



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305534-19

Strategic Housing Development

165 no. residential units (117 no. houses, 48 no. apartments), new east-west sine road, new access from Skerries Road, widening and upgrade of Palmer Avenue and associated site works.

Location

Lands at Skerries Road, Palmer Road, Palmer Avenue and St Maur's Park, Rush, Co. Dublin

Planning Authority

Fingal County Council

Applicant

The Skerries Road Partnership

Prescribed Bodies

Dept. of Culture, Heritage and the Gaeltacht

Irish Water
Transport Infrastructure Ireland
An Taisce

Observers 180 no. submissions, see Appendix I

Date of Site Inspection 5th December 2019

Inspector Sarah Moran

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The development site is located on the R128 Skerries Road on the northern site of the built up area of Rush, Co. Dublin. The centre of Rush village is located c. 950m to the south and accommodates a range of local facilities, services and amenities. The site is c. 4 km from Rush and Lusk railway station. Existing development in the vicinity is primarily low density and suburban in character.

2.2. The site has a stated area of c. 4.8 ha. It comprises back lands within the following boundaries:

- Frontage to the R128 Skerries Road to the east. This part of the site is currently within an existing residential property with a vehicular access to the Skerries Road.
- The Ladycove and Palmer Court housing estates to the north, also an individual residential property and frontage to Palmer Road.
- Palmer Avenue to the west, currently a narrow cul-de-sac between Palmer Road and Kenure Crescent which also serves several individual residential properties.
- The Kenure Crescent, Kenure Park and St Maur's Park housing estates to the south, also the Rush Nursing Home and several individual residential properties.

The site is flat and low-lying and appears to have mounds of rubble and some unauthorised waste disposal. The Kenure Stream is culverted under the north western corner of the site and runs eastwards under Palmer Road. There is a high limestone wall along the Skerries Road site frontage. This wall forms part of the original demesne walls of Kenure Park Estate, however it is not a protected structure. There is an existing bus stop on Skerries Road adjacent to the development site.

- 2.3. The development site includes part of Palmer Avenue (owned by Fingal County Council and other parties), which is to be upgraded to facilitate the development. The applicant also owns lands within Palmer Court to the north of the development site (blue line site boundary).

3.0 Proposed Strategic Housing Development

- 3.1. The development involves 165 no. residential units as follows:

UNIT TYPE	NO. OF UNITS	%
Houses		
2 bed house	28	17%
3 bed house	65	39%
4 bed house	24	15%
Total houses	117	
Apartments		
1 bed apartment	19	12%
2 bed apartment	29	17%
Total apartments	48	
Total Houses and Apts	165	

The development has a stated net residential density of 35.5 units / ha.

- 3.2. The application also includes:

- New roads infrastructure comprising:
 - Widening and upgrade of Palmer Avenue to provide vehicular, pedestrian and cycle connections to Palmer Road and to the proposed development;
 - East-west spine route through the site between Skerries Road and Palmer Avenue;
 - New signalised junction at the access to Skerries Road, to incorporate the access to Six Cross Lane and a pedestrian crossing;
 - New pedestrian / cycle connections to St. Maur's Park and Palmer Court.
- 294 no. surface car parking spaces and 118 no. cycle parking spaces.
- 2 no. ESB substations

- New connection to public water supply and sewer.
- Part V proposals comprising transfer of 16 no. units within the development.

3.3. The development is to be phased as follows:

- Phase 1A Access from Skerries Road and adjacent public open space. 34 no. houses at the eastern end of the site.
- Phase 1B The remainder of the east-west spine route with access to Palmer Avenue.
- Phase 1C Palmer Avenue upgrade.
- Phase 2 40 no. houses north and south of the spine road. Central public open space and public open space connecting to Palmer Court.
- Phase 3 35 no. houses at the southern end of the site.
- Phase 4 Apartment Blocks A and B at the north western corner of the site.

4.0 Planning History

4.1. Development Site

There are no details on file of any relevant planning history relating to the development site.

4.2. Reg. Ref. F18A/0681 Lands to Immediate North of Development Site

Relating to a 0.137 ha site to the immediate north of the proposed development, to the rear of an existing one off house on Palmer Road. Permission sought for 6 no. terraced 3 storey houses in with a new access road from Palmer Court. Fingal County Council sought further information on 1st February 2019 in relation to design and layout issues, foul and surface water drainage, revised roads layout and Part V proposals. The application was subsequently withdrawn.

5.0 Section 5 Pre- Application Consultation

5.1. Pre-Application Consultation ABP-304036-19

- 5.1.1. The pre-application consultation related to a proposal to construct 130 no. 2, 3 and 4 bed houses (stated density 37.7 units /ha), crèche and associated site works at the

development site and including an upgrade to Palmer Avenue. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 3rd May 2019. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised were as follows:

1. Density

Further consideration of documents as they relate to density and compliance with the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in the context of the definition of net density as set out in Appendix A of the Guidelines. Particular regard should be had to the need to develop the site at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage having regard to the character and location of this infill site on zoned serviced land in the hinterland area of the GDA and given its proximity to established social and community services in the area. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

2. Architectural Approach and Overall Layout

Further consideration of documents as they relate to the development strategy for the site, in particular the architectural approach and overall layout of the proposed development in relation to:

- The overall design approach to the site to ensure that:
 - the development appropriately responds to the site's context including that the need to create strong urban edges and an appropriate public realm having regard to the extent of road frontages abutting the site;
 - that an appropriate range of housing typologies and mix is provided, a high quality living environment created and that a development of sufficient scale and height is promoted;

- that the central boulevard is appropriately designed to ensure no conflict between pedestrians, parking and vehicular movements
- that the crèche is appropriately located having regard to appropriate parking and set down arrangements.
- The configuration of the layout particularly as it relates to the creation of a hierarchy of high quality, functional and amenable public open spaces with maximum surveillance, appropriate enclosure, children's play, amenity and pedestrian connectivity should be given further consideration. Particular regard should be had to ensure that the open space is appropriately connected, particularly in relation to adjacent developments.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Roads Infrastructure, Access and Parking

Further consideration of documents as they relate to road infrastructure and parking particularly in relation to:

- The extent of works to be undertaken to Palmers Avenue including provision of footpaths, cycle paths, public lighting and future tie in works with existing and proposed road infrastructure.
- The design of the junction with the Skerries Road having regard to the conservation importance of the existing boundary wall.
- Access, parking and set down arrangements for the crèche.
- Compliance with DMURS particularly with regard to off street parking and street enclosure.
- The provision of adequate cycle parking including visitor cycle parking.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Surface Water Drainage and Flooding

Further consideration of documents as they relate to surface water drainage and flooding particularly in relation to:

- The proposed measures to incorporate SUDS such as swales, integrated tree pits, bio retention areas etc.
- The requirement to consider potential flood risk associated with the Kenure Stream.

5.2. Applicant's Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.

- Residential Density The total no. of residential units has been increased from 130 no. units to 165 no. units. The net site area excludes parts of Palmer Avenue, Palmer Road and Skerries Road and small areas at the St. Maur's Park frontage. The housing mix has been amended to include 48 no. apartments. The child care facility proposed at pre-application stage has been omitted from the development. The proposed density of 35.5 units/ha reflects the predominant character of the surrounding area and is optimum with regard to site constraints. The proposed mix of house types and typologies is appropriate for this suburban location.
- Design and Layout The development has been designed to address the 12 criteria provided in the Urban Design Manual of the Sustainable Residential Development Guidelines for Planning Authorities. The development has six distinct character areas with a clear street hierarchy and high quality public open spaces. The public open space at the Skerries Road frontage has been redesigned to include a new boundary incorporating part of the existing stone wall. The central public open space has been redesigned to include a railing at the spine road frontage and provision of a natural play area. A third public open space will provide connectivity to Palmer Court. The development will provide strong urban edges and will create new connections to surrounding residential areas to increase permeability. The east-west spine route has been designed as a tree lined boulevard in keeping with the aspirations of the County Development Plan.

- Roads Infrastructure, Access and Parking Palmer Avenue is to be upgraded to include footpath, cycle path and public lighting with an additional land take from the development site. It will tie into Palmer Road at an improved priority junction. Amendments to the east-west spine route to include street lighting and trees. Road Safety Audit has been completed. The development includes pedestrian links to Palmer Court and St. Maur's Park. Part of the boundary wall at the Skerries Road frontage is to be retained and the location of the proposed access is aligned with the existing vehicular entrance at this location. The roads layout has been designed to comply with DMURS. The cycle parking provision of 108 no. spaces exceeds development plan standards and the cycle parking requirements of the Apartment Guidelines.
- Surface Water Drainage and Flooding The soil at the development site has poor infiltration rates which restricts its potential for natural attenuation features, e.g. swales. Proposed SUDS measures include a detention pond at the Skerries Road side of the site, water butts, filter drains, permeable paving and green roofs. A Site Specific Flood Risk Assessment (SSFRA) is submitted, including details of proposed amendments to the culverted Kenure Stream at the site and associated flood risk issues.

