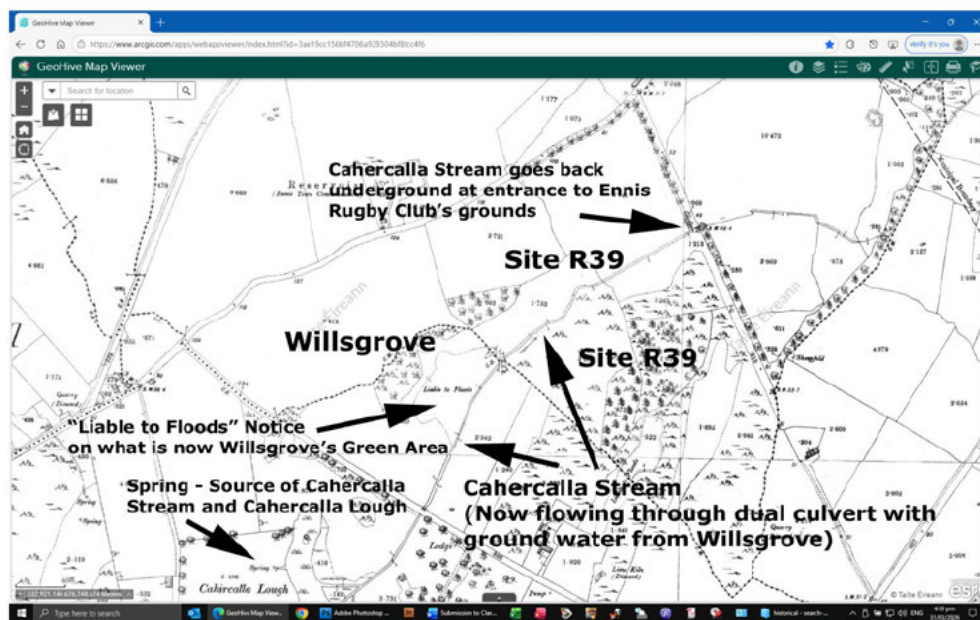


From: [REDACTED]
To: [Development Plan](#)
Cc: [REDACTED]
Subject: Submission – Pairc na Coille Rezoning (Site R39) – Flood Risk, Precedent, Professional Responsibility and Public Safety
Date: Friday 3 April 2026 20:34:05
Attachments: [REDACTED]

Dear Sir/Madam,

I wish to make another formal submission in relation to the proposed rezoning of lands at Pairc na Coille (Site SR8 to R39) under Proposed Variation No. 1 to the Clare County Development Plan 2023–2029.

I am copying this correspondence to elected members and relevant engineering staff, including Senior Engineer Morgan Lahiffe, given the serious flood risk and public safety implications arising from the Council's own documentation.



Attachment No. (2): O.S.I. Historical 25 Inch to 1 Mile Map (1897 - 1913) showing Cahercalla Lough & Spring, the direction of flow of the Cahercalla Stream and the area upon which Willsgrove's Green Area currently exists showing a "Liable to Floods" notice.

Fundamental Flood Risk Uncertainty Identified by Clare County Council

The Strategic Flood Risk Assessment (SFRA) confirms that:

- There is **no available flood mapping for the site**
- The **Cahercalla Stream traverses the site within a culvert**
- **Detailed hydrological and hydraulic modelling has not been undertaken**
- The **risk of culvert blockage and surcharge has not been assessed**
- There is **insufficient information regarding groundwater flood risk**, as identified by the An Bord Pleanála Inspector
- The **potential removal of the culvert and reinstatement of an open channel is identified as a priority**, indicating fundamental uncertainty

In effect, the Council is proposing to zone lands for residential development **without a**

robust or complete understanding of flood risk.

This Is Not a Theoretical Risk – It Has Already Happened

I am attaching a video and supporting documentation relating to a recent residential development (Planning ref D18A/0347) in Kiltiernan, Co Dublin.

