

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

18th March 2025

Our Ref: 24009

RE: FIRST PARTY APPEAL AGAINST DECISION TO REFUSE PERMISSION

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

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

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

Blocks A and B are connected by a single storey pavilion building providing the community culture and arts space.

All residential units will be provided with associated private open spaces to the north/ south/ east/ west.

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

The proposal will also include 165 no. car parking spaces, 633 no. cycle parking spaces and 14 no. motorcycle parking at surface and basement level (located under blocks A, B and C), public and communal open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas, and services provision (including ESB substations) and all associated works required to enable this development including connection to the Uisce Eireann network.

Development Address:

Site at Fortfield Road, Terenure, Dublin 6W.

Dublin City Council Ref

WEBLRD6058/24-S3

DCC Decision Date

21st February 2025

Final Date to Respond to Appeal

20th March 2025

Introduction

MCG Planning is instructed by our client, 1 Celbridge West Land Limited, 27 Merrion Square, Dublin 2, to appeal the decision by Dublin City Council (Ref. WEBLRD6058/24-S3) to refuse permission for the development of 284 no. housing units, a creche, and community/ cultural space along with associated site works on this site at Fortfield Road, Terenure, Dublin 6W.

In accordance with Section 129 of the Planning and Development Act, 2000 (as amended), this appeal is made in writing. The subject matter and grounds for this appeal are discussed below. This appeal is accompanied by the appropriate fee of €3,000.

This Appeal is submitted to An Bord Pleanála (the Board) within 4 weeks from the date of appeal – before the 20th March 2025. This Appeal should be read in conjunction with the PUNCH Consulting Engineers Appeal Response document.

1st Party Appeal Grounds

Permission was refused by Dublin City Council on the 21st February 2025 on one single ground as follows:

The applicant has failed to demonstrate that the range of travel needs of the future resident population can be met by the proposed development. Having regard to the site's accessibility in accordance with Table 3.8 of the Compact Settlement Guidelines, the suburban and residential location of the site, the layout and nature of roads adjacent to the site, and to the frequency of bus services and quality of bus infrastructure (both existing and planned) serving the site, the proposed car parking provision is considered to be inadequate to serve the needs of future residents of the development. It is therefore considered that the proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent roads and bus corridors, would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. The proposed development would therefore be contrary to Policy SMT27 and Appendix 5, Section 4.0 of the Dublin City Development Plan 2022 – 2028, Section 5.3.4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and Section 4.23 of the Sustainable Urban Housing: Design Standards for New Apartments (2023). The proposed development would be contrary to the proper planning and sustainable development of the area.

We wish to appeal this reason for refusal. We contend that it is unreasonable and based on an incorrect interpretation and application of Policy SMT27 of the City Development Plan 2022-2028, and relevant policies in the Section 28 Guidelines - *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* and the *Sustainable Urban Housing: Design Standards for New Apartments (2023)*.

The associated claims that the development will lead to overspill of overspill and haphazard car parking are equally unsubstantiated.

Local and national planning policies promote substantial reductions in car parking standards in established, accessible urban locations. The proposed development is in an established and well serviced suburban location that is defined as a “*High Capacity Public Transport Node or Interchange*” under Table 3.8 of the 2024 Guidelines, being located within 500m of the Bus Connects ‘Core Bus Corridor’ at Templeogue Road.

In accordance with SPPR 3 (Car Parking) of the 2024 Guidelines, parking provision is to be “*substantially reduced*” at this location in order to make travel choices more sustainable, encourage greater walking, cycling and public transport use and by doing so help achieve the overarching aims of the Climate Action Plan, 2024 to reduce private car travel.

The decision of the local authority in this instance runs contrary to these critical and unambiguous policies.

Remarkably the reason for refusal also contradicts the recent planning decisions for a previous large scale residential development on this site, in which a lower parking standard was proposed and deemed acceptable.

For the reasons that will be set out in detail below, we ask the Board to overturn this single reason for refusal and grant permission (subject conditions) in accordance with the proper planning and sustainable development of the area.

Support of the Local Authority and An Bord Pleanála

Support of Dublin City Council

Dublin City Council, despite the decision to refuse planning permission, supported the principle of residential development on this site and considered the LRD proposal to be otherwise acceptable. It is noted that every department (with the exception of Transport Planning Department (TPD)) considered a grant of permission (subject to conditions) was appropriate for this proposed development.

It is therefore very disappointing that Dublin City Council did not consider it appropriate to either request Further Information relating to additional parking or indeed apply a condition to a grant of permission requiring additional parking. This is particularly regrettable, given the support that the TPD had given in respect of this development at Pre-Planning stage. This will be discussed further below.

The Dublin City Council Planners Report on the planning file found that “*an adequate justification has been given for the proposed residential development on the Z15 lands... and that the principle of residential development can be considered on the site. The proposal will open up the lands, which are currently set behind a high wall and accessible only through the school grounds, will provide new areas of public open space on the site with links through to the existing lakeland amenity, will be subordinate in scale to the existing college buildings on the site, both in respect of land take and scale/ massing,*

and will leave sufficient lands for the current and future operation of the school on the site.” In the conclusion of the Planners Report it states that “the applicant has provided an acceptable justification for a residential development on the Z15 lands.”

With regard to the Flood Risk for the site the Planners Report confirms that: *“A report has been received from Drainage Division which states that there is no objection to the proposal, subject to conditions which include the implementation of flood mitigation measures as identified in the SSFRA, measures to minimise the risk of basement flooding. It is therefore considered that the current proposal overcomes this reason for refusal.”*

With regard to density, the Planners Report acknowledges that the proposal is for 284 dwelling units on a 2.65 hectare site resulting in a density of 107 dwellings per hectare. This is a reduction from 146 dwellings per hectare compared to the previous application. In this section the Planners Report notes: *“the contribution of the proposed development to placemaking in the vicinity of the site”.*

The Planners Report confirms that *“Having regard to the above it is considered that the proposal would provide for an acceptable standard of residential amenity for future occupants.”*

The Planners Report acknowledges the public open space provided within the net site area: *“equates to 26.5% of the net site area and is above the minimum requirement of 25% public open space required under the Z15 zoning. ... within the overall site area the gross provision for public open space is 26,131.75sqm (56% of the gross site area, including the lake and lakeside area).”* It also notes that *“currently the lands are privately owned the proposal would provide public open space within the original Terenure College demesne where none previously existed.”*

The report also states that: *“The proposal retains the open character of the site as required under the Z15 zoning, with the existing boundary wall being replaced by a low wall with railing above, which provides visual permeability into the site. The proposal allows for public permeability into the site, creating a new public space and providing a direct link between Fortfield Road and the lake in the eastern part of the site. This is considered to provide planning gain to the area.”*

With regard to the impact on existing residential properties and the visual amenity of the area the Planners Report notes that: *“the positioning of the proposed new buildings relative to existing homes would ensure that the proposal would not have a significant impact on surrounding residential amenities by way of either overlooking or overshadowing.”*

In terms of visual impact, the report acknowledges that: *“While the proposal would result in a significant change to the vista along Fortfield Road, the impact is considered to be largely positive in providing an active frontage with a red brick facade and a boundary railing in place of the existing blank wall. The design of the blocks with V-shaped roofs would break down the scale of the buildings and avoid an unduly horizontal emphasis. ... the three to four storey blocks on the east side of Fortfield Road are considered to provide an acceptable transition in height and scale between the proposed development and the existing two storey semi-detached houses on the western side of the road.”*

“Overall, it is considered that the proposed development, while resulting in a change in character along the eastern side of Fortfield Road, would integrate into the area in a satisfactory way and would not unduly impact on the visual amenities of the area, including the setting of the buildings at Terenure College or the two storey houses in the Fortfield, Greenlea and College areas.”

