



An
Bord
Pleanála

Inspector's Report PL06F.249206.

Development	151 no. residential units, link road, crèche and associated works.
Location	New Road, Ballisk, Donabate, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17A/0373.
Applicant(s)	Tilberry Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Alain & Andrew Rochecouste.2. John Lovett.3. The Links Residents Association.
Observer(s)	<ol style="list-style-type: none">1. Stuart Avent.2. Amanda Callaghan.3. Clare Daly.4. Paul Mulville.5. David Fletcher & Others.

Date of Site Inspection

27th November 2017.

Inspector

Karen Kenny.

NOTE: This addendum should be read in conjunction with my report dated 11th December 2017.

Contents

1.0 Section 137 Notice.....	4
2.0 Response to Section 137 Notice.....	5
2.1. Response of the Applicant	5
2.2. Response of the Appellants	6
2.3. Planning Authority	8
2.4. Observers.....	9
3.0 Additional Assessment	10
3.1. Introduction	10
3.2. Density	10
3.3. Design and Layout	11
3.4. Traffic	15
3.5. Flood Risk	16
4.0 Recommendation.....	19
5.0 REASONS AND CONSIDERATIONS	19
6.0 CONDITIONS	19

1.0 Section 137 Notice

- 1.1. Section 137(1) of the Planning and Development Act 2000 (as amended) provides that the Board in determining an appeal may take into account matters other than those raised by the parties if the matters are matters to which, by virtue of this Act, the Board may have regard. Section 137(2) provides that the Board shall give notice in writing to each of the parties and to each of the persons who have made submissions or observations in relation to the appeal or referral of the matters that it proposes to take into account under subsection (1).
- 1.2. The Board issued a notice under Section 137 of the Planning and Development Act 2000 on the 7th February 2017 to the parties and observers. The notice included the following comments:

“The Board may be of the view that the site of the proposed development is on serviced lands within the development boundary of Donabate in close proximity to established rail transport services and social and community services. The site is zoned for residential purposes. It is a requirement of the Fingal County Development Plan 2017-2023, that the number of dwellings to be provided on a site should be determined by reference to the guidance contained in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DECLG 2009). It is also an objective of the Development Plan (MT05) to integrate land use with transportation by allowing higher density development along higher capacity public transport corridors. The site of the proposed development is 600 metres to 800 metres from Donabate Railway Station. The Guidelines state that in general minimum net densities of 50 dwellings per hectare should be applied within 1 kilometre of a rail station, whilst net residential densities in the general range of 35-50 dwellings per hectare are recommended on outer suburban / greenfield sites on the periphery of cities or towns. The Board may consider that the development of the site at a density of 36 units per hectare is at the lower end of the general range for outer suburban / green sites, and may be insufficient to provide for an acceptable efficiency in close proximity to public transport services. The Board may consider that the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Furthermore, the Board noted the concerns of the inspector that the proposed development is not in compliance with the guidance contained in the Sustainable Residential in Urban Areas Guidelines for Planning Authorities, the accompanying Best Practice Urban Design Manual (DECLG 2009) and in accordance with the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013). The Board shared some concerns regarding compliance with DMURS.

The applicant is invited to address the concerns of the Board.

- 1.3. Following a request from the applicant for further time to prepare a response to the Section 137 notice the Board issued a further notice under Section 137 of the Planning and Development Act on 9th March 2018 to the parties and observers.

2.0 Response to Section 137 Notice

2.1. Response of the Applicant

- 2.1.1. The applicant submitted a response to the Section 137 notice on 22nd March 2018. The response proposes to amend the scheme.
- 2.1.2. The original details consisted of a total of 151 no. dwellings comprising 61 no. 2/3 bed houses and 90 no. 2 bed duplex units and a creche. The amended scheme consists of a total of 199 no. residential units, comprising 37 no. houses and 162 no. 2 bed duplex units. The Option A layout submitted with the response includes the proposed Link Road between New Road and The Links access road to the north. The Option B layout submitted omits the proposed link road. The overall block structure is unchanged.
- 2.1.3. The response is accompanied by the following documents:
 - Addendum Planning Supporting Statement
 - Addendum Urban Design Statement
 - Engineering Services Report
 - Updated Appropriate Assessment Screening Report
 - CGI of Proposed Development

2.1.4. The Board requested submissions / observations from appellants and observers in respect of revised plans and particulars received. The applicant, at the request of the Board, published a revised newspaper notice and erected a revised site notice in respect of the revised plans and particulars.