In that case:

- Residents raised repeated concerns regarding flood risk
- A Site Flood Risk Assessment was submitted and accepted
- The planning authority and An Bord Pleanála were satisfied that the site was suitable for development
- The site was considered to be in **Flood Zone C (least susceptible to flooding)**

Despite all of the above, the development subsequently experienced significant flooding during Storm Chandra.

The documentation shows that:

- Flood risk pathways were acknowledged but assumed to be manageable
- Key uncertainties remained regarding drainage and overflow routes
- The decision ultimately relied on technical assessments that did not reflect real-world behaviour during extreme weather

<https://www.irishtimes.com/ireland/housing-planning/2026/02/10/two-weeks-on-and-no-end-in-sight-for-abandoned-housing-estate-flooded-during-storm-chandra/>



Direct Relevance to Pairc na Coille

The parallels with Site R39 are stark:

- A **culverted watercourse runs through the site**
- Flood risk is **not fully understood**
- Critical assessments are being **deferred to a later stage**
- The site is being/ was progressed based on **assumptions rather than verified**

modelling

This is precisely the type of scenario that led to failure in Kiltiernan.

Conflict with National Policy

The Planning System and Flood Risk Management Guidelines clearly require:

- A **sequential approach** directing development to lands of lowest flood risk
- That **flood risk be properly understood at plan-making stage**

Zoning lands in advance of this understanding is contrary to these principles.

Professional and Public Safety Implications

The presence of a culverted stream, combined with known historic flooding events in Ennis (1999, 2009 and 2015), creates a foreseeable risk of:

- Culvert blockage or exceedance
- Overland flow impacting adjacent properties, including the nearby nursing home
- Increased flood risk under climate change

The SFRA itself acknowledges that site-level mitigation may not represent a sustainable solution.

Advancing zoning under these circumstances introduces **avoidable and foreseeable risk**.

Engineers Must Take Responsibility for What Is Being Proposed

Engineers within Clare County Council have a **clear professional and ethical obligation** to ensure that:

- Flood risk is properly understood
- Risks are not deferred or minimised
- Public safety is prioritised over development pressure

If this site is rezoned without these issues being resolved, it is difficult to see how those involved in the assessment and recommendation process could argue that they were not fully aware of the risks.

The warning signs are explicit.
The precedent already exists.

Conclusion

The proposed rezoning of Site SR8 to residential (R39) is:

- Premature
- Insufficiently informed
- Contrary to national flood risk policy
- Inconsistent with the precautionary approach required in plan-making

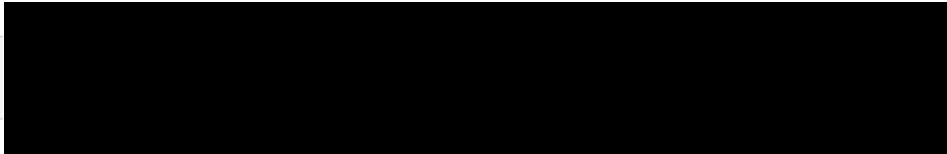
The experience at Kiltiernan demonstrates clearly the consequences of proceeding on the basis of incomplete flood risk understanding.

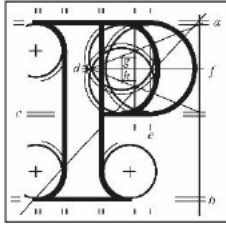
I respectfully request that:

- The proposed rezoning be **rejected**, and
- The lands be retained as **Strategic Residential Reserve or redesignated as open space / flood buffer lands**

