

**STATEMENT OF RESPONSE TO  
AN BORD PLEANALA OPINION**

**FOR A**

**STRATEGIC HOUSING DEVELOPMENT**

**AT**

**PRIORSLAND  
CHERRYWOOD SDZ  
DUBLIN 18**

**PREPARED BY**



**ON BEHALF OF**

**1 CARRICKMINES LAND LTD.**

**APRIL 2022**

## INTRODUCTION

We, McGill Planning Ltd, are instructed to prepare this Statement of Response to An Bord Pleanála's Notice of Pre-Application Consultation Opinion on behalf of our client 1 Carrickmines Land Ltd.

The Strategic Housing Development (SHD) will comprise a mixed-use Village Centre and residential development as follows:

- *402 no. apartments (comprising 146 no. 1-beds; 218 no. 2-beds and 38 no. 3-beds) within 6 no. blocks (Blocks A-F) ranging in height up to 5 storeys with basement/undercroft parking areas.*
- *41 no. terraced/semi-detached/detached houses (comprising 19 no. 3-beds and 22 no. 4-beds).*
- *A supermarket (c.1,306 sq.m), 7 no. retail/retail services units (c.715 sq.m total gross floor area); 2 no. non-retail/commercial units (c.213 sq.m total gross floor area); creche (c.513 sq.m), gym (c.155 sq.m), community space (c.252 sq.m), residential facilities (c.551.8 sq.m total gross floor area), Office/High Intensity Employment use (c.708 sq.m).*
- *Provision of car/ bicycle/ motorcycle parking at basement/ undercroft/ ground level. ESB sub-stations/switchrooms/kiosks, waste storage areas, plant areas.*
- *Provision of the first phase of Priorsland Public Park, a linear park along the Carrickmines Stream and additional public and communal open spaces.*
- *Provision of an acoustic barrier along the southern/south-western edge of the site adjacent the M50.*
- *Construction of Castle Street on the subject lands and two road bridges across the Carrickmines Stream, one to serve a future school site, the second to provide interim pedestrian and cyclist access to the Carrickmines Luas station and future Transport Interchange. Provision of a pedestrian bridge from the Village Centre to Priorsland Park.*
- *The proposed development includes for all associated site development works, landscaping, boundary treatments and services provision.*

This response has been prepared with direct inputs from the design team who include McGill Planning, MOLA Architecture; Dermot Foley Landscape Architecture; PUNCH Consulting Engineers; Altemar Environmental Consultants; Fallon Consulting Engineers; IES Consulting Engineers, 3D Design Bureau 3d Visualizations; CLV Consulting Engineers, Traynor Environmental Consultants, IAC Archaeological & Cultural Heritage Consultants.

This report aims to deliver an overview of the response to all matters raised in the opinion issued under ABP-307784-20.

A Section 5 Pre-Planning Consultation Meeting was held with An Bord Pleanála on the 25<sup>th</sup> November 2020. Following on from this An Bord Pleanála issued a Record of Meeting,

Inspectors Report on Recommended Opinion and Notice of Pre-Application Consultation Opinion, dated the 26<sup>th</sup> January 2021 which stated the following:

*“An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.”*

The Board identified the following issues to be addressed:

- 1. Further consideration/justification of the documents as they relate to the Cherrywood SDZ Planning Scheme and consistency with the planning scheme, including zoning and land use provisions, quantum of development proposed, density at this location, height, car parking, plot ratio, unit mix, vehicular access arrangements, and all other aspects of the planning scheme which affects the development.***
- 2. Further consideration/justification of the documents as they relate to the carrying capacity of the Cherrywood SDZ Planning Scheme in relation to physical infrastructure, social infrastructure, and community infrastructure.***

The Board also identified pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, and in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information set out below should be submitted with any application for permission.