2.2. Response of the Appellants

2.2.1. A total of 3 no. third party appeals were received from local residents and a resident's association. The appellant's submitted written submissions in respect of the Section 137 notice and further written submissions in respect of the revised plans and particulars submitted by the applicant. Issues raised that are additional to those set out in the original appeal submissions, can be summarised as follows:

- Section 131 of the Act allows the Board to request submissions or observations or further documents in relation to any 'new' matter that has arisen. ABP have used Section 137 to request a redesign of the proposed scheme. The Board would appear to be using Section 137 to the full extent of any possible interpretation.
- Failure to reference the Donabate LAP in the Section 137 notice.
- Site is unsuitable for higher density development due to deficiencies in the public transport network serving Donabate. Submissions refer to recent privatisation of bus services, removal of bus services, capacity issues at Donabate rail station due to the size of the platform and a poor level of rail service.
- Under the Sustainable Residential Development Guidelines 35-50 units per hectare is high density. Guidelines seek minimum net densities of fifty dwellings per hectare at rail stations / bus stops and a decrease with distance. The site should be considered an 'Outer Suburban' infill site given the level of service from Donabate.
- Considerations, particularly in relation to density, need to be tempered by the overall policy context and the Best Practice Design Manual.
- The revised scheme is excessive and out of scale with the low-density character of development in the area. Density in Donabate should be highest

in its centre. ABP has determined previously in Donabate that the overriding planning consideration is the character and pattern of development in the area.

- The development would be contrary to the 'Density and Housing Yield' figures in Section 8.3.4 of the Donabate LAP. The revised proposal would take the bulk of the housing allocation from other landowners. The adopted Donabate LAP provides for a density of 36 units per hectare on the subject lands. The Boards approach is undemocratic.
- Fingal County Council is of the view that the revised scheme materially contravenes the Donabate Local Area Plan. In such circumstances the Board can only grant development of strategic or national importance. These circumstances do not exist in this case.
- The 'RS' zoning objective is 'to provide for residential development and protect and improve residential amenity'. Scheme will impact on residential amenity and property values. It represents a material contravention of the statutory Development Plan.
- ABP precedent of refusing development for reasons relating to coordinated approach to development and the provision of infrastructural improvements to support development (ABP Ref. PL06D.246294 – Rathmichael County Dublin).
- Development is premature pending the development of the distributor road and the wastewater treatment plant.
- The increased density compromises the design of the scheme. The quality of the architectural layout has been reduced in order to increase the number of dwelling units. Blocks are repetitive and monotonous.
- Risk of pluvial and ground water flooding. Submission details flood incidents along New Road and in the vicinity of the site and high-water table in the area.
- Works undertaken on site including removal of hedgerow.

2.3. Planning Authority

2.3.1. A response was received from the Planning Authority on 5th March 2018 in respect of the Section 137 notice and a further response was received on 26th June 2018 in response to the revised plans and particulars submitted by the applicant.

2.3.2. The issues raised in the submission of 5th March 2018 can be summarised as follows:

- Need to consider the transitional context between established development and LAP lands. The site extends to the Donabate Distributor Road, which is the de facto eastern development boundary of the town.
- The proposed density is deemed appropriate and provides for an orderly transition between existing built form and future development.
- ABP previously refused permission for a scheme adjacent to Donabate Train Station due to concerns in relation to impact of higher density scheme on existing properties (PL.06.F.248756).
- The scheme approved by FCC is appropriate for the site and accords with the range of densities specified in the Sustainable Residential Development Guidelines.

2.3.3. The issues raised in the submission of 26th June 2018 can be summarised as follows:

- The density and layout of the development submitted to the Planning Authority is appropriate considering the low-density context (single / two storey houses). A significant increase in density would negatively impact on the established character of the area.
- The revised scheme does not respect the edge of settlement context. In seeking to facilitate higher density development, the developer has significantly diluted the quality of layout, the architectural composition and the visual appearance of the proposed development.
- It is the view of the Planning Authority that the density gradient would reduce outwards from the centre of the town.