Yours sincerely,

John Hodnett





An
Bord
Pleanála

Inspector's Report ABP 303491-19

Development	Demolish existing house, erect 22 residential units.
Location	Slievenamon, Ballybetagh Road, Glencullen, Kilternan, County Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0347
Applicant(s)	Waterloo Homes
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	Applicant v Refusal
Appellant(s)	Waterloo Homes
Observer(s)	See report
Date of Site Inspection	15 th April 2019
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.53ha and is located off Ballybetagh Road, Kiltiernan, County Dublin. The site is irregularly shaped. Access is through the north-western boundary onto Ballybetagh Road. The north-eastern boundary runs along the rear gardens of houses which face onto Enniskerry Road (the R117), the south-eastern boundary is along a private lane (Mill Lane) which serves Mill House (a protected structure) and an adjoining bungalow (Mill Lodge). The southwestern boundary addresses the rear of sites of three houses that share an entrance also from Ballybetagh Road.
- 1.2. The site accommodates a relatively modern two storey house with attendant outbuildings. This does not appear to have any special architectural merit and is proposed for demolition. Most of the development will be located to the rear of the existing house on a generally flat site. There are substantial hedges along the north-eastern boundary and trees along the south-eastern boundary with the Mill Lane. The southern ½ of the southwestern boundary comprises a wooden post and rail fence with little natural screening while the more northern ½ is part block wall and trees.
- 1.3. The wider area comprises Kiltiernan village which has a mix of residential, community and retail uses. Immediately to the right of the access onto Ballybetagh Road and on the other side is a national school. On the Enniskerry Road there is a Catholic Church and a little further north along this road is a Church of Ireland Parish Church. At the junction of the Enniskerry Road and the Ballybetagh Road is a large filling station.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a two-storey house and erection of 20 housing units comprising;
 - 1 duplex building with two units,
 - A three-storey duplex building with one three bed duplex unit at ground floor and one 1 bed apartment at 2nd floor level,
 - 18 terraced houses (9 three bed units and 9 four bed units),

- New entrance road, parking, open spec. landscaping, water supply, foul and surface water drainage,

At Slievenamon, Ballybetagh Road, Kiltiernan, County Dublin.

2.2. The revisions submitted as further information proposes 22 units.

3.0 **Planning Authority Decision**

3.1. **Decision**

Refuse permission.

Height, scale, bulk and massing of the proposed duplex units are out of character with the area and are inappropriate in terms of architectural quality and urban design. The proposal would contravene section 4.7 and 4.8 of the Kilterinan/Glenamuck LAP and Policy UDI Urban Design in the County Development Plan. The proposed development would contravene the Sustainable Residential Development in Urban Areas 2009 and be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The planner's report recommended refusal as set out in the manager's order.

Initially the planning authority requested further information as follows;

- The submitted drawings are inaccurate in relation to distances to adjoining structures (Mill Lodge). Amended drawings should be submitted.
- Submit revisions to address an unacceptable car dominance within the proposed development, poor public open space, turning rear garden walls of units 9,10 and 11 to the public open space is unacceptable, impact of unit 13 on adjoining property (Mill View – one of the houses accessed from Ballybetagh Road), lack of bin storage, inadequate bin storage for the duplex unit, inadequate floor area in bedroom 1 of the duplex, inadequate floor to ceiling heights in the 1 bed units, inadequate detail on taking in charge arrangements.

- Submit a landscaping plan having regard to the nearby Mill House protected structure and the policy set out at 8.2.8.1 of the County Development Plan.
- Submit a tree survey.
- Submit revised vehicular/pedestrian access details reflecting DMURS.
- Submit revised footpath widths, revised car parking sizes, wheel stoppers and/or additional footpath space for car 'overhang'.
- Demonstrate compliance with parking and cycle standards.
- Submit lighting scheme for entrance.
- Submit a construction management plan.
- Identify the on-site stream to which overflow surface water would be released.
- Submit details of any surface water sewer passing through the site, clarify if a connection is being proposed and factor in a 6m (3m on each side) wayleave.
- A proposed soak pit is located within 5m of a proposed house. Amendments should be submitted providing a separation distance of at least 5m.
- Surface water attenuation should be designed for a 1:100-year event.
- Submit details of site infiltration characteristics.
- Clarify why surface water attenuation is through tanks if the site can provide adequate infiltration.
- Submit an AA screening report.

3.3. Subsequent to the receipt of additional information the planning authority sought clarification of additional information. This request may be summarised as follows;

- Improvements are required to the quality and quantity of public open space.
- The high garden walls of units 8-11 remain unacceptable.
- Bin storage for the apartments is unacceptably poor.
- The landscaping plan should provide additional trees.
- Further details of hard and soft landscaping.
- Additional surface water storage should be provided.