It is also noted the visual impact assessment from the DCC Conservation Officer, in the context of the potential protected structures within Terenure College. Their report finds that *“the submitted views from Fortfield Road and from the grounds of Terenure College indicate that the proposed development would have a minor visual impact on the Terenure College and its designed landscape as the proposed development would be screened by the retained and proposed vegetation along the southern boundary of the subject site. The proposed development would have a minor visual impact on the houses to Fortfield Road and Greenlea Road. A grant of permission subject to conditions is recommended.”*

With regard to the public open space it is noted that *“Parks have some reservations in relation to the open space layout with the Z15 lands; however, the overall landscape, arboricultural and biodiversity proposals are considered to be a positive aspects of the proposal. Overall a grant of permission subject to conditions is recommended. These include detailed conditions in relation to the management of the open spaces on the site.”*

The Planners Report also raises the issues of potential access to the lakeland area from the gate in the boundary wall at Lakelands Park. It notes that *“It is stated that the gate is in the ownership of residents and has been locked and not used for access through to the site for many years. There are concerns that it is intended to reinstate public pedestrian access through to the site from Lakelands Park. There is no indication of this in the application and, if the gate is in the ownership of the residents, this would be a private matter between the residents and the site owners.”*

Appropriate Assessment and Natura Impact Statement were also considered within the Planning Report, including local concerns regarding Brent Geese. The Planners Report highlights that *“It is noted that bird counts were undertaken on the site and these gave no indication of Brent geese. There is a diversity of water birds on the lake, which has a value as a locally important habitat. The report recommends a range of conditions, which include a condition requiring the services of an ecologist to be retained throughout the construction period of the development to oversee all biodiversity and ecology matters and biodiversity mitigation and monitoring to be carried out in accordance with the submitted Natural Impact Statement and Ecological Impact Assessment with written notification of their commencement to be submitted to the Planning Authority.”*

It is noted that third parties have referred to the presence of Brent Geese on the lands proposed for housing and in the vicinity of the lake, with photographs provided. In the event of permission being granted, the conditions recommended by the Parks Division would require ongoing biodiversity monitoring and mitigation to be undertaken on the site in accordance with the above condition.”

The conclusion of the Planners Report states that ***“the proposal for 284 residential units is considered to provide for an acceptable standard of residential amenity for future occupants, to have no undue adverse impact on the residential amenities of adjoining occupiers and to integrate into the surrounding context in an acceptable way. The proposal would provide for planning gain to the area by opening up the existing boundary wall which separates the site from Fortfield Road and provide for new public open space and linkages through to the existing Lakeland amenity in the eastern area of the site. The proposal also provides a new cultural and community space which would be accessible from Fortfield Road.”***

Previous An Bord Pleanála LRD Decision

The Board will be aware of the previous, similar LRD proposal on this site, and which was refused permission under ABP-314390-22 on three grounds, none of which we note were related to car parking and accessibility despite the parking ratio for that scheme being lower (at 0.34) than the currently proposed ratio.

Furthermore, bearing in mind that the Board have the discretion to assess the current proposal *de novo*, it is also worth noting that all of the previous reasons for refusal from the Board are fully addressed in the current LRD application as acknowledged by DCC in its otherwise positive assessment. These are discussed below.

In terms of car parking and accessibility, on the previous appeal, the ABP Inspector considered that: *“The site is in an established suburban area, close to local services and with a moderate level of public transport provision based on bus services that run along a road without much priority for them. There are proposals for some additional bus priority measures along the Templeogue Road under the BusConnects project, but this would not have continuous 2-way bus lanes and an application for permission for the plans along this road has not been made. I would therefore regard it as an intermediate urban location under section 2.4 of the 2022 guidelines. The guidelines state that these areas are generally suitable for smaller scale, higher density development broadly above 45dph.”*

The Inspector’s Report highlighted that the 2022 Dublin City Development Plan: *“does not apply minimum car parking standards for residential developments but rather maximum standards of one space per dwelling”*. They also highlighted that: *“national policies and the provisions of the development plan do not provide objectively verifiable standards against which to determine the appropriate level of car parking for a particular development on particular site.”*

The Inspector’s Report highlighted that: *“Objectives NPO 13, 27, 54 and 64 of the National Planning Framework support sustainable transport modes for environmental reasons which could reasonably be taken as implying that less car parking should be provided for new residential development in cities although they do not specifically state that.”*

The Report acknowledged, in acknowledging the 0.34 ratio, flagged that Policy SMT1 of the Development Plan promotes a modal shift away from private car use and that they did: *“not consider it reasonable to seek facilitate a replication of existing car parking pattern established by the existing lower density housing in the area in proposed higher density residential schemes. The site would have levels of accessibility to services and employment centres that are typical of the city council area as a whole, where the 2016 census reported that 34% of households did not own a car and 64% of persons reached their place of work or education other than in a private vehicle, and the local electoral area where 29% of household did not own a car and 63% of persons reached their place of work or education other than in a private vehicle. **In this context the proposed provision of 0.34 car parking spaces for the proposed apartments strikes me as a reasonable balance between the policy imperative to promote modal shift and the need to provide car parking for households that cannot reasonably function without it.**”*

Regarding the problem with overspill car parking on the surrounding streets the Inspector recommended that *“On this issue I would advise the board that the public resource of **on-street parking will always require management and control which could not be avoided even if new housing is not introduced to an area.**”*

The Inspector concluded that: *“It would not be in keeping with the national and local policies to promote a more compact urban form to attempt to address this issue by providing parking to meet all the potential demand for it. It is therefore concluded that the parking provision in the proposed development would not justify refusing permission.”*

With regard to the impact on exacerbating traffic congestion in the area the Inspector wisely advised that: *“On this topic I would note that high level of unmet demand for housing across Dublin and the country. While the site is not in a central or accessible location, it is in an established intermediate urban area with better access to services and locations of employment by sustainable transport modes than most places in the wider city region where the demand for housing could be met. Refusing permission for housing on this site is therefore likely to displace demand for housing to other sites that are less well served in this regard, thereby increasing the demand for travel by car and thus the congestion of urban roads. Therefore, it is not considered that a refusal of permission for housing on this site would be justified by general concern about traffic congestion.”*

As a result, the Board did not determine a refusal on car parking or traffic grounds, despite the previous application proposing more housing and a lower parking ratio compared to the current proposal before the Board.

Addressing the Board’s Reasons for Refusal on the Previous LRD Application

The previous reasons for refusal are set out below, along with how these are addressed by the current proposed development that is on appeal.

The three reasons are set out below.

Zoning

1. *Having regard to the information submitted in the course of the application and appeal, the board do not consider that it has been demonstrated that the site is not needed for its established educational and recreational use. The site in relation to the proposal is not in accordance with the objectives and requirements set out in section 14.7.14 of the Dublin City Development Plan 2022-2028 for residential development on lands zoned for Community and Social Infrastructure under objective Z15 of the plan do not apply to the site. The proposed residential development would therefore materially contravene the zoning of the site.*

How this is addressed in this development on appeal.

The provision of residential development on this site is considered ‘Open for Consideration’ subject to compliance with section 14.7.14 of the DCC Development Plan 2022-2028. Please see the Z15 Compliance Statement by McGill Planning Limited submitted with this application. This demonstrates that the proposed development is fully in accordance with the requirements set out in section 14.7.14 of the City Development Plan. Therefore, the proposal and details are not considered to be a material contravention of the Z15 zoning and is in compliance with the City Development Plan and the proper planning and sustainable development of the area.

DCC’s Planners Report on the current application before the Board

DCC’s Planners Report confirms that a letter of support from the Department of Education has been received advising that *“the 6.5 -acre site is surplus to Terenure College’s educational requirements both*

now and in the future. ... In this regard the Department is satisfied that the balance of the lands (c.44.5 acres) provide sufficient scope to cater for the wider educational needs of the area, if and when they are required. In this context, it is stated that they are not opposed in principle to the development of the site for uses other than educational.”

As a result, the DCC Planner’s Report confirms that *“While acknowledging the issues raised in the observations, it is considered that an adequate justification has been given for the proposed residential development on the Z15 lands under the criteria for Category A above, and that **the principle of residential development can be considered on the site. The proposal will open up the lands, which are currently set behind a high wall and accessible only through the school grounds, will provide new areas of public open space on the site with links through to the existing lakeland amenity, will be subordinate in scale to the existing college buildings on the site, both in respect of land take and scale/ massing, and will leave sufficient lands for the current and future operation of the school on the site.**”*

Flood Risk

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

How this is addressed in this development under appeal

The proposed site layout has been altered since the previous application. The proposal the subject of the current application and appeal, proposes to remove a house to address pluvial flooding on Fortfield Road. A revised Site-Specific Flood Risk Assessment, taking into account these revisions, has also been completed by PUNCH Consulting Engineers. As a result, it is confirmed that the proposed development is wholly located in Flood Zone C and that it will remove pluvial flooding from a section of Fortfield Road.



Figure 1 Proposed detention basin in current application; bottom left previous proposal; bottom right current proposal

As set out above, PUNCH Consulting Engineers Site Specific Flood Risk Assessment confirms in the Executive Summary that *“As pluvial flooding should not be used in the designation of flood zones, and in the absence of any identifiable fluvial or coastal flood risk to the site, it is concluded that the proposed development site is wholly located in Flood Zone C.”*

Furthermore, the SSFRA goes on to state that *“A proposal has been developed, in direct consultation with DCC, to address the pluvial flooding on Fortfield Road, which includes the provision of a detention basin within the proposed development site boundary. These flood alleviation measures will also remove pluvial flooding from a section of Fortfield Road for storm events up to and including the 1%AEP event, offering a significant reduction in pluvial flood risk to that area over existing conditions. A further exercise was carried out which confirmed that there is sufficient storage available within the site to ensure that the development will not flood even in the extreme 0.1%AEP pluvial event. The redevelopment of the site will not adversely affect pluvial flood levels or extents in the area.”*

Finally, the SSFRA states that *“It is asserted that the proposed development site is wholly located in Flood Zone C and therefore a Justification Test is not strictly required as part of this SSFRA report. However, given that the site is shown within Flood Zones A and B on the Dublin City DP SFRA mapping it was deemed prudent to complete the Justification Test.”*

The mitigation measures proposed in this SSFRA will ensure that the development is in compliance with the relevant sections of the Dublin City DP as well as in full compliance with the Dublin City DP SFRA and OPW’s The Planning System & Flood Risk Management Guidelines.”