- The original approach is considered to represent a significantly better outcome from a context / urban design approach tending towards the allowable lower end of the density gradient for 'Outer Suburban Infill'.
- The Planning Authority had due regard to 'Density and Housing Yield' figures in the Donabate LAP (p89). The allowance for the entire 'RS' zoned block at this location is 220 units. The revised proposal would achieve the bulk of this allocation and cause significant difficulty in terms of compliance with the Donabate LAP. The Donabate LAP has due regard to national guidance and there is no scope for the Planning Authority to disassociate itself from this adopted policy context.
- The Board is requested to uphold the original decision of the Planning Authority as approved under the adopted LAP.

2.4. Observers

- 2.4.1. A total of 8 no. observations have been received in respect of the Section 137 notice and the revised plans and particulars received.
- 2.4.2. The issues raised in the observations are similar to the issues raised in the submissions received from appellants, as summarised in Section 2.2 above. The submissions from observers address the issue of Flood Risk in more detail than submissions from appellants. The submission from Donabate Portrane Community Council includes a Flood Risk Review prepared by Pick Everard that assesses the submitted Flood Risk Assessments. The assessment concludes that there is not sufficient information available to determine if a robust drainage design has been designed to address potential pluvial flooding and prevent a risk of flooding elsewhere.

3.0 Additional Assessment

3.1. Introduction

- 3.1.1. The principal issues arising for further consideration on foot of the revised plans and particulars received by the Board on the 22nd Day of March 2018 relate to density, design and layout, traffic, flood risk and appropriate assessment.
- 3.1.2. Issues raised in relation to the principle of the development in the context of the County Development Plan and Local Area Plan have been addressed in the original Inspector's Report of December 2017 and I am satisfied that it is not necessary to revisit these issues.

3.2. Density

- 3.2.1. The details submitted with the planning application and appeal did not include a schedule of density. The original Inspector' Report assumed a net density of 36 dwellings per hectare based on a net site area (4.2 ha) that excluded strategic roads¹. This assumption is considered reasonable having regard to the definition of net density contained in the Sustainable Residential Development Guidelines (2009).
- 3.2.2. The applicant's submission of March 2018 addresses the issue of density in more detail. The submission accepts that the net density is 36.6 dwellings per hectare based on a net site area (4.1 ha) that excludes strategic roads. However, when surplus open space within the red line boundary that is intended to serve a future phase of development is also omitted, the submission argues that the net density is 39.7 units per hectare (3.8 ha site). I consider this to be a reasonable argument and accept the net density figure of 39.7 units per hectare detailed in the applicant's submission of 22nd March 2018.
- 3.2.3. Section 5.11 of the Sustainable Residential Development Guidelines recommend net densities of 35-50 dwellings per hectare on outer suburban / greenfield sites on the periphery of cities or large towns. In light of the applicant's submission, I am satisfied that the development, as approved by the Planning Authority, is a medium density scheme. I am of the view that the proposed density is both acceptable and

¹ New Road and Section of link road to the north of the proposed housing.

suitable given the sites location at the outer edge of Donabate and taking account of the capacity of public transport services in the area, as detailed in the submissions received from appellants and observers.

- 3.2.4. I would note that the revised scheme of 199 no. units has a stated net density of 48.5 units per hectare with roads omitted (4.1 ha site) and a stated net density of 52.3 units per hectare with roads and surplus open space omitted (3.8 ha site). The net density of the revised scheme is in compliance with the density ranges set out in Section 5.8 of the Sustainable Residential Development in Urban Areas, Guidelines, 2009, for sites within a public transport corridor.
- 3.2.5. Submissions received from the Planning Authority, appellants and observers refer to a failure to adhere to housing yield figures contained in Section 8.3.4 of the Donabate Local Area Plan. I would note that Section 8.3.4 of the LAP sets out an estimation of housing yield for zoned lands in Donabate, including lands that fall outside of the LAP boundary. I am of the view that the estimates are general in nature and that individual planning applications should be assessed on their own merits having regard to the relevant national, regional and local policy pertaining to the area. I would also note that the appeal site falls outside of the LAP boundary.