- Resolve the apparent conflict between the location of foul storage/pumping works and the surface water attenuation tank.
- The application has not demonstrated that the site can accommodate the level of infiltration proposed.
- The surface water outfall should be relocated to the public open space, not located in a private garden.
- Clarify the route of the surface water sewer.

3.3.1. **Other Technical Reports:**

Irish Water Recommended a grant of permission subject to conditions.

Transport Planning sought further information in relation to internal road/footpath layouts, junction details with the public road, street lighting.

Drainage Planning sought further information in relation to flood risk assessment and surface water disposal. The third and final report recommended a grant of permission.

Parks and Landscape Services sought additional information.

Housing Department reported no objection.

Inland Fisheries Ireland commented on the application but did not object to planning permission.

An Taisce objected to the application on the grounds of height.

4.0 **Planning History**

4.1. No relevant planning history.

5.0 **Policy Context**

5.1. **National Policy**

5.2. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to

prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

- 5.3. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 5.4. The **Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018**. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments and 9m² for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.
- 5.5. The minister issued **Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018**. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites
- 5.6. The minister and the minister for transport issued **the Design Manual for Urban Roads and Streets (DMURS) in 2013**. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy

access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.

5.7. The **Planning System and Flood Risk Management Guidelines for Planning Authorities (DOEH&LG 2009)**, distinguishes between three types of flood zones. Zone C in which the application site is located is the least susceptible of flooding.

5.8. **Development Plan**

5.9. The site is zone objective A – ‘to protect and or improve residential amenity’ in the **Dun Laoghaire Rathdown County Development Plan 2016-2022**.

5.10. This zoning is replicated in the Kiltarnan/Glenamuck LAP 2013. Section 3.1.5 refers to Surface Water drainage, section 3.2 and Map 7 illustrates important hedgerows. Section 4.8 deals, *inter alia*, with building heights west of Enniskerry Road which includes the application site.

5.11. **Natural Heritage Designations**

Not relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The applicant requests that the Board consider the application as made to the planning authority and refused. Alternatively, the applicant proposes revisions set out in drawings 17-120-P003A, 17-120-P003B, 17-120-P003C, 17-120-P024, 17-120-P025, 17-120-P026, 17-120-P027 and 17-120-P000 submitted with the appeal.

- The site is zoned for residential development in the Kilternan/Glenamuck LAP 2013. The proposed development reflects recent developments in the area in terms of height, scale, bulk and massing.
- The proposed density is 40 units/ha which is acceptable and complies with the County Development Plan in relation to density set out in 2.1.3.4. The design reflects the advice set out in sections 4.7 and 4.8 of the LAP.
- The NPF required that 40% of all new housing be provided in existing built up areas. The proposal reflects the advice set out in Urban Developments and Building Heights Guidelines for Planning Authorities 2018.
- The proposed development will not appear overbearing when viewed from adjoining property.

6.2. Planning Authority Response

- The scale, bulk and massing of the duplex units is unacceptable.
- These units will appear as an incongruous element in views from Enniskerry Road.
- The duplex units are not high quality in design.

6.3. Observations

Observations were received from;

1. Lorraine Bradshaw
2. Russell Bradshaw
3. Pia & Jeff Stokes
4. Maurice Gallagher
5. James Keating
6. Dervil Coughlan Keating
7. Heather Ruth Keating
8. Audrey Barrett

9. Eva Cahill
10. Louise Mangan
11. Patricia McDonnell
12. Martin Hunter and Others
13. John Keating
14. Una Twyford and Others
15. Jacqueline Gallagher and Others
16. Green Design
17. Philip Thompson
18. Donna Callery
19. Sharon Doyle
20. Emily Doyle
21. Henry Keating
22. Alan Ward.

