

**Statement of Response to ABP's Opinion
in relation to Reg. Ref.: ABP-301098-18**

and

**Issues Raised During the Course of
Pre-Application Consultation**

In respect of

A Proposed Strategic Housing Development

at

Glencairn, Murphystown Way, Dublin 18

Prepared for

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1.0 INTRODUCTION

This Statement of Response report seeks to address individually the issues / items raised within the Opinion of An Bord Pleanála, issued following pre-application consultation in respect of the proposed development. The Opinion of the Board was issued on the 23rd of July 2018.

This statement also addresses points of discussion and issues raised during the course of the tripartite SHD pre-application meeting held at the offices of An Bord Pleanála on the 4th of July 2018.

Finally, this Statement of Response considers and provides responses to issues raised by Dun Laoghaire Rathdown County Council (the Planning Authority), within the Planning Authority's report / opinion on the pre-application documentation submitted to An Bord Pleanála and / or subsequent consultations.

This Statement will refer to other documentation which forms part of the final planning application pack, where more detailed and specific responses are provided to the issues dealt within this Statement by the relevant experts / design team members and consultants.

This Statement seeks to direct the reader to the relevant information within the application documentation, which demonstrates that the issues raised during the course of pre-application consultation have been fully and satisfactorily dealt with prior to the submission of this final Strategic Housing Development Application.

2.0 RESPONSE TO AN BORD PLEANÁLA OPINION

The Opinion of An Bord Pleanála on the pre-application stage for the proposed development was issued on the 23rd of July 2018. The Opinion sets out three specific items requiring further consideration by the applicant and design team. The Board considered that these items needed to be addressed in the final documentation submitted to the Board in order to ensure that such documents would constitute a reasonable basis for an application for strategic housing development.

Each of the three items raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

The Board also set out three items of further specific information which were to be provided as part of the final planning application. Documentation has been prepared or updated in response to this request to ensure that the Board will have all the information it requires to come to a reasoned decision on the proposed development. A summary of the responses provided to each of these specific points is also set out within this section.

2.1 Item 1 – Archaeology and Architectural Heritage

Item No. 1 of the Board's Opinion relates to Architectural and Archaeological Heritage and states the following:

"1. Architectural and Archaeological Heritage

Further consideration of the documents as they relate to the architectural and archaeological heritage of the site; the prospective applicant should satisfy themselves that the proposed

relocation of the entrance portal associated with Glencairn House (a Protected Structure) is the optimal architectural heritage and landscape design solution for this landmark structure. In this regard, the proposed development shall be accompanied by an architectural heritage report and accompanying drawings that outlines the design rationale and architectural heritage considerations for the proposed portal removal and relocation having regard to inter alia, National and Local planning policy, the Architectural Heritage Protection – Guidelines for Planning Authorities and the Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999, the site’s context and locational attributes.

Furthermore, landscape and architectural drawings shall adequately detail the proposed works concerning all architecturally and archaeologically sensitive features. In the context of the information required above, a detailed photomontage report and any other suitable report that includes sufficient detail of the proposal in terms of the architectural and archaeological heritage of the site should be prepared. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.’

Response – Architectural Heritage

Following the pre-application consultation meeting with An Bord Pleanála, and receipt of the Board’s Opinion on the pre-application submission, the applicant and design team undertook further detailed consideration of the proposed relocation of the entrance portal associated with Glencairn House.



Figure 1: Proposal for relocated portal submitted at ABP pre-application stage

The project conservation architect, Maol Iosa Molloy, Grade 1 Conservation Architect, and John Spain Associates undertook consultation with Ms. Nessa Roche, Architectural Heritage Advisor within the Architectural Heritage Advisory unit of the Department of Culture, Heritage and the Gaeltacht. Draft documentation relating to the proposed entrance portal relocation in addition to archaeological and cultural heritage information relating to the proposed development on the application site was issued to the Department for review.

The background to the requirement for the relocation of the Entrance Portal was explained. In addition, the Conservation Architect for the FCO / British Ambassador contacted the Department to explain that from a security and operational point of view it was not possible to relocate the entrance portal within the new permitted boundary wall and entrance to Glencairn House.

Ms. Roche subsequently reverted acknowledging the requirement in principle for relocating the entrance portal, however, concerns were outlined in relation to proposal to relocate only part of entrance portal and associated structures, and in respect to the proposed new location relative to the permitted new boundary wall and secure entrance to Glencairn House.

Following this further consultation, the applicant and design team reconsidered the proposals relating to the entrance portal relocation. It was concluded that the optimal achievable solution in respect of the entrance portal was for the entire entrance portal, i.e. the archway, gates, flanking walls and railings, to be relocated within the scheme, rather than the relocation of only the entrance portal feature itself comprising of the archway and gates. The updated proposals were issued to the Department for their further consideration.

