



An
Bord
Pleanála

Inspector's Report PL06F.247928

Development

Construction of 24 no. houses, two-storey hotel and all associated site works. An EIS has been submitted with the application.

Location

Holmpatrick, Skerries, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F16A/0085.

Applicant(s)

Holmpatrick Cove Limited.

Type of Application

Permission.

Planning Authority Decision

Grant permission.

Type of Appeal

Third Party.

Appellant(s)

Robert Linahan
Derek Drumm
Kieran and Una Waldron
Diarmuid McHugh
John Horgan
Paul O'Sullivan
Olive Sarsfield

Observer(s)

Mary Horan
Gerald Horan
Shea Kelly
Skerries Tidy Towns Community
Centre
Skerries Town FC
Hugh & Margaret Ryan
Clyde & Jacqueline Davidson
Skerries Rugby Football Club
Ian Carron
Anthony Farrell
Skerries Soundwaves
Skerries Tourism
Skerries Community Association
Gerry Reddy
John & Lucy Halpin
Failte Ireland
International Mindfulness &
Neuroscience Ltd

Date of Site Inspection

15th May 2017.

Inspector

Rónán O'Connor.

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1.0 Site Location and Description

- 1.1. The application site has a stated area of c.10 ha and is located at Holmpatrick, approximately 2km south of Skerries, Co. Dublin. The subject site is situated on the eastern side of the R128, is irregular in shape and comprises agricultural lands which slope in a north-easterly direction towards the Irish Sea.
- 1.2. The lands are accessed from the R128 via an agricultural access which runs between two dwellings. The north-eastern boundary of the site is formed by a cliff-edge and the Irish Sea, the north-western and western boundary is formed by the rear gardens of residential properties.
- 1.3. Agricultural lands bound the application site to the south. Levels on the site vary from a point in the south-west corner (35 metres OD Malin) with the beach below this point indicated as 8m OD.

2.0 Proposed Development

- 2.1. The proposed development comprises of three distinct elements:
 - 1 A residential element of 24 two-storey dwellings located generally to the south-western portion of the site.
 - 2 A two-storey hotel element comprising of 21 bedrooms with associated swimming pool and gym, function room, bar and restaurant facilities, located in the central portion of the site.
 - 3 Open space areas including sports training pitches and a walk way generally located to the northern end of the site, adjacent to the coastline.
- 2.2. Part V Social Housing is proposed to be provided off site.
- 2.3. Pedestrian and Vehicular access to the development is proposed via an upgrade to the existing access lane off the R128. The junction of this access and the R128 will be signal controlled.
- 2.3.1. The application was accompanied by an Environmental Impact Statement and a Report for Screening for Appropriate Assessment as well as various other technical reports and drawings. These were supplemented by additional reports submitted on foot of a request for further information which included *inter alia* a Revised Report for

Screening for Appropriate Assessment and an Amended (Flora and Fauna Chapter and Site Services Chapter of the Environmental Impact Statement.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission. Conditions of note include

- Condition 4 – revised siting and layout of house in Site 20
- Condition 8 – details of exact location, alignment and design of the coastal walkway.
- Condition 10 – Swimming pool and gym to be made available to the public for a minimum of 40 hours per week.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Exact breakdown and location of communal open space not apparent
- Local objectives 104 and 105 allow for a hotel use- proposed land uses acceptable in principle.
- Applicant should address issue of coastal erosion.
- Impact on residential and visual amenity acceptable.
- Additional information was requested in relation to the following:

- (i) AA/EIS – impacts on the shoreline from both the construction and operational phase

Implementation of mitigation measures

Potential of the site to accommodate birds from nearby Skerries Islands SPA

- (ii) Coastal Erosion – information on the rate of erosion of the site and likely erosion rates
Revised site layout to allow for a development free buffer zone of at least 25m
- (iii) Confirmation of entitlement rights.
- (iv) Submission of an Archaeological Impact Assessment.
- (v) Long elevation of dwellings along the east side of the open space.
- (vi) Confirmation of the amount of Class 2 open space to be provided.
- (vii) Transportation and Access – materials for shared surfaces
Traffic signals at junction onto R128
- (viii) Foul sewers/surface water/water supply

Following receipt of additional information, the planning officer consider the applicant had addressed the outstanding issues and recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Irish Water – No objection subject to conditions

Water Services Engineer - No objection subject to conditions

Transportation Engineer - No objection subject to conditions

Parks, Heritage & Properties - No objection subject to conditions

Heritage Officer - No objection subject to conditions

Biodiversity – No objection

3.3. Prescribed Bodies

3.3.1. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Development Applications Unit) – No objection subject to conditions.

3.3.2. An Taisce –

- Note site is zoned residential, high amenity and open space

- Council should ensure that proposal does not negatively impact on the visual amenity of the area/does not obstruct preserved views/ensure site is suitable for uses, having regard to coastal erosion/ensure development does not endanger public safety
- Impact on flora and fauna including negative impacts on legally protected species

3.4. **Third Party Observations**

- 3.4.1. A total of 36 submissions were made during the course of the application. The issues raised are covered in the grounds of appeal and observations to the appeal.

4.0 **Planning History**

- 4.1.1. PL06F.234679 (F08A-1460) – Permission refused for 4 detached dwellings – for 2 reasons as follows (i) substandard access would endanger public safety by reason of traffic hazard (ii) substandard width of access road.
- 4.1.2. PL06F.213774 (F04A-1710) Permission refused for 4 detached dwellings for 1 reason (i) potential impact on public safety by virtue of a traffic hazard.
- 4.1.3. PL06F.202809 (F02A-1433) Permission refused for 4 detached dwellings for 3 reasons including (i) sight lines (ii) impact on visual amenities (iii) substandard access road.

5.0 **Policy Context**

5.1. **Development Plan**

Fingal Development Plan 2017-2023

Under the Fingal Development Plan 2017-2023, the site is designated as a Masterplan Area (MP 5.E) and is subject to a number of zoning designations. The southern portion of the site is zoned RA – Residential (to provide for residential development and protect and improve residential amenity), an area to the west is zoned HA - High Amenity (to protect and enhance high amenity areas), and the

eastern portion of the site is zoned OS – Open Space (to preserve and provide for open space and recreational amenities).

5.1.1. The following policies and objectives are of relevance:

- Objectives PM 14 and PM15 – Relate to the preparation and implementation of Masterplans.
- Objective PM34 – Locate land uses to encourage sustainable transport modes.
- Objective PM38 – achieve an appropriate dwelling mix, size, type and tenure in all new residential developments.
- Objective PM45 – promote the use of contemporary and innovative design solutions.
- Objective PM52 – require a minimum open space provision of 2.5 ha per 1000 population.
- Objectives PM54, 57, 58 – relate to the provision and ceding to the council of recreational facilities as well as ensuring that such facilities are not used exclusively by one group.
- Objective PM60, 61, 62, 65 – relates to public and private open space
- Objective MT06 – Integrate transport and tourism strategies to promote sustainable travel patterns.
- Objective SKERRIES 14 – Prepare and/or implement Local Area Plans and Masterplans including the Holmpatrick Masterplan.
- Objectives NH16 and 17 – ensuring that development does not have a significant impact on designated natural heritage sites.
- Objectives NH 33 to 40 – relate to preservation of landscapes and views.
- Objectives NH 51 and 52 – relate to development in High Amenity Areas.
- Objectives NH 59 to 62 – relate to development in coastal areas.
- Objective NH 65 – relates to the provision of coastal walkways and cycleways.

- Objective Z03 – prepare and implement Masterplans where required.
- Chapter 12 – Development Management Standards

Local Objectives

5.1.2. Local Objectives that relate to this site include:

- Local Objective 11 – Lands to be ceded to Fingal County Council as public open space.