- 1. Review of submitted Traffic and Transport Assessment and submission of detailed analysis on interim vehicular access arrangements proposed via Carrickmines, versus connection to Castle Street.***
- 2. Review of impact of the development on the flood containment zone, surface water management proposals, and site specific flood risk assessment, having particular regard to issues raised by the Development Agency Project Team (DAPT) and accompanying JBA report on ‘Assessment of Stormwater Proposals’, as submitted in Appendix B of the Planning Authority Report, received on 27th August 2020.***
- 3. Overlay of land use map and proposed uses as specified in the SDZ.***
- 4. Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the proportion of effective dual aspect units; number of north facing single aspect units; daylight and sunlight access to units and spaces; use of long internal corridors within some of the blocks; micro-climate / wind impacts; and inward noise impacts. The further consideration in respect of single and dual aspect units should have regard to the requirements and definitions of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), SPPR 4.***

5. *Interface of Block F with the adjoining public realm, in particular consideration of the impact of undercroft parking on the public realm.*
6. *Further consideration/justification of the scale of childcare facility proposed.*
7. *Further consideration/justification of car parking proposals against the SDZ Planning Scheme, specifically the recent amendment in relation to car parking standards.*
8. *A plan detailing the hierarchy and function of public open space across the site, including in the flood containment zone, and implications of the flood containment zone on the design, layout and usability of the open space in this area.*
9. *Detail and justification of location and quantum of resident support facilities and resident services and amenities as defined by the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018).*
10. *Further detail in relation to school provision and confirmation that scale of the site reserved meets the requirements of the Department of Education.*
11. *A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments.*
12. *A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials on each block. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.*
13. *Details of boundary treatment across the site.*
14. *Review of tree survey and arboricultural report submitted, to include consideration of existing trees/hedgerows to the east of the site, which are required to be retained and measures to ensure protection of those tree/hedgerows to be retained.*
15. *Ecological Impact Assessment.*
16. *Provide updated Sunlight and Daylight Analysis (based on a representative sample of units that includes assessment of worst-case scenarios); updated Wind and Microclimate Analysis (including details of any proposed mitigation measures); and an Inward Noise Assessment.*
17. *An updated Visual Impact Assessment that includes photomontages, cross sections, axonometric drawings and CGIs. The assessment should address key views from the M50, from the wider SDZ lands and from/toward protected structures proximate to the site.*
18. *A detailed phasing plan for the proposed development.*
19. *A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.*
20. *A detailed Construction Environmental Management Plan.*
21. *A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.*
22. *Response to issues raised by the Development Agency Project Team (DAPT) as per the report submitted in Appendix B of the Planning Authority Report, received on*

*27th August 2020, including inter alia, water services, green infrastructure, and transportation issues.*

- 23. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.**
- 24. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document, unless it is proposed to submit an EIAR at application stage.**
- 25. An Appropriate Assessment screening report and/or Natura Impact Statement.**

Finally, pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, The ABP Opinion stated that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

- 1. Irish Water**
- 2. Transport Infrastructure Ireland**
- 3. National Transport Authority**
- 4. Inland Fisheries Ireland**
- 5. Minister for Culture, Heritage and the Gaeltacht (archaeology and nature conservation)**
- 6. Heritage Council (nature conservation)**
- 7. Commission for Railway Regulation**
- 8. The relevant Childcare Committee**
- 9. Department of Education and Skills**

We can confirm that the prescribed bodies identified by An Bord Pleanála have been notified and a full copy of the planning application under consideration has been furnished to these bodies. It is noted that all of these prescribed bodies accept a soft copy to be sent to them.

## ISSUES TO BE ADDRESSED

The applicant's response to the issues raised by An Bord Pleanála are set out below:

### **Issue 1:**

***Further consideration/justification of the documents as they relate to the Cherrywood SDZ Planning Scheme and consistency with the planning scheme, including zoning and land use provisions, quantum of development proposed, density at this location, height, car parking, plot ratio, unit mix, vehicular access arrangements, and all other aspects of the planning scheme which affects the development.***

### Applicants Response:

The development now submitted for planning as part of this Stage 3 SHD planning application has been revised significantly from the draft scheme submitted to ABP on 31<sup>st</sup> July 2020, at SHD Stage 2 pre-planning.

The final scheme submitted for planning is now fully compliant with the SDZ Planning Scheme in respect of zoning and land use provisions, quantum of development proposed, density at this location, height, car parking, plot ratio, unit mix, vehicular access arrangements, and all other relevant aspects of the planning scheme.