DCC's Planners Report on the current application before the Board

DCC's Planners Report confirms that *"A report has been received from Drainage Division which states that there is no objection to the proposal, subject to conditions which include the implementation of flood mitigation measures as identified in the SSFRA, measures to minimise the risk of basement flooding. It is therefore considered that the current proposal overcomes this reason for refusal."*

Site Density

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

How this is addressed in this development at appeal

The Guidelines on the Design of New Apartments issued by the Minister in 2022 were amended in July 2023 and the density of the Proposed Development is assessed by reference to the amended Guidelines. In line with these Apartment Guidelines, and Appendix 3 Table 3, Item 8 of the Dublin City Development Plan 2022-2028, this current revised proposal is for 284 no. residential units. This is a reduction of 101 units and results in a reduced net density area of 107uph (previously it was 146uph). This density is in line with Appendix 3 of the Development Plan which provides a "general rule" for density ranges of 60-120uph for *Outer Suburbs*. The Development Plan also allows for increased height and density provided the development meets the performance criteria as identified in Appendix 3, Table 3 This site is considered an appropriate site for increased densities in line with the Compact Settlement Guidelines 2024 and the Apartment Guidelines 2023. This is discussed in further detail in the planning policy section below.

It is also noted that 'Intermediate Urban Locations' as defined in the Apartment Guidelines 2023 are suitable to *higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary but broadly >45 dwellings per hectare net).*

Under the Compact Settlement Guidelines 2024, this site falls under the definition of *City – Urban Neighbourhood* as it is a residential area close to the city centre which has excellent access to a range of land uses given its proximity to Templeogue and Terenure. It is within walking distance of employment, education, retail and recreational uses.

The site also falls within the definition of both a *High Capacity Public Transport Node or Interchange* and an *Accessible Location* due to the site's proximity to (within 500m) Bus Stop 1159 which serves bus routes 15, 49, 65 and 65B and has a 10 minutes service at peak times as set out in both the Public Transport Capacity Assessment by Transport Insights and the Traffic and Transport Assessment by PUNCH Consulting Engineers. It is also noted that the new F1 route will have a bus stop immediately outside the site with a frequency of a bus every ten minutes. As set out in Table 3.1 of these guidelines

"it is a policy and objective of these Guidelines that residential densities in the range 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork."

This proposal is therefore fully compliant in density terms with current National and Local Planning Policies.

DCC's Planners Report on the current application before the Board

DCC's Planners Report confirms that *"The current proposal provides for 284 dwelling units on a 2.65hectare site, resulting in a net density of 107 dwellings per hectare. ... the previous proposal was for 364 residential units on the same site, with a proposed density of 146 dwellings per hectare.*

The proposed density is within the density range of 60-120 units per hectare set out for outer suburban areas in the Development Plan."

First Party Grounds of Appeal

The single reason for Refusal is stated as follows:

The applicant has failed to demonstrate that the range of travel needs of the future resident population can be met by the proposed development. Having regard to the site's accessibility in accordance with Table 3.8 of the Compact Settlement Guidelines, the suburban and residential location of the site, the layout and nature of roads adjacent to the site, and to the frequency of bus services and quality of bus infrastructure (both existing and planned) serving the site, the proposed car parking provision is considered to be inadequate to serve the needs of future residents of the development. It is therefore considered that the proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent roads and bus corridors, would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. The proposed development would therefore be contrary to Policy SMT27 and Appendix 5, Section 4.0 of the Dublin City Development Plan 2022 – 2028, Section 5.3.4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and Section 4.23 of the Sustainable Urban Housing: Design Standards for New Apartments (2023). The proposed development would be contrary to the proper planning and sustainable development of the area.

Site Context

The proposal made to Dublin City Council (DCC), now before the Board, is for 284 no. residential units made up of 19 no. houses, all of which have cars parked on their curtilage, and 265 no. apartments which have a combined 138 no. car parking spaces between basement and surface level parking. This equates to a ratio of 1:1 car spaces for houses and 1: 0.52 for apartments, an increase from 1:0.34 for apartments in the previously refused LRD (Reg. Ref.: LRD6004/S3-22). (When visitor, disabled and car share spaces are excluded the parking ratio for the apartments in the current scheme is 0.42).

Furthermore, PUNCH Consulting Engineers have included a Residential Travel Plan and a Car and Cycle Parking Management Plan with this application demonstrating that the proposed quantum of parking is appropriate for this location. This Car and Cycle Parking Management Plan will be a live document which will continually manage and assign car parking spaces going forward.



Figure 2 DCC Development Plan Map J indicating parking zones (Site Location shown in red)

Furthermore, the level of residential cycle parking proposed has increased from the previous application to 611 no. cycle parking spaces resulting in an increase in the ratio of cycle parking per apartment (2.3 spaces per apartment) compared to the previous proposal. The 19 no. houses can provide cycle parking on curtilage. This level of car and cycle parking provision is in line with the Compact Settlement Guidelines 2024.

This site is considered to fall under the definition of *City – Urban Neighbourhood*, as defined by the Compact Settlement Guidelines 2024, Table 3.1. The site location represents: “(iv) *lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area.*” The site is also under 15 minutes’ walk to both Terenure and Templeogue Villages which have a host of employment, education, retail and institutional land uses. This is discussed in further detail below within the Statement of Consistency with National Planning Policy.

Under SPPR 3 (Car Parking) of the 2024 Guidelines, the site represents an “Accessible Location” with reference to Table 3.8 in that it is “*within 500 metres walking distance of an existing or planned BusConnects ‘Core Bus Corridor’*”. The existing Bus Stop 1159 on the Templeogue Road currently serves bus routes 15, 49, 65 and 65B which all have frequent bus services, and with Bus Route 15 running every 10 minutes at peak times, all within 500m of the site.

With the new BusConnects Core Bus Corridor routes along the Templeogue Road (routes A1 and A3 – connecting to Beaumont, the City Centre, Knocklyon, DCU and Tallaght) the planned stop for same will also be within 500m of the site. In addition there will be the new BusConnects route F1 along Fortfield Road running past the site that will run every ten minutes and will connect the site to Charlestown, Finglas Bypass, the City Centre and Tallaght. Please see the Public Transport Capacity Study by Transport Insights for further details.

The Compact Settlement Guidelines 2024 notes that “*In areas where car-parking levels are reduced studies show that people are more likely to walk, cycle, or choose public transport for daily travel. In order to meet the targets, set out in the National Sustainable Mobility Policy 2022 and in the Climate Action Plan 2023 for reduced private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development.*” Therefore, in line with SPPR 3 of the Compact Guidelines car parking has been “*substantially reduced.*”

It is on this basis, and in line with the Apartment Guidelines 2023 and the DCC Development Plan Appendix 5, Table 2, that the maximum of 1 car parking space per unit should be considered a true maximum. The justification requirement is needed when you are also approaching this maximum figure and in line with all national policy the reduction below the maximum of 1 space per unit should be deemed acceptable except in rare situations. On this basis a car parking level of 0.52 parking space per apartment and 1 no. parking space per house is proposed.

Locational Designation of Site

The reason for refusal claims the application fails to demonstrate that the range of travel needs of the future resident population can be met by the development. It also states that the suburban and residential location of the site, the surrounding road network and the frequency and quality of the bus infrastructure is insufficient to accommodate the proposed reduced car parking provision.

The Transport Planning Department (TPD) in DCC do not accept the identification of the site as an accessible site and states that “*Section 11.1.1 of the TTA seeks to illustrate that the southernmost of the proposed pedestrian entrances to the site would be c. 480-490m walking distance from a planned inbound BusConnects stop on Blessington Road. It is however noted that the stop location used is taken from the Preferred Route of the Tallaght to Terenure CBC, and not the more recent (and now permitted) Templeogue / Rathfarnham to City Centre CBC (refer to Planning History above). Sheet 34 of 42 of the General Arrangement Drawings submitted with the CBC application illustrates the permitted bus stop, which is some 20m west of the location illustrated in the TTA.*”

Given this, the walking distance provided in the TTA does not appear to be accurate. Given the location of the planned BusConnects stop, the proposed designation of the site as an ‘Accessible’ location is incorrect and not accepted by this division. This division would in any case have concerns with this designation because the 500m distance does not reflect the walking distances and times for future residents to planned high frequency bus services whereby all proposed residential units are located

more than 500m walking distance from these planned services, substantially so in the case of Block D for example.