Holmpatrick Masterplan

5.1.3. The site is a designated Masterplan Area (MP 5.E).

5.1.4. Elements of the non-statutory Masterplan Include:

- Provide for a new sensitively designed and sited hotel, gymnasium and swimming pool with public access. Public open space and integrated coastal walkway within the lands zoned OS, with a maximum of 24 residential units on lands zoned RS and associated infrastructure.
- Phasing of development shall ensure that the open space, hotel, gymnasium and swimming pool are provided within the first phase of any development on the lands. The 'OS' open space zoned lands shall be ceded to Fingal County Council before Phase 2 proceeds.
- Address issues concerning access, deliverability and phasing as well as architectural design and the visual and ecological sensitivity of the area.

5.2. Natural Heritage Designations

5.2.1. None. The coastline below is designated as an Annex 1 habitat with the Fingal County Development Plan 2016-2022 Green Infrastructure Sheet 2. Skerries Islands SPA is the closest Natura 2000 site, the boundary of which is located 470m north-east of the site. This is also an NHA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Third Party Appeals were received from Robert Linahan, Derek Drumm, Kieran and Una Waldron, Diarmuid McHugh, John Horgan, Paul O'Sullivan, Olive Sarsfield, Mary Horan, Gerald Horan.
- 6.1.2. It is evident from the appeals submitted that there is considerable overlap in terms of the issues raised. In order to avoid undue repetition, the issues are summarised below under individual topics for the information of the Board.

Principle of Development

- Previous applications on this site have been refused
- Size of the proposal is inappropriate
- Site is too far from town
- Little need for more housing
- Will create precedent and put further pressure on adjacent lands
- Fingal County Council will have no control over the pool/pool is not an adequate size
- No requirement for a hotel in Skerries/Hotel should be located in Skerries town/no hotel operator
- Walkway is a dead-end
- Skerries has ample football pitches/Training pitches are located close to cliff edge/coastline – high nets would need to be erected/ applicant has no control when the local authority will develop the training pitches
- Planning precedent on other sites including a refusal for a nursing home on lands at Dunsinea Lane, Ashtown (Fingal) and a refusal for an 'Eco Spa' development in Co. Louth (Louth County Council)

Development Plan/Masterplan

- Proposal does not comply with the OS and HA zoning of the site/Proposal does not comply with objectives as set out in the CDP/Materially contravenes the CDP/Grounds for materially contravening CDP do not apply in this instance
- Different objectives under the new CDP compared to the previous CDP/Objectives of CDP are unclear
- There is sufficient zoned land to cater for residential development
- Requirement to prepare a new Masterplan for the lands which will be subject to public consultation
- Masterplan does not infer any entitlement to permission
- Inclusion of 12 dwellings in the first phase is not consistent with the wording in the Masterplan.
- Proposal has changed materially from that submitted in the Masterplan/ Variation to layout should be put on public display and submissions invited.
- Lands ceded to the council are significantly reduced

Entitlement/Ownership

- Applicants have not legal right to the section of road north and south of the proposed access.
- Traffic signals would be constructed on lands not within the applicant's ownership.
- Red line boundary of the site appears to include some third party lands.
- Applicant ignores existing rights of way.

Impacts on environment

- Proposal negatively impacts on visual amenity of the area including Preserved Views from the R128 east of the site/Housing is located on the highest part of the site where the visual impact will be greatest/Hotel will also be visually prominent located at the centre of the site itself.
- EIS acknowledges that there will be a negative impact on the landscape.

- Would seriously injure the High Amenity landscape/Site is designated as 'Highly Sensitive Landscape' with the CDP/A previous reason for refusal on this site relates to impact on visual amenities.
- Impact on wildlife including birds, bats, mammals/ Will result in a reduction in the biodiversity of the subject site.
- Use of timber fencing in conflict with FCC's statement on coastal landscape area which encourages use of native planting/Previous permissions have conditioned native planting.
- Impact on the existing trees and trees on boundary/adjacent to site/ Survey drawing excludes existing trees

Impacts on amenity

- Design and visual impact
- Houses overlook the lands at the rear/Separation distance is below that required under the CDP.
- Floodlights would need to be erected/lighting/noise impacts.
- Visual, noise and pollution impacts of traffic lights and access road in close proximity to existing houses/ EIS is deficient in the assessment of traffic noise impacts.
- Impact on security of existing housing.
- Impact on privacy as a result of the access road.

Traffic

- Previous refusals relate to traffic safety/Sightlines still cannot be achieved.
- Entrance cannot be widened sufficiently/Access lane incapable of handling traffic volumes.
- Speeding on R128
- R128 provides the only access for HGV access/only access route for all road traffic from south into Skerries during the twice-yearly motorcycle races.
- Other housing developments have had road access restricted.

- Traffic survey volumes quoted do not reflect the exponential increase in road traffic on R128 in last two years/ Traffic flow analysis is out of date.
- Parking on the kerb and footpath to the north and south of the road.
- Has been collisions with vehicles and pedestrians on this road including a fatality within the last couple of months.
- Location of traffic columns will severely reduce the width of an already substandard footpath/block visibility for existing residents/will force pedestrians onto the road.
- In the applicant's assessment of traffic signal operation, no provision was made for existing residents traffic movements/ Visibility of traffic signals will be restricted by existing trees/ New traffic signals will lead to severe congestion on R128.
- Proposal is wholly car dependant contrary to Government, NTA and FCC Policies.
- No coach parking provided at hotel/Car parking for housing and playing pitches inadequate/ Inadequate car and cycle parking provided.
- Proposal will generate significant additional pedestrian and cycle traffic/Danger to cyclists.
- Proposal does not meet the requirements of published standards
- [includes submissions from Deputy Clare Daly, Councillor David Healy, Councillor Malachy Quinn and Councillor Barry Martin]
- [Road Traffic report included]

Other Issues

- Error within EIS as there is a reference to Stafford's fuel depot which is not located on or near the proposed development land.
- Flooding on the R128 Rush Road just north of the proposed access/No maintenance proposals for the foul water pumping station/No account taken of the shared drain.

- No proposals for the compliance of Part V have been detailed in the planning application.
- Maintenance of the kitchen garden.
- No restriction on operating hours.
- Impact on the operation of the adjoining working farm/Impact of farm operations on the development/Potential complaints from occupiers/Boundary with farm should be secured with fencing and mature hedgerow.
- Impact on archaeology need to be more thoroughly investigated.

6.2. Applicant Response

6.2.1. Response received from Tom Philips & Associates

- Significant planning gain.
- Material changes have occurred in the statutory planning context since the previous refusals/ No comparison between current proposal and previous proposals for the site/ Previous reasons for refusals on this site have been overcome.
- Masterplan provided the basis for this application/Plan led approach to developing the site.
- Disputed ownership and sightlines issues have been resolved in the applicant's favour by a Circuit Court Judgement/ Legal issues are not within the Board's remit.
- Applicant is committed to providing the amenities proposed because of long standing connections to the site.
- There is a requirement for a hotel in Skerries/Surrounding towns are served by hotels but not Skerries/Previous hotel closures may have happened for a multitude of reasons.
- Both casual and prepaid members will have full access to the pool when open.

- Provision of additional playing pitches has been supporting by local sporting organisations in Skerries/ Majority of observations received by the Planning Authority during the planning process with FCC were in clear support of the development.
- Report enclosed from Stephen Reid Consulting in relation to traffic issues responding to Third Party submissions.
- Numerous non-planning issues raised in the appeals.
- References to other refusals on other sites not relevant.
- Was no requirement for public consultation in relation to the Masterplan.
- No permission has been sought for netting or floodlighting associated with the pitches and applicant would not support same.
- FCC has confirmed its agreement for off-site social housing provision – details of which will be agreed by way of compliance with Condition No. 30 of its decision.
- Has submitted report on Traffic, Transportation and Site Access, Copy of Circuit Court Order and related Judgement, Holmpatrick Masterplan, Minutes of Dublin City Council consideration of Reg. Ref. 90A/793.

