to be successful in appropriately integrating the proposed buildings into their local landscape and the emerging context of Clay Farm Loop Road. This is most pertinent in relation to neighbouring residential occupiers. The views of the

proposed development also reveal a well-conceived and considered design which successfully mitigates potential visual impacts.

10. An up-to-date Ecological Assessment, inclusive of a Bat Survey.

An updated **Bat Survey** and **Ecological Impact Assessment (EclA)** prepared by Altemar Environmental Consultants has been submitted with this application.

It was stated by An Bord Pleanála that the Bat Survey carried out in September 2021 was out of season. In response to this, it should be noted that the timing of the survey work was informed by the 'Bat Conservation Trust Bat Surveys for Professional Ecologists (Good Practice Guide) (Collins 2016). Table 8.3 entitled '*Guidelines on the number of bat activity surveys recommended to achieve a reasonable survey effort in relation to habitat suitability*' states that site visits can be carried out between April to October in habitats of Low, Moderate and High suitability for bats, although April, September and October are both weather and location dependent. It is further stated that '*Conditions may become more unsuitable in these months particularly in Scotland, which may reduce the length of the survey season.*'

The survey undertaken in September was within the optimal conditions outlined in Section 2.6 of the Guide; '*sunset temperature 10oC or above, no rain or strong wind*'. Nonetheless an additional site assessment was carried out including a bat detector assessment on the 27th June 2022. A revised EclA has been submitted and outlines that "Two bat surveys were carried out (13th September 2021 and the 27th June 2022). Bat foraging was noted on site by Soprano pipistrelle (*Pipistrellus pygmaeus*) (Please refer to Appendix I). No trees of bat roosting potential are located within the site. It should also be noted that the site is lit from the surrounding housing estate.

The EclA concludes the following:

'The construction and operational mitigation proposed for the development satisfactorily addresses the mitigation of potential impacts on the sensitive receptors through the application the standard construction and operational phase controls. The overall impact on the ecology of the proposed development will result in a long term low adverse not significant residual impact on the ecology of the area and locality overall. This is primarily as a result of the loss of terrestrial habitats on site, supported by the creation of additional biodiversity features including the landscaping strategy.'

11. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article

299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

An **Environmental Impact Assessment Screening Report** and **Article 299(1)(b)(ii)(II)(C) Statement** prepared by McCutcheon Halley Chartered Planning Consultants are submitted with this application.

The proposed development will provide for the construction of 118 no. residential units on a 1.97ha site. The accompanying reports conclude that the proposed development is a sub threshold project for the purpose of the Environmental Impact Assessment Directive. The scheme has been reviewed against prescribed criteria for determining whether or not a sub-threshold development is required to be subject to EIA. A global consideration against all of the criteria, taking account of measures to avoid or prevent what might otherwise have been significant adverse effects on the environment, finds that the environmental effects of the proposed development will be short-term and are not likely to be significant within the meaning of the Directive.

It is therefore concluded that there is no real likelihood of significant effects on the environment arising from the proposed scheme and accordingly the proposed development does not need to be subject to Environmental Impact Assessment and no Environmental Impact Assessment Report is required in this instance.

12. [A response to matters raised within the PA Opinion submitted to ABP on the 21st January 2022.](#)

A separate document that addresses each of the matters raised by the Planning Authority in their report submitted to An Bord Pleanála on the 21st of January 2022 is included with this application. Please see the report entitled **Response to DLRCC Opinion** prepared by MHP with input from the Design Team for further details.

13. [A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments \(2020\). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.](#)

Please refer to the **Building Lifecycle Report** by CCK Architects & Urban Designers included with this application.

The report provides detail on the assessment of long-term running and maintenance costs including management of the Owners' Management Company's assets and service charge budget. It includes further detail relating to the external and building fabric material selection, energy and building services, landscape material selection, waste management, human health and well-being, residential management and transport and accessibility.

14. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

Please refer to **Architectural Drawing No. 1806-SHD-107**, a Taking in Charge Map, prepared by CCK Architects & Urban Designers and included with this application. The drawing indicates the full extent of lands proposed to be Taken in Charge by Dún Laoghaire-Rathdown County Council upon completion of the proposed development.

15. Site Specific Construction and Demolition Waste Management Plan.

Please refer to the **Resource & Waste Management Plan** prepared by AWN Consulting Ltd. which sets out the waste management strategy for the construction phase. An **Operational Waste Management Plan** is also submitted with this application. The reports provide full details relating to how waste will be managed during both the construction and operational phase of the proposed development.

16. Details of public lighting.

Please see **Outdoor Lighting Report** and **Lighting Drawings** prepared by Sabre Electrical Services Ltd. and included with this application which provide details of the proposed public lighting arrangements. The proposed lighting strategy has been designed in accordance with the specification requirements of Dun-Laoghaire Rathdown County Council.

3. Notification of Statutory Bodies

We can confirm that a copy of this application, including all supporting drawings and reports, has been issued to each of the Prescribed Bodies as required;

1. Irish Water
2. Dun Laoghaire-Rathdown County Childcare Committee