An Bord Pleanála in its assessment of the previously refused LRD application on site considered the site to be an “intermediate urban location” under the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2022). The Board Inspector’s Report sets out that this is in part due to the “moderate” level of existing bus service provision serving the site and the lack of additional 2-way continuous bus lane provision along the CBC route planned as part of BusConnects. This division does not consider that the accessibility of the site, in the context of the Inspector’s assessment, has significantly changed in the interim to reclassify the site as an ‘accessible location’.

It follows, therefore, that the site would be designated an ‘Intermediate’ location under the Compact Settlement Guidelines, for which the maximum car parking rate would be 2no. spaces per dwelling in accordance with SPPR 3 (iii) of the Guidelines. The applicant has therefore failed to address item (g) of this division’s Opinion Report. The site location’s level of relative accessibility is further demonstrated by the PTAL result, referred to above in this report.

Applicants Response

In response we contend the TPD Report has mis-interpreted the Section 28 Guidelines and has also mis-applied the previous decision of the Board. The previous scheme on the site was applied for and decided prior to the publication of the 2024 Compact Guidelines.

Under the 2024 Guidelines SPPR 3 (Car Parking) the site clearly qualifies as an “accessible location” where car parking is to be substantially reduced, this is due to it being within 500m of “*of an existing or planned BusConnects ‘Core Bus Corridor’ stop.*” The maximum parking standard is therefore 1.5 spaces per dwelling, not 2 spaces per dwelling. We further note the TPD report states “*It is acknowledged the applicant has demonstrated that a reduction below this maximum standard can be accommodated*”.

PTAL Mapping Unreliable

Whilst the TPD comment regarding the Compact Settlement Guidelines and the relationship with the National Transport Authority’s PTAL is questionable we would nevertheless, respectfully suggest that the PTAL has also been misinterpreted by the TPD. The interpretation also disregards the new BusConnects F1 spine route which will travel along Fortfield Road every ten minutes is a high frequency service.

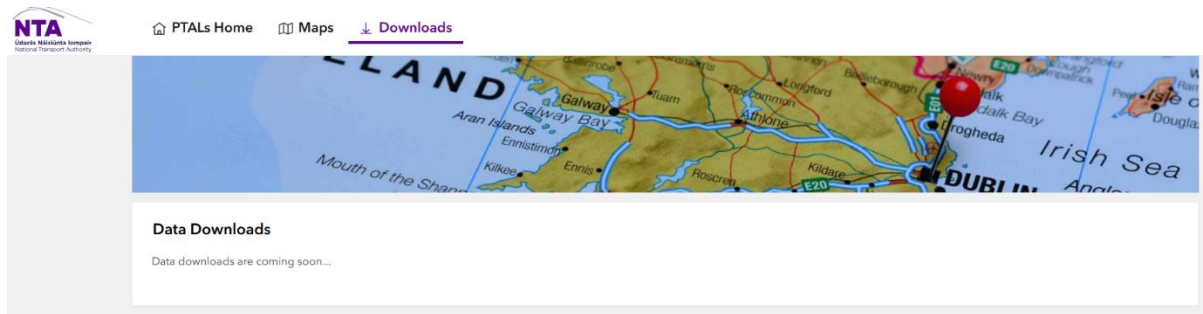


Figure 3 Extract from the NTA PTAL Site indicating data downloads are not available

It is noted there are multiple disclaimers on the NTA website about the PTAL maps, including that they have not been updated since May 2024 and therefore not as up to date as the Site Specific Public Transport Capacity Assessment provided with the application. It is also noted that the Data Downloads for these maps is not currently available on the website.

About the Data

- The GIS Network Data used in these calculations is supplied by HERE Mapping. The NTA attempt to update this network with missing walk links, but this is carried out on an ad-hoc basis.
- The PTAL Calculation is a walk-based tool, so Motorways and a large Dual-Carriageways have been removed from the dataset. It is assumed that people cannot use these routes to access Public Transport.
- The GTFS data used for Public Transport Stop locations and Timetable information is from May. The NTA propose to update this every year.
- The Urban Area boundaries that are included for ease of navigation are the CSO Census Urban Areas / Built-Up Areas used in Census 2022.
- The NTA PTAL outputs visualise two time periods, 7-8am and 8-9am. It is possible to run the tool for any time-period. If a service does not appear in the visualisation, it may be because it does not run at that time of day.
- The Count of Grids information in the legend refers to all grids visible in each of the Map Frames.
- The PTALs outputs are available to [download](#) in ESRI GeoDatabase format and as a GeoPackage.

The NTA also acknowledges and does not take responsibility for any inaccuracies and / or mistakes in the information provided. It is noted in particular that *“the NTA make no guarantees, whether expressed or implied, that the content of PTAL is accurate, complete or up-to-date.”* Despite this blunt tool, the TPD have determined the accessibility of the site based on the PTAL, ignoring the site-specific information provided within the Traffic and Transport Assessment, the Public Transport Capacity Assessment and the Residential Travel Plan. It is also noted that the areas do not reflect the future paths and routes through the site which will provide connectivity to the bus routes.

Furthermore, the PTAL maps have been interpreted very negatively and do not reflect that the PTAL actually demonstrate that the majority of the site has a Medium Level of Service between 7am to 8am. It is also noted that the entire length of Fortfield Road is noted as either Medium Level or Medium-High Level of Service.

While between 8am to 9am the area of the site immediately adjacent to Fortfield Road increases to a Medium to High Level of Service, and indeed the majority of Fortfield Road also sees an increase in service to Medium-High during this period. It is noted that there is a greater portion of the site shown

as having a Low Level of Service including an area around Greenlea Road, but this appears to reflect either congestion around this junction and perhaps the fact that more people use the services at this time.

The PTAL maps also clearly demonstrate that at both periods Templeogue Road has a Medium – High Level of Service. The bus stops along this road are within 500m of the site.

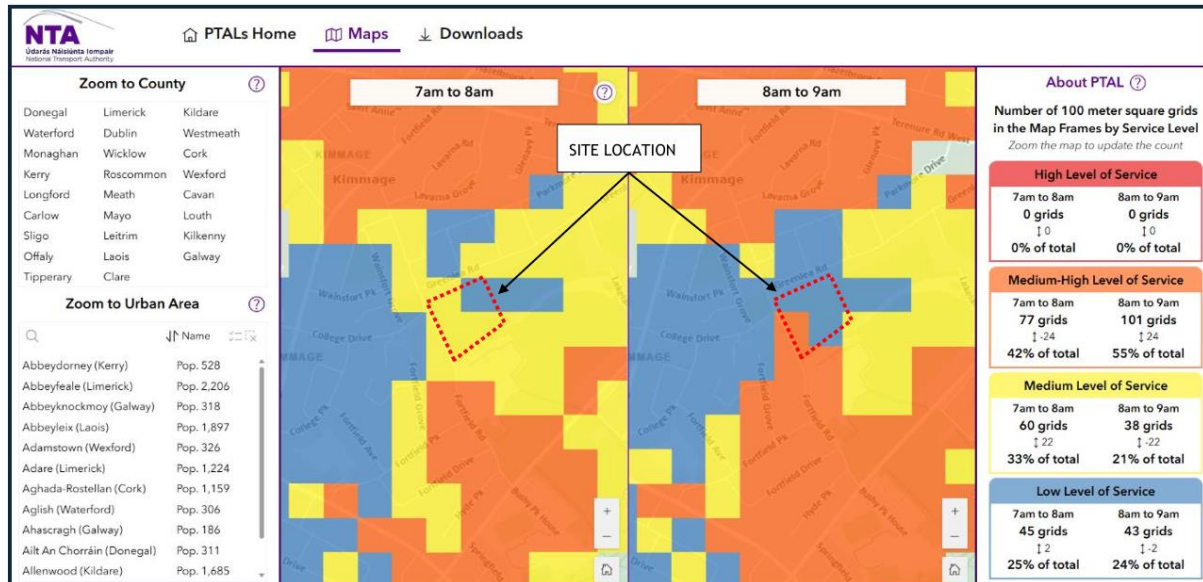


Figure 4 Extract from the NTA PTAL assessment for the site

It is also noted that the NTA, contrary to the TPD, state in their observation with regard to Bus Provision that *“the NTA is of the view that the performance of the service, in particular when the significantly improved F1 is introduced in place of the 54A at this location, will be satisfactory.”* They do not state that it is has poor level of service, and indeed notes that it will be improved as a result of the F1 route as part of BusConnects. This confirmation of satisfactory service from the NTA, and the F1 new bus route immediately outside the site, seems to have been entirely disregarded by the TPD.