6.3. Planning Authority Response

- Pitches are to be developed to an agreed standard in advance of being ceded to the Planning Authority/no works to begin on phase 2 of the develop prior to lands being ceded/ Phasing as proposed is considered reasonable and acceptable to the Planning Authority.
- Maintenance of the pumping station is the responsibility of the developer/operator of the hotel/ Details of management and maintenance of the kitchen garden will be submitted to the Planning Authority for agreement as per Condition 20.
- Hotel will be a private development and not ceded to the Council/ Not necessary to condition hours of operation as the function room, bar and

restaurant are to be used in connection with the hotel/No negative impacts from the hotel on residential property.

- No fluvial or coastal flooding predicted for the site and no recorded pluvial flooding in the area.

Further Responses from Planning Authority

- Further report from Transport Planning Section attached to response.
- Condition 10 is considered adequate to ensure public access to the swimming pool.
- Proposed development accords with the applicable zoning objectives and local objectives for the site/ CDP 2017-2023 Provides for a hotel at this location under Objective MP 5.E
- Considered to be in accordance with the non-statutory Holmpatrick Masterplan (2013)/A new Masterplan is not required
- Information concerning legal title was sufficient – traffic signals are on lands in the control of the planning authority.
- Car parking is illegal on the R128 in the vicinity of the proposed access.
- Signalised junction meets the relevant standards and will be subject to Stage 2 Road Safety Audit/ Proposal to signalise the junction will improve safety in an area which has a speeding problem/ For signalised junctions the requirement is to have unobstructed inter-visibility from 2.5m back from each stop line – this is easily achieved.
- Proposal does not include flood lights or ball stopping nets.
- Sufficient car parking is provided within the development.

6.4. Observations

- 6.4.1. Observations in support received from Cylda and Jackeuline Davidson, Fáilte Ireland, International Mindfulness and Neuroscience Ltd., John & Lucy Halpin, Skerries Community Association CLG, Skerries Soundwaves Committee, Skerries Tourism Committee, Skerries Tidy Towns, Shea Kelly, Anthony Farrell, Ian Carron, Skerries Town F.C., Skerries Rugby Football Club, Hugh and Margaret Ryan.

6.4.2. There were no observations received opposing the development.

6.4.3. The issues raised can be summarised as follows:

- Development of a hotel and associated facilities is a positive addition/Lack of spaces for functions such as weddings/Lack of accommodation in Skerries/Dublin experiencing unprecedented hotel occupancy rates – need for new hotel accommodation/Tourism grew by more than 10% in 2016/Fáilte Ireland supports this proposal from a tourism perspective/ Would benefit Soundwaves Festival.
- Welcome traffic calming/control measures.
- Recreational facilities at Holmpatrick Cove welcomed/ Demand for extra training spaces.
- Employment opportunities.
- Council has resolved the flooding issue on R128.
- Design is high quality/Will be developed to the highest eco-friendly specification – will act as a guiding standard for future developments/ Provides larger family homes.
- Will result in consolidation of the urban form/Location is not rural – is the historical heart of Skerries Town/Expansion southwards fits into the development pattern of Skerries.
- Only 8 out of 53 households oppose the development.
- Right of way does not exist.

6.5. Further Responses

6.5.1. Further submissions were received from Kieran (Ken) and Una Waldron, Downey Planning (on behalf of John Horgan), Gerald Horan (including a Traffic Report prepared by ILTP Consulting and Report on Visual Impact prepared by Downey Planning), Mary Horan, Diarmuid Mc Hugh, Derek Drumm, Paul O’Sullivan, Hugh and Margaret Ryan, Skerries Soundwaves, Olive Sarsfield, Kieran (Ken) Waldron, Skerries Tourism Committee; Failte Ireland

Objecting

- Zoning of the lands was based at least in part on a community gain that will not now be fully realised/Development in conflict with other objectives in the CDP/ CDP should take precedence over the non-statutory Holmpatrick Masterplan / Masterplan states that all of the land zoned Open Space shall be ceded to the Council – yet a hotel is being built on this land/ Objective Skerries 14 is now more onerous in relation to the siting of the hotel.
- Previous applications have ceded 75% of the lands to the Planning Authority – this proposal represents a significantly inferior deal for the council.
- More appropriate sites for a hotel and swimming pool/ No sequential test has been carried out
- Some community groups have expressed concern in relation to the size of the swimming pool and nature of the playing pitches.
- Area is described as a Rural Cluster by the planning authority – yet have approved a development based on Urban Style Development/ Site could only be described as rural/ Applicant has changed his description of the lands from Rural/Farmland to Peri-Urban.
- Vehicle stopped at traffic lights would have zero visibility to the south and restricted visibility to the north/Cul-de-sac and entrance road to the north have not been taken in charge by Fingal County Council/ Road signals may lead to a reduction in road safety /Inter-visibility requirements cannot be achieved without recourse to third party lands/Design of junction does not allow delivery vehicles to exist safely/ Neither of the consultants have commented on the conflict between the two access roads.
- Floodlights would be required for pitches as training takes place in the evenings/ Impact of headlights and road lighting from the access road.
- Boundary planting has been altered on behalf of the applicant/ Neighbouring residents have not altered the access road to the north of the appeal site nor allowed the hedgerow to grow to inhibit sight lines.
- Boundary between appeal site and adjoining farm should be planted with mature hedgerow and welded mesh security fencing/Impacts of the farm on

the new development/Farm will not be able to continue in such close proximity to hotel and residential housing.

- Hard to see how the housing will address local housing need due to cost.
- Local employment will be minimal.
- Owner has stated that construction work will only go ahead when 20 houses have been purchased – conflicts with phasing proposals.
- Houses constructed on highest part of the site.
- Proximity of Shenick Island is closer than stated – legal boundary is about 200m from the appeal site – is accessible by foot when tide is out/Habitat of Shenick Island is similar to the Holmpatrick Site/The EIS and Revised EIS fails to acknowledge importance of discovering a number of black-headed gulls on the farm adjoining the lands.
- Impacts of existing trees on proposed dwellings/ Does not comply with Tree Policy Objective DMS78/ No arborist report submitted with the application to determine impact of development on existing boundary trees and hedges.
- Proposal would devalue neighbouring property.
- Existing drainage ditches on the site drain rain water from neighbouring properties and from Ballyhavil Lane.

In support

- Objections have been refuted by the further submissions.
- Swimming club will use the facilities.
- Coastal path will serve as a catalyst for completion of full path.
- Failte Ireland support the hotel aspect of the development and refer to earlier observations submitted.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

1. Principle of Development
2. Landscape and Visual Impact
3. Design, layout and amenities
4. Sustainable Transport, Traffic, access, and parking
5. Flora and Fauna
6. Open Space
7. Impact on Neighbouring Amenity
8. Surface Water and Waste Treatment, Flooding and Flood Risk Assessment
9. Other Matters

7.2. Principle of Development

7.2.1. Under the Fingal Development Plan 2017-2023, the site is designated as a Masterplan Area (MP 5.E) and is subject to a number of zoning designations. The southern portion of the site is zoned RA – Residential (to provide for residential development and protect and improve residential amenity), an area to the west is zoned HA - High Amenity (to protect and enhance high amenity areas), and the eastern portion of the site is zoned OS – Open Space (to preserve and provide for open space and recreational amenities). Local Objective 11 pertains to the site and this states that Lands are to be ceded to Fingal County Council as public open space. Objective SKERRIES 14 aims to prepare and/or implement Masterplans including the Holmpatrick Masterplan.

7.2.2. The Residential element of the proposal is within the lands zoned Residential and the overall number of units is in keeping with that set out in the non-statutory Holmpatrick Masterplan.

