

## **COUNTY ARCHITECTS REPORT**

**Proposed development consisting of demolition of existing Traveller accommodation units at Kishogue Park, associated boundary walls and ancillary buildings. Construction of 15 no. units and 1no. homework room on the site of the existing Traveller accommodation; and as an amendment to SD228/0003 the provision of 3no. residential social/ affordable purchase units and all associated site and development works at Lynch's Lane, Clonburris, Co. Dublin. The proposal also comprises 15 temporary mobiles home bays, a temporary homework room and associated site works for the duration of the construction of the above group housing scheme.**

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

**NOTIFICATION STAGE**

**Issued May 2024**



## COUNTY ARCHITECTS REPORT – S179A NOTIFICATION STAGE

<b>Project Title:</b>	<p>Proposed development consisting of demolition of existing Traveller accommodation units at Kishogue Park, associated boundary walls and ancillary buildings. Construction of 15 no. units and 1no. homework room on the site of the existing Traveller accommodation; and as an amendment to SD228/0003 the provision of 3no. residential social/ affordable purchase units and all associated site and development works at Lynch’s Lane, Clonburris, Co. Dublin. The proposal also comprises 15 temporary mobile home bays, a temporary homework room and associated site works for the duration of the construction of the above group housing scheme.</p>
<b>County Architect:</b>	<p>Cian Harte MRIAI</p>
<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 its supporting regulations. The measure will allow for accelerated delivery of</p>

social, affordable and cost-rental housing by local authorities and the regulations came into effect from 8th March 2023.

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.

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

	<p>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.</p> <p>The Planning and Development (Section 179A) Regulations 2023 are available to view or download at:</p> <p><a href="https://www.irishstatutebook.ie/eli/2023/si/101/2023/section-179a">S.I. No. 101/2023 - Planning and Development (Section 179A) Regulations 2023 (irishstatutebook.ie)</a></p>
<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 Lynch’s Lane, Clonburris, Co. Dublin.</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 Traveller Accommodation Group Housing Scheme to comprise of demolition of existing Traveller accommodation units at Kishogue Park, associated boundary walls and ancillary buildings. Construction of 15 no. units and 1no. homework room on the site of the existing Traveller accommodation; and as an amendment to SD228/0003 the provision of 3no. residential social/ affordable purchase units and all associated site and development works at Lynch’s Lane, Clonburris, Co. Dublin. The proposal also comprises 15 temporary mobiles home bays, a temporary homework room and associated site works for the duration of the construction of the above group housing scheme.</p> <p>The proposed development shall consist of:</p> <ul style="list-style-type: none"> <li>• Demolition of existing Traveller accommodation units at Kishogue Park, associated boundary walls and ancillary buildings.</li> <li>• 3 no. Residential social/ affordable purchase units consisting of 2no. 3 bed 2-storey houses and 1 no. 4 bed 3-storey house.</li> <li>• 10 No. 4 Bedroom 3-storey houses (detached)</li> <li>• 3 No. 4 Bedroom bungalow houses (1no. medically adapted)</li> <li>• 2 No. 2 Bedroom bungalow</li> </ul>

- 1 Homework Room
- 15 Temporary Mobiles Homes
- 1 Temporary Homework room
- The works include landscaping works to boundaries and all necessary associated ancillary works on the site and to adjacent areas including all carpark spaces within the curtilage.

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 30th May 2024 up to and including 29th July 2024 during office opening hours at:

**South Dublin County Council, County Hall, Tallaght, Dublin 24, D24 A3XC**

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>)

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.

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.

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).

