

## **COUNTY ARCHITECTS REPORT**

**Proposed development consisting of the construction of a Social and Affordable Purchase Mixed Tenure Housing Development on SDCC land at Castlefield Avenue, Old Knocklyon Road, Dublin 16. The proposed development is comprised of 31 homes and all 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 July 2024**

## COUNTY ARCHITECTS REPORT – S179A NOTIFICATION STAGE

<b>Project Title:</b>	Proposed Social and Affordable Purchase Mixed Tenure Housing Development of 31 homes and all associated open spaces and all site and development works at Castlefield Avenue, Old Knocklyon Road, Dublin 16.
<b>County Architect:</b>	Cian Harte MRIAI
<b>Purpose of Report</b>	<p>The purpose of this report is to set out 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 sets 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 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> <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:</p>

	<ul style="list-style-type: none"> <li>• The land is owned by the local authority or another specified State Body.</li> <li>• The land is zoned for residential development.</li> <li>• The proposed development does not materially contravene the development plan or local area plan for the area.</li> <li>• The proposed development is in accordance with the relevant local authority's housing strategy.</li> <li>• The land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development.</li> <li>• 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.</li> </ul> <p>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 <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Local authorities to submit quarterly reports on the use of the exemption to the Minister.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
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- 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)

<b>Public Notice:</b>	<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 Castlefield Avenue, Old Knocklyon Road, Dublin 16.</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 Social and Affordable Purchase Mixed Tenure Housing Development on SDCC land at Castlefield Avenue, Old Knocklyon Road, Dublin 16.</p> <p>The proposed development is comprised of 31 homes and all associated open spaces and all site and development works necessary to facilitate the proposed development and will include:</p> <ul style="list-style-type: none"> <li>i. Construction of 10 x three-storey, three-bedroom houses in two terraced buildings and one semi-detached building.</li> <li>ii. Construction of 4 x two-bedroom apartments in a two-storey building.</li> <li>iii. Construction of a two and three-storey apartment building which will comprise: 1 x studio apartment, 8 x one-bedroom apartments, 4 x two-bedroom apartments and 4 x three-bedroom apartments.</li> <li>iv. New boundary treatment to adjoining properties and roads. 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 25<sup>th</sup> July 2024 up to and including 19<sup>th</sup> September 2024 during office opening hours at:</p> <p><b>South Dublin County Council, County Hall, Tallaght, Dublin 24, D24 A3XC</b></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 (<a href="http://consult.sdblincoco.ie">http://consult.sdblincoco.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</p>
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	<p>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> 25<sup>th</sup> July 2024</p>
<b>Overall Context:</b>	<p>The proposed development is located on lands at Castlefield Avenue, Old Knocklyon Road, Dublin 16. The site consists of two two triangular shaped sites which are currently greenfield, intersected by the Old Knocklyon Road in the centre. The western and northern boundaries of the northern section of the site adjoin Homeville Road. The eastern section of the site is bordered by the M50 and the southern area is bounded by Castlefield Avenue.</p> <p>The northern portion of the site is currently fenced off and inaccessible, the southern portion of the site is fenced off to the north, bounded by neighbours to the west and is only accessible from the south at Castlefield Avenue.</p> <p>The southern triangular portion of the site features a steep slope, descending approximately 7 meters from south to north. The northern triangular portion of the site is relatively flat. The site currently consists of open space – rank grassland, scrub and is bordered by treelines and walls. Existing 1, 2 and 3 storey detached dwellings are located to the western boundary of the site.</p> <p>The site is adjacent to existing ESB, surface water and mains water services, with foul services running in an open green space to the west of the site. The eastern portion of the site, bounding the M50, is constrained by an existing 1.5m wide underground culvert with a 10m associated wayleave to either side. This effectively means that the potential location for proposed dwellings is limited to the western portion of the site.</p>



**Site Location – not to scale.**

**Site subject of current S179A outlined in solid red line. Extent of culvert associated wayleave shown by dotted red line.**



**Aerial view – not to scale (source Google maps)**

**Site subject of current S179A outlined in solid red line. Extent of culvert associated wayleave shown by dotted red line.**



**Zoning Map – not to scale.**

**Site subject of current S179A outlined in solid red line. Extent of culvert associated wayleave shown by dotted red line.**

**Yellow area indicates Zoning Objective 'RES' - with an objective to  
*'protect and/or improve residential amenity.'***



**View of the southern portion of the site looking North. M50 Boundary can be seen to the right and existing 2 / 3 storey dwelling on the left.**

**(Image courtesy of Google Maps)**



**View of the southern portion of the site looking south. M50 Boundary can be seen to the left.**



**View Old Knocklyon Road looking east at centre of site. M50 Boundary is directly ahead and existing fencing blocking off access to the site can be seen to the left and right.**