6.0 Relevant Planning Policy

6.1. National Planning Framework

- 6.1.1. Chapter 4 of the Framework addresses the topic of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

6.2. Section 28 Ministerial Guidelines

6.2.1. The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual.
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities as updated March 2018.
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management including the associated Technical Appendices
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

6.3. Eastern and Midland Regional and Spatial Economic Strategy

6.3.1. The Regional Spatial and Economic Strategy (RSES) including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on 3rd May 2019.

6.3.2. Rush is located in the 'hinterland area' as defined by the RSES, which includes the northern part of Co. Fingal. Growth enablers for the hinterland area include:

- To promote continued growth at more sustainable rates, while providing for increased employment and improved local economies, services and functions to allow towns to become more self-sustaining and to create the quality of life to attract investment.
- 'Catch up' investment to promote consolidation and improvement in the sustainability of those areas that have experienced significant population growth but have a weak level of services and employment for their residents.
- Diversification and specialisation of local economies with a focus on clustering, smart specialisation, place making and urban regeneration to create the quality of life to attract FDI and indigenous investment and increase high value knowledge-based employment including second site and relocation opportunities.

- Promote the Region for tourism, leisure and recreational activities including development of an integrated greenway network while ensuring that high value assets and amenities are protected and enhanced.

6.4. Fingal County Development Plan 2017-2023

- 6.4.1. The site is zoned 'RA' Residential Area which seeks 'to provide for new residential communities subject to the necessary social and physical infrastructure'. The vision for this zoning is:

“Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenure in order to meet household needs and to promote balanced communities.”

There are two small areas at the southern site boundary, adjoining St. Maur's Park, that are zoned 'OS' Open Space with the objective to:

“Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.”

- 6.4.2. The site is located within the development boundary of Rush and is in an area identified a 'Highly Sensitive Landscape'. There is an objective for a road through the site to also serve undeveloped lands to the west as part of a relief road around Rush village and an indicative cycle/pedestrian route to the west of the site along Palmer Avenue.

- 6.4.3. Rush is identified as a Moderate Sustainable Growth Town within the Hinterland Area in the development plan. The plan states:

“In the hinterland area, the towns of Lusk, Rush and Skerries rely on the provision of quality local services and also serve as commercial nodes for their immediate rural environs as their location is more remote from higher order centres... It will be important that Lusk, Rush and Skerries develop in a self sufficient manner in order to prevent them from becoming dormitory towns. A full range of services should be available to meet local needs and that of the surrounding rural areas in order to encourage smarter travel patterns and to provide for further growth.”

6.4.4. The core strategy indicates that Rush has approximately 58 ha of land supply for new residential development with the capacity to accommodate c. 1,994 new homes.

6.4.5. Relevant objectives include:

Objective SS20:

“Manage the development and growth of Lusk, Rush and Skerries in a planned manner limited to the capacity of local infrastructure to support new development”.

Objective PM39

“Ensure consolidated development in Fingal by facilitating residential development in exiting urban and village locations”.

Objective PM40

“Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents”.

Objective RUSH 1:

“Facilitate the development of Rush as a vibrant town and retain its market gardening tradition.”

Objective RUSH 22:

“Prepare and/or implement the following Local Area Plan and Masterplans during the lifetime of this Plan:

- *Kenure Local Area Plan”*

6.5. **Kenure LAP 2009 to 2015 (extended until 2019)**

6.5.1. The site is included in the Development Plan designation LAP 6A: Kenure LAP. This plan expired in February 2019.

6.6. **Statement of Consistency**

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the County Development Plan and other regional and national planning policies. The following points are noted.

- The development is located on an infill site adjoining the existing built up area of a suburban town and will deliver high quality and sustainable housing,

appropriately integrated with surrounding development. The development is consistent with NPF and RSES objectives for compact urban growth.

- The proposed residential density is in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, i.e. 35-50 units / ha in outer suburban /greenfield sites not within 1 km of a train station. The population of Rush exceeds 10,000 and it therefore does not qualify as a 'smaller town' for the purposes of the Guidelines. The development has been designed to meet the 12 criteria set out in the Urban Design Manual accompanying the Guidelines.
- A Housing Quality Assessment is submitted to address the Apartment Guidelines and development plan standards for residential development.
- The development has a street hierarchy and seeks to prioritise pedestrians and cyclists in accordance with DMURS. A DMURS Compliance Statement is submitted.
- The development does not include any childcare provision. A Childcare Demand Assessment is submitted, which demonstrates that it will not generate a demand for childcare with regard to the Guidelines for Planning Authorities on Childcare Facilities.
- A SSFRA is submitted which addresses flood risk in accordance with the Guidelines for Planning Authorities on The Planning System and Flood Risk Management. No significant flood risk is identified.
- The development is in accordance with the 'RA' zoning of the site under the County Development Plan and with Objective SS20 regarding the development of Rush.
- The development delivers a development plan objective to provide an east-west link across the site from Skerries Road to Palmer Avenue.
- The development includes an upgrade of Palmer Avenue including pedestrian and cycle path provision in accordance with the development plan.

7.0 Third Party Submissions

7.1. There is a large volume of third party submissions from local residents (180 no. in total) and elected representatives. The main points raised may be summarised as follows:

- The submitted application form differs from that set out in the Planning and Development Act 2000. The application is therefore invalid.
- There is currently limited social infrastructure in Rush including health services, no Garda station and a lack of capacity in local primary and secondary schools. The proposed development will exacerbate this issue.
- Request that the developer provide a premises for Rush Men's Shed group.
- Concerns about potential poor quality standards of construction, e.g. pyrite issues.
- The development will require a childcare facility.
- Lack of amenities in this area. The development does not provide any amenities for the local community.
- The current County Development Plan requires a masterplan for the site, which has not been prepared. The development does not comply with Kenure LAP with regard to housing quantum and mix, residential density, phasing, roads / pedestrian / cycle layout.
- The density of development is excessive. Concerns regarding the scale of the development and proposed housing mix.
- Lack of demand for housing in the area as demonstrated by the uncompleted Palmer Avenue estate.
- The site is not suitable for apartments and the proposed apartment blocks are out of keeping with the area. Lack of demand for one bedroom apartments in the area. There are already too many three bedroom houses in the area.
- Concerns raised about various aspects of the design and layout including:
 - Driveways accessed directly from the spine road.
 - Insufficient public open space provision.

- Opposition to the use of the existing green area in Palmer Court due to loss of parking and concerns about increased anti-social behaviour at this location.
 - Proposed new connections to St. Maur's Park will lead to increased anti-social behaviour in this area.
 - The location of the proposed ESB substations are inappropriate as they adjoin two sides of a residential property. Lack of information about the potential relocation of an existing overhead power line at the site.
 - Conservation issues associated with the removal of part of the limestone wall at the proposed access from Skerries Road.
 - Inadequate refuse storage for the apartments.
 - Lack of clarity regarding proposed boundary treatments.
 - Proximity of 7 no. wide fronted houses Types 5A and 5B to the boundary wall of a residential property on Palmer Avenue with detrimental impact on residential amenities.
- Adverse impacts on visual and residential amenities, particularly from the apartment blocks, including overshadowing, overlooking, light spill and noise pollution. Development will block sea views from residential properties.
 - Roads and traffic issues. Development will generate additional traffic congestion in the area and concerns about lack of capacity at local roads, e.g. Palmer Road and Rush Main Street. Development does not provide adequate car parking. Submitted TIA does not reflect true traffic volumes in the area. Lack of public transport provision in the area and lack of capacity in existing public transport services. Opposition to the removal of the bus stop on Skerries road. Development is premature in the absence of a relief road for Rush. The east-west spine route across the site will result in piecemeal delivery of Rush relief road. The upgrade of Palmer Avenue would result in Palmer Road being an access point to the relief road, which is not supported. General opposition to the upgrade of Palmer Avenue, which should be left in its current form except for the provision of public lighting. Traffic hazard at proposed new junction on Skerries Road.