Parking Policy Changes since previous LRD

It is noted that the TPD does not consider the site to be an “Accessible” location and notes that the previous Inspector of the Board (ABP Reg. Ref. 314390-22) considered the site an Intermediate Urban Location in line with the Apartment Guidelines 2023. However, this fails to take into account the following:

- The Inspector’s consideration regarding the location of the site is taken out of context and relates to density and not to car parking.
- Bus Connect routes were approved on the 16th December 2024.
- Changes to National and Local planning policies, including the Compact Settlement Guidelines and a new Development Plan

Inspectors Report

The earlier Inspector's Report, while they did not consider the site, at the time, to be an accessible location this determination was no in relation to car parking standards, bearing in mind that a much lower parking standard was considered acceptable in that application. Their concern was that the density, at c. 146uph, was too high and in contravention of the Development Plan. The Inspector clearly states:

"it is in an established intermediate urban area with better access to services and locations of employment by sustainable transport modes than most places in the wider city region where the demand for housing could be met. Refusing permission for housing on this site is therefore likely to displace demand for housing to other sites that are less well served in this regard, thereby increasing the demand for travel by car and thus the congestion of urban roads. Therefore, it is not considered that a refusal of permission for housing on this site would be justified by general concern about traffic congestion."

The Inspector, quite rightly, identifies that this site has better access to services and employment using public transport, walking or cycling than most places in the wider city region. If this site is not delivered it will push housing into locations with poorer access to services and employment.

BusConnects

As identified in the TPD Report, BusConnects routes which were previously only a Preferred Route, are now approved, with Bus Stop locations confirmed. The BusConnects Templeogue/ Rathfarnham to City Centre Core Bus Corridor was approved on the 16th December 2024. This provides certainty to the Inspector that this route will be delivered, along with the timetable for same.

It is noted that the TPD express concern that the permitted Bus Stop location is c.20m further west than those shown on in the planning application documents. However, even when this revised Bus Stop location is considered the stops are still within 500m of the site. Both the A1 and A3 Spine routes will run along Templeogue Road at a frequency of a bus every twelve minutes. This is reflected in the PUNCH Consulting Engineers An Bord Pleanála Appeal document. Please see image below.



Figure 2-1: Travel Distance from Proposed Development Entrance to permitted Templeogue/Rathfarnham to City Centre CBC Bus Stop

Figure 5 Extract from PUNCH Consulting Engineering Appeal Statement

In addition to this, and since the previous appeal, the F1 Spine route has been agreed. This route will provide a bus stop within 50m of the site with a frequency of a bus every ten minutes at peak times and 15 minutes off peak.

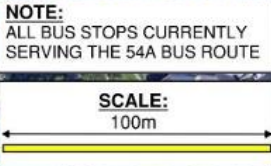


Figure 6 Extract from PUNCH Consulting Engineering Appeal Statement

It is also noted that the DCC Planners Report acknowledges it's good connectivity to frequent bus routes in section 11.10 when they are reviewing the criteria of the development against Table 3 of Appendix 3, at point 8 and state *"The site is well connected to the wider area with high quality, high frequency bus routes serving Fortfield Road and Templeogue Road to the south. The layout has been designed to provide the optimum layout for access and parking while providing a high quality scheme that prioritises pedestrians and creates a human scaled place"*.

The number in each box is the expected time in minutes between buses. It is subject to adjustment in line with future passenger numbers.

[illegible]

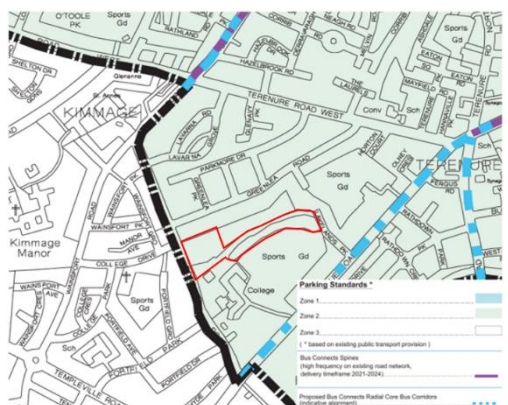
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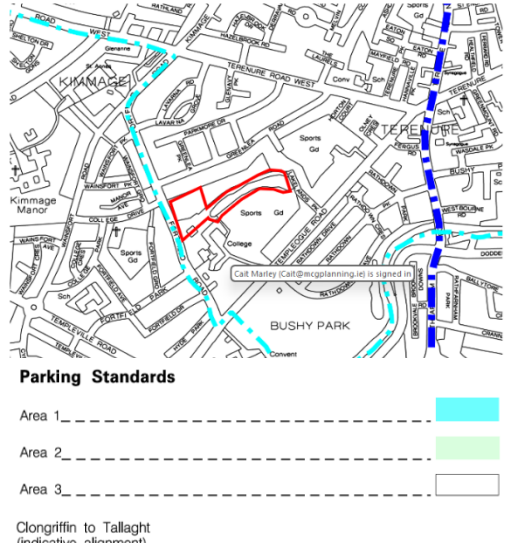
Planning Policy Changes

It is noted that, since the previous application and appeal, the Compact Settlement Guidelines were published in 2024, which are new national guidelines providing additional advice on site assessments, particularly in relation to assessing accessibility levels and density.

The Dublin City Development Plan 2016-2022 has been replaced by the Dublin City Development Plan 2022 – 2028. This changed the Car Parking Zoning Level from Zone 3 in the previous Development Plan under which DCC assessed the original application to Zone 2 which the current application should be assessed against. As a result, this further reduced the maximum standards for car parking in this location. This does not appear to be reflected in the DCC assessment of this site.

As car parking was not a reason for refusal by the Inspector, this alteration to the Development Plan, was not considered in depth by the Inspector previously, other than to note that the car parking standards were maxima and not minima.

Policy document	Definition	Commentary
Proposed Site Parking	<p>Overall car parking: 157 car spaces for 284 residential units. 1:0.55 gross ratio</p> <ul style="list-style-type: none"> - 19 no. spaces for 19 no. Houses or 1:1 ratio - 138 no. Space for 265 no. Apartments or 1:0.52 ratio <p>Excluding 9 no. Visitors space, 7 no. Accessible spaces and 10 no. Car share spaces equate to:</p> <ul style="list-style-type: none"> - 112 no. Dedicated residential space for the apartments or 1:0.42 ratio 	
Development Plan 2022-2028	 <p>Parking Standards *</p> <p>Zone 1 _____</p> <p>Zone 2 _____</p> <p>Zone 3 _____</p> <p>(* based on existing public transport provision)</p> <p>Proposed Bus Connects Radial Core Bus Corridors (indicative alignment) _____</p> <p>Bus Connects Spines (high frequency on existing road network, delivery timeframe 2021-2024) _____</p>	<p>The previous Development Plan had identified the site as being in Zone 3 for Parking Standards. Under the current Development Plan 2022-2028, the site is now identified as Zone 2, with its associated reduced parking standards. This change in zoning since the previous application is not reflected in the DCC TPD recommendation to refuse this proposed development.</p> <p>In addition, the new Development Plan identifies additional Bus Connect upgrades within the vicinity of the site. These upgrades resulted in the changing of the zoning of the site to Zone 2.</p>

<p>Development Plan 2016 - 2022</p>	 <p>Parking Standards</p> <p>Area 1 _____</p> <p>Area 2 _____</p> <p>Area 3 _____</p> <p>Clongriffin to Tallaght (indicative alignment) _____</p>	<p>However, this does not reflect the actual permitted BusConnects routes, which provide for the A1, A2 and F1 Bus Routes within 500m of the site.</p> <p>These permitted routes should be taken into consideration when the Parking Standards are considered for this application site.</p>
<p>Sustainable Urban Housing: Design Standards for New Apartment 2023</p>	<p>Section 2.4</p> <p>1) Central and/ or Accessible Urban Locations</p> <p>Such locations are generally suitable for small to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including</p> <ul style="list-style-type: none"> • Sites within walking distance (i.e. up to 15 minutes or 1,000-1,5000), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions • Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000) to /from high capacity urban public transport stops (such as DART/ LUAS); and • Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services <p>Section 4.21</p> <p>In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain</p>	<p>This site is located c. 1km from both Templeogue Village and Terenure Village. It is immediately beside Terenure College and is adjacent to Our Lady's School.</p> <p>As set out above and within the Public Transport Capacity Assessment and Traffic and Transport Assessment the site is within 500m of multiple high frequency bus service.</p> <p>Given the frequency of the Bus Services and the high volume of bus routes within the vicinity, this site is on the cusp between a Central and/ or Accessible Urban Location and an Intermediate Urban Location. However, given the proposed upgrade to the route along Fortfield Road it is our contention that the F1 route, which has a bus every ten minutes, and is immediately outside the site, requires the site to now be considered in an Accessible Urban Location.</p> <p>However, under either definition the requirement of the Apartment Guidelines is that car parking is reduced. In line with this requirement, a reduced parking provision is proposed below that of</p>