Compliance with the SDZ Planning Scheme is further elaborated in the Planning Scheme Compliance Matrix submitted and in the Design Report prepared by MOLA Architecture and Reports prepared by Punch Consulting Engineers.

In significantly revising the proposal to now comply with the Cherrywood SDZ Planning Scheme, our client has had full regard to the High Court Judgment in *Dublin City Council v An Bord Pleanála* [2020] IEHC 557, delivered on 12<sup>th</sup> November 2020 and subsequent to our client's original SHD Stage 2 pre-application.

We also refer to the letter prepared by McCann Fitzgerald LLP which accompanies this application and which states as follows:

*"At the time of the request to enter consultation, the proposed development comprised 1,180 no. Build to Rent apartments, crèche and associated site works.*

*In its section 6(7) opinion, the Board highlighted issues for attention relating to the Cherrywood SDZ Planning Scheme, including "consistency with the planning scheme".*

*The significance of that requirement is clear from the High Court judgment in Dublin City Council v An Bord Pleanála [2020] IEHC 557. The judgment was delivered on 12 November 2020, after your request for consultation.*

*The case, as here, concerned an application for SHD on lands located within an SDZ. The court concluded that:*

*“the Oireachtas has given a developer the option of applying either directly to the council with no appeal under normal SDZ rules or directly to the board under SHD rules. A conclusion that the board has no jurisdiction to depart from the planning scheme is in my view consistent with there being such an option in s. 4(4) of the 2016 Act, because it would be totally inconsistent and illogical if fundamentally different rules applied at the whim of the developer making the application. In a normal SDZ application the council is bound by the planning scheme (see s. 170(2) of the 2000 Act). It would be illogical to simply give an option that would fundamentally change the outcome, which would be the result if the board did in fact have jurisdiction to depart from the scheme.”*

*Put simply, even where the application is made for SHD under the 2016 Act, the proposed development must be “consistent” with the relevant planning scheme. The Board’s opinion under section 6(7) properly highlighted that amendment to the proposed development would be required to ensure compliance with the scheme.*

*For this purpose, our mutual client has made the necessary amendment. The scheme now comprises 443 no. residential units only and the reason for that reduction is to ensure consistency with the planning scheme.”*

**Issue 2:**

***Further consideration/justification of the documents as they relate to the carrying capacity of the Cherrywood SDZ Planning Scheme in relation to physical infrastructure, social infrastructure, and community infrastructure.***

Applicants Response:

As noted above, the quantum of residential development now proposed complies fully with the SDZ Planning Scheme, and in particular the Development Type and Quantum prescribed for this application site as outlined in Table 6.3.1 (Development Area 3: Priorsland) of the Planning Scheme.

Table 6.3.1 of the Planning Scheme prescribes c.1,045 residential units overall for the entire Priorsland Development Area which includes the current application lands and other third party lands to the north, west, north-east and east.

DEVELOPMENT AREA 3 PRIORSLAND		
Gross Area HA	Net Developable HA	
20.3	11.3	
PRIORSLAND VILLAGE CENTRE		
Total Village Centre Lands HA	0.9	
RETAIL SQ.M		
	Min	Max
	Net / Gross	Net / Gross
1 no. Supermarket	550 / 834	900 / 1,365
Local Retail	150 / 228	300 / 455
Retail Services	150 / 228	300 / 455
Total Retail Quantum Village Centre	Min Net / Gross	Max Net / Gross
	850 / 1,290	1,500 / 2,275
RESIDENTIAL		
Residential Dwelling Units	Min	Max
	Circa 95	Circa 130
Gross Residential Floor Area Sq.m	Min	Max
	9,000	12,000
NON RESIDENTIAL USES SQ.M		
Non Retail Uses	Min	Max
	700	1,000
High Intensity Employment	Min	Max
	700	1,000
Community Facilities	Min	Max
	250	500
Total Non Residential Floor Area	Min	Max
	1,650	2,500

RESIDENTIAL DEVELOPMENT		
Total Residential Lands HA	9.2	
	Land Area HA	Density Range
Res 1	0	35 - 50
Res 2	4.5	45 - 70
Res 3	4.7	65 - 100
Res 4	0	85 - 125
No. of Dwellings on Residential Lands	Min	Max
	508	785
Overall Residential Density	Min	Max
	55 per ha	85 per ha
Building Height in Storeys	2	5
No. of Dwellings in Village Centre	Min	Max
	Circa 95	Circa 130
TOTAL NO. OF RESIDENTIAL DWELLINGS	Min	Max
	Circa 603	Circa 915
EDUCATION		
Educational Use Lands HA	0.8	
Quantum and Type of Schools	1 Primary	0 Post Primary
Site 1 Area HA	0.8	-
TRANSPORT INTERCHANGE (T.I)		
Site Area HA	0.27	
Road Requirements		
Construct M. D.		