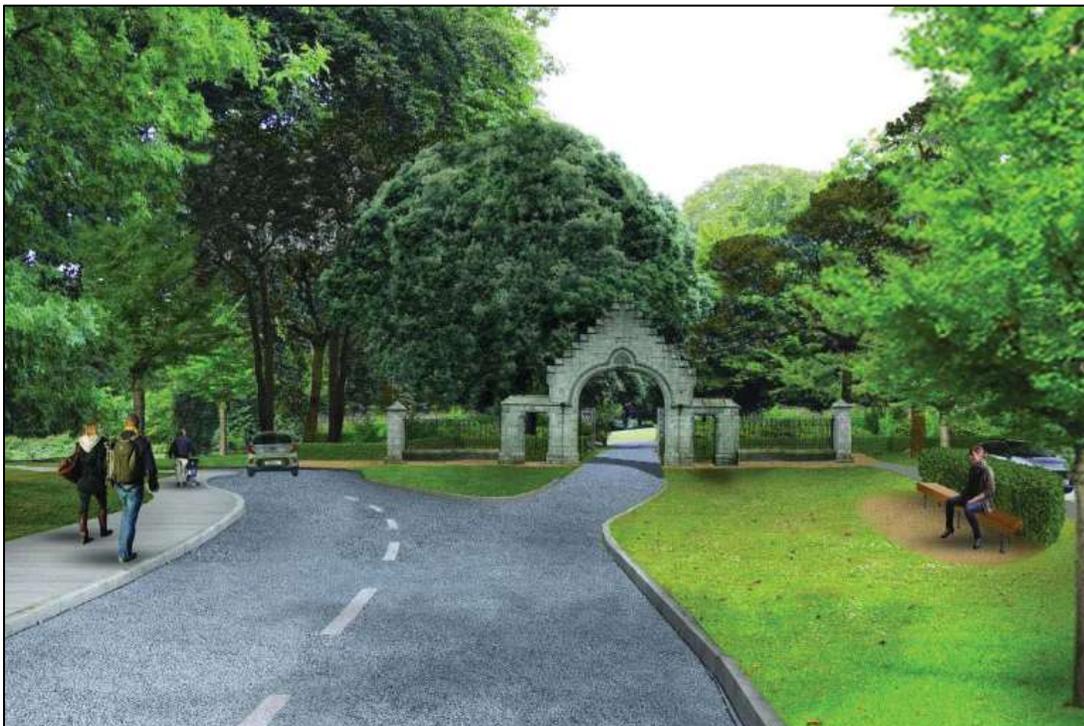


Figure 2: Revised proposal submitted to the Department of Culture, Heritage and the Gaeltacht, with the archway, gates, flanking walls and railings, to be relocated

Further comments on this revised proposal were received from the DCHG thereafter, suggesting the reorientation of the relocated entrance portal and amendments to the landscaped setting for this feature.

Based on these final comments, the design team further amended the orientation, location, and landscaped setting of the relocated entrance portal and associated features. This final proposal was then submitted to the Department, with the Department confirming informally thereafter that the final proposal addressed the issues raised in previous consultation.

Therefore, in response to this Item of the Board's Opinion the final application includes revised proposals for the entrance portal relocation, which now includes for the relocation of the archway, gates, flanking walls and railings, from the existing location at the entrance to the site, to a new location at the mouth of the proposed new junction to a retained section of the existing entrance avenue to Glencairn House.

The proposals include for a new entrance arrangement at the existing entrance portal location which ensure an appropriate sense of entry to the development from Murphystown Way.



Figure 3: The final proposed location of the relocated entrance portal



Figure 4: Proposed new entry arrangement from Murphystown Way

The revised proposals have resulted in associated changes to the proposed site layout plan, with the entrance portal and its flanking boundary features now proposed to be relocated to a location off the entrance avenue and forming an entry way to the branch of the internal avenue accessing Glencairn House. In accordance with the feedback received from the Department, the revised proposals for the entrance portal relocation is now screened more appropriately from the permitted new boundary wall and secure entrance to Glencairn House by existing mature trees and proposed low level planting. The Architectural Heritage rationale is set out in detail in Chapter 5 of the EIAR and the Justification Report for the Relocation of the Entrance Portal, including DBFL Technical Note outlining the options considered and why the proposals are necessary from an access and Luas operational perspective. The BSM Glencairn Entrance Landscape Design Rationale provides further evidence of the options considered and landscape rationale for the proposed relocation.

To fully address Item 1 of the Board's Opinion the following package of information is submitted with the planning application to address this particular issue:

- Glencairn Entrance Landscape Design Rationale Brochure- Illustrating the design rationale behind the entrance portal relocation within the context of the overall entrance arrangement, including images of the previously submitted Option A (submitted at pre-application stage), Option B (amended proposal submitted to the Department) and the now proposed Option C which reflects the comments issued by the Department and the requirements of the Foreign Commonwealth Office / Ambassador's Residence.
- Entrance Avenue Drawing- Illustrating the existing and proposed landscape setting of the entrance portal and avenue.
- Relocated Entrance Portal Drawings- Illustrating the existing arrangement and proposed development.
- Gate Lodge Details Drawing- The proposal includes landscaping, car parking, and boundary treatments within the curtilage of the existing gate lodge (no works proposed to gate lodge building).

- Photomontage Brochure (Appendix 7.1 EIAR)- Illustrating the existing, permitted (new boundary wall and entrance to Glencairn House) and proposed context relating to the entrance portal, it's proposed new location and including boundary treatment changes to the Gate Lodge.
- Justification Report for the Relocation of the Entrance Portal and Associated Structures, prepared by JSA, Molloy Associates and DBFL Consulting Engineers.
- Detailed Architectural Heritage Impact Assessment included as Chapter 5 of the EIAR.

Response – Archaeological Heritage

The approach to the archaeological features on the subject site is a result of the significant interaction between the archaeological consultants, the design team members (comprising architects, conservation architects, landscape architects and conservation engineers), and the Department.

In respect to Murphystown Castle and the landscape strategy proposals, we attach a brief statement prepared by Courtney Deery, as Appendix 1 of this response, which outlines how the archaeological constraints relating to the site have been addressed.

It notes that the landscaping and development design in the vicinity of the castle ruins was preceded by archaeological test excavation which focused on investigating the possible extent, character and date of any extant archaeological remains. It also sought to establish an appropriate zone of exclusion around the castle where no development can occur and to inform future repair and conservation strategies.

The archaeological testing demonstrated that there are in-situ features of medieval date located immediately to the west and south of the castle walls. Based on the results of the testing the establishment of a buffer zone of at least 20m from the upstanding remains was suggested. This buffer zone will ensure the castle's preservation and safe guarding into the future. The design of the apartment blocks to the north has been proposed to provide for surveillance and activity towards the open space, within which Murphystown Castle will act as the centrepiece ensuring its long term retention and appreciation.

All works carried out to the castle, including conservation (repair), consolidation and stabilisation of the ruins and subsequent landscaping and signage etc., will be subject to a conservation plan/method statement. This will be developed well in advance of construction, in discussion with and approval from the DCHG. All landscaping works will be monitored by the licenced archaeologist on site.