3.3. **Design and Layout**

- 3.3.1. The revised scheme comprises 199 no. units. Three-storey Type B duplex blocks are replaced by four-storey Type F duplex blocks and the number of duplex blocks is increased from 15 to 21 no. blocks. Type C, D and E houses are omitted in favour of the extra duplex units and associated parking courtyards.
- 3.3.2. Submissions received from appellants and observers argue that the overall scale of development and the height of the blocks is excessive and that this is at odds with the character of development in the area. The response of the Planning Authority states that the revised scheme does not respect the edge of settlement context and that in seeking to facilitate higher density development, the developer has significantly diluted the quality of layout, the architectural composition and the visual appearance of the proposed development.
- 3.3.3. The overall road layout and block structure has not been altered and remains acceptable in my view. I consider that the revised Type F duplex block represents a

significant improvement on the previous Type B block in terms of its architectural detailing and the interface with the public street. The four-storey Type F block is 11.67 metres in height, which is 1.2 metres higher than the three-storey block it replaces. It incorporates a mansard roof level which reduces the overall mass and scale of the block. In visual terms, I do not consider the four-storey block to be excessive in terms of its overall mass and scale. I would also note that these blocks are at a significant distance from existing houses (over 50 meters at the closest point), and as such will not give rise to any amenity issues in terms of overlooking and overshadowing. Notwithstanding this, I would concur with some of the concerns raised by the Planning Authority, appellants and observers in relation to the overall scale of development relative to the existing single and two storey housing in the area. In assessing the overall scale of development, I consider it appropriate that the Board would have regard to the quality of layout and to the qualitative safeguards discussed hereunder.

Car Parking

- 3.3.4. The revised layout fails to address issues raised in the original Inspector's Report in relation to the extent of surface level car parking. The revised site layout plan has a stated car parking provision of 336 no. spaces. The spaces form a continuous border of surface level car parking around the housing blocks separated only by narrow planting strips. Furthermore, there is no provision for bicycle parking, disabled parking or electric vehicles detailed on the site layout plan.
- 3.3.5. The Design Manual for Urban Roads and Streets (DMURS) provides guidance in relation to the design of urban roads and streets with the aim of creating streets that are safe, attractive and comfortable for all users. Section 4.4.9 states that on street parking has a finite capacity. The guidelines state that in residential areas *"on-street parking alone can generally cater for densities up to 35-40 dwellings per hectare (net). Once densities reach 40-50 dwellings per hectare (net) the street will become saturated with parking and reduced parking rates (a max of 1.5 per dwelling) and / or supplementary off-street parking will be required. For densities over 50 dwellings per hectare, large areas of off street parking, such as basements, will generally be required"*. DMURS also recommends that *"to reduce the visual impact of parking the number of parking spaces per bay should generally be limited to three parallel spaces and six perpendicular spaces"* and that *"perpendicular parking should*

generally be restricted to one side of the street to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape”.

- 3.3.6. I am of the view that the capacity of the layout to absorb surface carparking is exceeded at the revised density. The proposed development fails to apply the design principles set out in the Design Manual for Urban Roads and Streets (DMURS) in relation to the design of on-street car parking bays and I am of the view that car parking will be visually dominant and have a seriously negative impact on the amenity of the development. The proposed development is therefore contrary to the provisions of DMURS.
- 3.3.7. I would note that the Sustainable Urban Housing Apartments Guidelines, DHPLG, March 2018, promote reduced car parking provision in suburban / urban locations served by public transport or close to town centres (Section 4.21). I consider the appeal site to be a suitable location for reduced provision given the sites proximity to services and facilitates in Donabate and to bus and rail services.

Open Space

- 3.3.8. The private and communal open space provision for the revised duplex units is in keeping with the standards set out in the Sustainable Urban Housing Apartment Guidelines. The perimeter block arrangement provides good definition between public and private areas. In terms of overlooking, the blocks are set apart by a sufficient distance and while some overshadowing / overlooking may occur in courtyards / garden areas, I am of the view that this would not constitute reasonable grounds for refusing planning permission.

3.3.9. Internal Space Standards

The proposed dwelling units generally comply with the internal space standards detailed in the Fingal County Development Plan and the Duplex units meet the space standards set out in the Sustainable Urban Housing Apartment Guidelines,. The Type E duplex units have a shortfall in storage space, however, I am satisfied that the unit can be modified to meet the minimum standard and that this issue can be addressed by way of condition in the event of a grant of permission.