Potential traffic hazard due to conflict between the cycle route and emergency vehicles accessing Rush Nursing Home. Concerns about construction traffic in the area and parking generated by construction activity. The temporary closure of Park Road during construction will result in increased traffic on Palmer Road, which does not have capacity.

- The area is at risk of flooding and local residents are aware of flooding at the development site. Photographs of flooding in the area are submitted. Also concerns about surface water drainage issues at existing properties on Skerries Road and flooding at Palmer Road. The Ground Investigation Report submitted does not include test holes in the northern part of the site, which is affected by pluvial flooding and overflow from Kenure Stream. The report also does not consider infiltration rates closer to the ground surface, which are known to be higher than those at lower levels in the area. Concerns about the ongoing maintenance of the proposed storm water drainage system.
- The development would increase the water drained to the north beach at Rush which is already significant and causes difficulties for people living in that area.
- The conclusion of the AA Screening Report is not accepted.
- Adverse impacts on wildlife in the area including a population of hares at the development site.

7.2. I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

8.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the Rush, Lusk, Swords Area Committee Meeting of 10th October 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. Planning Comment

The following points are noted:

- The development is acceptable in principle having regard to the role of Rush in the development plan core strategy, the residential zoning of the site and its ability to assist in the consolidation of the town of Rush.
- The residential density is acceptable considering the projected yield of residential land in Rush in the core strategy and the position of the town in the county settlement hierarchy, also the distance of the site from the town centre, the surrounding context and the availability of public transport in the vicinity. The development would achieve a satisfactory balance between contributing to the core strategy housing target for Rush and ensuring that an appropriate quantum of development is directed into the town given its role as a hinterland town with a supporting role in accommodating population growth.
- The housing mix provides a good choice for future residents and caters for a broad range of housing needs and requirements.
- The development is generally acceptable with regard to the design and layout of residential accommodation, development plan standards and the Apartment Guidelines. There is limited differentiation in terms of house design and materials. A reduced number of more distinct character areas should be considered. The apartment balconies should be further integrated into the building form in order to improve the privacy of occupants and the building design.
- The open space layout is acceptable in principle. Conflicting figures are provided regarding the quantum of public open space provided. The Architectural Design Statement / site layout plan indicates that 0.4935 ha is provided while the Landscape Design Statement provides a figure of 0.42 ha. It is also noted that approx. 35% of this open space provision is to be used for SUDS measures, i.e. underground attenuation storage at the central open space and a wetland at the Skerries Road frontage. These SUDS measures will significantly impact on the open space provision within the development as the underground tank will sterilise the area in terms of tree planting and provision of play facilities and the wetland will be fenced off and unavailable for amenity purposes. The planning authority estimates that the SUDS measures will sterilise c. 35% of the total open

space provision and consider that the development will therefore not meet the development plan requirement for 10% of the total site area as public open space provision. A shortfall in the quantum of open space is identified as 0.6936 ha. The planning authority considers that the applicant should be levied for this shortfall, with a financial contribution to be used towards the upgrading of play facilities for older children and teenagers in nearby Kenure Park. Detailed calculations for the recommended levy are submitted.

- The planning authority notes the submitted Visual Impact Analysis and considers that the development will not result in any undue impacts on the visual amenities of the area.
- The planning authority has concerns in relation to the submitted Childcare Demand Assessment. It considers that the estimated childcare demand of 19 no. children is extremely low for a development of 165 no. units. The anticipated increase in population in the area will put additional pressure on existing early years and school age services in Rush. The planning authority recommends a condition that house no. 35 be omitted and replaced by a childcare facility to address this issue. This location has been recommended by the Transportation Dept. as the most suitable within the development site.
- The upgrade of Palmer Avenue should be completed within Phase 1B of the development.
- The Skerries Road access is acceptable. While the development includes the removal of a bus stop on Skerries Road, there are alternative bus stops in proximity to the site.
- The car parking provision for the houses is in accordance with development plan standards. The car parking provision for the apartments at 60 spaces falls short of development plan standards, which require 71 no. spaces. However, the provision does allow for one space per apartment and is therefore considered adequate. The cycle parking provision is adequate.
- A revised Construction Management Plan is required to meet specific requirements.

- The proposed measures to re-use stone from the limestone boundary wall at the Skerries Road frontage, as outlined in the submitted Conservation Report, are considered appropriate.
- The submitted SSFRA is noted. The surface water drainage arrangements are acceptable subject to requirements.

8.3. PA Internal Reports

- Parks and Green Infrastructure Dept. report dated 18th November 2019. Development is acceptable subject to conditions. Some concerns about SUDS measures at public open spaces, as discussed above.
- Transportation Dept. undated report. Development is acceptable subject to conditions. Some specific issues are raised, as summarised above.
- Water Services Section report dated 22nd October 2019. Development is generally acceptable.
- Architects Dept. report dated 25th October 2019. Development is generally acceptable regarding architectural standards and quality. Some specific issues are raised, as summarised above.

8.4. PA Conclusion

8.4.1. The planning authority recommends permission subject to conditions.

9.0 **Prescribed Bodies**

9.1. **An Taisce**

9.1.1. The following points are noted:

- The development would exacerbate unsustainable, car-dependent travel.
- The proposed cycle and pedestrian permeability are welcomed, however the surrounding public transport, pedestrian and cycling infrastructure are inadequate for the proposed development.
- ABP needs to address Ireland's UN and EU obligations in the Climate Action and Low Carbon Development Act 2015 and in overarching government planning policy through the DoECLG Planning Policy Guidelines 2015, also the

recommendations and targets of Smarter Travel – A New Transport Policy for Ireland.

- Further development of the Rush area should be properly phased with regard to the provision of local transport and community services.

9.2. **Transport Infrastructure Ireland (TII)**

9.2.1. Recommends the following:

- The proposed development shall be undertaken in accordance with the recommendations of the TIA and Road Safety Audit submitted. Any recommendations arising should be incorporated as conditions of permission, if granted. The developer should be advised that any additional works required as a result of the TIA and Road Safety Audit should be funded by the developer.

9.3. **Department of Culture, Heritage and the Gaeltacht**

9.3.1. The following points are noted:

- The Dept. has examined the submitted Archaeological Assessment Report and recommends a condition requiring the proposed additional archaeological testing.
- It notes that part of the stone wall at the Skerries Road site frontage is to be removed. Old stone walls are an important habitat for some rare and legally protected moss species, also saxicolous lichens and vascular plant species including ferns. They may be used as a bat roost and be of importance for wildlife. Conditions are recommended regarding surveys prior to the commencement of development.
- The Dept. concurs with the recommended archaeological mitigation as noted in section 6 of the Test Excavation Report, these measures should be required by condition.

9.4. **Irish Water**

9.4.1. Based upon the details provided and the Confirmation of Feasibility already issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

10.0 EIA Preliminary Assessment

10.1.1. The application was submitted after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The development involves 165 no. residential units on an overall site of c. 4.8 ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.

10.1.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

11.0 Appropriate Assessment Screening

11.1. Designated Sites Potentially Affected

- 11.1.1. I note the submitted AA Screening Report dated August 2019 and the Ecological Impact Statement and Statement of Possible Effects on the Environment, both dated September 2019. The development site is not within or directly adjacent to any Natura 2000 site. The site was surveyed on 14th February 2019. The habitats at the site are consistent with land that has been cleared and left fallow. Treelines at the northern and southern site boundaries are dominated by non-native species. There are no habitats listed on Annex I of the Habitats Directive at the site.
- 11.1.2. The AA Screening Report considers designated sites within 2 km of the proposed development that are considered to be within its zone of influence. The AA Screening Report does not list designated sites within a 15 km radius (as recommended in the DoEHLG ‘Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities’) and does not consider potential impacts on other designated sites with regard to the source-pathway-receptor model and is considered to be deficient in this respect.
- 11.1.3. The designated sites identified in the AA Screening Report as within the zone of influence of the development site are as follows:

Site Name (Site Code)	Distance to Development Site	Qualifying Interests	Conservation Objectives
Rogerstown Estuary SAC (000208)	c. 2 km	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco- Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

		dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	
Rogerstown Estuary SPA (004015)	2.3 km	Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitat and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
Rockabill to Dalkey Island SAC (003000)	c. 2 km	Reefs [1170] Phocoena (Harbour Porpoise) [1351]	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

11.1.29. I note the following additional designated sites within 15 km of the development site, as recommended in the DoEHLG 'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities':

Site (site code)	Distance from Development Site	Qualifying Interests	Conservation Objectives
Rockabill SPA (004014)	c. 5 km	Purple Sandpiper (<i>Calidris maritima</i>) [A148] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
Skerries Islands SPA 004122	c. 4.5 km	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Turnstone (<i>Arenaria interpres</i>) [A169] Herring Gull (<i>Larus argentatus</i>) [A184]	There is a generic conservation objective to maintain or restore the favourable conservation condition of the Annex II species listed as a Qualifying Interest for the SPA.
Lambay Island SPA (004069)	c. 5.5 km	Fulmar (<i>Fulmarus glacialis</i>) [A009] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Greylag Goose (<i>Anser anser</i>) [A043]	There is a generic conservation objective to maintain or restore the favourable conservation condition of the Annex II species listed as a Qualifying Interest for the SPA.