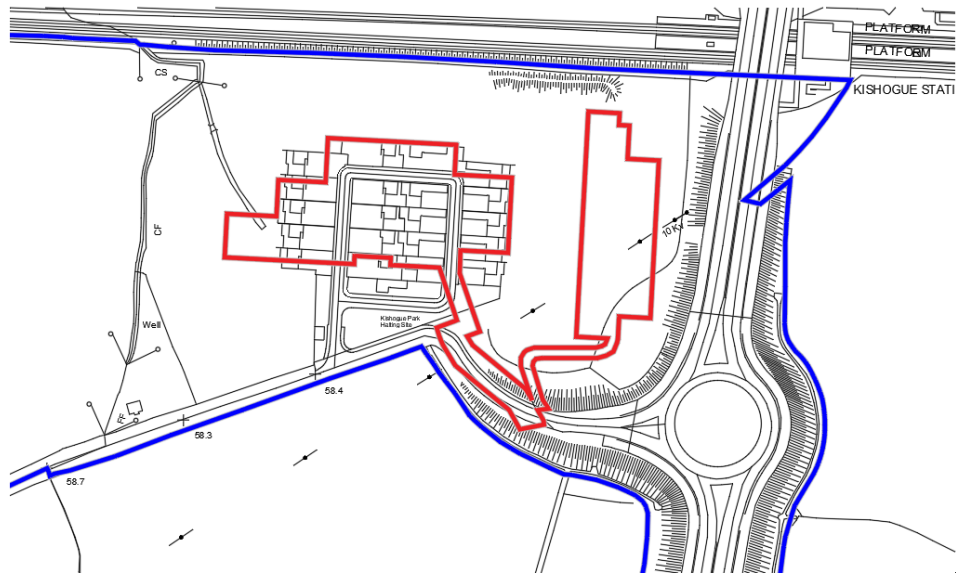
**Signed:** Director of Housing and Community Development, SDCC.

**Website:** [www.sdcc.ie](http://www.sdcc.ie)

**Date Public Notice:** 30th May, 2024

**Overall Context:**

The site is accessed off Lynch's Lane from the R136 outer ring road. The site sits within the Clonburris SDZ and within the boundary of the previously approved Phase 1 Part 8 scheme. The site is served by local public transport, schools, and local facilities. The site has existing Traveller accommodation on it.



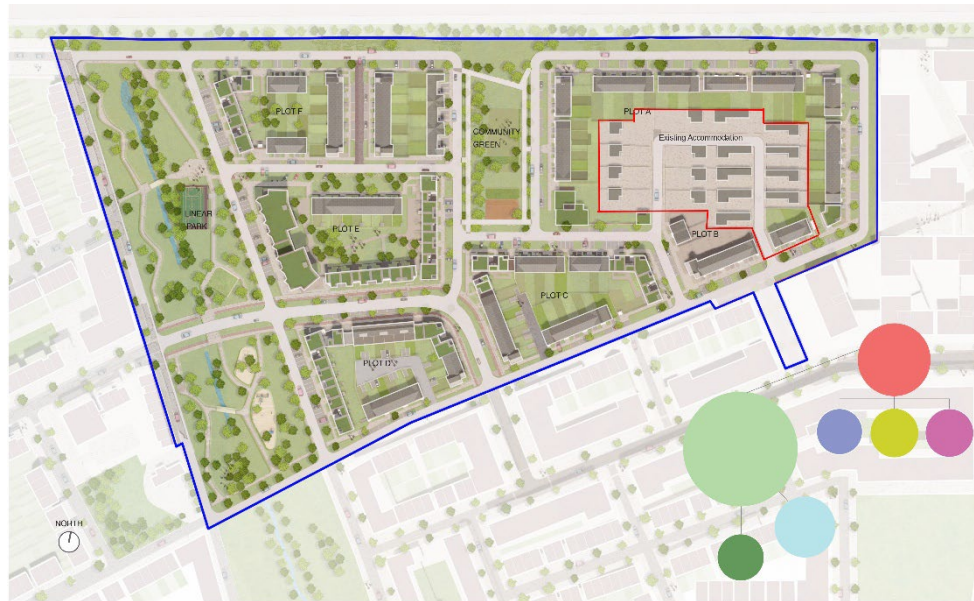
**Location**

Blue boundary indicates Clonburris Phase 1, red boundary indicates sites in relation to section 179A application.