Blocks in Western Section

3.3.10. Concerns raised in the original Inspector's Report in relation to the configuration of units in the south western corner of the development are not addressed in the revised layout. If the Board are minded to grant permission, the layout in this section could be improved through the replacement of the Type A units on sites no. 45 and 46 with a single Type D long fronted dwelling.

Conclusion

3.3.11. I consider that the revised scheme is of excessive scale given the sites location at the outer periphery of Donabate. I am also of the view that the development, as proposed, is inconsistent with statutory national guidance in relation to residential development in urban areas and street design. Having regard to the new information submitted to the Board, I consider, that the original scheme is of a suitable density and scale for the appeal site and that the design issues raised in the original Inspectors Report can be addressed by way of condition.

3.3.12. On the basis of the foregoing, I recommend that permission is granted for the development approved by the Planning Authority on the 24th of August 2017, subject to the following modifications:

- The Type B duplex block on sites no. 21-32; no. 33-44; no. 64-75; no. 76-87; no. 112-123; and no. 124-135, detailed on site layout drawing no. PL_003, shall be replaced with the Type F duplex block detailed on drawing's no. PL-109-REV B and PL-110-REV B received by An Bord Pleanála on the 22nd day of March 2018.
- The Type E duplex block on sites no. 52-53, no. 60-61, no. 90-91, no. 98-99, no. 100-101, no. 108-109, no. 138-139, no. 146-147 and no. 150-151, detailed on Drawing PL-107, shall be amended to provide a minimum of 6 square metres of internal storage space and to provide for active frontage on the 'left elevation'.
- The Type A dwellings on site no. 45 and 46 shall be omitted and replaced with 1 no. 'Type D' dwelling, detailed on Drawing PL-106. This dwelling shall face west and provide for active frontage on the western and northern elevations.

- The front building line of the Type A1 dwellings on sites no. 92-95, and no. 140-143 shall be set forward by 5 metres.
- The car parking layout shall provide for:
 - 2 no. car parking spaces per unit for 'Type A1 / A2' dwelling units provided within the curtilage of the dwelling or in communal car parking bays.
 - 1.5 no. car parking spaces per unit for Type C, Type D, Type E and Type F dwelling units provided in communal car parking bays.
 - 4 no. car parking spaces for the childcare facility and a set down facility.

The number of car parking spaces per communal car parking bay shall be limited to 3 no. parallel spaces or 6 no. perpendicular spaces. Each parking bay should be finished so that it is clearly distinguishable from the main carriageway and kerb buildouts and landscaping features shall be provided between each parking bay.

3.4. Traffic

- 3.4.1. The further plans and particulars received by the Board on 22nd March 2018 includes a Supplementary Transport Impact Assessment, prepared by Roughan & O'Donovan Engineering Services. The report notes that the number of vehicular movements arising from the revised scheme would be 79 (two-way) vehicular movements per hour in the am peak and 114 (two-way) vehicular movements per hour in the pm peak. Overall, I am satisfied that the scale of development proposed is such that it would not have a seriously negative impact on the existing and proposed road network.
- 3.4.2. The applicant's submission to the Board of March 2018, states that the applicant is willing to omit the link street between New Road and the R126 and includes an Option B layout that omits the section to the north of the proposed housing. I would note that the original Inspector's Report did not raise any concerns in relation to the provision of the link street, noting that it provides for an important local connection. I recommend that the link street is retained as part of the scheme. The notification to grant permission sought to defer the opening of the proposed link road until such

time as the Donabate Distributor Road is operational (condition no. 7). The original Inspector's Report noted that this is an appropriate safeguard given the proximity of the road to existing and proposed residential properties, to ensure that the link road does not end up providing a more strategic function prior to the opening of the Distributor Road. Work commenced on the Donabate Distributor Road (DDR) in December 2017 under the Governments Local Infrastructure Housing Activation Fund. It is clear that the DDR will be delivered in the short term and on this basis, I am of the view that the phasing of the link road can be addressed as part of the overall phasing plan for the development, to be agreed with the Planning Authority prior to the commencement of development.