		<p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>	
<p>Malahide Estuary SAC (000205)</p>	<p>c. 6.5 km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>The NPWS has identified site-specific conservation objectives to maintain or restore the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.</p>
<p>Malahide Estuary SPA (004025)</p>	<p>c. 7.5 km</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus</i>)</p>	<p>The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitat and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.</p>

		<p>ostralegus) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	
Baldoyle Bay SPA (004016)	c. 14 km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitat and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
Baldoyle Bay SAC (000199)	c. 14 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

Ireland's Eye SPA (004117)	c. 15 km	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200]	There is a generic conservation objective to maintain or restore the favourable conservation condition of the Annex II species listed as a Qualifying Interest for the SPA
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Having regard to the AA Screening Report and to the Ecological Impact Assessment, I note that the development site is not immediately connected to any habitats within the above listed additional European sites in a 15 km radius and that there are no known indirect connections to these European Sites. No mobile fauna species for which the European Sites are designated are known to use the habitats within the development site. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model, the intervening distances between the development site and the above designated sites and the nature of the development. I am satisfied on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites within 15 km of the development site that are not hydrologically connected to the development site and that, in view of their Conservation Objectives, a Stage 2 Appropriate Assessment can be ruled out.

11.2. Potential Effects on Designated Sites Within 2 km of Development Site With Regard to Qualifying Interests

11.2.1. The AA Screening Report considers potential effects on the Designated Sites within 2 km of the development site, i.e. Rogerstown Estuary SAC (000208) and SPA (004015) with regard to their qualifying interests. The following points of same are noted:

- There will be no loss of habitats or semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the designated sites. Due to separation distance and the nature of features

between the development and the SAC / SPA boundaries, there can be no direct disturbance to intertidal or marine habitats arising from either the construction or operation phases of the development.

- There is no pathway for disturbance to either the SAC or SPA of the birds that use the area.
- Given existing local land uses, there is unlikely to be any significant effect from noise or artificial lighting associated with the development.
- Construction works associated with the development will result in the diversion of the Kenure Stream where it is culverted under the site. This leads directly to the Irish Sea. There is no pathway to the Rogerstown Estuary and sediment loss is not a pollutant in coastal habitats in the way it is in rivers. Sediment loss from this project cannot affect the conservation objectives of the Rockabill to Dalkey Island SAC.
- Wastewater from the development will be treated at the Portrane - Donabate wastewater treatment plant, which is licenced by the EPA to discharge treated effluent to the Irish Sea. As such there is a pathway to the waters of the Rockabill to Dalkey SAC from this source. There is no direct pathway to the Rogerstown Estuary SAC/SPA or Malahide Estuary SAC/SPA. The plant is built to modern standards and has a capacity to treat a population equivalent (P.E.) of 65,000. In 2016 the maximum organic loading was 38,132 P.E. and as such there is ample capacity to treat the additional input from the development. According to the EPA the plant was in compliance with the emission standards set under the Urban Wastewater Treatment Directive for 2017. The status of the coastal water in the SAC is assessed as 'high' while ambient monitoring indicates that the discharge from the wastewater treatment plant does not have an observable negative impact on the water quality status.
- Surface water falling on hard surfaces will pass to the proposed surface water attenuation system and will discharge to the municipal surface water sewer and ultimately to the Irish Sea. The proposed SUDS measures will ensure that there will be no alteration to the quality or quantity of surface water run-off leaving the site.

The AA Screening Report concludes with regard to the above that there are no effects, either during the construction or operation phase of this project, that are likely to arise to any SPA or SAC in light of their conservation objectives.

11.3. In Combination or Cumulative Effects

11.3.1. The AA screening report considers that as there are no impacts arising from this development that could negatively affect the conservation objectives of Rogerstown Estuary SAC/SPA or Rockabill to Dalkey SAC, therefore no potential for cumulative or in combination effects arises. This conclusion is accepted.

11.4. AA Screening Conclusion

11.5. It is reasonable to conclude that on the basis of the information on file, the site inspection and the information available on the relevant Designated Sites, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site in view of the relevant Conservation Objectives as set out above. Therefore, a Stage 2 Appropriate Assessment is not required in this instance.

12.0 Assessment

12.1. The following are the principal issues to be considered in this case:

- Principle, Quantum and Density of Development
- Design and Layout of Residential Development
- Impacts on Visual and Residential Amenities
- Roads and Traffic / Transport Impacts
- Drainage, Flood Risk and Site Services
- Childcare Provision
- Archaeology and Conservation Issues
- Part V

These matters may be considered separately as follows.

12.2. **Principle, Quantum and Density of Development.**

12.2.1. The core strategy of the Fingal County Development Plan 2017-2023 identifies Rush as a Moderate Sustainable Growth Town in the hinterland area of the county.

Development plan Table 2.8 states that Rush has an available residential land supply of 58 ha with a residential capacity of 1,994 no. residential units.

Development plan objective SS20 is to manage the development and growth of Lusk, Rush and Skerries in a planned manner linked to the capacity of local infrastructure to support new development considered acceptable on this basis. The development site is zoned for new residential development under the 'RA' zoning objective. There is no current Local Area Plan applying to the site as the previous Kenure LAP expired in 2019 (development plan objective RUSH 22 is to prepare and/or implement the Kenure Local Area Plan). No sequential phasing applies to the zoned lands. I note the comments on file from Fingal County Council that the development of the subject site is considered to be acceptable in principle given its proximity to the town centre and potential role in the consolidation of the town as well as the availability of public transport. I concur with this view.

12.2.2. The development has a stated net residential density of 35.5 units / ha. The issue of residential density arose during the pre-planning consultation with ABP and the Opinion issued advised the applicant of the need to achieve a sufficiently high residential density to ensure the optimum development of these zoned and serviced lands. The net density is based on a 'net developable site area' excluding road works at Skerries Road and Palmer Avenue and the access to St. Maur's Park but including the east-west spine route through the site. Given that this route is a development plan objective and will serve the wider area, it would normally be excluded from the net site area for the purposes of calculating residential density on the basis of the definition of net site area provided in Appendix A of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, i.e. including only those areas to be developed for housing and directly associated uses and excluding major and local distributor roads among other services and amenities serving the wider area. I therefore consider that the net density is likely to be substantially higher than the stated 35.5 units/ha. While I note the stated concerns of third parties regarding residential density, I consider that the proposed density is in accordance with the guidance provided in the Sustainable Residential Development

in Urban Areas Guidelines for Planning Authorities for outer suburban / greenfield sites not within 1 km of public transport corridor, i.e. a 35-50 units / ha.

12.2.3. The applicant has revised the proposed housing mix on foot of the ABP Opinion, with 1 and 2 bed apartments introduced to provide a greater mix of housing typologies and increase the overall residential density. The proposed 48 no. 1 and 2 bed apartments and 28 no. 2 bed houses amount to 46% of the total proposed development and will improve the range of housing types available in this area, which is currently predominantly characterised by low density suburban style development. The proposed housing mix is satisfactory on this basis and is in accordance with SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities, which states:

“It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.”*

The provision of apartments within the development is also in accordance with the guidance for peripheral / less accessible urban locations as per section 2.4 of the Guidelines for Planning Authorities on Sustainable Residential Development. I note that the apartments are to be developed in the 4th phase of the proposed development. I consider that a revised phasing should be required by condition such that the apartments are constructed in the first phase of the development, along with the Palmer Avenue upgrade and the east-west spine road through the site, due to the beneficial impact they will have on the overall housing mix in this area.