**Aerial view of existing Traveller Accommodation site (Google Maps)**

**Site Location Map:**



**SDCC Phase 1 Site:**

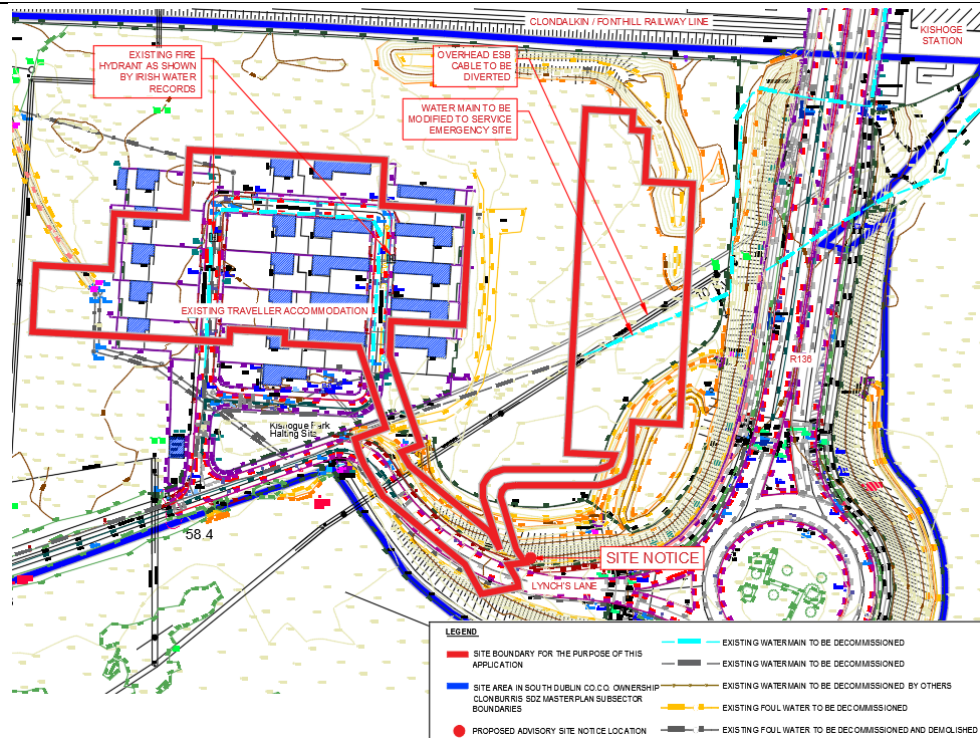
Planning permission has been granted for Phase One of the development of South Dublin County Council lands within the approved Clonburris SDZ, as indicated on the diagram above. The proposed development will comprise of 266 new dwellings, new community facilities and three large open green spaces.

The Phase One site of approximately 10 hectares is located predominantly within the 'Kishoge South West' Development Area of the SDZ masterplan; in particular, subsectors 'KSW-S3' and 'KSW-S4'. The eastern part of the site is in the 'Kishoge Urban Centre' Development Area, partly within subsector 'KUC-S3' in close proximity to Kishoge Railway Station.

**Existing Traveller Accommodation Upgrade:**

There is established Traveller housing on the site that is proposed to be upgraded as part of tis S179A (Part 8 Derogation). Clonburris Phase 1 which surrounds the site has Part 8 approval, so it is an ideal time to tie in upgrade works to the existing accommodation with these works. This land holding will be utilized effectively by the layout proposed and as designed will create a good-quality residential environment for the existing families affected.