3.5. Flood Risk

- 3.5.1. The application was accompanied by a Flood Risk Assessment. The OPW's CFRAMS Flood Hazard Maps (2016) show that the site is within Flood Zone C and is therefore at low risk of pluvial and fluvial flooding. However, the FRA submitted with the application identifies a moderate risk of surcharging and details mitigation measures to address this issue.
- 3.5.2. Submissions received from appellants and observers refer to a high / fluctuating water table in the area, to incidents of groundwater flooding and to a risk of pluvial flooding and one submission includes a technical review of the Flood Risk Assessments and drainage proposals submitted by the applicant.
- 3.5.3. The Engineering Services Report (Roughan O'Donovan) received by the Board on 22nd March 2018 includes a supplementary Flood Risk Assessment. The report describes the proposed surface water drainage strategy and flood risk management measures. In summary:
- The surface water drainage catchment runs from the elevated lands to the south of New Road, through the site and to undeveloped lands to the north of the site, as detailed in Figure 1 and 2 of the Flood Risk Assessment.
 - Due to local topographical conditions the risk of pluvial flooding and groundwater flooding needs to be managed in order to provide protection in the 1000 year (0.1%) rainfall event.

- To address the potential for overland flood risk from the south of New Road it is proposed to provide a drainage ditch / filter drain along the southern verge of New Road and connect this to the drainage ditch along the northern site boundary. The report concludes that this drainage ditch has adequate capacity to convey the 1000-year flow for the catchment draining to the ditch.
- The finished floor levels within the site are set at a minimum of 210mm above the corresponding finished road level. This coupled with road layout and vertical alignments (falling to the north) will ensure that flood waters (in the event that the proposed ditch becomes blocked) flowing across New Road will be conveyed through the site to the ditch at the northern end of the site. It is argued that the risk of flooding to New Road and to lands to the east will therefore be reduced.
- The revised scheme incorporates additional SuDS components to reduce surface water runoff from the site and to provide storage for the 1 in 100-year rainfall event.
- In terms of ground water flooding it is noted that the proposed FFLs are above existing ground level.

3.5.4. I would note that the Planning Authority's submission of June 2018 did not comment on the updated drainage details. I am satisfied that the supplementary Flood Risk Assessment submitted by the applicant in March 2018 provides a comprehensive analysis of the local risk factors and that appropriate engineering measures are proposed to address the risk of pluvial flooding and groundwater flooding arising from local topographical conditions. In the event that the Board is minded to grant permission for the development I would recommend that a condition is attached requiring the applicant to agree the final drainage details (inc. flow and storage capacities) with the planning authority prior to the commencement of development.

3.6. Other

3.6.1. The proposed childcare facility has a stated capacity of 60 no. children. The proposed childcare facility is adequate to meet the requirements for childcare provision arising from the revised scheme, in accordance with the recommendations of the 'Childcare Facilities Guidelines for Planning Authorities, DEHLG (2001).

3.6.2. Issues raised in relation to works undertaken on site fall outside of the Boards considerations under the subject appeal and should be addressed to the planning authority.

4.0 **Appropriate Assessment**

4.1.1. This addendum should be read in conjunction with the Appropriate Assessment Screening set out in Section 8.0 of the original Inspector's Report of December 2017.

4.1.2. A supplementary Appropriate Assessment Screening Report and an Engineering Services Report that addresses drainage, was submitted in respect of the revised scheme. I am satisfied that the information provided is sufficient to allow me to undertake Appropriate Assessment Screening in respect of the proposed development.

4.1.3. The site is a serviced site on the edge of Donabate. The site itself contains dry meadows and native hedgerows of limited ecological value. The site will be connected to public water and wastewater networks. The area drains to a network of drainage ditches that drain eastwards towards the Irish Sea. There is therefore potential for hydrological connectivity to European sites in estuarine and coastal waters in the Irish Sea, including the Malahide Estuary SAC (Code 0205) and SPA (Code 4025) and the Rogerstown Estuary SAC (Code 0208) and SPA (4015) which are located within 2 kilometres of the site.

4.1.4. I would suggest that in terms of potential impacts surface water is the most relevant. Significant attenuation is proposed within the site and therefore the potential for impact on water quality is remote. In addition, given the distance from the Natura sites and the proposal to connect to the public wastewater network, I am satisfied that the potential for likely significant effects can be screened out.