12.3. Design and Layout of Residential Development

12.3.1. The development is laid out around a new east-west spine route linking Skerries Road and Palmer Avenue with a new 4 arm signalised junction at Skerries Road, to incorporate the existing junction with Six Cross Lane and a signalised pedestrian crossing. Part of the existing stone wall at the Skerries Road frontage and an existing bus stop are to be removed to facilitate this access. Palmer Avenue is to be widened and upgraded with footpaths and cycle routes to facilitate the development. The apartment units are located in two no. 3 storey Blocks A and B facing Palmer Avenue and Palmer Road at the north western corner of the site, with an area of surface car parking and communal open space to the rear. The proposed 2 and 3 storey houses are laid out to the north and south of the spine route with a central public open space to the immediate south of the spine road. There is a smaller public open space at the northern site boundary, linking to an existing space within Palmer Court to serve both Palmer Court and the proposed development and including new pedestrian and cycle connections at this location. The layout also includes two new pedestrian linkages to St Maur's Park to the south.

12.3.2. The proposed layout achieves a good degree of vehicular, pedestrian and cycle permeability, in accordance with the principles of DMURS. It delivers the east-west spine route, which is a development plan objective as part of a relief route for Rush. While the third party concerns regarding the piecemeal delivery of the relief route are noted, lands outside the control of the applicant are beyond the scope the subject proposal. The widening and upgrade of Palmer Avenue and new connections to Palmer Court and St. Maur's Park will significantly improve pedestrian and cycle permeability in the area. Potential traffic impacts are considered separately below. All of the connections are surrounded by existing and proposed residential development, which will provide a good degree of passive surveillance, which could be enhanced by a satisfactory public lighting design.

12.3.3. The development provides a stated total of c. 0.49 ha of public open space, or c. 11% of the 'net developable area' (as defined by the applicant) of 4.651 ha. Three main areas of public open space are provided:

- A central public open space (c. 0.3 ha) on the southern side of the spine route, overlooked by houses on all sides. This includes a play area surrounded by a railing, outdoor fitness equipment and a kickabout area.

- A smaller area at the Skerries Road frontage (c. 0.051 ha), which includes a fenced wetland attenuation area.
- A ‘pocket park’ (c. 0.139 ha) at the northern site boundary, shared with Palmer Court. This is laid out as an extension of an existing public open space to the immediate north, within Palmer Court, on lands owned by the applicant. The existing boundary wall is to be removed to create a larger area with an informal play space and soft landscaping.

Development plan standards for residential development require a public open space provision of 10% of the site area. The submission of Fingal County Council notes that a large area of the central public open space is over an underground attenuation system and that a large part of the open space at the Skerries Road frontage is to be taken up by a fenced wetland attenuation area. The planning authority estimates that there is a shortfall of c. 0.69 ha less than the required 10% public open space provision when these areas are taken into consideration, considering a 10% allowance for SUDS measures. It recommends a financial contribution of €407,096 in lieu of this shortfall, to be used towards the upgrading of play facilities for older children and teenagers in nearby Kenure Park, detailed calculations are provided for the basis of this levy. However, I consider that (i) the net site area is lower than that stated by the applicant, taking the spine route into account, therefore a lower quantum of public open space is needed to meet the 10% requirement and (ii) the attenuation system under the ‘kickabout area’ over the attenuation tank would generally be considered acceptable and taken into account as public open space. Therefore, the overall percentage of public open space provide is unlikely to fall substantially below the required 10%. The proposed quantum of public open space provision is considered to be acceptable on this basis. I also note that the current Fingal County Council Development Contribution Scheme 2016 -2020 includes contributions for community and parks facilities and amenities. Section 48(2)(c) of the Planning and Development Act 2000 (as amended) provides that:

“A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.”

Having regard to the above, I do not consider that the proposed development will incur exceptional costs in relation to parks and amenities. I therefore consider that the recommended special development contribution should not be required if permission is granted.

12.3.4. Having regard to the submitted landscaping details, I consider that the central open space will provide a satisfactory quality of public amenity. The smaller area at the Skerries Road frontage will serve a passive function only as it is largely taken up by the wetland area and is removed from most of the residential units within the development. However, it will serve the directly adjacent houses and will facilitate the retention of part of the existing stone wall at the road frontage. Many of the third party submissions state concerns that the public open space at Palmer Court will detract from the residential amenities of the existing residential properties and will be a focus for anti-social behaviour. However, I consider that the proposed space is well overlooked, provides an opportunity to improve permeability in the area and, if adequately landscaped, will provide an enhanced setting and amenity for both the existing houses in Palmer Court and the proposed development. It is therefore acceptable.

12.3.5. The development includes seven different house types with the 3 storey house type 7 and corner units to provide variety and interest. The 3 storey apartment blocks at the north western corner of the site provide a strong urban edge to Palmer Road and Palmer Avenue. The brick elevations to the street frontage are satisfactory but the proposed render finishes to the side / rear should be replaced by a more durable finish, this could be required by condition. The development will have a less strong presence on the Skerries Road, however this frontage has been designed to retain as much as possible of the existing limestone boundary wall. The frontage to St. Maur's Park is set back from the southern site boundary, however this has been designed to retain existing trees along the shared boundary and is acceptable on this basis. While there are six character areas within the scheme, the overall palette of materials is limited to two different brick colours with render elements. This is acceptable given the relatively small size of the scheme. The landscaping design incorporates street trees and areas of communal car parking. The frontage of the terraced houses includes individual bin stores except in units where there is access to rear gardens. The communal open space to the rear of the apartment blocks

includes surface car and cycle parking, refuse storage and a limited area of shared amenity space (330 sq.m.). This is acceptable. Having regard to the public open space provision as discussed above, I consider that the development will provide a satisfactory standard of public realm overall.

12.3.6. A Housing Quality Assessment is submitted. The development has been designed to comply with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Sustainable Urban Housing Design Standards for New Apartments, also development plan standards for residential development. All of the apartment units have floor areas well in excess of the standards provided in SPPR 3 of the Apartment Guidelines and the internal storage space and private amenity space provisions meet or exceed the requirements. A total of 24 or 50% of the units are dual aspect. SPPR 4 of the Apartment Guidelines states an objective that there shall generally be a minimum of 50% dual aspect units in a single scheme. The development barely meets this standard. However, it is acceptable given that all of the single aspect units are east or west facing. The floor-to-ceiling heights meet the requirements of SPPR 5, there is a maximum of 9 units per lift / stair core as per SPPR 6 and the communal open space provision exceeds the quantitative requirement set out in Appendix 1 of the Apartment Guidelines. The proposed house types have been designed to meet or exceed the standards of the Quality Housing for Sustainable Communities DOEHLG guidance and provide private open spaces as rear gardens in accordance with development plan standards for residential development. I am therefore satisfied that the development will provide a good standard of accommodation for future residents of the proposed development.

12.3.7. To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential development.

12.4. Impacts on Visual and Residential Amenities

12.4.1. The site is located in a 'highly sensitive' coastal landscape as per the Green Infrastructure mapped objectives of the County Development Plan. However, it is low-lying and therefore not visually prominent, is separated from the coastline by a road and by intervening development and is surrounded by existing residential

development. Visual impacts are therefore localised and limited to the immediate vicinity. The application includes a Landscape and Visual Impact Assessment (LVIA) and CGIs of the development from various vantage points in the vicinity. Having inspected the site and viewed it from the surrounding area, I am satisfied that the vantage points selected are representative of the area. While the development will undoubtedly change the character of the existing agricultural lands, this would be the case with any development of this site and potential visual and landscape impacts must be balanced against the need to achieve an optimum quantum of residential development on these zoned and serviced lands. Having regard to the above assessment of design and layout, I consider that the development represents a reasonable response to its surroundings, integrates well with existing residential development and will enhance the transitional urban environment at this location. The development retains as much as possible of the limestone wall at the Skerries Road frontage and of the existing trees at site boundaries. There is no impact on sensitive coastal views or on any protected views or prospects. The LVIA concludes that the receiving landscape at this location is one of medium sensitivity and that the magnitude of change will be 'low'. The predicted landscape impact is 'slight' and 'neutral' as the scheme complements the scale, landform and pattern of the landscape and maintains landscape quality. These conclusions are accepted.

- 12.4.2. The development site is surrounded by existing residential development at Palmer Road / Ladycove and Palmer Court to the north, Palmer Avenue to the east and Kenure Crescent / St Maur's Park to the south. Potential impacts on residential amenities at each of these locations may be considered separately as follows.