For further detail in respect of the archaeological features on the subject site, and their treatment within the proposed development, the reader is referred to the following documentation:

- Appendix 1- Courtney Deery Statement
- EIAR Chapter 4 – Archaeology and Cultural Heritage (prepared by Courtney Deery Heritage Consultants)
- BSM Landscape Architects Landscape Plan
- BSM Landscape Architects Murphystown Castle Landscape and Castle Play Scape and Natural Play Drawing

2.2 Item 2 – Access, Site Permeability and Connections

Item No. 2 of the Board’s Opinion relates to access, site permeability and connections, and states the following:

“2. Access, Site Permeability and Connections

Further consideration of the documents as they relate to vehicular access and specifically pedestrian and cyclist permeability onto and through the site. Attention is drawn to the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) insofar as maximum permeability for pedestrians and cyclists should be considered as a starting point to the design process and the achievement of a compact urban structure.

In addition, the Transport and Transportation Assessment and other documentation related to traffic and transportation shall respond to the comments raised by both the National Transport Authority and Transport Infrastructure Ireland in the responses received by the Board which are attached. In this regard, the applicant should prepare a site layout that shows footpaths / cycleways / roads up to and flush with site boundaries. A layout that details, if any, areas to be taken in charge by the planning authority. Further consideration of these issues may require amendment to the documents and / or design proposals submitted.”

Response

The applicant and design team have undertaken further consideration of the proposed development as it relates to vehicular access and pedestrian and cycle access.

The proposed development has been designed from the outset with cognisance of the Guidelines for Sustainable Residential Development in Urban Areas and seeks to deliver the maximum possible level of permeability for cyclists and pedestrians throughout. The scheme provides wherever possible for linkages with surrounding areas, and particularly with the adjacent greenway pedestrian and cycle route to the south. Separate pedestrian and cycle access are also provided from off Murphystown Way. The following new linkages to surrounding pedestrian and cycle infrastructure are proposed as part of the development (a letter of consent has been obtained from DLRCC to ensure that these connections are delivered as part of the development):

- Re-purposing of existing southern entry way from Murphystown Way as dedicated pedestrian and cycle access.
- Proposed new pedestrian and cycle link to the south of the proposed creche and apartment / housing units linking with the east/west greenway running parallel to Glencairn View.
- Proposed pedestrian and cycle link with the greenway at the southern end of the Lime Avenue.
- Proposed pedestrian and cycle link to existing greenway and footpath on Orby Way.
- Upgrades to the greenway to the south of the application site where necessary.

In respect of the points raised within the submissions by NTA and TII on the pre-application stage, the detailed Traffic and Transport Assessment (TTA) document prepared by DBFL Consulting Engineers sets out comprehensive responses to the issues raised by both statutory bodies (Section 8 of the TTA refers), and includes revisions to the scheme from that which was submitted at pre-application stage.

In relation to the issues raised by the NTA, the DBFL sets out *inter alia* the following:

- The road layout and junction design at the Murphystown Way entrance to the site provides for the safety and comfort of cyclists, with an adequate waiting area for cyclists accessing the development, and road design within the scheme which is conducive to safe cycling for future residents and visitors to the area alike.
- It is confirmed that the development will ensure four dedicated cycle and pedestrian links with surrounding areas, comprising three links with the existing greenway adjacent to the site, and a further designated cycle and pedestrian access to the scheme via the existing southern entry point on Murphystown Way.
- The scheme now incorporates the NTA's recommended measure of continuing the footpath on Murphystown Way across the southern access point to the development.
- The scheme now also incorporates the NTA's recommended measure of providing footpath along the northern side of the spine road through the scheme (designed in manner which will not impact on existing mature trees).
- In relation to the NTA recommendation that vehicular access could be precluded from the 3.5 m shared surface to the east of the lime avenue by means of filtered permeability, the design team examined this option in detail, but determined that there would be negligible benefit to pedestrians and cyclists via this measure, particularly given the extremely light trafficking of this section of shared surface. Therefore, the proposals for this element of shared surface have not been changed.
- It is noted that there is potential for further future connections for pedestrians and cyclists to the northeast, to be delivered by the Local Authority in the future if considered appropriate / necessary.

In respect of the TII comments made at pre-application stage, the DBFL TTA sets out the following responses (in summary):

- The TTA confirms that impact on Junctions 14 and 15 of the M50 from the proposed development will be subthreshold (e.g. <5%), and will in fact precipitate an imperceptible impact on these junctions. The TTA considers relevant committed developments in the surrounding area.
- The access to the site crossing the Luas line has been designed to meet TII requirements, and consultation has been undertaken with TII in this respect as part of the pre-application process. Further consultation on the detailed design and construction phase can be facilitated prior to commencement of development.
- DBFL confirm that a Mobility Management Plan is submitted as part of the planning application. The applicant is committed to the implementation of this plan in parallel with the phased occupation of the proposed development. A key tenet of the travel plan is to encourage the use of sustainable transport modes, thereby reducing car dependency.
- DLRCC have facilitated 2 no. meetings with TII to date. DBFL confirm that they would be agreeable to further meetings with TII as required to agree final detailed design in respect to the access design and signal control, prior to commencement of development.

Should the Board be minded, it is considered that a condition could be included in any grant of planning permission for the proposed development, requiring that the developer liaise with TII, with final details in respect of the Luas line and TII requirements in that regard to be submitted to the Planning Authority for agreement prior to the commencement of development.

In respect of the request within the Board's Opinion that a layout plan be submitted clearly detailing areas to be taken in charge by the Planning Authority, a taken in charge layout plan,

prepared by OMP Architects, is submitted along with the application (drawing no. 1704A-OMP-00-00-DR-A-XX-11103 - TIC refer).