6.4. The matters raised may be summarised as follows;

- The site is prone to flooding from the Kilternan/Bride River.
- The proposed development will impact on Mill House which is a protected structure and will impact on/is too close to adjoining houses.
- The proposed development will give rise to traffic hazard on Ballybetagh Road.
- The proposed boundary treatment is inadequate.
- The development at three stories is too high and out of character with adjoining houses.
- Noise levels and working hours should be controlled.
- Trees will be removed, and landscaping is inadequate.
- There are bats in the trees on site and the site is home to a family of deer and other animals.

6.5. Further Responses

None.

7.0 Assessment

7.1. Introduction.

7.2. The original application for 20 units was submitted on the 18th April 2018. Further information was submitted on the 2nd August 2018 and amended the proposal to 22 units. The final submission in response to the request for clarification of further information was submitted on the 27th November 2018 and proposed 22 units.

7.3. The issues to be considered in this case are;

- a) compliance with planning policy,
- b) visual amenity,
- c) public open space,
- d) housing and apartment quality standards,
- e) landscaping,
- f) road safety/internal circulation.
- g) parking provision,
- h) Flood Risk Assessment/surface water disposal,
- i) Special Development Contribution
- j) AA screening,
- k) EIAR Screening,
- l) Amendments submitted with the appeal.

7.4. Planning Policy.

7.5. The site is zoned for lower density residential development in the Kiltarnan/Glenamuck LAP 2013. The site is close community facilities and to two bus routes (numbers 44 and 118). The Guidelines for Planning Authorities on

Sustainable Residential Development in Urban Areas states that the appropriate density for housing development on outer suburban greenfield sites between 35 and 50 units/ha. The proposed density is 42.5 units per ha. Having regard to the zoning of the site, its location in a village, the proximity of education, retail and community facilities I conclude that the density is appropriate and in accordance with the national policy and overall objectives of the County Development Plan.

7.6. Visual Amenity.

7.7. The planning authority consider that the proposed building heights are excessive, will impact negatively on the amenity of adjoining property and that the duplex units are excessive in height, mass and poorly designed. These concerns are shared by the objections made to the Board in relation to this appeal.

7.8. The Urban Development and Building Heights Guidelines for Planning Authorities (section 1.9) advise that delivering on the national objective of more compact urban growth requires building heights of at least three to four storeys, coupled with appropriate density, in locations outside city and town centre areas, and which would include suburban areas. This policy must be supported in principle at development plan and development management levels. The Kiltiernan Local Area Plan (see note on housing design issues in section 4.8 of the LAP written statement) states that on lands west of the Enniskerry Road two and three storeys will be encouraged. I conclude therefore that there is no policy-based objection to the three storey duplex units.

7.9. In relation to the visual impact on Enniskerry Road as outlined in the planning authority's submission it may be noted that the duplex units are centrally located within the site. They are separated from the eastern boundary (the rear of houses facing Enniskerry Road) by the public open space and the internal access road. To the west the building heights are stepped down to the site boundary – see especially contextual elevations drawing 17-120-P003A Rev B submitted 27th November 2018). Having regard to these factors I conclude that the proposed duplex units will not be visually significant when viewed from the adjoining road network.

7.10. The observations make the point that the application was incorrect in illustrating the separation distance from Mill Lodge (the modern bungalow accessed from Mill Lane

– not the protected structure) to the site boundary at 16.5m. This was raised with the applicant and the drawing amended with submission of further information stage. Referring to the final block site plan (submitted on 27 November 2018) plan Plot 16 house type F is the closest to the boundary at this point. This house was amended at further information stage and comprises a two-bed house with a first-floor office/store and a maximum ridge height of 7.4m. It has a tall (3.5) narrow window in the stairwell fitted with obscure glass and is northeast of Mill Lodge. The separation distance from Mill Lodge is about 10m. I note the shadow analysis submitted with the application which indicates that there is minimal impact on adjoining houses arising from the proposed development. Having regard to the orientation and separation distance, and the absence of overlooking windows I conclude that this house will not seriously injure the amenity of adjoining property.