Palmer Road / Ladycove / Palmer Court

There is a row of two storey houses along the northern site boundary that is shared with residential properties within Ladycove, Palmer Road and Palmer Court. Satisfactory intervening distances are achieved between rear elevations, generally > 22m. I note that permission has not been granted for development on the adjoining site to the immediate north, ref. F18A/0681 (see planning history above). Any future application on those lands will be considered on its merits in the context of existing and permitted development in the vicinity. While residents of Palmer Court have raised concerns about the proposed new pedestrian / cycle connection and public open space at this location, I am satisfied that the design and layout will result in a

positive contribution to the public realm without any adverse impact on visual or residential amenities. The three storey apartment blocks are set back c. 35-40m from the rear elevations of adjacent houses in Palmer Court. I am satisfied that this setback precludes significant adverse impacts on adjacent residential amenities by way of overlooking or overshadowing.

Palmer Avenue

There are several one-off houses on the opposite side of Palmer Avenue and immediately adjoining the eastern site boundary. While the context of these houses will change, they are on large sites and satisfactory intervening distances are achieved. Third parties state concerns that the upgrade to Palmer Avenue will change the character of this area. However, the character of this area will change in any case with the development of the Rush relief road, which is an objective of the County Development Plan, and the development of the zoned lands at the development site and to the west of Palmer Avenue. There is also an objective to provide pedestrian and cycle infrastructure on Palmer Avenue and the proposed upgrade is necessary to facilitate the development of the subject site.

Kenure Crescent / St Maur's Park

The development will be partially screened at this location by mature trees at the southern site boundary, which are to be retained as part of the development. There are two storey houses along the boundary shared with Rush Nursing Home and a reasonable setback is achieved. The new pedestrian connections to St. Maur's Park are desirable, as discussed above. No significant adverse impact will arise in relation to overshadowing or overlooking.

- 12.4.3. To conclude, while third party concerns are noted, I am satisfied that the development will not have any significant adverse impact on visual or residential amenities.

12.5. Roads and Traffic/Transport Impacts

- 12.5.1. The development site is located within the 60 kph zone and has an existing access to the Skerries Road R128 that serves one residential property. There is an existing narrow footpath along the Skerries Road frontage but no footpath on the eastern side of Skerries Road and no cycle facilities at this location. Palmer Road is a local access road connecting Skerries Road to Park Road to the west, which serves St,

Maur's GAA Club and loops southwards connecting residential areas to the centre of Rush. There are footpaths on Palmer Road but no cycle lanes. Palmer Avenue is currently a narrow laneway off Palmer Road that serves several one-off houses and ends in a cul-de-sac at Kenure Crescent. It has no footpath or cycle facilities at present but is subject to a development plan objective to provide same as part of a cycle route between the Skerries Road and Rush Main Street. There is also a development plan objective to provide an east-west spine route across the development site to connect Skerries Road with Palmer Avenue and continue westwards as a relief road for Rush village between Upper Main Street, Palmer Road and the Skerries Road and serving zoned lands to the west of the development site. With regard to public transport, there are several bus stops nearby on the Skerries Road, including one at the site frontage. The Skerries Road is served by bus routes nos. 33/33a and 33x that link Rush to the city centre and Dublin Airport and Rush and Lusk railway station. The existing 33 route and variants along Skerries Road will become route 285 under the current Bus Connects proposals, to operate at 30 minute intervals during the weekday midday period. The site is c. 4 km from Rush and Lusk railway station that serves the Dublin – Belfast route as well as commuter trains.

12.5.2. The development involves the following new roads infrastructure:

- Signalised junction at Skerries Road incorporating Six Cross Lane and a pedestrian crossing. The existing bus stop at the site frontage is to be removed to facilitate the proposed layout.
- East-west spine route between Skerries Road and Palmer Avenue with raised tables at junctions, to form part of the future Rush relief road as provided for in the County Development Plan. The layout incorporates cycle lanes and footpaths on both sides, street trees and access to communal parking areas.
- Upgrade to Palmer Avenue to provide pedestrian and cycle paths on the eastern side of the road, a new vehicular connection to the spine route / Rush relief road and a separate access to the apartment blocks.
- Shared surfaces within the southern side of the development, with street trees and some shared / visitor parking provision, also two new pedestrian connections to St. Maur's Park at the southern site boundary.

- A new pedestrian and cycle connection to Palmer Court at the northern site boundary.

I am satisfied that the roads layout achieves a good degree of pedestrian / cycle permeability, will not result in traffic hazard at either access point and is generally in accordance with the requirements of DMURS. I note the submitted DMURS compliance statement, Road Infrastructure Design Statement, Road Safety Audit and swept path analysis and the comments of Fingal County Council Transport Planning Section in this regard. I note the concerns of third parties regarding the removal of the bus stop on Skerries Road, however this is necessary to facilitate the proposed new Skerries Road layout and there are other bus stops in close proximity that will serve the development.

12.5.3. The development includes 294 no. car parking spaces and 108 no. cycle parking spaces. This is a provision of 2 no. in-curtilage spaces for the semi-detached houses and 1-2 communal spaces per terraced house, which is in accordance with development plan car parking standards. This provision also includes 19 no. on-street parking spaces that can be used by visitors. A total of 56 no. spaces are provided for the apartments (1.17 spaces per unit) with an additional 3 no. on-street visitor spaces along Palmer Road. This falls somewhat short of development plan standards, which require a total of 71 no. spaces to serve the apartments. The TIA states that the applicant proposes to establish a car-sharing club for the apartments with two dedicated shared vehicles to be provided and maintained by the management company. Section 4.19 of the Apartment Guidelines states the following in relation to peripheral and/ or less accessible urban locations:

“As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.”

This would entail a total of 60-64 no. spaces to serve the apartments. While the proposed 59 no. spaces are slightly less than this requirement, the provision is considered acceptable in the context of the proposed car sharing scheme and the availability of bus routes along Skerries Road. There is adequate space in the curtilage of individual houses to allow for cycle parking. A total of 108 no. cycle parking spaces are provided for the apartments in the form of 2 no. Sheffield type

stands in a covered area adjoining Block B. Section 4.17 of the Apartment Guidelines requires a general minimum standard of 1 cycle storage space per bedroom and visitor cycle parking at a standard of 1 space per 2 residential units, i.e. a total of 101 no. spaces to serve the proposed development. The development meets this requirement.

12.5.4. The application includes a Traffic Impact Assessment (TIA), which is based on a traffic survey carried out on Tuesday 27th November 2018 between 07.00 and 1900 at the following junctions:

- J1 Rush Main Street / Skerries Road to the south of the development site. A 3 arm signalised junction.
- J2 Skerries Road / Palmer Road. A 3 arm priority controlled junction.
- J3 Skerries Road / Clifflands to the north of the development site. A 3 arm priority controlled junction.

The TIA considers projected traffic volumes at the above junctions 1 and 2 for an opening year of 2021 and design years of 2026, 2031 and 2036. The projected trip generation rates for the proposed development are 120 no. trips (arrivals and departures) for the AM peak and 98 no. trips for the PM peak. The overall projected trip generation rates include the development of adjacent zoned lands and assumed background traffic growth. Both junctions currently operate within capacity and will operate well within capacity for all design years both with and without the proposed development for both AM and PM peaks. The TIA also considers traffic queues at the Skerries Road access to the development, which will operate within capacity for all scenarios. The TIA therefore concludes that the development will have no discernible impact on junction performance. I consider that the projected trip generation rates are low given that the development contains 165 no. residential units and 294 no. car parking spaces. However, given the limited scale of the development and in the context of the proposed new junction on Skerries Road and upgrade of Palmer Avenue, I do not consider that it would generate such additional traffic such as would warrant a refusal of permission.

12.5.5. The submitted preliminary Construction Management Plan includes details of construction traffic. The construction period is expected to last for 18 months. Construction vehicles are to access the site from the Skerries Road. On-site parking

is to be provided for construction staff and visitors. It is anticipated that peak HGV movements will occur during the site excavation works and the construction of building foundations. Construction traffic impacts are expected to be minimal and capable of being easily accommodated in the local roads network. This is considered acceptable subject to the agreement of a final construction traffic management plan with the planning authority.

12.5.6. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition.

12.6. Drainage, Flood Risk and Site Services

12.6.1. The Kenure Stream runs in a culvert under the north western corner of the site and continues eastwards along Palmer Road. There are existing surface water sewers on Palmer Road and at St. Maur's Park. The development is to connect to these existing storm sewers. Outflow is to be attenuated to greenfield run-off rates. This is primarily to be achieved by the provision of an attenuation storage system under the central public open space. There is limited scope for SUDS measures due to the soil conditions at the development site, with poor infiltration rates, however some are proposed including a wetland detention pond at the eastern site boundary, rainwater butts, filter drains, swales, permeable paving and green roofs to the apartment blocks. Detailed storm water calculations are submitted, taking into account a 10% climate change allowance. In addition to the above surface water management measures, the Kenure Stream culvert is to be relocated to public lands at Palmer Road, outside the site boundary. These proposed surface water management measures are satisfactory having regard to the comments of Fingal County Council Water Services Planning Section, which recommends permission subject to conditions.