	<p>circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.</p> <p>Section 4.22 These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.</p> <p>Section 2.4 2) Intermediate Urban Locations Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium – high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including</p> <ul style="list-style-type: none"> - Sites within or close to i.e. within reasonable walking distance (i.e up to 10 minutes or 800-1000m) of principle town or suburban centres or employment locations, that may include hospitals and third level institutions; - Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,5000m) of high capacity urban public transport stops (such as DART, Commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban services or where such services can be provided; - Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of 	<p>the maximum standards in the Development Plan.</p>
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	<p>reasonably frequent (min 15 minute peak hour frequency) urban bus services.</p> <p>Section 4.23 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.</p>	
Compact Settlement Guidelines, 2024	<p>Section 3.3 Settlements, Area Types and Density Ranges</p> <p>Table 3.1 – Areas and Density Ranges Dublin and Cork City and Suburbs City- Urban Neighbourhoods</p> <p>The city urban neighbourhood category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are high accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.</p>	<p>This site, as set out above, has excellent access to public transport. It is also a location proximate to employment and education uses. It is within a well-established suburb close to Dublin City Centre. As such it is considered to accord with this category which promotes a density range of between 50 -250 dwellings per ha.</p>
	<p>Table 3.8 Accessibility High Capacity Public Transport Node or Interchange</p> <ul style="list-style-type: none"> - Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency 	

	<p>Commuter Rail, light rail or Metrolink services; or locations within 500 metres walking distance of an existing or planned Bus Connects Core Bus Corridor stop.</p> <ul style="list-style-type: none"> - Highest densities should be applied at the node or interchange and decrease with distance. - Planned public transport in these Guidelines refers to transport infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport. <p>Accessible Location Lands within 500 metres (i.e. up to 5-6 minutes' walk of existing or planned high frequency (i.e. 10 minutes peak hour frequency) urban bus services.</p>	<p>will also be within 500m of the site – therefore the site qualifies as a “High Capacity Public Transport Node or Interchange” under Table 3.8 and therefore</p> <p>In addition a new bus stop on the Fortfield Road directly outside the site, will be for the additional BusConnects F1 high frequency bus route which is also permitted as part of the Bus Connect network.</p>
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Considering the changes to the Development Plan, and the new Compact Settlement Guidelines, it is clear that this site can be considered an Accessible Location, particularly given the recent grant (December 2024 by the Board) of the BusConnects Route in the vicinity. Therefore, the approach to reconsider the definition of the site, and enabling the delivery of much needed housing on this accessible site, while also encouraging a modal shift to more sustainable forms of transport must be considered appropriate. Otherwise, we will continue, as pointed out by the previous Inspector, to push housing into locations further away from accessible and serviced location, placing more pressure on the road network.

Car parking

The TPD state that:

“The proposal results in a car parking ratio of 0.42 per unit for the 265no. residential apartments excluding car-share, visitor and accessible parking allocation (as per SPPR 3 of the Compact Settlement Guidelines, 2024). When including the houses, the resulting ratio is 0.46 per unit for the 284no. total residential units. Given the site’s accessibility in accordance with Table 3.8 of the Compact Settlement Guidelines as set out above, and having regard the suburban location of the site, the layout and nature of roads adjacent to the site, and to the frequency of bus services and quality of bus infrastructure (both existing and planned) serving the site, the proposed car parking provision is of serious concern to this division and considered inadequate to serve the needs of future residents of the development.”

However, while acknowledging the previous application was for a Build to Rent development, it must be acknowledged that the previous inspector found that the quantum of car parking was appropriate given the location of the site. This assessment was based on both national policy and the Census 2016.

Since then, the revised proposal has increased the car parking ratio compared to the previous proposal which had a ratio of 0.34 car parking spaces for the proposed apartments. The proposal is now for 0.42 car parking spaces per apartment (excluding Visitor, Disabled and Car Share), within 1 car parking space per house. The parking ratio has increased to reflect the Build to Sell nature of the proposal, while also noting that the site is now considered to be in a Zone 2 parking location, and is an Accessible Location. Furthermore, this level of parking is still in accordance with the development plan which sets “maximum permissible car spaces” of 1 per dwelling in this location. This is not a target car parking provision.

As set out in the Residential Travel Plan by PUNCH Consulting Engineers, *"Based on the 2022 Census, it is evident that a significant percentage of residents in the area do not own a car (20%) or own a single car (39%) (Census 2022, Small Area A267150005). Residents are thus likely to travel to work, school or college by walking, cycling and public transport (40.37%), Motor car usage for both driver and passenger-shared accounts for much of the remainder (40.37%), with the remainder Working at Home (13%) and a further 6% not stating (Census 2022, Small Area A267150005)."*

Given the current Census 2022 information for the Small Area Population Maps, c.59% of people in this development are unlikely to either own a car or only have one car. Therefore, the proposed car parking provision reflects this census data.

It is also noted that given the proximity of the bus stops, along Templeogue Road and Fortfield Road, and the available capacity on the buses, as set out in the Public Transport Capacity Study prepared by Transport Insights, future occupants are likely to commute to work, or education by public transport. Based on the survey results, during weekday AM and PM peak hours surveyed, buses have more than 42% excess capacity in the direction of peak demand (i.e. towards the city centre in the AM and from the city centre in the PM).

Utilising the modal splits and TRICS People Trip rates produced by PUNCH in the Residential; Travel Plan and Traffic & Transport Assessment, the Public Transport Capacity Study has concluded that future residents of the proposed development would utilise c. 2% and 1.7% of the total capacity of existing AM and PM peak hour bus services respectively. It is apparent that the current public transport capacity within the application site's vicinity is sufficient to accommodate additional demand generated by the proposed development.

Furthermore, this level of car parking will encourage a positive modal shift to sustainable modes of transport thereby:

- reducing dependence on private car as a means of travel
- increasing and facilitating the number of people choosing to walk, cycle or travel by public transport
- enabling a unified approach to traffic management for the site.

Climate Action Plan 2024

This approach to car parking is in accordance with the Climate Action and Low Carbon Development (Amendment) Act 2021, and in particular to exercise its functions as far as practicable with the approved Climate Action Plan 2024 (CAP 2024).

The CAP2024 clearly states in the Executive Summary under the heading Transportation

*“Meeting our 2030 transport abatement targets **will require transformational change and accelerated action across the transport sector.** Key targets to remain within the sectoral emissions ceiling include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fossil fuel usage, **a significant behavioural shift from private car usage to increase the total share of journeys undertaken by walking, cycling or public transport,** and continued electrification of our vehicle fleets.*

*While fleet electrification and the use of renewable transport fuels will continue to provide the greatest share of emissions abatement in the medium term, **we will continue to expand our walking, cycling and public transport networks in order to reorient our transport systems to a more sustainable basis and to facilitate widespread behavioural change to a healthier, safer, and more people-focused vision for transport.** We will continue to pursue policy measures that promote greater efficiency in our transport system, allied with significant investment in sustainable alternatives, incentives and regulatory measures to promote the accelerated take-up of low carbon technologies.” (our emphasis in bold)*

This approach is reflected in CAP2024 section 15.2.2, under the heading “AVOID: 15.2.2.1 Enhanced Spatial and Land Use Planning:

- *The draft Sustainable and Compact Settlement Guidelines (SCSGs) for Planning Authorities sets a policy framework for the creation of sustainable and compact settlements comprising an integrated network of mixed-use neighbourhoods that offer improved access to services, amenities, and public transport in support of our transition to lower carbon living.*
- *Parking policies play a key role in system design and influencing travel behaviours. The new guidelines have recommended a graduated approach to car parking for residential development that takes account of proximity to urban centres and sustainable transport options—with car parking ratios minimised, substantially reduced, or wholly eliminated at locations that have good access to urban services and to public transport options”.*
- *“Planning authorities should not require specific minimum levels of car parking with the exception of disabled parking for any type of development. At locations with good public transport, maximum levels for car parking provision should be applied” . (Page 247, under the heading 15.2.2)*

Under section 15.2.3.2 Road Space Reallocation, CAP 2024, highlights that:

- *Road space reallocation and **a sustainable approach to parking policy are considered to form key measures to both reduce unsustainable private car demand and enhance placemaking, supporting improvements in the accessibility and air quality of our urban spaces.** For local authorities, these are areas in which they have the capacity to directly influence in the short to medium term, and which are strongly recommended for consideration in the development of their 5-year Local Authority Climate Action Plans, i.e., setting out sustainable approaches to on-street and non-residential parking and to road space reallocation.*
- ***Public authorities should work towards a reduction of on-street car parking spaces where it complements measures to prioritise active travel and public transport and to improve the public realm.** Measures addressing car parking provision and management, both on street and off-street, are also being considered as part of the development of the National Demand Management Strategy. (our emphasis in bold)*

Given the site’s location proposed cyclist facility and pedestrian facility, the site’s proximity to high frequency public transport, the existing capacity available on the high frequency bus routes and within

easy walking distances of community and retail facilities and the nature of the proposed development, it is considered that the proposed car and cycle parking standard are appropriate and will result in a highly sustainable development in line with National, Regional and Local Planning Policy.

