

COUNTY ARCHITECTS REPORT

Proposed development consisting of the construction of a Social and Affordable Housing Development on SDCC lands at Site at Upper Nangor Road, Kilcarbery Grange, Dublin 22. The proposed housing development is comprised of 88 residential units and all associated site and development works necessary to facilitate the proposed development.

PROCESS PURSUANT TO SECTION 179A OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED).

NOTIFICATION STAGE

Issued December 2023

COUNTY ARCHITECTS REPORT – S179A NOTIFICATION STAGE

Project Title:	Proposed development of Social and Affordable Housing Development consisting of 88 Residential Units and all associated site and development works at Upper Nangor Road, Kilcarbery Grange, Dublin 22
County Architect:	Cian Harte MRIAI
Purpose of Report	<p>This report will set out how the criteria for use of the S179A (“Part 8” temporary exemption) process are satisfied. This report is to be read in conjunction with the Architectural Design Rationale prepared by Burke-Kennedy Doyle Architects (BDK) which is appended with this application.</p> <p>The BDK report sets-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>The BDK 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>
Brief Outline of S179A Process	<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 \(irishstatutebook.ie\)](#)

Public Notice:

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

**PLANNING AND DEVELOPMENT (SECTION 179A) REGULATIONS 2023
(S.I. 101 OF 2023) - (PART 8 TEMPORARY EXEMPTION)**

**SOUTH DUBLIN COUNTY COUNCIL - NOTICE OF PROPOSED
DEVELOPMENT PURSUANT TO SECTION 179A OF THE PLANNING AND
DEVELOPMENT ACT 2000 (AS AMENDED).**

Location:

Site located at the junction of the Upper Nangor Road and Kilcarberry Grange Avenue in the Townlands of Kilcarbery, Corkagh Demesne, Deansrath and Nangor, Co. Dublin, at Upper Nangor Road, Kilcarberry Grange, Dublin 22.

Nature & Extent of the Proposed Development:

Pursuant to the requirements of Section 179A of the Planning and Development Act, 2000 (as amended), South Dublin County Council hereby give notice of the proposal to construct a Housing Development on lands located at the junction of the Upper Nangor Road and Kilcarberry Grange Avenue in the Townlands of Kilcarbery, Corkagh Demesne, Deansrath and Nangor, Co. Dublin, at Upper Nangor Road, Kilcarberry Grange, Dublin 22.

The proposed housing development will consist of 88 residential units and will include:

- ii. Construction of a mix of 88 units consisting of a variety of house and duplex types. The units proposed include 44 no. 3 bed 2 storey houses, 8 no. 4 bed 2 storeys houses, 36 no. duplex units (varying from 1 to 3 beds) within 3 storey duplex blocks or own door units.
- iii. The proposed development includes 100 no. surface car park spaces and 110 no. bicycle parking spaces, above ground sustainable urban drainage measures, an ESB kiosk and a below-ground foul pumping station to Irish Water specification.
- iv. Construction of 2 no. new junctions onto the Upper Nangor Road, connecting 2 no. new internal roads from Rowan Avenue to the Upper Nangor Road, proposed new footpaths and cycle-paths (including works to provide a cycle-path along a portion of the Upper Nangor Rd), public open space areas, landscape works, bin/bicycle stores, public lighting and all associated

	<p>infrastructure, site and development works necessary to facilitate the proposed development.</p> <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 21st December 2023 up to and including 26th February 2024 during office opening hours at:</p> <p>South Dublin County Council, County Hall, Tallaght, Dublin 24, D24 A3XC</p> <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 (http://consult.sdublincoco.ie)</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>Signed: Director of Housing and Community Development, SDCC.</p> <p>Website: www.sdcc.ie</p> <p>Date Public Notice: 21st December 2023</p>
<p>Land ownership</p>	<p>The lands are in the ownership of South Dublin County Council.</p>
<p>Land Zoning and Planning Context:</p>	<p>The site is zoned Objective RES-N under the SDCC County Development Plan 2022-2028, to <i>‘provide for new residential communities in accordance with approved area plans.’</i></p> <p>The proposed development of 88 units on the site is in compliance with the SDCC County Development Plan 2022-2028 – Residential is permitted in principle.</p>

Contravention of Development Plan	The proposed development does not represent a material contravention of the Development Plan
Housing Strategy	The proposed development is in-line with policies and objectives for sustainable housing included in the County Development Plan 2022-2028 and County Housing Strategy. See BKD Reports & Drawings for further details.
Availability of Services	All required services are available adjacent to the site. See Disciplinary Design Reports and appended documentation for further details.
Screening for Appropriate Assessment	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.
Screening for Environmental Impact Assessment	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.
Timescale and Contract:	<p>It is intended to proceed to tender in Q1 2024 and to commence works on site before in 2024.</p> <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.</p>
Other	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.
Notification to Certain Bodies	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).
Project Partners	SDCC Architects Department SDCC Housing and Community Development Directorate Department of Housing, Planning and Local Government
Signed	Cian Harte MRIAI County Architect SDCC
Date	December 2023