12.6.2. Third party submissions have stated concerns about flooding at the development site and in the vicinity. A site specific flood risk assessment (SSFRA) is submitted. OPW historic flood maps do not indicate any flood events at the site or in the immediate vicinity. Recent modelling of the area as part of the Fingal East Meath Flood Risk Assessment and Management Study (FEM FRAMS) conducted by the OPW indicates that the site is located outside of the 0.1% AEP fluvial floodplain. The site is

also outside the reach of tidal flooding and is therefore located in Flood Zone C and a justification test is not required. The SSFRA states that local evidence indicates that the open section of the Kenure Stream, c. 50m to the north west of the development site, has flooded in the past due to the physical constraint of the culvert under the road. It is submitted that these flood waters have never reached the development site and that the proposed new culvert / sewer will have adequate capacity for the stream and will not impede the conveyance of storm waters. The proposed surface water management system will prevent any downstream impacts associated with increased run off from the proposed development. I am satisfied on this basis that the development will not result in any increased flood risk.

12.6.3. The development is to connect the existing foul sewer and watermains in the vicinity. The submission of Irish Water states that these connections can be facilitated.

12.6.4. Having regard to the above, I consider that the development can be facilitated by Irish Water infrastructure and that the proposed surface water drainage arrangements are acceptable. I also note and accept the findings of the SSFRA, such that the development will not impinge on Flood Zones A or B and will not result in additional flood risk. The proposed foul drainage and water supply arrangements are therefore satisfactory.

12.7. **Childcare Provision**

12.7.1. The development does not include any childcare facility. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. 1 bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. The development includes 146 no. 2, 3 and 4 bed units, therefore a total of 39 no. spaces would be required to comply with the Childcare Guidelines, or 31 no. spaces if the 29 no. 2 bed apartments are omitted from this requirement.

12.7.2. The application includes a Childcare Demand Assessment, which provides details of existing and permitted childcare facilities in the area and the available capacity at same. I note that there is very limited additional capacity at existing facilities. It cannot be assumed that permitted facilities will provide additional childcare places in time to serve the proposed development. The assessment estimates the demand for childcare that the development will generate, based on the demographic profile of the area and projected population change, also the accessibility of this location and the likely uptake of childcare places based on the Quarterly National Household Survey. It projects that the development will generate a demand for 19 no. childcare spaces based on 2016 census indicators and 14.5 no. spaces in 2026. It is submitted that this demand can be accommodated at existing childcare facilities in the area and therefore there is no need to provide a childcare facility within the proposed development. I consider that, given the limited capacity available in existing local childcare facilities as stated in many of the third party submissions, a childcare facility should be provided as part of the proposed development, in accordance with the requirements of the Childcare Guidelines. The planning authority submission recommends a condition that house no. 35, a type 6 3 bed 2 storey house at a corner site in the southern end of the development, be omitted and replaced by a childcare facility. This location has been recommended by Fingal County Council Transportation Planning Section as the most suitable within the development. It is directly adjacent to a pedestrian connection to St. Maur's Park and there is an adjoining area of on-street / visitor parking. I consider that this location is suitable and also recommend a condition that house no. 35 be omitted and replaced by a childcare facility if permission is granted.

12.8. Archaeology and Conservation Issues

12.8.1. The application includes a Conservation Report, which considers the proposed removal of part of the limestone boundary wall at the Skerries Road frontage of the site. The wall was the eastern boundary to the Kenure Park Estate. The only remaining element of Kenure House (a protected structure) is a historic portico dating to 1840, which lies c. 800m to the north west of the development site. The demesne boundary wall is not protected and much of it has been lowered, breached or lost. Part of the wall has been removed at this location to provide access to an existing house adjoining the development site. This opening is to be widened to

create an access to the proposed development that is capable of achieving adequate sight lines and safe access for large vehicles. Part of the existing wall will be lowered to achieve adequate sight lines rather than removed in its entirety. The original position of the wall will be marked by a row of limestone setts where it crosses the road and paths. A specification and construction methodology are submitted. It is submitted that the negative impacts associated with the removal of part of the wall must be balanced against the necessity of the proposed interventions in order to achieve a safe vehicular access. This point is accepted. I note that the boundary wall is not, of itself, a protected structure and that only elements of the overall demesne wall remain. I consider that the proposed works to the wall at this location are acceptable on this basis.

12.8.2. The submitted Archaeological Assessment states that there are four recorded monuments located east-northeast of the development site, c. 440 – 480 m from the development. These are clustered on a small headland and comprise a passage tomb (DU008-013001); a midden (DU008-013003); a cist (DU008-013002) and a promontory fort (DU008-090). Previous archaeological investigations, consisting of geophysical survey and targeted archaeological testing, have been carried out in the development site under licence and failed to reveal any evidence of archaeological features. The archaeological potential of the site is therefore considered to be low. However, it is possible that ground disturbances associated with the development may have an adverse impact on isolated archaeological features, which have the potential to survive outside of the areas already subject to archaeological investigations (geophysical survey and archaeological testing). The assessment recommends mitigation in the form of additional archaeological test-trenching across the footprint of the development prior to the commencement of construction. I note the comment of the DOACHG, which supports this recommendation and a condition requiring same may be imposed if permission is granted.

12.9. Part V

12.9.1. The applicant proposes to transfer the equivalent of 10% of the site to Fingal County Council in the form of 16 no. residential units comprising 5 no 1 bed apartments; 5 no. 2 bed apartments; 3 no. 2 bed houses and 3 no. 3 bed houses in order to comply

with the requirements of Part V of the Planning and Development Act 2000 (as amended). A site layout plan indicating the units to be transferred is submitted, along with costings. The units to be transferred are located throughout the development and are not concentrated in one location. I note the correspondence on file from Fingal County Council, dated 29th August 2019, which states agreement in principle to this proposal and to the design and location of the proposed units to be transferred. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

12.10. Planning Assessment Conclusion

12.10.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

13.0 Conclusion

13.1. The proposed development is acceptable in principle with regard to the zoning of the site for new residential development under the Fingal County Development Plan 2017-2023. The residential density and housing mix are satisfactory with regard to national and local planning policies for greenfield /edge of town sites. The design and layout of the development are considered acceptable subject to conditions and I am satisfied that it will provide a good standard of residential amenity for future occupants. The development will not have any significant adverse impact on visual or residential amenities and will provide a desirable contribution to the public realm at this location, achieving a satisfactory infill development with the upgrade of Palmer Avenue, new pedestrian and cycle connections, a new pedestrian crossing on Skerries Road and a new public open space to be shared with Palmer Court. The roads layout delivers a development plan objective to provide an east-west vehicular connection between Skerries Road and Palmer Avenue as part of the Rush relief road and will provide access to further zoned lands to the west of the development site. It is considered that the development will not result in undue adverse traffic impacts and would have a moderate traffic impact on the local road network overall. I am satisfied that the development would not have any significant adverse impacts on cultural heritage. The proposed surface water arrangements, foul drainage and

connection to the Irish Water network are all acceptable. I am also satisfied that the development does not result in a significant flood risk.

13.2. I therefore recommend that the Board grant permission.

14.0 Recommendation

14.1.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

15.1. Having regard to the following:

- a) the site's location adjoining the established settlement of Rush, Co. Fingal on lands with a zoning objective for residential development under the Fingal County Development Plan 2017-2023;
- b) the policies and objectives in the Fingal County Development Plan 2017-2023;
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- h) the nature, scale and design of the proposed development;
- i) the availability in the area of a wide range of social and transport infrastructure;
- j) the pattern of existing and permitted development in the area, and
- k) the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th day of September 2019 by The Skerries Road Partnership, Ground Floor, Embassy House, Herbert Park Lane, Ballsbridge, Dublin 4, D04 H6Y0.

Proposed Development:

A planning permission for a strategic housing development on lands at Skerries Road, Palmer Road, Palmer Avenue and St. Maur's Park, Rush, Co. Dublin.

The proposed development will consist of:

- 1) 165 no. residential units (117 no. houses and 48 no. apartments).
- 2) Public open spaces including play areas.