Table 6.3.2: Infrastructure Requirements Development Area 3 Priorsland. See Maps 4.1-4.5.

The current application for 443 residential units therefore represents c.42% of the total number of residential units envisaged for the Priorsland Development Area.

Notwithstanding that the current application is proposing less than half of the overall Priorsland residential quantum prescribed, 100% of the Village Centre including retail, retail services, commercial, community, and employment uses for the entire Priorsland Development Area is included as part of this application.

This front loading of services and amenities will ensure that the current residential development plus future residential phases will have access to social infrastructure from the start.

The current application also includes for provision of approximately 50% of the designated Class 1 Priorsland Park, the park to serve all of the Priorsland Development Area. Additional public open spaces including the linear park along the Carrickmines Stream and Village Centre plaza are also proposed as part of this application.

Access to high quality public transport is also proposed from the outset with the proposed bridge connection to the Luas Park & Ride to the north providing access from pedestrians and cyclists.

Finally the current application includes for provision of the future school site for Priorsland with bridge access to same.

## SPECIFIC INFORMATION TO BE PROVIDED

The Board also requested, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, that *in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:*

### **Item 1:**

***Review of submitted Traffic and Transport Assessment and submission of detailed analysis on interim vehicular access arrangements proposed via Carrickmines, versus connection to Castle Street.***

#### Applicants Response:

See “An Bord Pleanála Opinion Summary Response” and the revised ‘Traffic and Transport Assessment’ prepared by PUNCH Consulting Engineers. Further detail is also provided in the ‘Outline Construction & Demolition Waste Management Plan’ in relation to construction traffic arrangements.

### **Item 2:**

***Review of impact of the development on the flood containment zone, surface water management proposals, and site specific flood risk assessment, having particular regard to issues raised by the Development Agency Project Team (DAPT) and accompanying JBA report on ‘Assessment of Stormwater Proposals’, as submitted in Appendix B of the Planning Authority Report, received on 27th August 2020.***

#### Applicants Response:

See “An Bord Pleanála Opinion Summary Response” and the revised ‘Site Specific Flood Risk Assessment’ prepared by PUNCH Consulting Engineers.

### **Item 3**

***Overlay of land use map and proposed uses as specified in the SDZ.***

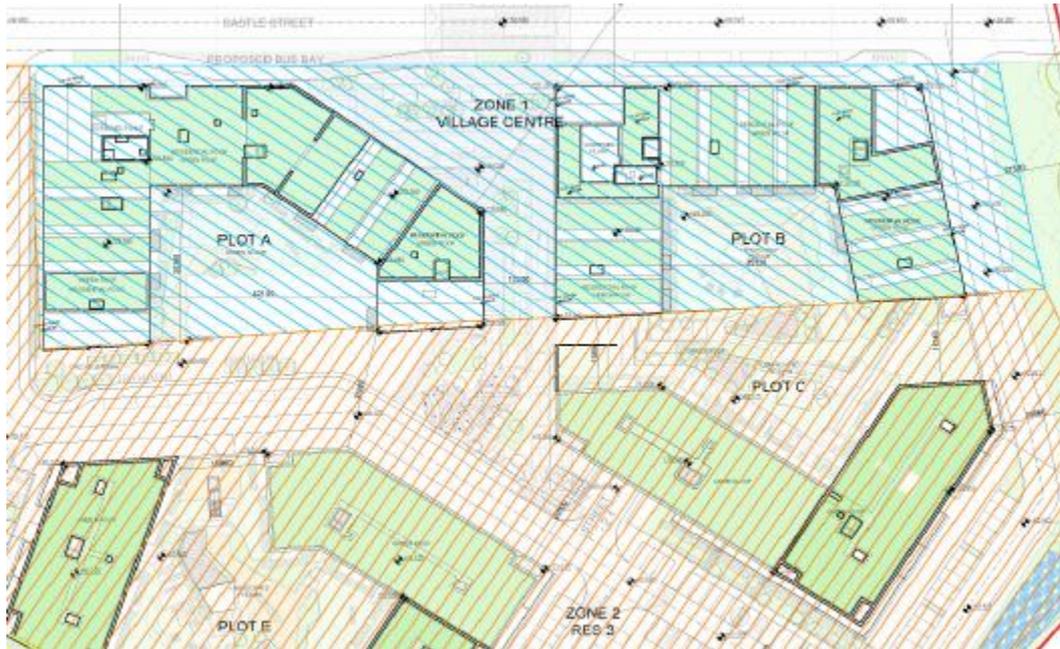
#### Applicants Response:

