

## **COUNTY ARCHITECTS REPORT**

**Proposed development consisting of the construction of a Housing Development on SDCC land at Deansrath Green, Melrose Green & Melrose Avenue, Clondalkin, Dublin 22. The proposed housing development is comprised of 27 Age-Friendly homes, community room, associated open spaces and all site and development works necessary to facilitate the proposed development.**

**PROCESS PURSUANT TO SECTION S179A OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED).**

**NOTIFICATION STAGE**

**Issued December 2023**

## COUNTY ARCHITECTS REPORT – S179A NOTIFICATION STAGE

<b>Project Title:</b>	Proposed development of 27 Age-Friendly homes, community room, associated open spaces and all site and development works at Deansrath Green, Melrose Green & Melrose Avenue, Clondalkin, Dublin 22.
<b>County Architect:</b>	Cian Harte MRIAI
<b>Purpose of Report</b>	<p>The purpose of this report is to set out some of the planning, development and statutory context underlying the proposed housing development which it is proposed to progress using the S179A (“Part 8” temporary exemption) process at the above site.</p> <p>This report provides additional information and description of the nature, extent and characteristics of the proposal to be read in conjunction with the associated plans and particulars on public display.</p> <p>This report will set out how the criteria for use of the S179A (“Part 8” temporary exemption) process are satisfied.</p>
<b>Brief Outline of S179A Process</b>	<p>The current proposed development is being progressed under the provisions of S179A of the Planning and Development Act 2000, (the Act) as amended and the Planning and Development (Section 179A) Regulations 2023 [S.I. 101/2023].</p> <p>The Planning and Development (Section 179A) Regulations 2023 provides for a temporary exemption for local authorities from the “Part 8” local authority “own development” approval process to construct housing developments on local authority and designated State-owned lands, zoned to include residential use. The temporary exemption applies subject to compliance with the requirements of section 179A of the Planning and Development Act 2000, as amended (the Act), and it’s supporting regulations. The measure will allow for accelerated delivery of social, affordable and cost-rental housing by local authorities and the regulations came into effect from 8th March 2023.</p> <p>Section 179A of the Act requires a Chief Executive to inform the elected members of a local authority of proposed housing developments which it is intended to progress under the exemption as well as to give public notice and enable public inspection of the proposals in a prescribed manner.</p>

This provision, which is a temporary time-limited measure to help expedite the provision of housing by local authorities in the context of the need to accelerate the delivery of housing supply, will be mandatory for local authorities in strictly defined circumstances where the following criteria are satisfied:

- The land is owned by the local authority or another specified State Body.
- The land is zoned for residential development.
- The proposed development does not materially contravene the development plan or local area plan for the area.
- The proposed development is in accordance with the relevant local authority's housing strategy.
- The land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development.
- The proposed development is not required to undergo environmental impact assessment (EIA) under the EIA Directive or appropriate assessment (AA) under the Habitats Directive; and the development works in question are commenced by no later than 31 December 2024.

The Planning and Development (S179A) Regulations 2023 set out the steps local authorities must take in order to comply with the new section 179A. These steps include inter alia:

- Local authorities to submit quarterly reports on the use of the exemption to the Minister.
- New article 81A: requires the Chief Executive to formally notify the elected members of the proposed housing development prior to issuing a site notice and newspaper notice, which must be issued at least eight weeks prior to the commencement of works.
- It is further recommended in this regard that the Chief Executive should informally signal in advance, the proposed development to the relevant local elected members prior to the formal notification of the placing of the site notice and the public advertisement.

- Sets out the information and details that must be included in the site notice and newspaper notice and where a site notice must be located.
- Requires local authorities to screen proposed developments for EIA and AA and that only where a proposed development is screened out from requiring the undertaking a full EIA or AA, the proposed development may proceed under the new exemption.
- New article 82A requires the local authority to notify the relevant prescribed bodies of proposed developments with the list of prescribed bodies being the same list as that used under the Part 8 approval process.
- New article 83A requires that the documents, plans and particulars of the proposed housing development must be entered in the planning register and made available for public inspection. Local authorities are further required to make the documents relating to the proposed housing development available for inspection on their website and in the offices of the local authority.