7.11. In relation to Plot 15/house type F which is east of the adjoining houses – Mill View and Mill Brea - there is the single narrow window in the stairwell fitted with obscure glass. Given its orientation I do not consider that it will overshadow the adjoining rear gardens and is acceptable in terms of visual and residential amenity.

7.12. **Public Open Space.**

7.13. The planning authority raised the issue of the quantum and disposition of public open space in section 2 of the further information request. On the original site plan (drawing 17-120-P002) there were 6 pieces of public open space which the applicant's covering letter (see SBA Architects letter dated 17th April 2018) stated comprised 10.3% or 542m² of the overall site. The planning authority calculated that on the basis of the County Development Plan (the detailed method of calculation is set out section 8.2.8.2) the quantum of public open space should be 1,190m². The county development plan states that the absolute minimum public open space should be 10%.

7.14. The applicant submitted a revised site plan (see drawing 17-120-P002 REV B) as further information on the 2nd August 2018 which made relatively minor amendments to the layout of the public open space and increased the area to 10.4%. The planning authority reviewed this layout and expressed concerns in relation to

quantity and quality of the public open space and the fact that units 8/9, 10 and 11 backed onto the proposed open space.

- 7.15. On the 27th November 2018 the applicant submitted another revised layout (see final block site plan drawing 17-120-P002 REV C). This provided for 11.7% public open space largely in a single central block. The sites 8/9, 10 and 11 which previously backed on to the proposed public open space have been amended to house type E (see drawings 17-120-P023, 17-120-P024, 17-120-P025, 17-120-P026, 17-120-P027). These provide a one bed ground floor units (70m²) with a ground floor terrace facing onto the central public open space. There are then two storey three bed units (124m²) on top also with a rear terrace overlooking the public open space.
- 7.16. The County Development Plan (section 8.2.8.3) makes the point that public open spaces should be well overlooked and accessible to the maximum number of dwellings in the proposed development. The Urban Design Manual which accompanied the Sustainable Residential Development Guidelines makes a similar point that open space should be overlooked by adjoining houses which enhances its utility and safety.
- 7.17. While the proposed development provides the minimum quantum of 10% allowed in the County Development the planning authority considered that this quantum was inadequate. I note in this regard that Kiltiernan is not a densely developed area and that the site is relatively small and is irregularly shaped. I do not consider that the shortfall in public open space provision identified by the planning authority is such as to require a separate contribution as provided for in the County Development Plan (see section 8.2.8.2(iii)). Having regard to these factors and the final amended layout of open space I conclude that the quantum and layout of public open space is adequate and will not detract from the amenity of future residents or of adjoining property.
- 7.18. **Housing and Apartment Quality Standards.**
- 7.19. The County Development Plan (section 8.2.8.4) requires the provision of private open space in the form of rear gardens at a minimum rate of 60m² for three bed units and 75m² for four bed units. All the houses achieve or exceed this standard. House

type F on plot number 16 is a two-bed unit with a rear garden of 53m². I consider that the private open space provision complies with development plan standards.

- 7.20. The proposed development includes three duplex apartment plots. The Sustainable Urban Housing Design Standards for New Apartments require that one bed units should be 45m² while three bed units should have 90m². In the present case the one bed units are 70m² while the three bed units are 124m². Private amenity space should be provided at rates of 5m² for one bed units and 9m² for three bed units. The provision in the present case is 9.7m² terrace for the one bed units and 16m² for the three bed units. All units are dual aspect and have internal storage which meets the national guidelines.
- 7.21. The Apartment Guidelines require that ground floor apartment floor to ceiling heights be 2.7m. The application proposes a floor to ceiling height 2.625m. Having regard to the small number of units involved (three units) and the minor discrepancy between the guidelines and amended proposals (see section drawing 17-120-P024 submitted 27th November 2018) I advise that this is not a material issue and does not require refusal of permission.
- 7.22. I conclude that the proposed houses and duplex units are acceptable in terms of residential amenity.
- 7.23. **Landscaping**
- 7.24. The local Area Plan in map 7 attached to chapter 3 illustrates ecologically important flora, hedgerows and land uses within the area of the LAP. The application site is unaffected by any of these documented factors.
- 7.25. The Landscape Planning section of the planning authority reported on the application, sought further information. The planning authority sought further information in relation to landscaping within the site and the applicant submitted (final version submitted on 27th November 2018) an assessment of the number, species, height, crown spread and condition (good, fair or poor) and age of trees on site. Along with this the applicant submitted a written landscape/maintenance plan and a landscape design (see Landmark Designs drawing submitted 2nd August 2018).