It is noted that at SHD Stage 2 pre-planning consultation in 2020 a query arose as to whether all of the proposed Village Centre uses proposed were fully located within the Village Centre zoning as outlined in Map 6.3 of the Planning Scheme.

A similar issue arose with the previous SDZ Planning Application Ref. DZ21A/0677 where a proposal to locate the community facilities in Block E (within the RES3 zoning) was considered non-compliant by DLRCC.



Please refer to the MOLA Architecture Design Statement and the Response to Item 3 on page 36 of same, which shows the proposed Village Centre Blocks A and B of the current proposal sitting fully within the Village Centre zoning and with Block C (all apartments) within the RES 3 zoning. The zoning boundary between the Village Centre and RES3 zoning is clearly shown and it is evident that no Village Centre elements are sitting within the RES3 zoning.



**Item 4**

***Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the proportion of effective dual aspect units; number of north facing single aspect units; daylight and sunlight access to units and spaces; use of long internal corridors within some of the blocks; micro-climate / wind impacts; and inward noise impacts. The further consideration in respect of single and dual aspect units should have regard to the requirements and definitions of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), SPPR 4.***

**Applicants Response:**

Please refer to the Design Statement and Housing Quality Audit prepared by MOLA Architecture.

Section 3.16 - 3.19 of the Apartment Guidelines refer to Dual Aspect Ratios. Section 3.17 of the Guidelines notes that:

*‘it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design.’*

The number of the dual aspect apartments is 36.3% of the total number of apartments. This is greater than the 33% minimum required under the Sustainable Urban Housing: Design Guidelines for New Apartments (2020).

Of the 402 no. apartments, 27 are single aspect, north facing units. This represents 6.7% of the total number of units. 9 of these are in Block A and 18 are in Block B – the two Village Centre blocks.

Section 3.18 of the 2020 Guidelines state the following:

*“North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.”*

In all cases, the 27 no. north facing apartments in Blocks A and B will have positive aspects overlooking Priorsland Park and the Linear Park along the Carrickmines Stream, both of which will be significant public amenities for residents. It is therefore considered that the number and disposition of the single aspect, north facing units in this scheme comply with the national guidelines.

In relation to sunlight/daylight and micro-climate please refer to the reports prepared by IES Consulting Engineers which conclude that the amenity standards for future residents in both respects will be positive.

In relation to Noise Impact we refer to the Noise & Vibration EIAR Chapter 8 and EIAR Appendix 8.1 (Traffic Inward Noise Assessment) prepared by CLV Consulting Engineers, which concludes acceptable noise environment for future residents.

***Item 5:***

***Interface of Block F with the adjoining public realm, in particular consideration of the impact of undercroft parking on the public realm.***

Applicants Response:

Block F has been redesigned in the current proposal and is fully detailed and elaborated in the plans, elevations and Design Statement prepared by MOLA Architects, and to be viewed in conjunction with the landscape proposals from Dermot Foley Landscape Architects.

***Item 6:***

***Further consideration/justification of the scale of childcare facility proposed.***

Applicants Response:

Within the revised plans a creche with 83 childcare spaces is now proposed as part of the Village Centre development. The size of the facility has been calculated having regard to likely demand arising from the proposed development and the range of household types.