Dublin City Development Plan 2022-2028

While it is important to acknowledge the Transport Planning Departments policies and objectives, these must be considered in light of other policies within the Development Plan. Critical to this, when considered reduced parking and the creation of a modal shift is the policies relating to climate action. The most important policies, and how we accord with them, are set out in Chapter 3 of the Development Plan.

Policy	Evaluation of Consistency
CA3 Climate Resilient Settlement Patterns, Urban Forms and Mobility To support the transition to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility in accordance with the National Planning Framework 2018 and the Regional Spatial and Economic Strategy 2019.	The proposed development is contributing towards climate resilient settlement patterns, urban forms and mobility. The subject site is within the well-established urban village of Terenure. The site is currently vacant. The development of this site is in line with climate resilience as it ensures development occurs to a serviced site rather than a greenfield site. Please refer to the Climate Action and Energy Statement Report prepared by OCSC. See also response at CA5 below.
CA4 Improving Mobility Links in Existing Areas To support retrofitting of existing built-up areas with measures which will contribute to their meeting the objective of a low-carbon city, such as reopening closed walking and cycling links or providing new links between existing areas.	The design of the proposed development will provide a new public park with walkways, around the existing lake and woodland park which is currently not open to the public.
CA5 Climate Mitigation and Adaptation in Strategic Growth Areas To ensure that all new development including in Strategic Development and Regeneration Areas integrate appropriate climate mitigation and adaptation measures. See also Section 15.4.3. Sustainability and Climate Action and Section 15.7.3 Climate Action and Energy Statement.	The proposed development incorporates appropriate climate mitigation and adaptation measures. An Energy and Sustainable Report has been prepared by OCSC is submitted with this pre planning meeting request.
CA8 Climate Mitigation Actions in the Built Environment To require low carbon development in the city which will seek to reduce carbon dioxide emissions, and which will meet the highest feasible environmental standards during construction and occupation, see Section 15.7.1 when dealing with development proposals. New development should generally demonstrate/ provide for:	The proposed layout will ensure that the proposed units and open spaces will all achieve good levels of daylight and sunlight. The proposed layout has been assessed by OCSC in their Daylight Sunlight & Overshadowing Assessment which confirms that the entire development achieves excellent levels of internal daylight. The results show a 98.7% compliance rate has been achieved when compared against Criterion I of the BRE

<ul style="list-style-type: none"> a) building layout and design which maximises daylight, natural ventilation, active transport and public transport use; b) sustainable building/services/site design to maximise energy efficiency; c) sensitive energy efficiency improvements to existing buildings; d) energy efficiency, energy conservation, and the increased use of renewable energy in existing and new developments; e) on-site renewable energy infrastructure and renewable energy; f) minimising the generation of site and construction waste and maximising reuse or recycling; g) the use of construction materials that have low to zero embodied energy and CO2 emissions; and h) connection to (existing and planned) decentralised energy networks including the Dublin District Heating System where feasible. 	<p>Guide 3rd Edition standard for daylight. Against Criterion II, a 98.3% compliance rate has been achieved. A secondary daylight analysis was completed using the targets set out in Appendix 16 of the Dublin City Council (DCC) Development Plan, and a 99.7% compliance rate was achieved against this standard.</p> <p>The proposal includes a sustainable level of car parking predominantly at basement level and a high provision of cycle parking which will encourage a modal shift away from car dependency. The layout will also provide pedestrian permeability throughout.</p> <p>The buildings will be built to a high quality, ensuring maximum energy efficiency. Please see the Building Life Cycle Report prepared by Global Apartment Advisors and the Energy and Sustainability Report prepared by OCSC for further detail.</p> <p>Best Practice construction waste practices will be used to minimise the waste generated during the construction phase.</p>
<p>CA9 Climate Adaptation Actions in the Built Environment</p> <p>Development proposals must demonstrate sustainable, climate adaptation, circular design principles for new buildings / services / site. The council will promote and support development which is resilient to climate change. This would include:</p> <ul style="list-style-type: none"> a) measures such as green roofs and green walls to reduce internal overheating and the urban heat island effect; b) ensuring the efficient use of natural resources (including water) and making the most of natural systems both within and around buildings; c) minimising pollution by reducing surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems (SuDS); d) reducing flood risk, damage to property from extreme events– residential, public and commercial; e) reducing risks from temperature extremes and extreme weather events to critical 	<p>The proposal includes SuDS components including blue roof and extensive sedum green roofs, intensive green roofs, and permeable paving.</p> <p>In terms of flood risk, the Flood Risk Assessment prepared by PUNCH concludes that the proposed development is located within Flood Zone C and is not at risk of flooding nor will it result in increased risk to the existing neighbours.</p> <p>A Landscape plan is also submitted with this application in the interest of protecting and promoting biodiversity on this site.</p>

<p>infrastructure such as roads, communication networks, the water/drainage network, and energy supply;</p> <p>f) promoting, developing and protecting biodiversity, novel urban ecosystems and green infrastructure</p>	
<p>CA10 Climate Action Energy Statements</p> <p>All new developments involving 30 residential units and/or more than 1,000sq.m. of commercial floor space, or as otherwise required by the Planning Authority, will be required to submit a Climate Action Energy Statement as part of the overall Design Statement to demonstrate how low carbon energy and heating solutions, have been considered as part of the overall design and planning of the proposed development.</p>	<p>An Energy and Sustainability Report prepared by OCSC was submitted with the planning application. This report outlines how the proposed development will use low carbon energy and heating solutions.</p>
<p>CA15 Waste Heat, District Heating and Decentralised Energy</p> <p>To actively encourage the development of low carbon and highly efficient district heating and decentralised energy systems across the city utilising low carbon heat sources such as renewable energy and waste heat recovery and to promote the connection of new developments to district heating networks where such systems exist/can be developed in a given area.</p>	<p>OCSC's Energy and Sustainability Report provides further details on low carbon and highly efficient district heating and decentralised energy systems.</p> <p>The following solutions are envisaged for the proposed development:</p> <ul style="list-style-type: none"> • High performance U-Values. In order to limit heat loss through the façade, the energy report sets out targeted medium average elemental U-Values for both the residential and non-residential aspects of the development. • Air tightness. It is intended that the residential and non-residential aspects of the development will both target an air permeability rate of $\leq 3 \text{ m}^3/\text{hr}/\text{m}^2 @ 50 \text{ Pa}$. • Thermal Transmittance. The energy statement sets out how the proposal will be designed to achieve low thermal bridging values throughout.
<p>CA17 Supporting the Potential of District Heating in Dublin City</p> <p>To support, encourage and facilitate the potential of district heating in Dublin City, all Climate Action Energy Statements submitted to the Council (see Policy CA10) shall include an assessment of the technical, environmental and economic feasibility of district or block heating or cooling, particularly where it is based entirely, or partially on energy from renewable and waste heat sources. In addition:</p>	<p>Please refer to the Energy and Sustainability Report prepared by OCSC submitted as part of the planning application.</p>

<ul style="list-style-type: none"> Climate Action Energy Statements for significant new residential and commercial developments in Strategic Development and Regeneration Areas (SDRAs), will assess the feasibility of making the development 'district heating enabled' in order to facilitate a connection to an available or developing district heating network in the area. Climate Action Energy Statements for significant new residential and commercial developments in the Docklands SDRA will assess the feasibility of making the development 'district heating enabled' in order to facilitate a connection to the Dublin District Heating System. 	
CA29 Climate Action and Green Infrastructure To protect, connect and expand the city's Green Infrastructure while optimising the climate change adaptation and mitigation services it provides.	The proposed development provides for a new public open space and also forms a new connection with the existing lake and woodland area. This area has been land locked up until now and will form part of the wider green infrastructure network.