2.3 Item 3 - Surface Water Management and Flooding

Item No. 3 of the Board's Opinion related to surface water management and flooding and reads as follows:

"3. Surface Water Management and Flooding

Further consideration of the documents as they relate to surface water management on the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report received by the Board on 22 June 2018 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management (including the associated 'Technical Appendices')'. Further consideration of these issues may require an amendment to the documents and / or design proposals submitted."

Response

The applicant and design team have given due consideration to the requirements of the Dun Laoghaire Rathdown County Council Drainage Division, as set out within the report of that division appended to the DLR pre-application opinion report. A standalone response document and the Engineering Services Report includes a specific section prepared by DBFL to respond comprehensively in turn to each of the drainage-related items raised in the DLR report. We refer the reader to the separate reports for further details.

The surface water management proposals for the subject site have been considered in light of the Site-Specific Flood Risk Assessment prepared by DBFL Consulting Engineers which is submitted herewith, as required pursuant to Item 2 of the Board's Opinion. Furthermore, prior to lodgement, further detailed consultation and meetings have been undertaken with the DLRCC Drainage Section in respect of the surface water management proposals for the proposed development. On the 9th of August 2018, a detailed meeting was held in relation to the drainage proposals for the development, whereat the approach now reflected in the documentation submitted was agreed upon.

2.4 ABP Request for Submission of Specific Information

The Board's Opinion set out requirements for further specific information to be provided by the applicant which included the following:

- *A report dealing with proposed materials and finishes, paying particular attention to the context of the Luas Green Line and in proximity to the protected structure, Glencairn House and the recorded monument, Murphystown Castle.*

Response

In respect of the materials and finishes proposed within the development, the reader is directed to Page 11 onward of the Statement of Response brochure prepared by OMP Architects, which sets out in detail the materials and finishes proposed and sets out the rationale for the choice of

these materials. High quality materials are proposed throughout the scheme including brick, glazing, zinc roofing and slate.

The materials and finishes proposed take particular cognisance of the adjacent setting of the Luas Line, with brick to be the dominant material along this frontage. Likewise, the setting of the adjacent protected structure is respected, with cues for the materials used in nearby elements of the scheme stemming from the materiality of the protected structure and its outbuildings.

- *A lifecycle report in accordance with Section 6.3 of the 2018 Apartment Guidelines. In addition, the applicant should ensure that advice provided in the guidelines in relation to development management is followed.*

Response

A Building Lifecycle Report prepared by OMP Architects is submitted as part of this final application pack. This report is in accordance with Section 6.13 of the 2018 Apartment Guidelines (it is considered likely that the reference to Section 6.3 within the Board's Opinion in this respect was likely a typing error). The application documentation submitted is in accordance with Section 6.0 of the Guidelines.

- *A report which addresses residential amenity (of both future residents and residents of adjoining properties), particularly in relation to overlooking and overshadowing. This report is to include full and complete drawings, with levels, and cross sections showing the relationship of the development with adjacent residential units and the adjoining Luas line. Attention was drawn in particular to the amenity associated with one-bedroom corner units within the scheme in terms of sunlight and daylight.*

Response

The OMP Statement of Response Report provides significant detail, in addition to the site section drawings, to demonstrate how the proposed development respects the residential amenity of surrounding properties, while providing for a high level of amenity for future residents of the scheme. Site wide section drawings and boundary section drawings are provided (which include levels) to demonstrate the interaction and relationship of the development with its surroundings.

OMP Architects and in consultation with Digital Dimensions, the daylight and sunlight consultants, have amended the design of the relevant corner one-bedroom apartments to ensure the maximising of daylight access while maintaining appropriate levels of private open space provision. For further details please refer to the OMP Statement of Response Document (see page 27 onward) and the Daylight and Sunlight Assessment.

The balconies of these units, which were indicated as protruding from the building façade at pre-application stage, have now been recessed, in order to improve sunlight and daylight access by decreasing overshadowing, while maintaining appropriate private open space and overall floor area provision.

The sunlight and daylight assessment submitted as part of the final application, which was prepared by Digital Dimensions, finds that these apartments will be well lit and meets with the relevant BRE standards.

3.0 SUMMARY OF ISSUES RAISED DURING TRIPARTITE MEETING AND RESPONSES THERETO

A tripartite pre-application meeting was held in respect of the proposed development at the offices of An Bord Pleanála on the 4th of July 2018. The following subsections of this report briefly summarise the key issues and areas of discussion during the course of the meeting, referring the reader to other application documents where relevant for further detail.

3.1 Architectural and Archaeological Heritage

It was suggested that the Archaeology and Architectural Heritage documentation would be submitted as a draft to the Architectural Heritage section of the Department of Culture, Heritage and the Gaeltacht prior to the submission of the final application.

Accordingly, as set out above, draft documentation was submitted to Ms. Nessa Roche of the Architectural Heritage Section and further detailed consultation was undertaken, leading to the amendment of the proposals relating to the relocation of the entrance portal associated with Glencairn House, and resulting in an Architectural Heritage solution which was considered more favourably by the Department.

Considerable consultation has been undertaken in respect of the Archaeological documentation submitted, as reflected in the Archaeology and Cultural Heritage Chapter of the EIAR in particular.

It is noted that all works carried out to and in the vicinity of the ruins of Murphystown Castle will be subject to discussion and approval with the Department of Culture, Heritage and the Gaeltacht (as noted in the DLR report) following further archaeological investigation as detailed in the mitigations measures set out within Chapter 4 of the EIAR.

3.2 Access – Alternatives, Junction Design and Luas Crossing (consents)

During the course of the meeting, the rationale for the proposed entrance arrangement from Murphystown Road was discussed. It was noted that the application should clearly demonstrate the rationale for the proposed entrance arrangement.

In accordance with this requirement, the application includes details of alternative access arrangements considered during the course of the design process (see DBFL TTA- Section 8.5 and DBFL Technical Note appended to the report on the Justification for the Relocation of the Entrance Portal). Via a process of elimination, and based on consultation with TII, it was concluded that the proposed entrance arrangement is the only viable arrangement to adequately access the proposed development, while ensuring pedestrian, cyclist and driver safety and maintaining the integrity of the Luas line.