The eight-week notification period is consistent with the eight-week timeframe in section 50 of the Act within which a judicial review challenge against a planning decision must be initiated post the making of the decision. A person may question the validity of any decision of the planning authority by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Act.

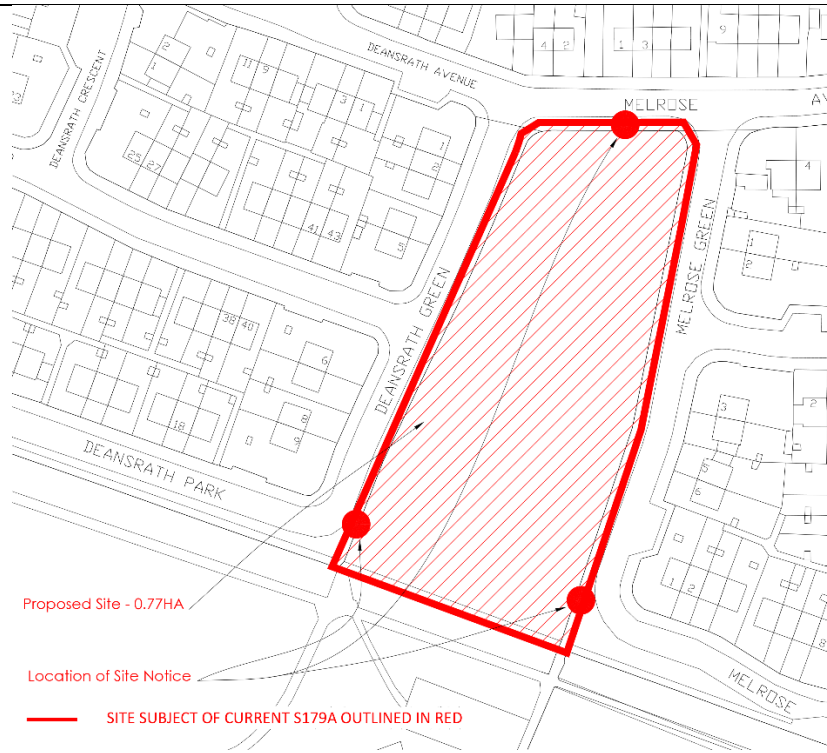
the provisions under Section 179A of the Act and the supplementary regulations provide an exemption from the 'Part 8' process and, where a development is classed as exempted development, there is no public participation process. The notification process by means of site and newspaper notices will notify interested parties of the intention to undertake the proposed development.

The Planning and Development (Section 179A) Regulations 2023 are available to view or download at:

[S.I. No. 101/2023 - Planning and Development \(Section 179A\) Regulations 2023 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2023/si/101/2023-01-01/planning-and-development-section-179a-regulations-2023)