7.2.3. The Hotel element is within the lands zoned OS. This is not a permitted use under this zoning objective. I note that the planning officer's justification for allowing a hotel

on this site was based on Local Objectives 104 and 105, which previously pertained to the site under the provisions of the previous Development Plan. These local objectives no longer apply to this site under the current plan. However, Objective SKERRIES 14 of the current CDP aims to implement the Holmpatrick Masterplan, within which a Hotel Use is outlined, as well as the other uses proposed here.

- 7.2.4. Notwithstanding the above, it is my view that hotel is in direct conflict with the OS zoning objective and I cannot see the planning justification for such a use. The CDP notes that Masterplans are subsidiary to the CDP and their associated zoning strategies and objectives. As such it is clear that, if there are conflicting objectives between the CDP and the Masterplan, the CDP should take precedence. A hotel use on the OS zoned land would be a material contravention of the CDP, in my view.
- 7.2.5. The site is an agricultural field outside the development boundary of Skerries and is adjacent to what is termed a 'rural cluster' of housing and as such it is reasonable and logical to describe the site as rural. The CDP states, in relation to the provision of visitor accommodation within rural Fingal, that hotels should generally be located within towns and villages.
- 7.2.6. An access road is also proposed through lands zoned 'HA' to serve the housing, the hotel and the training pitches. I recognise that the zoning objective may allow for opportunities to increase public access to such areas, but in providing the access road, the value of the landscape is substantially diminished, in my view and I do not consider that the proposal would be in keeping with the HA zoning objective.
- 7.2.7. The training pitches are a recreational facility and therefore are in compliance with the zoning objective for this portion of the site. However, the suitability of the site for such a use is highly questionable. While floodlighting is not proposed as part of this application, the consideration of same is key to assessing the value of the training pitches and there is no discussion within the application as to how the pitches will be used in the absence of floodlighting. For much of the year lighting would be required in the evenings and in the absence of lighting, the pitches would not be usable for much of the time, diminishing their value as a community asset. The provision of floodlighting has the potential to have impacts on landscape and ecology and this has not been considered here.

7.2.8. While the provision of netting again is not included within the application, there is no commentary from the applicant in relation to how the pitches will function in the absence of same, given their location close to the cliff edge. Netting would be inappropriate for this site, in my view, given the potential for impacts on biodiversity, and this has not been considered in the application documents.

7.3. Landscape and Visual Impact

7.3.1. The site is located on the coastal side of the R128 and is, therefore, particularly sensitive in terms of the potential impact on the visual amenity of the area.

7.3.2. A Landscape Character Assessment (LCA) is set out in the CDP which divides the County into 6 Landscape Character Types. The LCA values ranges from exceptional to low. They are also evaluated in terms of sensitivity and values range from high to low. The 'Coastal Character Type' landscape forms the eastern boundary of the County and the appeal site lies within this character type. 'Coastal Character Type'. This landscape is defined as having a high sensitivity to development (and is classified as a Highly Sensitive Landscape on the Green Infrastructure Map 1) and the landscape value is classed as 'Exceptional'.

7.3.3. The CDP outlines general principles for development within these Highly Sensitive Landscapes including the need to protect skylines, horizon and ridgelines from development, choosing sites with natural boundaries, keeping the form of development simple and siting development within the contours of the land, retention of field and roadside hedgerows and the prevention of inappropriate development on the seaward side of coastal roads.

7.3.4. The site is intermittently visible from a number of viewpoints, namely those areas on the coast to the north resulting from the curvature of the coastline. There is also some visibility from the R128 to the north of the site. The CDP identifies 'Preserved Views' along the R128.

7.3.5. Within the EIS, the applicants have submitted photomontages taken from 10 different viewpoints, the location of which was agreed with the planning authority. From my site visit I concur that the viewpoints chosen given a fair reflection of potential visual impacts. The viewpoints include long distance views from the site from the north at the Red Island promontory and from 'White Walls' where the curved alignment of the R128 hugs the shoreline, as well as partial views from the R128.

- 7.3.6. From Red Island promontory, there are long distance views towards the site. There are closer views gained from the R128 approximately 0.6km to 0.7km north of the site.
- 7.3.7. The development will be clearly visible from the longer viewpoints at Red Island promontory and from the R128 at those viewpoints identified above. The 24 housing units proposed will be especially prominent given the location of the dwellings on the highest part of the site. While there has been an attempt to limit the visual impact of same, through simple forms and flat roofs, the position of these houses, combined with their number, will fundamentally alter the landscape character and reduce significantly the value of this Highly Sensitive Landscape.
- 7.3.8. The hotel, while positioned on a less elevated portion of the site, will be a visually prominent feature, exaggerated by its scale. The proposed car park will necessitate large amount of hardstanding further altering the landscape character and diminishing its value, as does the access road serving the whole development.
- 7.3.9. The provision of a development of this nature, between the R128 and the coastline, is contrary to CPD Objective NH59 which seeks to avoid inappropriate development within coastal areas, especially on the seaward side of road. Where development on the seaward side of the road is necessary, this should be located within existing developed areas. Objective NH60 aims to ensure that development within coastal areas is sited appropriately so as not to detract from the visual amenity of the area. As such there is clear CDP direction in relation to residential development in coastal areas and I cannot see how the current proposal is compliant with same.

7.4. Design, layout and amenities

- 7.4.1. In relation the residential units, there are a number of different house types proposed (A1, A2, A3, B1, B2, C1, C2, D and E). These are all two-storey dwellings of contemporary design. While a number of third party appellants have suggested the height of the dwellings be limited to single storey, I do not consider two-storeys to be excessive. Individually, the flat roofed design serves to minimise the overall bulk, scale and mass of the dwellings.
- 7.4.2. The hotel is a two-storey, flat roof structure, located centrally within the site. Large areas of glazing are proposed for the front elevation with the building in a stepped arrangement. The design approach is a contemporary one in line with the approach

taken for the residential element. While efforts have been made to minimise the visual appearance of the hotel, it is my view that the scale is excessive for this particular location and it will be a visually prominent feature within the development.

7.4.3. Given the sensitivity of the landscape within which the development is situated are sited and the visual prominence of the site, the cumulative impact of the 24 dwelling units and the hotel results in a detrimental impact on the visual amenities of the area. The development irrevocability alters the character, and diminishes the value, of the landscape and is not appropriate in my view.

7.4.4. The layout of the residential units is a logical one in my view and are arranged around a central communal area. The units have sufficient amount of private open space and are sufficiently separated from each other.

7.5. **Sustainable Transport, Vehicular Access, Pedestrian and Cycle Facilities, and Traffic Impacts**

Sustainable Transport

7.5.1. The location of the site, approximately 2km from the town centre, does not lend itself to the promotion of sustainable transport modes. It is highly likely that the users of the facilities on the site will be dependent on private cars. The 2km distance from the town centre and the limited bus network serving the site, combined with the undesirable footpath linking the site to the town, running alongside a busy road, means that walking or taking the bus to the site will not be an attractive proposition. This is demonstrated by the level of car parking provision provided on the site (see discussion below). As such it is my view that the proposal is contrary to the CPD, namely objectives PM 34 and MT 06, as well as being contrary to Regional and National Policies on Sustainable Transport, as set out in The Regional Planning Guidelines for the Greater Dublin Area 2010-2022 and 'Smarter Travel – A Sustainable Transport Future' (2009).

Access Road including width

7.5.2. The Board have previously refused two applications, both for 4 detached dwellings, for reasons which include the sub-standard width of the proposed access road (Appeal References PL06F.234679 and PL06F.202809).