Due consideration was afforded to the option of providing a vehicular access from Orby Way to the proposed development, however, as set out at Section 8.5 of the DBFL TTA Report, it was concluded that the negative impacts of a vehicular link crossing the Greenway to the south, resulting in conflicts with pedestrian and cyclist movements, and the impact on surrounding residential amenities would outweigh any benefits of providing a secondary vehicular access at this location. Furthermore, the maintaining of this entry point for cycle and pedestrian access is considered to be in accordance with the principles of encouraging walking and cycling to and from the subject site, as required by DMURS / National Cycle Manual.

3.3 Traffic and Transport Impact Assessment

The comments of the NTA and TII were noted, and it was confirmed that the TTA would include a cumulative assessment of committed development in the area. Accordingly, the TTA submitted includes a cumulative assessment and sensitivity analysis with such developments factored in, including the nearby Clay Farm Phase 2 development, which recently received a grant of planning permission from An Bord Pleanála.

3.4 Site permeability and planning application area

It was noted at the pre-application meeting that the final application documentation would bring the proposed linkages with surrounding infrastructure within the red line site boundary, as letters of consent would be sought from DLR and TII in advance of lodgement.

These letters of consent are now submitted with this final application, and the proposed connections to surrounding areas have been included within the red line boundary of the application.

Further detailed drawings of the connections proposed with surrounding pedestrian and cycle infrastructure, and the entrance treatments at these points have been prepared as part of the BSM landscape drawing pack.

3.5 Residential Amenity – Standards, detailed design and interface with Luas line.

As set out above, the OMP Statement of Response document deals in detail with issues associated with residential amenity. Noise impacts arising from the nearby Luas line and the M50 have been mitigated by design, as discussed in the Noise and Vibration Chapter of the EIAR, with the incorporation of measures such as winter gardens to balconies, triple glazing and the omission of external vents where required to halt noise ingress to dwellings. The OMP Statement of Response document includes detailed site section drawings, and boundary sections.

Further details are also provided therein, at Section 7, in respect of the proposed interface between the under-croft car park associated with the apartment buildings and adjoining areas of open space. The updated BSM landscape layout plan, and the CGI's provided within the OMP Statement of Response provide further detail in this regard and demonstrate the quality of the final treatment of this interface between the undercroft and adjacent open space.

3.6 Water Services – detailed surface water design, IW network survey and flow and load survey.

As set out above, detailed discussions with Irish Water have been undertaken by DBFL Consulting Engineers in respect of the detailed design of the surface water system for the proposed development. It was discussed at the pre-application meeting with the Board that the project engineers, DBFL, would submit documentation to progress a Project Works Services Agreement to Irish Water, with detailed design details to be submitted to Irish Water in advance of lodgement.

Following submission of the pre-application request, further consultation was undertaken by DBFL Consulting Engineers and the applicant with Irish Water. On the 18th of August, a letter (Statement of Design Acceptance, submitted herewith) was received from Irish Water which confirms that based on the further details provided by the applicant to Irish Water (Design Submission), Irish water has no objection to the proposals within the Design Solution.

A further letter (dated 14th August 2018) was provided by Irish Water for submission with this application, which confirms that the applicant is engaging with Irish Water to determine the available capacity and extent of any wastewater network upgrades which may be required to Irish Water infrastructure. The letter confirms that no third-party consent, other than road opening licence, will be required if any such upgrades are needed. The letter goes on to confirm that Irish Water confirms that subject to a valid connection agreement between Irish water and the developer, the proposed connections to the Irish Water networks can be facilitated.

3.7 EIAR

It was noted during the course of the pre-application meeting that the submission of an EIAR with the application should be referenced in the public notices. Accordingly, as required under the Regulations the public notices contain a statement as follows:

“An Environmental Impact Assessment Report has been prepared in respect of the proposed development and accompanies this application.”

It was further noted at the meeting that all of the relevant EIAR documentation should be accessible on the project website. Accordingly, the entire EIAR, the non-technical summary, and all relevant appendices have been uploaded to the SHD website - www.glencairnshd.ie, as per the requirements of the Regulations.

4.0 RESPONSE TO POINTS RAISED BY THE PLANNING AUTHORITY

The report of the Planning Authority on the pre-application documentation submission was issued to the Board in accordance with section 6(4)(b) of the Act. A summary of the elements of the DLR opinion report is set out below, with responses to issues raised therein set out as required, a number of which have been addressed in preceding sections of this Statement.

4.1 Density

The DLR report noted that per Policy RES 3 of the Development Plan, where a site is located within c. 1km of a Luas stop, a minimum of 50 units per hectare is to be encouraged. On that basis the Planning Authority note that the proposed net residential density of the development (which remains at 66 units per hectare) is in line with this Development Plan policy requirement.

The density proposed is considered to be optimal having regard to the accessible nature of the subject site to public transport, while having regard to the site-specific matters such as the topography of the site, the open space zoned buffer to the nearby M50, the need to preserve trees and site features such as the lime avenue and Murphystown Castle, and the location of the site adjacent to Glencairn House, and the protected structure setting and security issues associated with same.

4.2 Building Height

The Planning Authority noted that upward height modifiers are considered to apply to the subject site given its nature and location. It was noted however that it must be ensured that the proposed apartment buildings will not negatively impact on the proposed houses in terms of undue overlooking or inadequate sunlight / daylight access.

In this regard, a sunlight and daylight assessment of the proposed development has been prepared by Digital Dimensions and is submitted herewith. The assessment demonstrates that

the apartment buildings will not impede access to adequate levels of sunlight and daylight for the houses proposed within the scheme. Furthermore, a series of sitewide sections have been submitted as part of this application, which demonstrate the separation distances provided to ameliorate overlooking from the apartment buildings.