<p><b>Public Notice:</b></p>	<p><b>PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)</b></p> <p><b>PLANNING AND DEVELOPMENT (SECTION 179A) REGULATIONS 2023 (S.I. 101/2023) - (PART 8 TEMPORARY EXEMPTION)</b></p> <p><b>SOUTH DUBLIN COUNTY COUNCIL - NOTICE OF PROPOSED DEVELOPMENT PURSUANT TO SECTION S179A OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED).</b></p> <p><b>Location:</b> Site at Deansrath Green, Melrose Green &amp; Melrose Avenue, Clondalkin, Dublin 22</p> <p><b>Nature &amp; Extent of the Proposed Development:</b> Pursuant to the requirements of Section 179A of the Planning and Development Act, 2000 (as amended), South Dublin County Council (SDCC) hereby give notice to construct a Housing Development on SDCC land at Deansrath Green, Melrose Green &amp; Melrose Avenue, Clondalkin, Dublin 22.</p> <p>The proposed housing development will consist of 27 Age-Friendly homes, community room and associated open spaces to include an intergenerational park and will include:</p> <ul style="list-style-type: none"> <li>i. Construction of 27 Age-Friendly homes in a one and two-storey block enclosing a shared courtyard space.</li> <li>ii. The proposed development will consist of 3 no. single-storey 1-bed homes, 10 No. 2-bed apartment units and 14 No. 1-bed apartment units over 2 storeys and a single-storey shared facilities structure (46m<sup>2</sup>).</li> <li>iii. Provision of a public intergenerational park to the north of the site.</li> <li>iv. Removal of existing boundary structures, boundary planting and mast structure to facilitate proposed development. Associated upgrading of roadways and paths, provision of car and cycle parking spaces, all hard and soft landscape works, lighting, boundary structures and all associated infrastructure, site and development works necessary to facilitate the proposed development.</li> </ul> <p>The plans and particulars of the proposed development will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy from 14<sup>th</sup> December 2023 up to and including 19<sup>th</sup> February 2024 during office opening hours at:</p> <p><b>South Dublin County Council, County Hall, Tallaght, Dublin 24, D24 A3XC</b></p>
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	<p>The plans and particulars of the proposed development are available for inspection online during the same period on the Council's Public Consultation Portal website (<a href="http://consult.sdublincoco.ie">http://consult.sdublincoco.ie</a>)</p> <p>A screening for Environmental Impact Assessment (EIA) has been carried out and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development. A determination has been made that an EIA is not required.</p> <p>A screening for Appropriate Assessment (AA) has been carried out in respect of the proposed development and concludes that there is no real likelihood of significant effects on a European site or sites. A determination has been made that an AA is not required.</p> <p>A person may question the validity of any decision of the planning authority by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Planning and Development Act 2000 (as amended).</p> <p><b>Signed:</b> Director of Housing and Community Development, SDCC.</p> <p><b>Website:</b> <a href="http://www.sdcc.ie">www.sdcc.ie</a></p> <p><b>Date Public Notice:</b> 14<sup>th</sup> December 2023</p>
<p><b>Overall Context:</b></p>	<p>The proposed development is located on lands at Deansrath Green, Melrose Green &amp; Melrose Avenue, Clondalkin, Dublin 22.</p> <p>The site currently consists of public open space located to the north of St. Cuthberts Park and enclosed by existing residential estates to the west, north and east.</p> <p>The site is adjacent to existing ESB, surface water, foul water and mains water services and the site itself is not constrained by underground or overhead services. The site is relatively flat and generally free from topographic constraints.</p>



Site

Location – not to scale. Site subject of current S179A outlined in red.



Aerial view – not to scale (source Google maps)  
 Site subject of current S179A outlined in red.





**View from Deansrath Green looking east (Source: google maps).**



**View from Melrose Avenue looking south-east (Source: google maps).**



**View from Melrose Avenue looking south-west (Source: google maps).**



**View from Melrose Green looking west (Source: google maps).**





**View from St Cuthbert's Park looking north.**



**View from site looking east.**

**Project Description:**

The proposed development consists of 27 Age Friendly homes consisting of a mix of own-door single storey houses and a mix of 1 and 2-be apartments arranged in two storey blocks enclosing a shared courtyard space. In addition to the homes a small shared-facility building (46m<sup>2</sup>) is proposed and this will act as a multi-purpose community room to provide services and facilities for future residents and to the wider community as appropriate.

The proposed development type is similar to recent Age-Friendly courtyard developments carried out By SDCC which are either on site or will be on-site in 2024. These projects include developments at St. Ronan's Crescent, St Aonghus Green and Brady's Court, Oldbawn. The proposed courtyard development type provides a high quality, safe environment for older residents while respecting existing residential and visual amenity.





**Above: Images of recently completed Age-Friendly homes at Brady’s Court, Oldbawn.**

The development proposes that the remaining open space to the north of the homes will be upgraded for use as a public park using an ‘intergenerational’ approach meaning in essence that the space will be made as attractive, accessible and useable as possible for users of all ages and abilities. The space will be subject to further detailed design at tender and construction stage with the involvement of a suitably qualified Landscape Architect, and will incorporate a variety of spaces, planting, hard and soft surfaces and street furniture suitable for a wide range of users.

The park will be enclosed with a low wall, railings and a planted boundary similar to the existing arrangement and this will provide enclosure and safety for users while allowing a reasonable degree of passive surveillance over the park space subject to detailed design.