**Site Constrains Map**

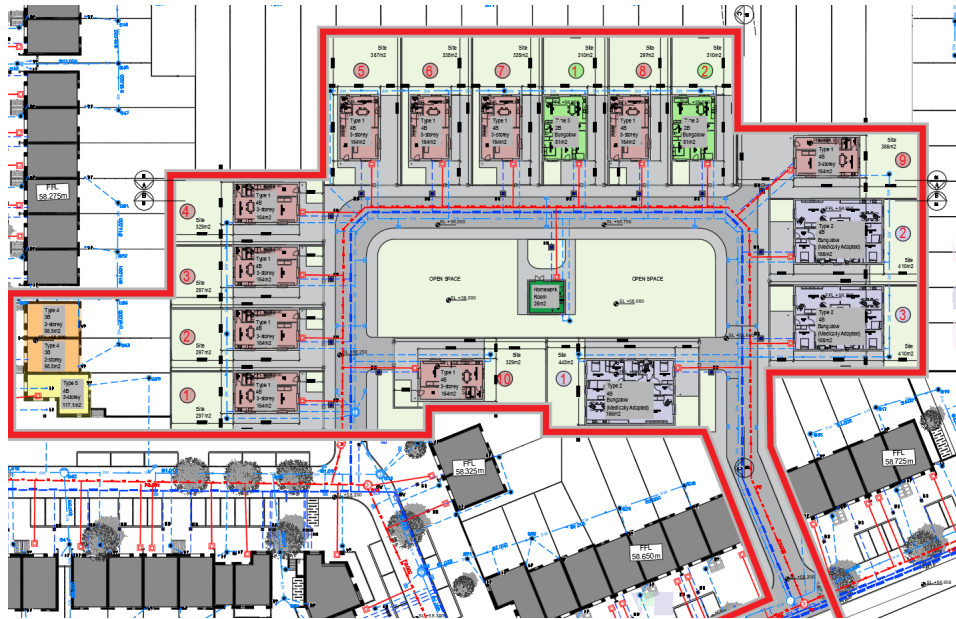
**Project Description:**

The proposed development of Traveller Housing Project consisting of demolition of existing Traveller accommodation units, associated boundary walls and ancillary buildings. Construction of 15no. units and 1no. Homework room on the site of the existing Traveller accommodation; and as an amendment to SD228/0003 the provision of 3no. Residential social/ affordable purchase units and all associated site and development works at Lynch's Lane, Clonburris, Co. Dublin. The proposal also comprises 15 Temporary Mobiles Home bays, a Temporary Homework room and associated site works for the duration of the construction of the above Group Housing Scheme.

The proposed development shall consist of:

- 3 no. Residential social/ affordable purchase units consisting of 2no. 3 bed 2-storey houses and 1 no. 4 bed 3-storey house.
- 10 No. 4 Bedroom 3-storey houses (detached)
- 3 No. 4 Bedroom bungalow houses (1no. medically adapted)
- 2 No. 2 Bedroom bungalow
- 1 Homework Room
- 15 Temporary Mobiles Homes
- 1 Temporary Homework room
- The works include landscaping works to boundaries and all necessary associated ancillary works on the site and to adjacent areas including all carpark spaces within the curtilage.

The works include Demolition of 17no. existing units on site at Kishogue Park. All boundary walls and landscaping works to boundaries, ancillary works to landscape housing areas, and all necessary associated drainage and utilities works on the site and adjacent areas. Car-parking is provided in curtilage. All units to be minimum A3 BER rated. The proposed housing is orientated to face each other on a small cul-de-sac.



### Proposed Site Plan

TYPE	Type 1	Type 2	Type 3	Type 4	Type 5	Homework Room
BEDROOM	4 Bed - 3 storey house	4 Bed - Bungalow (Medically Adapted)	3 Bed - 3 storey house	3 Bed - 2 storey house	4 Bed - 3 storey house	1 Room
UNITS	10 No.	3 No.	2 No.	2 No.	1 No.	1 No.

### Mix of Units

Following the end of the consultation process, and following the final presentation to the Council Chamber, the layout will be reviewed in the light of observations submitted during the public consultation.

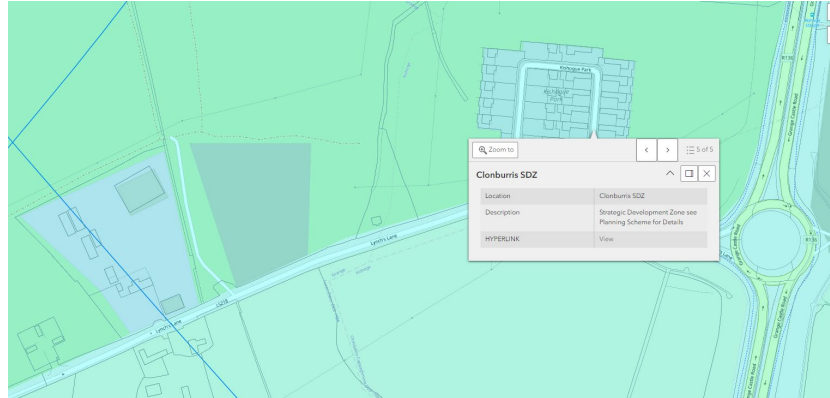
The Overall Project Budget is subject to DOHPLG approval.

### Land ownership

The lands are in the ownership of South Dublin County Council.