4.3 Unit Design

The Planning Authority, at Section 2.5 of their report, set out a series of issues with the architectural documentation submitted at pre-application stage. It is acknowledged that the architectural plans and drawings submitted at pre-application stage were not a full set, but rather provided enough information to adequately assess the proposals at pre-application stage. The response to these issues can be summarised as follows:

- The house type drawings now submitted include full elevations as required.
- Full elevations of the proposed apartment buildings are submitted as part of the application
- The overall level of detail submitted at pre-application stage was not intended to constitute a full drawing pack. Significant additional detail has been included within the final planning application drawing pack.
- The OMP statement of response at Section 7, sets out the proposals relating to the undercroft car parking area in response to the Planning Authority's concerns.
- Likewise, the OMP statement includes a response in relation to the entrances of the apartment blocks, setting out how they have been designed so as to provide for a sense of entry (page 55 onward refers).
- All apartment units are in accordance with the 2018 Apartment Guidelines as demonstrated within the drawings and the HQA prepared by OMP Architects.
- The updates made to address the issue of light to the Block 1 one bed corner units have been set out above.

4.4 Drainage

Appended to the DLR Opinion Report was a Drainage Planning Report compiled by the Drainage Department of DLRCC. The report acknowledges the 'iterative process of constructive engagement' with the applicant and their consultants on drainage issues and notes that a number of key drainage issues raised previously had been addressed within the pre-application submission to the Board.

As set out above under Section 2.3 of this report, the pre-application opinion of the Board included a requirement that the applicant should undertake further consideration of the surface water drainage proposals for the scheme, particularly in light of the comments of the DLR Drainage Department.

As previously stated, the reader is referred to the separately bound DBFL report entitled "*Response to Drainage Related Items of Dun Laoghaire Rathdown County Council Report to An Bord Pleanála for Residential Development at Glencairn*". This report deals individually with the points made within the DLR drainage report and provides a series of more detailed responses thereto. Each of these appointments were discussed with the Drainage Section and agreed prior to lodgement during the course of a meeting with DBFL Consulting Engineers which took place on the 9th of August 2018.

4.5 Overshadowing of Balconies of One-Bedroom Corner Units

The DLR report, at Section 3.0 raised a concern in relation to overshadowing of balconies of one-bedroom apartment units located in the inner corner of Block 1. As set out in summary above under Section 2.4 of this report, and within the OMP Statement of Response at Section 5, the design team undertook further consideration in relation to the one-bed units highlighted, and the design of these units has been amended to provide enhanced access to sunlight and daylight, and to improve separation distances.

As noted above, the balconies of these units, which were indicated as protruding from the building façade at pre-application stage, have now been recessed, in order to improve sunlight and daylight access by decreasing overshadowing, while maintaining appropriate private open space and overall floor area provision.

4.6 Landscaping / Public Open Space

With regard to public open space provision and landscaping within the scheme, the Authority noted the retention of a large area of open space in the northern reaches of the site, in accordance with the 'F' (open space) zoning of those lands. It was stated that based on the combination of publicly accessible open space to be provided within this northern area, and additional public open space throughout the remainder of the scheme, that the open space proposed is largely acceptable to the Authority.

The DLR opinion notes that a significant issue addressed during the S. 247 pre-application consultations was the need to ensure that the Lime Avenue is visible and accessible within the scheme, acting as more of a feature than was originally proposed at the outset of the pre-application process with the Planning Authority.

The applicant and design team accordingly made amendments to the scheme, and the DLR opinion report notes that the treatment of the Lime Tree Avenue as now proposed is acceptable. The retention of the Blue Cedar tree to the west of the avenue is welcomed, as is the replacement of the Cedar tree to be removed with another mature tree.

The Planning Authority noted that the proposed landscaping and open space complies with the Age Friendly policies of the County Council.

4.7 Childcare Facility

The provision of a childcare facility within the development was welcomed. The Planning Authority noted that the facility proposed is in accordance with the Childcare Facilities Guidelines 2001, and Policy SIC 11 (Childcare Facilities) of the County Development Plan.

4.8 Conservation and Archaeology

A report prepared by the DLR Conservation Officer was appended to the Planning Authority's pre-application opinion.

The report notes that the key issue in conservation terms is the site access and relocation of the entrance portal. The report notes that the Conservation Officer accepts in principle the rationale for the entrance portal relocation.

The report summarises the points made and rationale provided within the justification report for the relocation of the entrance portal submitted at pre-application stage to the Board, and the points previously discussed with the Planning Authority during the course of S. 247 meetings. It is concluded that the key question from a conservation point of view is whether the cumulative factors and rationale presented constitute 'exceptional circumstances' within the meaning of S. 57(10(b) of the 2000 Act as amended.

The DLRCC conservation report notes that the proposed new location for the entrance portal as set out at pre-application stage was considered appropriate as it provided for a closer physical and visual connection between the portal and Glencairn House. As set out above, following consultation with the Department of Culture, Heritage and the Gaeltacht, it is now proposed to relocate the entrance portal features of Glencairn in their entirety, including the flanking walls. Therefore, the proposed location for these relocated features has been updated, with the entrance portal and associated structures now to be located closer to the permitted new boundary of Glencairn House than was envisaged at pre-application stage. This is discussed in greater detail above.

The conservation report noted the careful design of units in the vicinity of Glencairn House, particularly to the north, to ensure that they will not have a significant impact on Glencairn House. Furthermore, it is noted that the house will retain a generous curtilage (as approved under Reg. Ref.: D17A/0913). A significant level of open space, including the retention of key site features such as the lime avenue is also noted. It was noted that the north-western section of the site, whereon the densest development is proposed, did not form part of the pleasure grounds of the original 19th century estate and remained largely undeveloped to date.

The conservation officer requested that further visual aids / CGIs be submitted, including views to / from the apartments proposed in the north-western portion of the site. In this respect we refer the reader to the additional photomontages prepared by BSM for submission as part of the final application, including in the EIAR and the separate entrance portal relocation brochure. The CGIs included within OMP Architect's Statement of Response, and the site section drawings included therein and submitted as full sized drawing sheets, demonstrate the sensitive design of the proposed development, with the apartment buildings having been designed to integrate well with both the surrounding proposed residential units and open spaces, existing site features, and the existing protected structures in the vicinity.