- 7.5.3. The width of the proposed access road is 6m between kerbs. This is in line with the guidance with the Design Manual for Urban Roads and Streets (2013), which is the most applicable guidance document in my view, given the nature of the proposed development (although notwithstanding the rural nature of the undeveloped site). As such I do not consider that this particular reason for refusal should still apply to this current proposal.
- 7.5.4. A number of third party appellants have raised the issue of the impact of the proposed access and the impact on road and pedestrian safety, including the issue of inadequate sightlines. I note also the Board have refused 3 previous applications on this site for reasons which include creation of a traffic hazard (Appeal Refs PL06F.234679, PL06F.213774 and PL06F.202809).
- 7.5.5. The development will be accessed via an access route off the R128. Running north from the access point the R128 rises to a brow of a hill, the top of which is approximately 190 m from the middle of the access road. Running from the south of the access point the road is gently undulating but sightlines are not restricted. The speed limit on this section of the R128 is 60 kmph although both the applicants and the appellants have stated that this limited is regularly exceeded by vehicular traffic.
- 7.5.6. To the immediate north of the site there is access road serving a number of dwellings. On the other side of the R128 and slightly to the north are access driveways to existing residential dwellings.
- 7.5.7. My observations on site were that sightlines looking north are severely impeded by the existing hedgerow and trees on the eastern side of the R128. They are further restricted by the brow of the hill. Sightlines to the south are adequate.
- 7.5.8. A controlled junction is proposed for the site access. I am of the view that this will overcome the issue of poor sightlines to the north, as traffic travelling south on the R128 will be required to slow down and stop at a red signal, negating the need for traffic exiting the access road to nudge forward in order to see oncoming traffic.
- 7.5.9. It is likely the traffic signals will have a positive impact on overall traffic speeds on this road also.

Parking

- 7.5.10. The proposed residential units have 2 spaces allocated within their curtilage in line within the CDP. 9 shared visitor parking spaces are also provided. There are 119 parking spaces associated with the hotel, gym and swimming pool. The training pitches have a parking provision of 30 parking spaces.
- 7.5.11. The EIS submitted with the application notes that additional parking capacity has been provided having regard to demand from visitors to the site taking advantage of the coastal walkway, peak demand from functions at the hotel and a potential future expansion of the hotel and a peak demand for the training pitches. The peak demand for the non-residential uses has been modelled at 62 spaces at 11 am on Sat.
- 7.5.12. It is my view that there is an overprovision of car parking spaces on site which encourages unsustainable transport modes and will lead to unnecessary land-take.
- 7.5.13. If the Board is minded to grant permission, amended plans should be provided by way of condition that shows a reduction in the number of car parking spaces provided on site.

Cycle/Pedestrian Facilities

- 7.5.14. For the residential uses, there is no designated cycle parking spaces but there is sufficient capacity to store cycles within the curtilage of the properties. For the hotel and associated uses a total of 20 spaces (10 double side 'Sheffield' stands) have been provided. This is in line with CDP standards.
- 7.5.15. In relation to pedestrian facilities, a network of pedestrian footpaths is proposed throughout the site which provides sufficient links to each element of the proposal. At the access junction a push-button activated pedestrian crossing is provided. However as noted above, the location of the site some 2km from the town of Skerries, and relatively poor footpath link to the town, does not lend itself to attracting pedestrians and it is likely the development would be heavily car dependant.

Trip Generation Rates/Traffic Congestion

- 7.5.16. During the operational phase of the development, the EIS notes the proposed development will lead to a maximum of 7.1% additional daily traffic passing the access to the development by 2020. A junction capacity assessment has been

carried out. It is expected that the capacity of the junction of the proposed access road and the R128 will not be an issue or result in any significant queuing or undue delays to traffic on the R128.

- 7.5.17. I do not have any reason to question the Trip Generation Rates as outlined in the EIS nor do I have reason to question the results of the junction capacity assessment. I note that a number of third party objections have stated that queuing at the proposed traffic lights will lead to safety issues. However, with sufficient signage in place on the approach to the traffic signals, drivers should be aware of upcoming traffic signals and of the need to reduce speed accordingly.
- 7.5.18. During the construction phase of the development, from the figures provided within the EIS, I note there will be a relatively high volume of construction traffic over a relatively prolonged period of time (12-24 months). A Construction Management Plan is therefore necessary to ensure minimal impact on the road network and also to minimise impacts on surrounding residential amenity.

7.6. Flora and Fauna

- 7.6.1. The appeal site is not currently designated for any nature conservation purposes under national or international legislation but a number of Natura 2000 sites (SAC/SPA) are within a 15km radius of the subject site. I also note the shoreline below is designated an Annex 1 habitat.
- 7.6.2. The field survey results outlined within these reports note the terrestrial fauna consists of few species because of the openness of the habitat, although some rabbits and a fox were recorded as being present. Otters are sporadic visitors when drainage ditches are wet. Other species expected are brown rat, long tailed field mouse, house mouse, hedgehog, Irish stoat and pygmy shrew. Three species of bat were found to use the site for hunting and foraging purposes. No roosts were found on site. The presence of Amphibians was not confirmed during the site survey but they would be expected to use the streams and ditches.
- 7.6.3. In relation to birds recorded on site, the screening report notes that bird fauna recorded within the site was limited and only a handful of breeding species are likely to occur given the exposed nature of the site and lack of significant vegetation cover. Species recorded include woodpigeon, jackdaw, blackbird, robin, wren, blue tit, chaffinch and greenfinch. Large species in the general area are rook, magpie,

hooded crow and pheasant. In winter it is expected that meadow pipit and snipe may be present in the fields but this would depend on their agricultural use at time. Furthermore, there could be visiting golden plover or lapwing occasionally as the species are in the general area.

- 7.6.4. My observations on site were that there was bird activity, with birds appearing to utilise the significant hedgerow bordering the site or utilise the vegetation cover on the ground.
- 7.6.5. During the construction and operational phases, there are potential impacts on several legally protected species found within the site arising from the development – including bats and amphibians (common frog) as well as fauna in general. Mitigation measures put forward include tree and hedgerow protection/retention, prevention of access to the beach and shoreline, lighting design, planting of native species, provision of roosting and nesting opportunities, sediment control and minimising site disturbance. Specific mitigation measures for birds including the erection of hoarding along the boundary of any area facing the coast, in order to reduce visual and noise disturbance and limiting the time of vegetation removal to the non-breeding season (September to February).
- 7.6.6. I note the retention of hedgerows and trees is proposed. However, there is no details in relation to the potential impact of development on the existing trees and hedgerows and I note the residential units are located relatively close to the site boundaries. If the Board are minded to grant permission, details of existing root spread and potential impacts on existing tree and hedgerow roots, should be required by way of condition.
- 7.6.7. With the implementation of the mitigation measures, under the supervision of a suitable expert, the overall impact on flora and fauna is not considered to be significant.

7.7. **Open Space**

- 7.7.1. The residential element has an occupancy of 84 persons and Objective DMS57 requires an open space provision of 25 sq. m. per person. The open space requirement is therefore 2,100 sq. m of public open space.

- 7.7.2. Within the central area of the residential element of the proposal, a total of 2,565 sq. m. of open space is provided, exceeding the CDP requirements. A kitchen garden area is also proposed to serve the residential units.
- 7.7.3. In relation to private open space, the residential units are provided with private open space in the form of front/rear/courtyard gardens and terrace areas ranging in size from 294 sq. m. to 907 sq. m, exceeding the requirements of the CDP.
- 7.7.4. To the north-east, east and south of the hotel, large areas of meadow land are proposed. A public walkway is proposed to the north of the site. Grassed berm areas are proposed for areas surrounding the proposed playing pitches. All of this is referred to as a 'Coastal Park' which will provide new public open space.
- 7.7.5. The provision of a large amount of publically accessible open space is considered is a positive aspect of the proposal although the accessibility of same for non-car users is questioned. Furthermore, as noted in previous sections of this report, the provision of the hotel within the lands zoned OS, is not a permitted use and is contrary to the zoning objective for this portion of the site.