With the exclusion of 1-bed units as per the Apartment Guidelines (leaving 297 residential units) then the private childcare demand based on the 2001 Guidelines calculation is 79

spaces (i.e. 297 units / 75 \* 20). The proposed creche with 83 childcare spaces is therefore adequately sized to meet the needs of the future residential population.

**Item 7:**

***Further consideration/justification of car parking proposals against the SDZ Planning Scheme, specifically the recent amendment in relation to car parking standards.***

Applicants Response:

The proposed car parking provision fully accords with the SDZ Planning Scheme and is detailed further in the An Bord Pleanála Opinion Summary Responses Report and Traffic & Transport Assessment prepared by PUNCH Consulting Engineers.

**Item 8:**

***A plan detailing the hierarchy and function of public open space across the site, including in the flood containment zone, and implications of the flood containment zone on the design, layout and usability of the open space in this area.***

Applicants Response:

Please refer to the drawings and Design Report prepared by Dermot Foley Landscape Architects for details of the open spaces proposed.

**Item 9:**

***Detail and justification of location and quantum of resident support facilities and resident services and amenities as defined by the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018).***

Applicants Response:

The current proposal submitted for SHD Stage 3 is not a Build to Rent development and therefore resident support facilities are not strictly required under the Apartment Guidelines. Nevertheless a range of internal amenity areas are proposed to serve the apartments. These are detailed further in the plans and Design Statement prepared by MOLA Architects.

**Item 10:**

***Further detail in relation to school provision and confirmation that scale of the site reserved meets the requirements of the Department of Education.***

Applicants Response:

Chapter 2 states that “Educational facilities are provided in the form of primary and post primary schools, in line with Department of Education and Skills requirements.”

- The location, size and number of school sites has been established in consultation with the Department of Education and Skills.

- Four primary school sites and two post primary school sites have been identified. The primary school sites are spread across the 3 Growth Areas. The two post primary schools are located in Growth Areas 1 and 3.
- The sites have been located so that they are accessible by the network of pedestrian and cycle routes, in order to encourage walking and cycling to school.
- The sites have been geographically located to facilitate an even spread of local schools.
- The sites for the primary schools have been located adjacent to open space to facilitate a sharing of the recreational space and are generally close to Village Centres so as to reinforce the sense of community.

Table 7.1 sets out the anticipated phasing requirement for schools' provision.

**Table 7.1: Provision of Schools**

Schools	Site and associated open space to be made available to the Dept of Education and Skills prior to the granting of permission for:*	School buildings complete prior to the granting of permission for: *
Primary School (including adjoining open space provision for school) (24 or 32 classroom school)	1,000 residential units	1,800 residential units
Post Primary School (including adjoining open space provision for school)	2,500 residential units	3,400 residential units
Primary School (number of classrooms depending on demand including adjoining open space provision for school)	4,000 residential units	5,000 residential units
Post Primary School (including adjoining open space provision for school)	5,000 residential units	6,000 residential units
Primary School (number of classrooms depending on demand including adjoining open space provision for school)	7,000 residential units	8,000 residential units
Primary School (number of classrooms depending on demand including adjoining open space provision for school)	8,000 residential units	

*\*Unless deviation agreed in writing between the Department of Education and Skills and the Local Authority.  
For clarity the sites identified in the Planning Scheme relate to public primary and post primary schools.*

Notwithstanding the consecutive phasing outlined in Table 7.1 the note at the bottom of same also states that the Department of Education & Skills may deviate from this phasing.

To date a primary school has been permitted within the SDZ at Tully (DZ18A/0458). The Tully School site (0.74 ha) was permitted for a 4,510 sq.m 2-3 storey primary school with 24 classrooms, 2 special needs rooms. It has a stated pupil capacity of up to 720.

This first school, Cherrywood Educate Together National School opened in September 2020.

To date, the Planning Authority has granted Planning Permission for 3,493 units, which would suggest that under Table 7.1 a post primary school should be complete.

Whilst landowners in Cherrywood were advised by DAPT in early 2020 that a site had been made available to the Department of Education and Skills for the provision of the first Post Primary School in Cherrywood, it is understood that the Department have since deferred plans to establish the school until later in 2022, due to a range of factors, including delays to planned residential development and sufficient capacity in existing schools in the wider area presently.