- 7.26. It does not appear that the Landscape Planning section reported on the clarification of further information.
- 7.27. I consider that the information submitted with the application and as further information is an accurate reflection of the conditions on site. I consider that the trees of amenity interest (along the south-eastern boundary with Mill Lane and in the upper ½ of the western boundary in plots 1-7) are properly identified and can be protected during construction. It is unclear that the trees proposed in the public open space can be exactly as illustrated on the Landmark Designs drawing submitted 2nd August 2018 because they may be too close to the surface water attenuation tanks but in this regard I recommend that details of landscaping may be subject to a planning condition (see condition 5 below).
- 7.28. I conclude that the proposed development is acceptable in terms of landscape impacts.

7.29. Road Safety/Internal Circulation

- 7.30. The initial application proposed an access onto the Ballybetagh Road with a new/widened footpath (see drawings proposed road signage & sight lines Number C1001). The planning authority's Transport Planning department requested way of FI that the extended footpath be omitted from the proposed development. This was raised with the applicant (point 5a) of the FI request. The applicant submitted a revised drawing (C1001/PL02) which amended the entrance to maintain the existing footpath as is. The Transport Planning Department Reviewed the further information and recommended no objection.
- 7.31. Having regard to the applicant's submissions, the reports on file and my site inspection conclude that this issue is resolved.
- 7.32. The Transport Planning department sought amendments to the proposed access to Ballybetagh Road to provide a ramped pedestrian priority access with buff colour tactile paving the development which complied with DMURS, the Traffic Management Guidelines Manual (2003) and Guidance on the Use of Tactile Paving (DETR UK). The applicant should also provide for appropriate STOP signage at this entrance. The applicant submitted a revised drawing (C1001/PL02) which provided the ramped pedestrian access with tactile paving and appropriate signage to the

required standards and the Transport Planning section had no further comments on the purposed access rearrangements.

7.33. The observations submitted to the Board make the point that the proposed development will give rise to traffic hazard on Ballybetagh Road taken in conjunction with the nearby educational uses. Ballybetagh Road is a regional route (R116) and has a junction with the Enniskerry Road (R117) immediately to the east of the access to the application site. The speed limit at the site entrance is 50kms, there are footpaths on both sides of the road, the school entrance is signposted and there is public lighting. Having regard to these factors and the relatively modest number of units proposed (22 units) I conclude that the proposed development will not give rise to traffic hazard.

7.34. Having regard to the foregoing I conclude that the proposed entrance is acceptable in terms of traffic safety.

7.35. Parking Provision.

7.36. The County Development Plan table 8.2.3 sets out parking requirements in relation to residential uses. One space should be provided for one and 2 bed units while three bed units should have 2 spaces. The final layout illustrates 41 spaces for a final total of 22 units of which 3 are one bed. I conclude that this provision reflects the development plan policy in relation to car parking provision and is acceptable.

7.37. Flood Risk Assessment/Surface Water Disposal.

7.38. The LAP addresses water catchments areas and surface drainage in chapter 3. The LAP includes a map of existing ponds and streams within the area of the LAP. None of the recorded ponds or streams are located within the site although there is one stream marked as rising on the far side of the access lane way to Mill House to the south east of the site. I carried out a walk-over site inspection and could identify no surface water features within the site. The observations made to the Board make the point that the site is prone to flooding. The application (see Infrastructure Report for Planning submitted with the original application) stated that out of the site of 0.53ha the impermeable area would be 2,000m² with roads accounting for about 35% and

houses about 65%. Surface water would be collected on site and discharged to the ground within the site. The Floor Risk Assessment (FRA - section 5 of the infrastructure report lodged as part of the application) states that the site is in flood zone C described in the Floor Risk Assessment Guidelines as having a low probability of flooding. The submitted FRA records the data available on the OPW Flood Mapping site (www.floodmaps.ie) referencing three flood events which arose from poorly maintained roadside gullies and heavy rain. The Loughlinstown River is about 100m south of the site, but the topography ensures that this river will not encroach on the application site.