7.8. Impact on Neighbouring Amenity

Residential Units

- 7.8.1. In terms in impact on neighbouring amenity arising from the residential units, I note the closest neighbouring dwelling is the dwelling to the south-west of the site on Ballyhavil Lane. Proposed House C3 is located a minimum distance of 19.5m from this dwelling. The neighbouring property has a window to the side elevation at first floor level. Proposed House C3 has windows to the rear at first floor level. However, the windows are not directly opposing and in my view no overlooking will occur.

Hotel

- 7.8.2. The Hotel is centrally positioned within the site and is sufficiently set back from surrounding residential properties so as to ensure no loss of amenity will result from this element of the proposal.

Playing Pitches

- 7.8.3. The playing pitches are located close to the boundaries of the gardens of existing residential properties. I note there is no noise assessment within the application documents, including within the EIS, which considers the impact of a potentially

noisy use on the nearest residential properties. As such there is the potential for the pitches to have a detrimental impact on neighbouring amenity due to noise.

Access Roads

7.8.4. The access road to the residential units, the hotel and associated facilities and to the playing pitches will run close to the boundaries of existing residential properties.

7.8.5. I have had regard to the assessment of noise impacts contained within the EIS where a background noise survey was undertaken and the predicted impacts of the additional vehicular traffic on the access roads on surrounding residential properties was considered. I have no reason to question the validity of the background noise survey or the predicted noise impacts as set out within the EIS. The predicted noise level at the closest property to the access road is 50dB $L_{Aeq, 1 \text{ hour}}$. This property also fronts onto the R128. The noise levels predicted are within the recommended daytime noise criterion (50dB $L_{Aeq, 1 \text{ hour}}$).

7.8.6. I concur with the conclusion that the predicted traffic noise levels will be similar to existing noise levels will be similar to existing noise levels given the proximity of the existing dwellings to the R128.

Construction Impacts

7.8.7. There is potential for impacts arising from the construction period, associated with the construction works and construction traffic and possible nuisance associated with such activities. I note that the noise assessment within the EIS states that construction noise levels closest to the property to the west have the potential to exceed the adopted noise criterion when works are occurring along the western boundary. Mitigation measures in relation to noise screening are recommended.

7.8.8. I note that the impacts of the construction will be temporary and with mitigation measures in place I do not consider that the impacts on surrounding residential properties will be significant.

Conclusion

7.8.9. The operational impacts of the proposed playing pitches have not been considered and in my view this is a potentially significant noise source which has the potential to adversely impact the amenity of surrounding properties.

7.8.10. I am satisfied that noise impacts from the construction stage can be mitigated sufficiently and that no amenity impacts will arise from the residential, hotel and access roads proposed.

7.9. **Drainage and Water Supply**

7.9.1. In relation to existing infrastructure on the site, there is an existing foul sewer runs along the R128 Rush Road which traverses the existing entrance of the appeal site. There are no surface water drainage networks in the vicinity of the proposed site. An existing 9 inch AC watermain runs along the eastern verge of the R128 Rush Road.

7.9.2. It is proposed to discharge wastewater via gravity from the proposed residential element of the development into the existing 225mm foul sewer on the R128.

7.9.3. Foul sewage from the hotel will be collected and conveyed to the sewer via a pumping station. The pumping station has been designed to provide 24 hours emergency storage and the submitted Infrastructure Design Report states that the capacity of this storage tank is sufficient for the proposed hotel use. I note the maintenance of this unit has been raised as an issue by an appellant. Should the Board be minded to grant permission, further details of a maintenance programme should be requested by way of condition.

7.9.4. Surface water will be collected via an above ground infiltration basin (as per the Further Information received by the planning authority).

7.9.5. In relation to water supply, a single watermain connection for the proposed development will be made to the existing watermain on the R128 Rush Road.

7.9.6. Subject to appropriate conditions in relation to surface water and waste treatment it is my view that the proposals are acceptable.

7.9.7. In relation to Flood Risk, OPW Flood Mapping does not identify any flood events for the site itself. The closest flood event was located 1km northwest of the subject site where tidal flooding inundated 10 houses.

7.9.8. OPW Flood Mapping indicates the subject site is not affected by the 0.5% AEP coastal flood event and is therefore located in flood zone C. Based on this information the site is not considered at risk of flooding.

7.10. **Other Issues**

Archaeology

7.10.1. An Archaeological Impact Assessment was submitted to the planning authority as part of the further information request. A total of 12 Archaeological Areas were identified which appear to represent the remains of a complex of burnt spread features, a late Bronze Age enclosure, a charcoal clamp and a number of linear features of uncertain date. The proposed works would have an adverse impact on a number of these features. A full archaeological excavation and preservation by record, as well as monitoring by a suitably qualified archaeologist is recommended within the Archaeological Impact Assessment. I concur with the recommendations in this report and should the Board be minded to grant permission, conditions are recommended in relation to same.

Erosion

7.10.2. A report on the risk of Erosion of the site was submitted to the planning authority as part of the further information submission. This concludes that the land is not at risk of significant erosion due to the fact the foreshore is comprised of a natural rock outcrop which will provide good resistance to erosion and encroachment, even in the event of predicted increases in sea level and storm intensity. It is recommended that any buildings should be set back a minimum of 20m from the current shoreline, giving a temporal buffer in excess of 150 years.

7.10.3. I note the proposed buildings are set back in excess of the recommended 20m with all other features save for the coastal walkway set back greater than the recommended 20m.

7.10.4. I concur that the site is not at risk of significant erosion in the short, medium or long term.

Legal Issues

7.10.5. The issue of ownership relative to third party lands/boundaries is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of S.34(13) of the Planning and Development Act and Chapter 5.13 'Issues relating to title of land' of the 'Development Management – Guidelines for Planning Authorities' (DoECLG, June 2007).

8.0 Environment Impact Assessment

8.1. Adequacy of Environmental Impact Statement

- 8.1.1. The Environmental Impact Statement (EIS) accompanying the application has been prepared by Tom Philips & Associates and comprises of one main document. A non-technical summary is set out in a separate document. The statement submitted with the current application provides such a summary, in my view.
- 8.1.2. With reference to Schedule 5, Part 2, of the Planning and Development Regulations, 2001-2015, whilst an EIS is not a mandatory requirement for the proposed development, in order to address the potential for significant impacts on the environment having regard to the site's sensitive location, including consideration of the criteria set out in Annex III of the EIA Directive and under Schedule 7 of the Planning and Development Regulations, an EIS has been prepared and submitted with the planning application.
- 8.1.3. I consider that the information provided in the EIS is sufficient to enable an assessment of the likely significant effect on the environment arising from the proposed development and that the requirements of the EIA Directive and Article 94 of Planning and Development Regulations 2001, as amended, are met. No difficulties were encountered in compiling the specified information contained in the EIS.
- 8.1.4. Chapter 1 (Introduction) discusses the need for EIA, scoping, methodology and format, receiving environment, characteristics of the proposed development, potential impact of the proposed development, avoidance, remedial or reductive measures, residual impact of the proposal, monitoring and the EIS Study Team.
- 8.1.5. The remainder of the EIS is set out as follows; Chapter 2 (Background – existing context), Chapter 3 (Description of Proposal), Chapter 4 (Examination of Alternatives), Chapter 5 (Human Beings), Chapter 6 (Flora and Fauna), Chapter 7 (Soils and Geology), Chapter 8 (Hydrogeology & Hydrology), Chapter 9 (Air Quality and Climate), Chapter 10 (Noise and Vibration), Chapter 11 (Landscape and Visual Impact), Chapter 12 (Transportation and Traffic), Chapter 13 (Waste Management), Chapter 14 (Site Services), Chapter 15 (Archaeological and Cultural Heritage),

Chapter 16 (Interaction Between Factors and Cumulative Impact) and Chapter 17 (Difficulties in Compiling and Required Information).