Separately, in a letter to DLRCC, dated 16 January 2019, the Department agreed to a deviation from Table 7.1 to the extent that the relevant thresholds for the completion of school buildings be linked to the delivery or completion of residential units, rather than the grant of permission of units, as stated in Table 7.1.

The Department reiterated this position in its most recent submission to a residential planning application within the Planning Scheme Area – Ref. DZ21/0334.

An Roinn Oideachais  
agus Scileanna  
Department of  
Education and Skills



Planning Department  
Dun Laoghaire Rathdown County Council  
County Hall  
Marine Road  
Dún Laoghaire  
Co. Dublin  
A96 K6C9



1 June 2021

Re: DZ21A/0334, Quintain Developments Ireland Ltd

To whom it may concern,

The Department of Education and Skills notes the planning application referenced above.

The Cherrywood Planning Scheme 'Sequencing and Phasing' requires the school building for a post primary school be complete prior to the granting of permission of 3,400 units 'unless deviation agreed in writing between the DES and LA'.

I note that in aggregation with extant permissions and other current applications, the subject application, if granted, could exceed the 3,400 threshold.

In that context, I wish to confirm that this Department has, in a letter to DLRCC dated 16 January 2019, agreed to a deviation from this requirement, as provided for in the Planning Scheme. This deviation provides for the relevant thresholds for the completion of school buildings to be linked to the delivery or completion of residential units, rather than the grant of permission of units, as per the stated requirement of the Scheme.

Yours sincerely,

Áine Cusack  
Site Acquisitions and Property Management

Bóthar Phort Laoise, An Tulach Mhór, Co. Uíbh Fhailí, R35 Y2N5  
Portlaoise Road, Tulamore, Co. Offaly R35 Y2N5  
T +353 1 57 9324300 | [www.education.ie](http://www.education.ie)

Given the above it is considered that the proposed development is therefore considered to be consistent with the Phasing and Sequencing requirements of Table 7.1 School Provision of the Cherrywood Planning Scheme, as amended.

Furthermore, it is noted that the application site includes a portion of land north of the Carrickmines Stream which is zoned for provision of a future primary school.

As noted above, Chapter 2 of the Planning Scheme notes that each school site has been correctly located and sized in consultation with the Department, and to tally with the planned residential development within each growth area/development area.

Given that the number of the units in the current scheme accords with the Planning Scheme and assuming that all remaining lands will be similarly developed then it is naturally concluded that the scale of the reserved site is sufficient to meet future anticipated needs.

Subject to the Department's requirements, the school site at Priorsland can be made available to deliver an additional primary school in the future. We also note the following that will be provided as part of this current application:

- The school site will be accessible by the road and new bridge that are completed to a standard to be taken in charge by the Council.
- The site will have unhindered access to infrastructure services.
- The Priorsland Park adjacent to the school site (within the applicant's ownership) shall be available for use by the school for sharing of recreational space.
- Drop off facilities will be provided near to the site.

To date the Department have not indicated any interest to the applicant in acquiring the site. However it is assumed that once permissions are granted in the Priorsland Development Area and construction commences then consultation will begin.

***Item 11:***

***A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments.***

Applicants Response:

A HQA prepared by MOLA Architecture is submitted with the application.

***Item 12:***

***A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials on each block. The documents***

***should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.***

Applicants Response:

Details on Materials for the proposed buildings and landscape are outlined in the Design Reports and associated drawings prepared by MOLA Architecture and Dermot Foley Landscape Architects. Also refer to the Building Lifecycle Report prepared by MOLA Architecture.

***Item 13:***

***Details of boundary treatment across the site.***

Applicants Response:

Refer to the Boundary Plan prepared by Dermot Foley Landscape Architects.

***Item 14:***

***Review of tree survey and arboricultural report submitted, to include consideration of existing trees/hedgerows to the east of the site, which are required to be retained and measures to ensure protection of those tree/hedgerows to be retained.***

Applicants Response:

Refer to the Arboricultural Drawings and Assessment prepared by Treefile Consulting Arborists. Also refer to the Boundary Plan prepared by Dermot Foley Landscape Architects.