<b>Land ownership</b>	The lands are in the ownership of South Dublin County Council.
<b>Land Zoning and Planning Context:</b>	<p>The Subject lands are zoned ‘OS’ in the South Dublin County Council County Development Plan 2022-2028 with an objective <i>‘To preserve and provide for open space and recreational amenities’</i></p> <p>Housing for older persons is a land use class which is open for consideration under this zoning designation.</p> <p>The current development is in-keeping with recent Part 8 applications on ‘OS’ zoned lands including those at Pearse Brothers Park, Rathfarnham, St. Ronan’s Crescent, Ronanastown, St. Aongus Green, Tymon and Brady’s</p>

	<p>Court, Oldbawn. These recent developments have established a clear precedent that housing for older persons is considered to be an appropriate development type on 'OS' zoned lands and acceptable to the Planning Authority based on detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the County Development Plan.</p> <p>The proposed use on this site as Age-Friendly housing and associated works does not materially conflict with other aspects of the County Development Plan.</p> <p>The subject lands were included in the recent Part 8 application for proposed upgrade of St. Cuthberts Park (Planning Ref: SD228/0010) however no works were proposed on the subject site as part of that Part 8 application.</p> <p>The proximity of the soon to be upgraded St. Cuthberts Park and the proposed intergenerational park will provide existing and new residents with significantly improved public open space provision and on completion will represent a significant improvement to residential amenity in the wider area.</p>
<b>Contravention of Development Plan</b>	<p>The proposed development does not represent a material contravention of the Development Plan</p>
<b>Housing Strategy</b>	<p>There is an identified need for suitable age-friendly housing in the county. It is desirable that the age friendly housing is developed in the established communities, to give security and protection of the overall community. This site has many of these qualities, that are recognised for age friendly housing. Local shops are available within 200m of the site at Deansrath Avenue and a wider range of services including church, health centre, community centre and convenience stores and other shops are available within a 7 to 10 minute walk at Deansrath neighbourhood centre on St Cuthberts Road / Westbound Drive.</p> <p>Public transport bus routes 13 (Harristown to Grangecastle) and 51D (Aston Quay to Clondalkin) are available on St Cuthberts Drive approximately 350m from the site.</p>

	<p>The proposed development is in-line with policies and objectives for sustainable housing included in the County Development Plan 2022-2028, County Age Friendly Strategy and County Housing Strategy.</p>
<p><b>Availability of Services</b></p>	<p>All major existing services runs have been identified insofar as practicable for the design. Local alterations to layout are not anticipated as no services appear to be located under or over the subject site. Further investigations and surveys will be carried out at tender establish precise underground service locations.</p> <p>Foul drainage will be designed in compliance with IW standards and will be fully scoped to ensure capacity of the existing network. An Irish Water pre-application will be submitted at the appropriate stage of the project development.</p> <p>There are currently no known diversions required.</p> <p>Provision has been made on the layout for inclusion of an ESB networks sub-station if this is deemed to be required.</p> <p>The proposed development includes a surface water drainage strategy to include SUDS measures and adopting nature-based solutions in accordance with <i>SDCC Sustainable Drainage Explanatory Design &amp; Evaluation Guide</i> (2022). All surface water drainage will be subject to SDCC review and detailed design and evaluation by a suitably qualified and competent engineer and based on appropriate site, ground and flood-risk investigations.</p>
<p><b>Screening for Appropriate Assessment</b></p>	<p>A screening for Appropriate Assessment (AA) has been carried out in respect of the proposed development and concludes that there is no real likelihood of significant effects on a European site or sites. A determination has been made that an AA is not required.</p>
<p><b>Screening for Environmental Impact Assessment</b></p>	<p>A screening for Environmental Impact Assessment (EIA) has been carried out and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development. A determination has been made that an EIA is not required.</p>
<p><b>Timescale and Contract:</b></p>	<p>It is intended to proceed to tender in Q1 2024 and to commence works on site before in 2024.</p>



	The project will be carried out under The Capital Works Management Framework (CWMF) Public Works Contract. Performance Bond will be retained to appropriate level as required under the contract.
<b>Other</b>	Any alterations as required to meet Housing Department, housing allocations, medical conditions, to address specific issues raised or to address site conditions, Building Regulation and other statutory or technical requirements are deemed approved.
<b>Notification to Certain Bodies</b>	SDCC will send notice of the housing development under Section 179A of the Act to any relevant body or bodies specified in sub-article 82(3).
<b>Project Partners</b>	SDCC Architects Department SDCC Housing and Community Development Directorate Department of Housing, Planning and Local Government
<b>Signed</b>	Cian Harte MRIAI County Architect SDCC
<b>Date</b>	December 2023