**View Old Knocklyon Road looking east towards the centre of the site.**



**View from Homeville Road Showing existing western boundary of northern portion of site.**



**View from Homeville Road at northern edge of Site. Looking South.**

<b>Project Description:</b>	<p>The proposed Social and Affordable Purchase Mixed Tenure Housing Development consists of 31 homes including:</p> <ul style="list-style-type: none"> <li>- 10 x three-storey, three-bedroom houses in two terraced buildings and one semi-detached building.</li> <li>- 4 x two-bedroom apartments in a two-storey building.</li> <li>- A two and three-storey apartment building which will comprise: 1 x studio apartment, 8 x one-bedroom apartments, 4 x two-bedroom apartments and 4 x three-bedroom apartments.</li> </ul> <p>Due to the presence of an existing underground culvert on the eastern, M50 side, the proposed buildings are located to the west of the site. The main apartment building off Castlefield Avenue is 3 storeys in height, stepping down to 2 storeys where it adjoins an existing 2 storey dwelling. The smaller apartment building is 2 storeys in height and is situated adjacent to the gable wall of an existing neighbouring dwelling. Both these apartment buildings have minimal fenestration to the western elevations to minimise overlooking of the adjoining dwellings.</p> <p>The proposed 3 storey houses on the northern portion of the site have no immediate neighbours, being separated from the mainly 2 storey neighbouring dwellings by Homeville Road and the Old Knocklyon Road. The neighbouring dwellings consist of a mix of detached, semi-detached and terraced housing.</p> <p>The existing space is rank grassland and scrub and large parts of it are inaccessible. The development will enhance local amenity by increasing permeability – introducing a new, publicly accessible foot &amp; cycle path along the eastern boundary running the entire length of the site.</p> <p>The proposed homes will offer passive surveillance of this new route and new Public open spaces. The existing adjoining dwelling houses (only 2 existing properties have gable walls facing the site) offer little or no passive surveillance of the site currently. The site will also benefit from SUDS features which will improve drainage / attenuation and enhance local amenity.</p>
<b>Land ownership</b>	The lands are in the ownership of South Dublin County Council.

<b>Land Zoning and Planning Context:</b>	<p>The lands subject of the current S179A process consist of two Zoning Objectives in the South Dublin County Council County Development Plan 2022- 2028 as follows:</p> <p>1 - Zoning Objective 'RES' - with an objective to '<i>protect and/or improve residential amenity.</i>' The entirety of the site is covered by this designation.</p> <p>The land use zoning table (table 12.2 below) from the SDCC County Development Plan 2022-2028 indicates that the proposed land use as Residential is 'Permitted in Principle' under Zoning Objective 'RES' and therefore acceptable subject to assessment.</p> <p><b>Table 12.2:</b> Zoning Objective 'RES': 'To protect and / or improve residential amenity'</p> <table border="1" data-bbox="441 653 1416 810"> <thead> <tr> <th colspan="2" data-bbox="441 653 1416 698">Use Classes Related to Zoning Objective</th></tr> </thead> <tbody> <tr> <td data-bbox="441 698 663 810"><b>Permitted in Principle</b></td><td data-bbox="663 698 1416 810">Housing for Older People, Nursing Home, Open Space, Public Services, Residential, Residential Institution, Retirement Home, Shop-Local, Traveller Accommodation.</td></tr> </tbody> </table> <p>For the above reason the proposed development of social housing and associated works on this site is considered acceptable based on detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the SDCC County Development Plan 2022- 2028.</p>	Use Classes Related to Zoning Objective		<b>Permitted in Principle</b>	Housing for Older People, Nursing Home, Open Space, Public Services, Residential, Residential Institution, Retirement Home, Shop-Local, Traveller Accommodation.
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<b>Permitted in Principle</b>	Housing for Older People, Nursing Home, Open Space, Public Services, Residential, Residential Institution, Retirement Home, Shop-Local, Traveller Accommodation.				
<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 Social and Affordable Purchase housing in the county. This site has many of the qualities that are recognised as desirable for housing and is in an established suburban area. Tallaght, with all its shops and services is well connected to the site by road and public transport.</p> <p>The Site is well served by public transport. Bus route S6 (The Square, Tallaght to Blackrock Station via UCD) is available to the north on Firhouse Road, approximately 300m – 500m from the site and operates every 15mins throughout the day. Bus routes 49 (The Square, Tallaght to Pearse St) and 65B (Poolbeg St to Citywest) are available to the west on Ballycullen Road, approximately 250m from the site. A further bus routes 15 (Harristown to Grange Castle) and 151 (Docklands to Foxborough) is available to the east, across the M50 via an existing pedestrian bridge, on Scholarstown Road, approximately 750m (or 10 min walk) from the site.</p> <p>The proposed development is in-line with the policies and objectives for sustainable housing included in the County Development Plan 2022-2028, and County Housing Strategy.</p>				

<b>Availability of Services</b>	<p>All major existing services runs have been identified insofar as practicable during the Design Development process. Further investigations and surveys will be carried out prior to Tender stage to establish precise underground service locations. There are no known services located traversing the subject site.</p> <p>Foul drainage will be designed in compliance with Uisce Éireann standards and will be fully scoped to ensure capacity of the existing network. An Uisce Éireann pre-application will be submitted at the appropriate stage of the project development.</p> <p>There are currently no known diversions 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>
<b>Flood Risk Assessment</b>	<p>A small portion of the northern part of the site is located within Flood Zone B as identified in the Strategic Flood Risk Assessment of the SDCC Development Plan 2022-2028 – meaning that “<i>the probability of flooding from rivers is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for</i>”</p> <p>A suitable qualified Consultant will be appointed in the Tender preparation stage to carry out a Flood Risk Assessment, and any findings from this Report will be incorporated into the scheme.</p>
<b>Screening for Appropriate Assessment</b>	<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>
<b>Screening for Environmental Impact Assessment</b>	<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>
<b>Timescale and Contract:</b>	<p>It is intended to proceed to tender in Q3 2024 and to commence works on site in Q4 2024.</p> <p>The project will be carried out under The Capital Works Management Framework (CWMF) using the appropriate GCCC form of Public Works</p>

	Contract. A 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 to be 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>	July 2024