The design team considered the recommendation of the Conservation Officer in respect of the fencing proposed in the vicinity of Murphystown Castle. The DLR Opinion, at the 'Archaeology' section, recommended that the proposed railings around the castle be substituted for an estate type railing as indicated on BSM drawing no. 6290-311.

While this recommendation was given due consideration, it was concluded that the fencing originally selected would be best suited to this location within the scheme. This is based on the requirement that the castle ruins be appropriately secured, to avoid interference, vandalism or risk of injury, as they are located centrally within the proposed public open space. Estate type railings would not provide for this requisite level of security.

It is considered that the railing type proposed at the castle provides for sufficient security while maintaining views of the castle. This is demonstrated by the CGIs and drawings prepared by Brady Shipman Martin, which include reference photographs of the fence type proposed.

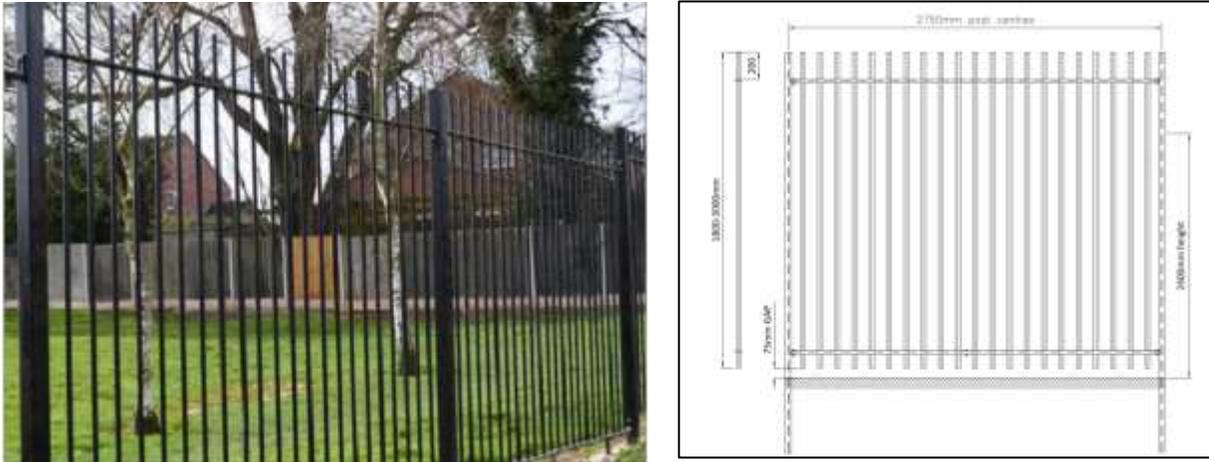


Figure 5: Railing type proposed at Murphystown Castle (refer to BSM Drawing No. 6290-303)

Furthermore, it is noted that all works carried out to and in the vicinity of the castle (railings included) will be subject to discussion and agreement with the Department of Culture, Heritage and the Gaeltacht (as noted in the DLR report) following further archaeological investigation as detailed in the mitigations measures set out within Chapter 4 of the EIAR. The DLR Opinion notes that this approach is in accordance with Policy AH2 of the Development Plan.

4.9 EIAR and AA

The DLR opinion noted that an EIAR was to be submitted with the application. It was further noted that information for AA Screening had not been submitted at pre-application stage.

This final SHD application is accompanied by an Environmental Impact Assessment Report coordinated and co-authored by John Spain Associates and several appropriately qualified experts and consultants.

An Appropriate Assessment Screening Report, prepared by Brady Shipman Martin is also submitted. On the basis of the best scientific evidence, the report clearly demonstrates that no likely significant effect on any European site will arise from the proposed development, either on its own or in combination with other plans or projects, in light of the conservation of those sites.

4.10 Part V Proposals

In respect of the Part V requirement associated with the proposed development. The Planning Authority noted the proposed provision of 34 no. units across a variety of unit types and sizes.

This final application to the Board is accompanied by a Part V brochure prepared by OMP and a letter regarding Part V provision prepared by John Spain Associates, in addition to an estimated table of costs for Part V units prepared by the applicant, and a letter from DLRCC in respect of the proposed Part V provision.

4.11 Phasing

It was questioned whether the denser apartment element of the scheme in the northwest portion of the site could be delivered within the first phase of the development.

Following receipt of the DLR opinion, the applicant undertook due consideration of alternative phasing options for the delivery of the development. However, it was considered that the phasing strategy proposed at pre-application stage remained the optimal phasing – delivering infrastructure, a mix of houses and apartments, and the Part V units and creche within the first phase, with the remaining apartments and open space to follow.

This phasing has regard to the practical construction associated with the construction of the development and its orderly delivery over the course of the planning permission sought. A separate phasing drawing has been prepared by OMP Architects, which is submitted within the OMP drawing pack.

4.12 Linkages and Letters of Consent

The DLR report noted that the applicant had been requested by the Planning Authority to provide links to the existing residential developments in the vicinity during the course of the S. 247 pre-application process.

The Planning Authority noted that such linkages are to be provided as part of the development and this was welcomed. The retention of the southern entrance on Murphystown Way as a pedestrian and cycle entrance was also welcomed.

The Planning Authority noted that the applicant was advised to include the provision of these linkages to surrounding areas (e.g. to Glencairn View) within the application red line boundary.

By way of response, the linkages proposed were not included within the red line (but were rather shown hatched) on the pre-application site layout plan, as a letter of consent had not yet been received from the Planning Authority at the time of submission of the pre-application request.

A letter of consent from DLR has now been received and is included within the application pack, and the proposed linkages are therefore now shown within the red line boundary of the final SHD application.