**Land Zoning and Planning Context:**

The zoning objective which applies to the subject lands is 'SDZ' - To provide for strategic development in accordance with approved planning schemes.  
The site is within the Clonburris SDZ KSW development tile.



**South Dublin County Development Plan 2022-2028**

<b>Permitted in Principle</b>	Advertisements and Advertising Structures, Bed & Breakfast, Betting Office, Car park, Childcare Facilities, Community Centre, Conference Centre, Cultural use, Doctor/Dentist, Education, Embassy, Enterprise Centre, Funeral Home, Guest House, Health Centre, Home Based Economic Activities, Hotel/Hostel, Housing for Older People, Industry-Light, Live-Work Units, Nursing Home, Office-Based Industry, Offices less than 100 sq.m, Offices 100 sq.m - 1,000 sq.m, Offices over 1,000 sq.m, Off-Licence, Open Space, Place of Worship, Primary Health Care Centre, Public House, Public Services, Recreational Facility, Recycling Facility, Residential, Residential Institution, Restaurant/Café, Retirement Home, Shop-Local, Shop-Neighbourhood, Shop - Major Sales Outlet, Social Club, Sports Club/Facility, Veterinary Surgery.
<b>Open for Consideration</b>	Allotments, Garden Centre, Motor Sales Outlet, Nightclub, Petrol Station, Science and Technology Based Enterprise, Service Garage, Traveller Accommodation, Wholesale Outlet, Stadium.

**Uses Permissible & Open for Consideration in Mixed Use Areas**

Re. Clonburris:

“Clonburris will be an exemplar of best practice in sustainable development, placemaking and urban design. It will realize the full potential of its high accessibility by public transport, its canal-side location, and its critical mass. This will be a new Eco district that will set new standards for environmental urban expansion and act as focus for new mixed-use development in the Greater Dublin Area.”

There are a number of policies that apply to the subject site;

• **Transport & Mobility**

Optimization of public transport. Ensure connectivity for pedestrians and cyclists.

• **Infrastructure & Environmental Quality**

To incorporate SUDS as part of the design.

• **Green Infrastructure**

	<p>To integrate Green Infrastructure as an essential component.</p> <ul style="list-style-type: none"> <li>• <b>Public open space &amp; Landscape setting</b></li> </ul> <p>To connect parks and areas of open space. To promote the development of <b>multinational</b> amenity spaces.</p> <p><b>Key Objectives</b></p> <ol style="list-style-type: none"> <li>1. To develop a <b>high-quality residential neighbourhood</b></li> <li>2. To provide <b>locally accessible open spaces</b> of local and strategic importance; To ensure <b>high levels of legibility and ease of orientation</b></li> <li>3. To <b>prioritise pedestrian and cyclist movement</b></li> <li>4. To provide significant and integrated <b>SUDS infrastructure</b></li> </ol> <p><b>DENSITY</b></p> <p>The site sits between KSW-S3 and KUC-S3. The SDZ target density is 46-56dph. However, due to the existing residential amenities at this location, it is proposed to retain the community at this site. The overall development on this site is in strict accordance with the SDZ.</p> <p><b>Site Area – Total site area: 1.54 Hectares [15,400m2]</b></p> <p>There are 15no. Units in the development which gives a density of 20/ hectare. The scheme is an infill project on an existing Traveller accommodation site.</p> <p>There isn't a Traveller accommodation objective on the site. However, the local authority has identified that given there is existing Traveller accommodation it would seek to provide dedicated Traveller accommodation units.</p>
<b>Contravention of Development Plan</b>	The proposed development does not represent a material contravention of the Development Plan
<b>Housing Strategy</b>	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.
<b>Availability of Services</b>	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

	<p>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 (2022)</i>. 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>The proposed Group Housing Scheme will tie in with the overall development scheme. The temporary accommodation will modify existing wastewater, mains water and ESB for duration.</p>
<b>Screening for Appropriate Assessment</b>	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.
<b>Screening for Environmental Impact Assessment</b>	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.
<b>Timescale and Contract:</b>	<p>It is intended to proceed and to commence works on site before end 2024. The temporary accommodation bays will be in place from Q1 2024 for the duration of the works (approximately 3 years).</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>
<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>	May 2024