- 8.1.6. The list of Appendices are as follows; Appendix 6 (Report for Screening for Appropriate Assessment), Appendix 7.1 (Figure: Soils and Geology), Appendix 8.1 (Figures: Hydrology), Appendix 9.1 (Ambient Air Quality Standards), Appendix 9.1 (Dust Minimisation Plan), Appendix 11.1 (Photomontages), Appendix 12.1 (Traffic – Peak Hours and Daily), Appendix 13. 1 (Construction and Demolition Waste Management Plan), Appendix 13.2 (Operational Waste Management Plan), Appendix 15.2 (Stray Finds from the Surrounding Vicinity), Appendix 15.3 (Legislative Framework Protecting the Archaeological Resource), Appendix 15.4 (Impact Assessment and the Cultural Heritage Resource), Appendix 15.5 (Mitigation Measures and the Cultural Heritage Resource).

8.2. Project Description and Alternatives Examined

- 8.2.1. Chapter 3 provides a description of the project and Chapter 4 outlines the alternatives examined. Given the site is subject to a Masterplan and (at the time of submission) subject to Local Objective 104 to implement the Masterplan, this is no consideration of alternative sites for this project. A 'do-nothing' scenario is outlined whereby the lands remain undeveloped and in agricultural use. It is stated that the relevant zoning and local objectives of the CDP would not be realised nor would the significant planning gain be realised. Alternative designs considered alternative arrangements and layouts for the housing and hotel. I consider that the EIS provides a reasonable and rational response to the matter of alternatives, given the overarching layout for the site as set out in the Masterplan.

8.3. Human Beings

- 8.3.1. The construction of the proposed development will have short term potential adverse impacts associated with the construction itself, construction traffic and possible nuisance associated with such activities, although it is noted that there will be temporary job creation associated with the construction activities.
- 8.3.2. In relation to the operation phase there will be a slight negative impact on surrounding amenity from a rise in traffic movement associated with the development. A positive impact is expected for residents and visitors in the area as

result of the facilities provided and a positive impact is expected as result of employment provision and benefit to the local economy.

8.3.3. The operational impacts of the playing pitches have not been considered, having regard to noise, and this element has the potential to be a significant source of noise.

8.3.4. As such I cannot conclude that no significant impacts on Human Beings will occur as a result of this development.

8.4. **Flora and Fauna**

8.4.1. I have considered the issue of flora and fauna in Section 7.6 of my report.

8.5. **Soils**

8.5.1. In terms of impact, there is no likely impact on the geological heritage or surrounding agricultural lands in the vicinity of the proposed development site. The removal of topsoil and subsoil cover across the development area at the site will leave the underlying bedrock more vulnerable to potential on site contamination if not mitigated. Capping by hardstanding and installation of drainage will minimise the potential for contamination of the underlying locally important aquifer.

8.5.2. I note the EIS does not consider the potential impact of the development on the rate of erosion of the site. However, having regard to the report on the risk of erosion of the site as submitted to the planning authority as part of the further information submission, I concur that the site is not at risk of significant erosion due to the fact the foreshore is comprised of a natural rock outcrop which will provide good resistance to erosion and encroachment.

8.5.3. In general, however, I concur with the conclusions as outlined within the EIS and with mitigation measures in place construction and operational impacts will be neutral.

8.6. **Water**

8.6.1. The Mill Stream (River) is the major hydrological feature in the area which is located approximately 950 m north-west of the proposed development. The Lane (Stream) is located 800m to the south of the proposed development. The Northwestern Irish Sea coastal waterbody is located to the north-east of the proposed development. Overall impacts are concluded to be neutral and I am satisfied that no significant impact on the water environment is likely to arise.

8.7. **Air Quality and Climate**

- 8.7.1. During the construction phase the impact on air quality is stated as not significant, provided mitigation measures are put in place. The impact from the operational phase is considered to be negligible. The impact on climate during the construction phase is stated as not significant. The impact from the operational phases on climate is stated as imperceptible.
- 8.7.2. I am satisfied that no significant impact on air quality and climate is likely to arise.

8.8. **Landscape**

- 8.8.1. I have considered the issue of Landscape in Section 7.3 of my report.

8.9. **Noise and Vibration**

- 8.9.1. It is noted the closest noise sensitive locations to the development site are properties to the north of the site boundary along the R128 Road.
- 8.9.2. The assessment has assumed that a standard construction site hoarding of 2.4m in height will be installed along the western boundary to reduce noise levels at the closest properties. Construction noise levels closest to the property to the west have the potential to exceed the adopted noise criterion when works are occurring along the western boundary. Operational phase impacts identified include noise from building and mechanical services plant, entertainment noise breakout from the hotel and traffic from the development. Mitigation measures are proposed in relation to noise. Vibration impacts during the construction and operational phases are not considered to be significant with mitigation measures in place during the construction phase.
- 8.9.3. As noted in other sections of this report, the operational impacts of the playing pitches have not been considered, having regard to noise, and this element has the potential to be a significant source of noise.
- 8.9.4. As such I cannot conclude that that no significant impact on the noise environment will result from the proposed development.

8.10. **Material Assets**

Transportation and Traffic

- 8.10.1. The site is located between the R128 Skerries-Rush and the Irish Sea. The R128 is a two-lane single carriageway. The existing road network and junctions are addressed. A speed survey was carried out. It is noted that the required sightlines can be achieved from the site looking left but cannot be achieved looking right due to existing trees and hedgerow foliage. A signal controlled junction is proposed for the access to the development.
- 8.10.2. The proposed development has a highest level impact of 7.1% additional daily traffic passing the access to the development in the 2020 Do Something Scenario. A junction capacity assessment has been carried out. It is expected that the capacity of the junction of the proposed access road and the R128 will not be an issue or result in any significant queuing or undue delays to traffic on the R128.
- 8.10.3. I have no reasons to query the conclusions above and I consider the overall impacts will be neutral overall.

Waste Management

- 8.10.4. During the construction phase, a carefully planned approach to waste management and adherence to the C&D WMP will ensure that the impact on the environment will be neutral, short-term and imperceptible. During the operational phase, provided the mitigation measures are implemented and a high rate of reuse, recycling and recovery is achieved, the predicted impact of the operational phase on the environment will be long term and imperceptible.

Site Services

- 8.10.5. A revised Site Services chapter was received by the planning authority on 10th November 2016 as part of the Additional Information submission.
- 8.10.6. During the construction phase, removal of trees followed by stripping of the topsoil will occur. For the hotel a large impermeable lower ground floor will be constructed, removing the ability of the lands to recharge and infiltrate surface water run-off. It is stated that the impact on existing greenfield areas will be permanent and slight. There is a risk of pollution and contamination of groundwater from construction activities and the impact is stated as temporary and minor unless mitigation measures are adopted.

8.10.7. During the operational phase, properly designed and constructed site services will protect the adjacent open land drains from contamination. Foul sewerage discharge will be within the capacity of existing treatment works. Overall the impact is stated as negligible. Mitigation measures are proposed for both the construction and operational phases.

8.10.8. I am satisfied that, with mitigation measures in place, that I am satisfied that no significant impact on the surface water and groundwater environment is likely to arise.

8.11. Cultural Heritage

8.11.1. There are no recorded monuments, sites with Preservation Orders or National Monuments within 1km of the proposed development area. However, the area does possess a high archaeological potential. The proposed development may have a direct significant/profound negative impact on archaeological remains that have the potential to survive in the area. A full programme of geophysical survey, targeted archaeological testing as well as archaeological monitoring of topsoil stripping is recommended.

8.11.2. I am satisfied that, with mitigation measures in place, that I am satisfied that no significant impact on archaeological and cultural heritage is likely to arise

8.12. Interaction between Factors and Cumulative Impact

8.12.1. Chapter 16 of the EIS relates to interactions between the various aspects of the environment addressed in the EIS. The identified interactions include the interactions of human beings with a number of other factors (flora and fauna, soils and geology, water, air quality/climate, noise and vibration, landscape, traffic and transportation, waste).