- 7.39. Through a request for further information and clarification of further information the applicant established that the soil types within the site were suitable for infiltration from the attenuation tanks and paving where it was permeable. The final outfall of the surface water drain to act in an emergency (shown on drawings C1002 Issue PL3 submitted in the 27th November 2018) is within the south-eastern boundary of the site which will discharge to an existing culvert and eventually to the Loughlinstown River. The attenuation tank was re-sized and relocated (compare tank layout and size on shown on drawing C1002 Issue PL1 submitted in the 18th April 2018 to drawing C1002 Issue PL3 submitted in the 27th November 2018) to provide additional storage capacity and locate it way from houses into the public open space. These arrangements satisfied the drainage division as set out in the final drainage report dated 4th December 2018.
- 7.40. Having regard to the information set out in the LAP, the material set out in the application, the reports of the planning authority and observations received by the Board I conclude that the proposed development will not give rise to surface or ground water pollution or an unreasonable risk of flooding on site or on adjoining property.
- 7.41. **Special Contribution.**
- 7.42. The site is within the area of the section 49 Supplementary Development Contribution Scheme for the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme and therefore an appropriate contribution condition should be attached if the Board decides to grant permission. The site is

outside the area of the LUAS line B1-Sandyford to Cherrywood supplementary development contribution scheme.

7.43. Appropriate Assessment

7.44. The application provided an AA screening report. The report identified 14 Natura 2000 sites within 15kms of the application. The site is within an urban environment and currently is in residential use. Foul water will discharge to an adequate public system. Surface water will infiltrate on site with an over flow through a hydrocarbon interceptor to a nearby surface water drain and then to the Loughlinstown River. The screening report concludes that the proposed development will give rise to no direct, indirect or cumulative impacts.

7.45. Having regard to the modest scale of the proposed development and the foreseeable emissions therefrom no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.46. Environmental Impact Assessment Screening

7.47. Having regard to nature of the development comprising a modest housing development on zoned and serviced lands there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.48. The Amendments submitted with the appeal.

7.49. The applicant submitted additional drawings with the appeal. For the reasons set out above I consider that the original application as amended by the submission of further information and clarification of further information is acceptable and I recommend that, if the Board decides to grant planning permission, the permission should refer only to the plans and particulars lodged with the application and notified to the public in the prescribed manner.

7.50. Recommendation

7.51. I recommend a grant of planning permission.

8.0 Reasons and Considerations

8.1. Having regard to;

- the residential zoning objective for the site set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- the density of the proposed residential development,
- the quantum and layout of public open space, and
- the standards of amenity provided for in the proposed residential units

it is considered that the proposed development will not injure the residential amenity of future residents of the proposed development or of existing residential development in the vicinity, will not give rise to traffic hazard or obstruction of road users and will accord with the provisions of the County Development Plan, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009), the Sustainable Urban Housing: Design Guidelines for New Apartments Guidelines for Planning Authorities (DOHPLG 2018) and will, otherwise, accord with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 2nd day of August 2018 and the 27th day of November 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Bicycle parking spaces shall be provided within the site in accordance with requirements of the planning authority. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas

not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

9. The design, layout and materials of construction of the junction of the proposed access road with the Ballybetagh Road shall be shall comply with the detailed requirements of the planning authority. Prior to commencement of development detailed plans and particulars to comply with this condition shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11.

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

Reason: In the interests of urban legibility.

12. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance

until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

15. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

Hugh Mannion
Senior Planning Inspector

4th May 2019