Screening Conclusion

4.1.5. I consider that due to the limited value of the vegetation on site, the separation distances of the appeal site from designated sites and the nature of the proposed development that it is reasonable to conclude, on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination that that proposed development, individually or in combination with other plans or

projects would not be likely to have a significant effect on European Site No. 000208 (Rogerstown Estuary SAC), European Site No. 004015 (Rogerstown Estuary SPA); European Site No. 000205 (Malahide Estuary SAC); and European Site No. 004025 (Malahide Estuary SPA), or any other European Site, in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment is not therefore required.

5.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

6.0 REASONS AND CONSIDERATIONS

Having regard to the location and the zoning of the site it is considered that the development approved by the Planning Authority, subject to modifications, would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 30th day of June 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) The Type B duplex block on sites no. 21-32; no. 33-44; no. 64-75; no. 76-87; no. 112-123; and no. 124-135, detailed on site layout drawing no. PL_003, shall be replaced with the Type F duplex block detailed on drawing's no. PL-109-REV B and PL-110-REV B received by An Bord Pleanála on the 22nd day of March 2018.
 - (b) The Type E duplex block on sites no. 52-53, no. 60-61, no. 90-91, no. 98-99, no. 100-101, no. 108-109, no. 138-139, no. 146-147 and no. 150-151, detailed on Drawing PL-107, shall be amended to provide a minimum of 6 square metres of internal storage space and to provide for active frontage on the 'left elevation'.
 - (c) The Type A dwellings on site no. 45 and 46 shall be omitted and replaced with 1 no. Type D dwelling, detailed on Drawing PL-106. This dwelling shall face west and provide for active frontage on the western and northern elevations.
 - (d) The front building line of the Type A1 dwellings on sites no. 92-95, and no. 140-143 shall be set forward by 5 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity and to ensure a high quality and legible urban environment.

3. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:
- (a) 2 no. car parking spaces per unit for Type A1 / Type A2 dwelling units provided within the curtilage of the dwelling or in communal car parking bays.

- (b) 1.5 no. car parking spaces per unit for Type C, Type D, Type E and Type F dwelling units provided in communal car parking bays.
- (c) 4 no. car parking spaces for the childcare facility and a set down facility.
- (d) The number of car parking spaces per communal car parking bay shall not exceed 3 no. parallel spaces or 6 no. perpendicular spaces. Each parking bay should be finished so that it is clearly distinguishable from the main carriageway and kerb buildouts and landscaping features shall be provided between each parking bay.

Reason: To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and visual amenity.

- 4. Sheltered bicycle parking shall be provided for duplex units at a rate of 1 no. space per unit plus one visitor space per 5 no. units.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development.

- 5. The development, shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, and the provision of the link street, for the benefit of the occupants of the proposed units.

- 6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) Employ a suitably-qualified archaeologist who shall carry out pre-development testing of the site at all locations where ground disturbance is to take place.

- (b) Should archaeological material be found during the course of testing or works, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Heritage and Planning Division of the

Department of Arts, Heritage and the Gealtacht with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and should facilitate the recording of any material found.

(c) The Planning Authority and the Heritage and Planning Division of the Department of Arts, Heritage and the Gealtacht shall be furnished with a report, within 4 weeks of the completion of pre-testing, describing the results of the testing. No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted to the Planning Authority and permission to proceed has been received from the Planning Authority.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. Not more than 75 residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

8. Full details of all external treatments to the to the proposed dwellings and duplex units, to include materials, colours and textures of all the external finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. Details of boundary treatments, including details of boundary treatments to ground level terraces and balcony's, shall be submitted to, and agreed in

writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water and ground water and provision for existing foul sewer connections within the site, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

12.
 - (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.
 - (b) The landscaping scheme shall include details of play facilities to be provided within the site.
 - (c) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the submitted landscaping details and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

13. Proposals for a street name / house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and house numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of some or all of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

16. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking for construction workers during the construction phase, and arrangements for delivery of abnormal loads to the site.

Reason: In the interests of public safety and residential amenity.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the

developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Karen Kenny

Senior Planning Inspector

6th February 2018