8.12.2. Other interactions considered include the following:

- Flora and Fauna with Water
- Flora and Fauna with Landscape
- Soils & Geology with Water
- Air Quality with Traffic
- Noise and Vibration with Traffic

8.12.3. The issue of interactions of human beings with landscape is considered in the Visual Impact and Landscape Section of this report. In relation to the interactions of human beings with the other identified aspects, I am satisfied that the interactions do not lead to significant environmental impacts beyond those already identified for each of the individual environmental topics, as set out and assessed above.

8.12.4. With mitigation measures in place, no significant negative impacts arise from interaction between factors nor arising from cumulative impacts.

9.0 Appropriate Assessment

9.1. An amended Report for Screening for Appropriate Assessment was submitted to the planning authority on 10th November 2016 as Additional Information. This has been prepared by Faith Wilson Ecological Consultant.

9.2. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

9.2.1. The appeal site is not currently designated for any nature conservation purposes under national or international legislation but a number of Natura 2000 sites (SAC/SPA) are within a 15km radius of the subject site. These are set out in the table below:

| Site Code, Site Name and Designation | Approx. distance from the appeal site | Qualifying Habitats and Species |
|---------------------------------------|---------------------------------------|---|
| 004122 Skerries Islands SPA | 470m N.E. | Cormorant Shag Light-bellied Brent Goose Purple Sandpiper Turnstone Herring Gull |
| 004014 Rockabill SPA | 2 km N.E. | Purple Sandpiper Roseate Tern Common Tern Artic Tern |
| 003000 Rockabill to Dalkey Island SAC | 2km E | Reefs Harbour Porpoise |

| | | |
|-------------------------------|-------------|--|
| 004015 Rogerstown Estuary SPA | 5km S | <p>Greylag Goose</p> <p>Light-bellied Brent Goose</p> <p>Shelduck</p> <p>Shoveler</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Dunlin</p> <p>Black-tailed Godwit</p> <p>Redshank</p> <p>Wetlands & Waterbirds</p> |
| 000206 Rogerstown Estuary SAC | 5km S | <p>Estuaries</p> <p>Mudflats and Sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Shifting dunes</p> <p>Fixed coastal dunes</p> |
| 004069 Lambay Island SPA | 8.2 km S.E. | <p>Fulmar</p> <p>Cormorant</p> <p>Shag</p> <p>Greylag Goose</p> <p>Lesser Black-backed Gull</p> <p>Herring Gull</p> <p>Kittiwake</p> <p>Guillemot</p> <p>Razorbill</p> <p>Puffin</p> |
| 000204 Lambay Island SAC | 8.2km S.E. | <p>Vegetated sea cliffs of the Atlantic and Baltic Coasts</p> |

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|--|-------------|---|
| | | Grey Seal |
| 000205 Malahide Estuary SAC | 9.5km S | Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Spartina Swards Atlantic salt meadows Mediterranean salt meadows Fixed coastal dunes with herbaceous vegetation (grey dunes) Shifting dunes (white dunes) |
| 004025 Broadmeadow/Swords Estuary SPA | 10 km S | Great Crested Grebe Light-bellied Brent Goose Shelduck Pintail Goldeneye Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Knot Dunlin Black-tailed Godwit Bar-tailed Godwit Redshank Wetlands & Waterbirds |
| 004156 River Nanny Estuary and Shore SPA | 12.2km N.W. | Oystercatcher Ringed Plover Golden Plover Knot Sanderling Herring Gull |

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|--|--|------------------------|
| | | Wetland and Waterbirds |
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9.3. Assessment of likely effects

- 9.3.1. There is direct source-pathway linkage (migratory birds, hydrological) between the development proposal and the closest SPA, Skerries Islands SPA, a group of three islands, the boundary of which lies approximately 470m offshore to the east of the appeal site. The Conservation Objective for the SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests which are Cormorant, Shag, Light-bellied Brent Goose, Purple Sandpiper, Turnstone and Herring Gull.
- 9.3.2. These links are also present between the appeal site and the SPA/SACs located at a greater distance from the site but to a diminishing extent as one travels further from the site.
- 9.3.3. The submitted screening report notes that the appeal site lands do not provide suitable habitat for the species identified by the conservation objectives for the Skerries Islands SPA. The development of amenity grasslands as part of the development may provide foraging habitat for Brent Geese in the future.
- 9.3.4. It is noted that there is suitable wintering habitat for Purple Sandpiper and Turnstone on the rocky shoreline at the foot of the cliffs. There is no access from the development to the shoreline. This area is currently accessible by walkers so there is currently some disturbance. I do not consider there is any identifiable direct or indirect impacts on these habitats from the development as proposed.
- 9.3.5. In relation to other potential disturbance of key species which are the subject of the conservation objectives of the SACs and SPA's identified in the table above, the main impacts identified are those associated with lighting (during the operational and construction phases) which could impact bird fauna. With mitigation measures in place such as lighting facing away from shoreline and from site boundaries, the impacts will be limited in my view.
- 9.3.6. While I note the potential impact of floodlighting of the training pitches and any netting required for the training pitches, these elements do not form part of this

planning appeal and therefore it is not considered appropriate to assess the impacts of same for the purposes of Appropriate Assessment.

- 9.3.7. There is a direct hydrological link between the site and Skerries Islands SPA, and SPA's and SAC's lying further from the appeal site, as a result of existing drainage ditches which discharge to the coast. As such there are potential impacts from surface water drainage during the construction and operational phases. In relation to surface water drainage, and impacts from the construction phase, the implementation of a Construction and Environmental Management Plan (CEMP) including Sediment Management, will ensure no pollutants are discharged to the coast. During the operational phases, surface water will be collected via an above ground infiltration basin (as per the Further Information received by the planning authority) and then discharged via the existing drainage network.
- 9.3.8. Waste water will be discharged to Skerries Waste Water Treatment Plant via an existing foul sewer.
- 9.3.9. With mitigation measures in place the impacts will be very limited in my view.
- 9.3.10. In relation to in-combination impacts, the most significant development site are lands within the Hackettstown LAP boundary, located approximately 600m to the north-west of the appeal site. This LAP has itself been subject to an AA and no significant impacts on Natura 2000 sites were identified. I do not consider there will be significant in-combination impacts as a result of this proposal and the implementation of the Hackettstown LAP.

9.4. **Screening Statement and Conclusions**

- 9.4.1. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

10.1. I recommend that planning permission should be refused for the reasons set out below.

11.0 Reasons and Considerations

1. The site is partially designated as Open Space (OS) within the Current Development Plan for the area. This zoning objective seeks to preserve and provide for open space and recreational amenities. A hotel use is not permitted on lands zoned OS. As such the hotel use proposed on the OS zoned lands is a material contravention of the current Development Plan. Furthermore, the Development Plan states that visitor accommodation, including hotels, should be generally located within towns and villages. The location of the hotel and associated facilities would encourage the use of unsustainable modes of transport and the provision of the playing pitches has the potential to impact on neighbouring amenity, having regard to noise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located in a coastal area designated as a Highly Sensitive Landscape with an exceptional landscape value. Objectives NH35, NH36, NH37 and NH38 of the Development Plan aim to prevent inappropriate development within such highly sensitive areas. Objective NH59 of the Development Plan aims to protect the special character of the coast by preventing inappropriate development, particularly on the seaward side of roads. Objective NH60 aims to ensure that development within coastal areas is sited appropriately so as not to detract from the visual amenity of the area. Furthermore, the site of the proposed development is partially designated as High Amenity in the current Development Plan for the area. This zoning objective seeks to protect and enhance high amenity areas. Having regard to the location and scale of the proposed dwelling units, hotel, car parking and access road, it is considered that the proposed development would seriously injure the visual amenities and landscape character of the area, contrary to the objectives of the Development Plan.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

19th June 2017