A further letter of consent was received from Transport Infrastructure Ireland (dated 7th August 2018) and is submitted as part of this application. The letter relates to the area at the existing entrances to the subject site off Murphystown Way, which cross the Luas line, as there are works proposed here including resurfacing, new signals, signage and bollards. The TII letter confirms consent for the making of this application which includes lands in the ownership of TII.

4.13 Other Miscellaneous Items

The DLR Opinion set out that the crossing of the Luas line will require the consent of TII. A letter of consent from TII is submitted along with this application. The detailed design of the road junction at Murphystown Way has been discussed in detail as part of the pre-application process with the Planning Authority and TII.

In accordance with the requests of the Planning Authority made at Section 2.13 of the DLR Opinion report, a detailed Quality Audit is submitted along with this application.

The Planning Report and Statement of Consistency prepared by John Spain Associates includes a section which sets out the likely demand for school places arising from the proposed development and analyses the level of school provision in the vicinity of the proposed development. It is concluded that given the significant number of primary and secondary schools,

and the comparatively minor likely level of demand arising from the development the additional demand for school places will be accommodated within the existing and planned educational infrastructure in the area. We also note that a new secondary school is planned for this area by the Department of Education.

The OMP Statement of Response document (see page 55) provides further detail in relation to the design of the entrance points to the proposed apartment buildings within the scheme. Further consideration has been undertaken in this respect and the proposed arrangement is considered to provide for a sense of entry, with access, legibility and connection to the surrounding landscape and key site features. The entrance points project from the building facades, enhancing their visibility within the scheme.

5.0 CONCLUSION

In conclusion, it is respectfully submitted that all the issues raised by An Bord Pleanála, Dun Laoghaire Rathdown, and relevant statutory bodies have been comprehensively and successfully addressed prior to the submission of this final application to the Board.

The proposed development provides for a significant number of high quality residential units across a range of sizes and tenures, in a scheme which effectively responds to the characteristics and constraints of the subject lands with a considered and site-specific design.

The proposal provides for excellent levels of permeability, high quality open space, the retention of key site features, all of which will foster a sense of place for the benefit of future residents, residents in surrounding areas, and visitors alike.

APPENDIX 1- COURTNEY DEERY SUMMARY STATEMENT

Landscaping in the vicinity of Murphystown Castle (RMP Ref No: DU023-025)

The preservation, presentation of the upstanding castle remains and their integration within the proposed development forms an integral part of the Glencairn development layout. It is a result of the significant interaction between archaeological consultants and the design team members (comprising architects, conservation architects, landscape architects and conservation engineers).

The landscaping and development design in the vicinity of the castle ruins was preceded by archaeological test excavation which focused on investigating the possible extent, character and date of any extant archaeological remains. It also sought to and establish an appropriate zone of exclusion around the castle where no development can occur and to inform future repair and conservation strategies.

The archaeological testing demonstrated that there are in-situ features of medieval date located immediately to the west and south of the castle walls. Based on the results of the testing the establishment of a buffer zone of at least 20m from the upstanding remains was suggested. This buffer zone will ensure the castle's preservation and safe guarding into the future, in the following ways:

- It incorporates the low hillock on which the castle is sited and will thus maintain topographical siting;
- It incorporates the in-situ medieval features;
- It incorporates the castle sensitively into the development, thereby ensuring its future preservation and long-term protection;
- It ensures that the ruins will be a focal point in the development;
- The proximity of the development and the playground and newfound accessibility to the castle, will ensure that the castle is overlooked and highly visible on all sides which will discourage any antisocial behaviour and will encourage passive surveillance of the structure;
- A looped walkway will physically connect the historical elements surviving in the development (lime tree avenue and the river valley) and this will be enhanced by the retention of the mature decorative trees;
- The landscaping of the buffer zone will allow for public access around the castle and will provide signage.

As part of the earliest stages of the SHD process the preservation in-situ of Murphystown Castle, the buffer zone, and the development and landscaping proposals were discussed with the National Monuments Service, Department of Culture, Heritage and the Gaeltacht (DCHG) and the development designs were finalised on the basis of these discussions.

Landscaping Proposals

The landscaping proposals in the vicinity of the castle are part of a sensitive design response, informed by archaeological test excavation. The design caters for its integration, preservation, interpretation and on-going protection in the following ways:

- It respects and maintains the topographical integrity of the site on the low hillock. The topographical setting is best experienced on the northern side of the castle and will be enhanced by the proposed low hedging following the natural contours of the hillock. This discontinuous hedgerow will provide a strong visual identity and shows the full extent of the sensitive area of the site.
- The buffer zone of the site is delineated by a simple gravel pathway (no dig construction, founded on a cell web system);

- The provision of formal access and seating area to the south of the castle creates a place of reflection and a focal point for the site;
- Provides signage which will assist in the interpretation of the site;
- Provides for physical access to all parts of the site;
- Provides future pedestrian links to the other historic and natural features that still survive, such as the river valley and the lime tree avenue;
- The castle themed playground will underpin respect and understanding of heritage to the younger members of community.

Interpretation signage is tentatively proposed at four locations in the park and this signage will assist in the understanding of the site, enhancing its appreciation and amenity value. The development outside the buffer zone will be preceded by archaeological excavation, which will further enhance our knowledge of the castle site, and its environs and as a result additional specific panel locations and content may emerge as the park is developed. In order to ensure the accuracy and authenticity of the site interpretation, its final form and location will be agreed in advance with the DCHG and local authority when all the on-site and offsite (post-excavation) archaeological works have been carried out. Mortar samples have been taken and will inform a conservation methodology and to assist in dating the castle. A baseline laser survey has also been carried out to assist in the interpretation and the presentation of the ruins.

All works carried out to the castle, including conservation (repair), consolidation and stabilisation of the ruins and subsequent landscaping and signage etc., will be subject to a conservation plan/method statement. This will be developed well in advance of construction, in discussion with and approval from the DCHG. All landscaping works will be monitored by the licenced archaeologist on site.