Chapter 4: Shape and Structure of the City

Policy	Evaluation of Consistency
SC9 Key Urban Villages, Urban Villages and Neighbourhood Centres To develop and support the hierarchy of the suburban centres, including Key Urban Villages, Urban Villages and Neighbourhood Centres, in order to: <ul style="list-style-type: none"> support the sustainable consolidation of the city and align with the principles of the 15 minute city; provide for the essential economic and community support for local neighbourhoods; and promote and enhance the distinctive character and sense of place of these areas by ensuring an appropriate mix of retail and retail services. 	<p>The proposed development is located within the established residential area of Terenure. The development of this vacant site through the provision of appropriately high density housing is in line with the principles of the 15 minute city and the compact city.</p> <p>The site is close to an array of amenities and services such as employment, retail, medical, educational and recreation.</p> <p>As demonstrated by the Architects Design Statement it will improve the character of the area, particularly along Fortfield Road by removing a 1.8m high concrete wall which only provides dead frontage and replacing it with a high-quality residential building, improving the sense of place.</p>
SC10 Urban Density To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential	As set out above the proposal and its density is considered appropriate for this site and in accordance with the principles set out in the Sustainable Residential Developments in Urban Areas - Guidelines for Planning Authorities and

Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof.	the Urban Design Manual and the updated Sustainable Residential and Compact Settlement Guidelines 2024.
<p>SC11 Compact Growth</p> <p>In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:</p> <ul style="list-style-type: none"> • enhance the urban form and spatial structure of the city; • be appropriate to their context and respect the established character of the area; • include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents; • be supported by a full range of social and community infrastructure such as schools, shops and recreational areas; • and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. 	<p>The proposed development will provide a high-quality residential development on this site within the existing suburban environment.</p> <p>It is appropriate to the context and has been carefully designed to minimise any impact on the surrounding residential properties.</p> <p>There are a wide range of community facilities within a short distance of the subject site.</p> <p>The proposal has been designed in accordance with all relevant standards and guidance</p>

Alternative Solution - Extended Basement Proposal

It is noted that, had the Applicant been made aware of the car parking standard issues prior to submitting the LRD application, the matter could have been easily addressed by providing additional car parking within an modestly increased basement.

However, when PUNCH Consulting Engineers, following receipt of the LRD Opinion, liaised with the DCC TPD it was confirmed that: *“This division does not seek to raise any further issues in relation to the draft responses, based on the draft material reviewed.”* In other words, there was no indication of a perceived shortfall of residential parking that could lead to a recommendation of refusal of permission.

Notwithstanding the above appeal of this single reason for refusal, should the Board form the view that the parking provision could be increased, we also wish to put before the Board the option to consider an extended basement that will provide for an increase in car parking to address such concerns.

As an alternative we would like to put before An Bord Pleanála a proposal to expand the basement car parking to the north and west. Under these potential parking alterations, the total number of car parking spaces (residential) proposed as part of the development would increase from 157 to 195 (+ 38 spaces). This would comprise the 19 no spaces for the houses (1 per unit) and 176 no. for the residential apartments including car club, visitor and disabled spaces.



Figure 3-1: Car Parking Facilities (Architectural Drawings by Urban Agency Architects, annotation by PUNCH Consulting Engineers)

Figure 8 Extract from PUNCH Consulting Engineering Appeal Statement

The resulting Car Parking Ratio for the residential apartments is 0.57 (= 152/265), which excludes Car Club, Disabled and Visitor Spaces in accordance with the requirements of SPPR3 of the Compact Settlement Guidelines. If the Car Club, Disabled and Visitor Spaces are included then the 176 total spaces for the 265 apartments equates to a parking ratio of 0.66.

Either figure is in excess of the 0.5 car parking ratio referenced in the DCC Transportation Planning's report as a minimum threshold as follows: "A car parking ratio of 0.5 spaces per unit or below, for a standard residential development is generally only considered acceptable for centrally located and highly accessible site locations such as those Zone 1 locations within the Canals, under the Dublin City Development Plan 2022-2028."

Given the site's legitimate 'Accessible' location under Compact Settlement Guidelines (as outlined and justified in the main Appeal Response), this increased car parking provision is considered appropriate and reasonable should An Bord Pleanála seek to condition an uplift in car parking provision.

We wish to confirm within this proposed alternative that there are no changes to the non-residential car parking provision or the cycle parking provision. All of the proposed alterations would be contained below ground within the expanded basement and fully within the footprint of the apartment blocks above, with no additional impacts for open space provision.

Furthermore, the slightly increased basement would have no material impact on the Architecture, Visual Impact, Basement Impact Assessment, Drainage proposals, Flooding, Traffic, or Environment. This has been demonstrated through the provision of relevant reports, drawings and assessments outlining why this would not constitute “major alterations” with respect to the original LRD planning submission. The update documents are as follows:

PUNCH Consulting Engineers:

1. Residential Travel Plan update
2. Car and Cycle Parking Management Plan update
3. Basement Impact Assessment update
4. Outline CMP update
5. TTA update
6. Engineering Planning Statement update
7. SSFRA update
8. Proposed Ground Floor Drainage Layout
9. Proposed Basement Drainage Layout
10. Basement Excavation - Zone of Influence Extents (Angle of Repose 45 Degrees)
11. Basement Excavation - Zone of Influence Extents (Angle of Repose 30 Degrees)

AWN Consulting

12. Environmental Noise Assessment

Altemar:

13. Natura Impact Statement
14. Appropriate Assessment
15. CEMP

Urban Agency Architects:

16. Basement Layout Plan (1:500)
17. Basement Layout Plan (1:200)
18. Proposed Site Plan Ground floor layout plan
19. Schedule of accommodation

We would therefore respectfully request that, should the Board consider additional car parking is necessary, that this proposed amended basement be positively considered and if necessary be included as part of a condition on any grant of planning permission.

Conclusion

The proposed development represents a highly attractive apartment development in an established highly accessible and well serviced suburban location within Dublin City. The development will provide for an effective and efficient use of these currently vacant, serviced lands.

All assessments and reports which informed the proposed development have been prepared in line with the current Development Plan. We believe, given the demand from National Planning Policy to enable a modal shift to more sustainable patterns, particularly in the context of the Compact Settlement Guidelines that the proposed level of car parking is appropriate to this site.

We also note the previous Inspectors view on the previously appealed development which found that reduced car parking levels, at c.0.34 spaces per unit, were appropriate to this location. This view was formed without the benefit of:

- A) Reduction in the number of units on the site;
- B) The change in Car Parking Standards zoning from 3 to 2 in the Development Plan 2022-2028 thereby reducing maximum parking standards ratios;
- C) Revision of the parking ratio upwards to reflect the proposal is a Build to Sell development;
- D) the recently granted BusConnects routes within the immediate vicinity of the site. These routes further enhance the accessibility of the site;
- E) The Site Specific Public Transport Capacity Assessment provided with this application which demonstrates capacity on all routes in the vicinity at peak times;
- F) The Compact Settlement Guidelines which enable the site to be considered an Accessible site.

Therefore, the proposed development, with the associated level of car parking is considered entirely in accordance with both the Development Plan and National Planning Policy.

These reports and the assessment of DCC, from all other departments other than the Transport Planning Department, all confirm that this is an appropriate site for the quantum and design of residential development proposed. They also confirm that the site, given its location within an existing suburban built up area, with good neighbourhood facilities, employment within the area, and easy access to Dublin City Centre is an appropriate location for increased density and apartment development.

The planning policy review within this report demonstrates that the proposed development accords in principle with national and regional planning objectives as directed under the NPF. These statements demonstrated compliance of the proposed development with the following:

- *Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Project Ireland 2040: National Development Plan (2018-2027)*
- *Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)*
- *Housing for All – A New Housing Plan for Ireland (2021)*
- *Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Quality Housing for Sustainable Communities (2007);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *Climate Action Plan (2019);*
- *Climate Action Plan (2021);*
- *Regional, Spatial and Economic Strategy 2019-2031;*

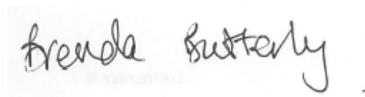
- *Transport Plan for the Greater Dublin Area 2016-2035;*
- *Draft Transport Strategy for the Greater Dublin Area 2022-2042.*
- *Urban Development & Building Heights: Guidelines for Planning Authorities (2018)*
- *Sustainable Urban Housing: Design Standards for New Apartments (2020)*
- *Childcare Facilities Guidelines for Planning Authorities (2001)*
- *Urban Design Manual: A Best Practice Guide (2009)*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*
- *The Planning System and Flood Risk Management (2009)*
- *Design Manual for Urban Roads and Streets (2019)*
- *Dublin City Council Development Plan 2022-2028*

The proposed development is in compliance with the policies and provisions for the area including the land use zoning, density, design standards for residential schemes, streets, parking and open spaces. The proposed development will also bring significant benefits to the area, in particular the provision of new public open space and an improved mix of housing types and unit sizes.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines.

For these reasons, we therefore ask the Board to overturn the Planning Authority's decision and grant permission for the development, subject to conditions, as appropriate.

Yours faithfully,



Brenda Butterly

Associate Director