The Planning Scheme contains objectives regarding the protection and retention of existing hedgerows and the hedgerow along the eastern/south-eastern boundary of the site is identified on Map 5.2 of the Planning Scheme for retention. Policy GI 43 also refers to Map 5.2 in this regard.

At the same time elsewhere in the Planning Scheme the provision of a surface water pond is also identified along the south-eastern boundary (i.e. Map 4.2) whilst the future provision of the Barrington's Road with bridge crossing over the M50 would also likely eliminate the potential to retain the hedgerow at the south-eastern boundary, notwithstanding Map 5.2.

As a result the current proposal includes for the removal of the section of hedge along the south-eastern boundary to facilitate the necessary surface water infrastructure (refer to PUNCH Consulting Engineers documentation for further details), whilst the existing hedge along the eastern boundary is retained along with a modest public footpath north-south to the west of the same, both in accordance with the Planning Scheme intentions.

**Item 15:**  
**Ecological Impact Assessment.**

Applicants Response:

Ecological Assessment is included within the Biodiversity Chapter of the EIAR submitted with the application, as prepared by Altemar Environmental Consultants.

**Item 16:**

***Provide updated Sunlight and Daylight Analysis (based on a representative sample of units that includes assessment of worst-case scenarios); updated Wind and Microclimate Analysis (including details of any proposed mitigation measures); and an Inward Noise Assessment.***

Applicants Response:

Please refer to the following:

- Sunlight and Daylight Assessment prepared by IES Consulting Engineers.
- Wind microclimate Report prepared by IES Consulting Engineers.
- The Noise & Vibration EIAR Chapter 8 and EIAR Appendix 8.1 (Traffic Inward Noise Assessment) prepared by CLV Consulting Engineers.

**Item 17:**

***An updated Visual Impact Assessment that includes photomontages, cross sections, axonometric drawings and CGIs. The assessment should address key views from the M50, from the wider SDZ lands and from/toward protected structures proximate to the site.***

Applicants Response:

Photomontages and CGIs prepared by 3DDB are submitted with the application and the photomontages/verified views are assessed as part of the Landscape & Visual Chapter 10 of the EIAR.

**Item 18:**

***A detailed phasing plan for the proposed development.***

Applicants Response:

An Outline Phasing Plan for the development is included in Section 9.2 of the Outline Construction Management Plan prepared by Punch Consulting Engineers

**Item 19:**

***A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.***

Applicants Response:

Taking in Charge Drawing XX104 prepared by MOLA Architecture is submitted with the application.

**Item 20:**

***A detailed Construction Environmental Management Plan.***

Applicants Response:

Please refer to the CEMP prepared by Altemar Environmental Consultants.

**Item 21:**

***A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.***

Applicants Response:

Please refer to the Building Lifecycle Report prepared by MOLA Architecture with inputs from other Design Team Consultants as required.

**Item 22:**

***Response to issues raised by the Development Agency Project Team (DAPT) as per the report submitted in Appendix B of the Planning Authority Report, received on 27th August 2020, including inter alia, water services, green infrastructure, and transportation issues.***

Applicants Response:

Please refer to the An Bord Pleanála Opinion Summary Responses Report prepared by PUNCH Consulting Engineers. In relation to green infrastructure issues, it is noted that the comments raised by the DAPT with regard to the SHD Stage 2 proposal in 2020 were in relation to a radically different proposal compared to the SDZ compliant scheme now proposed. As such the current layout and associated landscaping and green infrastructure provision is in accordance with the Planning Scheme and compliance as is elaborated in the Statement of Consistency, EIAR and associated documents now submitted.

**Item 23:**

***Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.***

Applicants Response:

The revised proposal as now submitted at SHD Stage 3 is compliant with and does not materially contravene the Cherrywood SDZ or the Dun Laoghaire Rathdown County Development Plan. A Material Contravention Statement is therefore not required nor submitted with the application.

**Item 24:**

***The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document, unless it is proposed to submit an EIAR at application stage.***

Applicants Response:

An EIAR is submitted with this SHD application as attached.

**Item 25:**

***An Appropriate Assessment screening report and/or Natura Impact Statement.***

Applicants Response:

The SHD Application is accompanied by a NIS as prepared by Altemar Environmental Consultants.