3) Roads, pedestrian and cycle infrastructure comprising:

- New signalised junction on Skerries Road including access to the development and Six Cross Land and a pedestrian crossing;
- Removal of existing bus stop in Skerries Road to facilitate the new roads layout at this location;
- New east-west spine route between Skerries Road and Palmer Avenue as part of the Rush relief road provided for under Fingal County Development Plan 2017-2023;
- Widening and upgrade of Palmer Avenue to provide vehicular access to the east/west spine route, a separate vehicular access to the apartment block and pedestrian and cycle routes;
- New street network within the development including new pedestrian and cycle connections to Palmer Court and St. Maur's Park;
- 294 no. surface car parking spaces and 118 no. bicycle parking spaces.

4) Surface water management system and connection to the public storm sewer. Relocation of an existing culvert containing the Kenure Stream that crosses the north western corner of the development site, to public lands at Palmer Road.

5) Connection to the public water supply and foul sewer.

6) Communal bin storage for all terraced houses, duplex / apartment and apartment blocks, all associated and ancillary site development, infrastructural, landscaping and boundary treatment works.

7) 2 no. ESB substations.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the site's location adjoining the established settlement of Rush, Co. Fingal on lands with a zoning objective for residential development in the Fingal County Development Plan 2017-2023;
- b) the policies and objectives in the Fingal County Development Plan 2017-2023;
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- h) the nature, scale and design of the proposed development;
- i) the availability in the area of a wide range of social and transport infrastructure;

- j) the pattern of existing and permitted development in the area, and
- k) the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development, in a suburban area on a generally greenfield site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. 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. The proposed phasing shall be revised such that the upgrade of Palmer Avenue and apartment blocks A and B, along with the access from Skerries Road and east-west spine route are constructed as part of the first phase of the development.

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

3. The proposed development shall be amended such that house no. 35 shall be omitted and placed by a childcare facility and associated open space play area, which shall be the subject of a future planning application to Fingal County Council.

Reason: In order to comply with national policy on childcare provision for residential development as set out in the Childcare Facilities Guidelines for Planning Authorities and the Sustainable Urban Housing Design Standards for New Apartments.

4. The proposed development shall be modified as follows with regard to transportation, pedestrian/ cycle and roads requirements:
 - (a) The roads and traffic arrangements serving the site (including road signage), shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (b) The vehicular access from the R128 Skerries Road and associated signalised junction and the widening and upgrade of Palmer Avenue, along with associated pedestrian and cycle facilities shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (c) The removal / relocation of the existing bus stop (no. 3834) on Skerries Road shall be agreed with the planning authority and Dublin Bus and shall be carried out at the developer's expense.
 - (d) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to commercial parking shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

- (e) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (f) All works to public roads/footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the planning authority.
- (g) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at his expense.
- (h) A Mobility Management Plan for the development, to include parking management for the apartment blocks and proposals for a car sharing scheme, shall be prepared and submitted to the Planning Authority for its written consent prior to the commencement of development.
- (i) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (j) 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, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety and sustainable transportation.

5. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Drainage arrangements, including the attenuation and disposal of surface water and the diversion of the Kenure Stream culvert, shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site.

Reason: In the interest of public health.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.

7. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, subject to the following amendments –

- (a) The proposed render finishes to the apartment blocks shall be replaced by a more durable finish.

- (b) The balconies to the apartment blocks shall be partially or fully integrated.

- (c) All rear gardens of houses shall be bounded with brick or concrete block walls, which shall be a minimum of 1.8 metres high, except where bounding public open spaces or roads, when the walls shall be 2 metres in height, or by concrete post and concrete panel fences, 1.8 metres high.
- (d) Details of all boundaries shared with adjoining residential properties shall be agreed with the planning authority.
- (e) The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with Fingal County Council. The piece of art should have a relationship with the area. The location of the piece of art shall be agreed with Fingal County Council Parks and Green Infrastructure Division prior to the commencement of works on site.
- (f) Where possible, only lime mortar shall be used for rebuilding, pointing and grouting the limestone wall at the

Details showing the required amendments 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 and to ensure the provision of durable boundary treatments; to comply with Objective DMS05 of the Fingal County Development Plan 2017-2023.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

9. Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:

(a) A tree protection plan.

(b) A programme of tree surgery works.

(c) Details of root zone design and specification for street trees proposed.

(d) Detailed design proposals for the proposed play and outdoor fitness areas.

Reason: To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

10. Public lighting shall be provided in accordance with a scheme, 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 by the developer for occupation of any house / unit within the relevant phase of the development.

Reason: In the interest of amenity and public safety.

11. The applicant shall comply with the following requirements in relation to natural heritage:

(a) The mitigation and monitoring measures outlined in the Ecological Impact Statement submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

(b) Prior to any construction work commencing on the stone wall boundary, a bryophyte (moss), lichen and vascular plant survey shall take place. Should any legally protected, rare or threatened species be found, mitigation

measures must be implemented. In the case of legally protected species, a licence will be required from the Department of Culture, Heritage and the Gaeltacht.

- (c) A bat survey shall be carried out prior to the commencement of any construction work on the stone wall boundary. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the Department of Culture, Heritage and the Gaeltacht and details of any such licence shall be submitted to the planning authority

Reason: To ensure the protection of the natural heritage on the site.

- 12. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements / marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

- 13. The developer shall comply with the following requirements:

- (a) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, those areas of the site that will be taken in charge by the planning authority.

(b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

14. 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.

Reason: In the interests of visual and residential amenity.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

16. 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, noise management measures and off-site disposal of construction/demolition waste.

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

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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.

20. 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

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

22. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Sarah Moran
Senior Planning Inspector
7th January 2020

Appendix I

List of Observers

Aine Keogh

Aishlinn Duffy

Aisling Farrell

Alison O'Brien

Alison Reid

Alva Moloney

Amanda McKeown

Andrea Duque

Andrew & Emma Mitchell

Angela Byrne

Anne-Marie Butterly

Annemarie Nagle

Anthony Gilmartin

Audrey Farrell
Audrey Hogan
Bernice Pejus
Betty and Thomas Farrell
Breda Wallace
Brendan O'Reilly
Brian Dennehy
Brian McIlvenna
Brian Reid
Caoimhe Fuller
Carmel McDermott
Caroline Skinnader
Caroline Touhey Doyle
Catherine Jones
Cathy McGarry
Charles Monks
Christine Doyle
Ciara McGrath
Ciara Redden
Ciarán Payne
Colette Langan
Conor Cooper
Darragh O'Brien
David O'Hara
David Price
David Sheehy
David Torres Molera

Deborah Flynn
Deborah Moore
Deirdre Bissett
Deirdre Gallagher
Deirdre Roche
Edward Meade
Elaine Brazil
Elizabeth Kavanagh
Emma Brophy
Erica Quinn
Evelyn Miller
Fabian Pollard
Fiona Keohe and David Fitzpatrick
Fiona Tynan
Gabriel Boyle
Gavin O'Connell
Gemma and Mark Power
Geraldine Redden
Gerry & Anne-Marie Clarke
Graham Bissett
Graham Staple
Hans Kristian Moen
Helen Kennedy
Hella Toolan
Jacqui Deveney Smith
Janet Wall
Jason and Melissa Barry

Jason Philbin
Jean Bench
Jeff Bent
Jennifer Kavanagh
Jessica McGee
Jill and Sean Neilon
Joe Lowndes
John M Cassidy
John McGee and Michelle Kane
John Wallace
Johnathan Cassidy and Cathy McGarry
Joseph Coleman
Josephine Burns
June Pollard
Karen Tracey
Karen Tynan
Karl and Caitriona Casey
Karl O'Dea
Keith Greene
Ken Worthington
Laura Murphy
Lesley Lynch
Lisa Wilde
Lorraine Clifford-Lee
Lorraine Daly
Louise Broughton
Mairéad Price

Majella Grainger
Margaret and Brendan Rice
Margaret Bissett
Maria Armstrong
Maria McGuinness
Marian Pike
Marie Dillon
Mark Casey
Mark Flynn
Mark Gough
Martin Bissett
Martin Ferguson
Martin Gavin
Mary Buckley
Mary Philbin
Matthew Brogan
Matthew Rush and Lorna Corr
Maureen Redmond
Michael Gossan
Michael O'Brien
Michael Power
Michelle Meade
Mick Devane
Nadine Boyle
Neil McKeown
Niall Byrne
Niall Gosson

Niall Power
Nichola Gough
Nora Neavyn and Sarah Walls
North Rush Development Group
Olwen Reid
Orla Conlon
Orlaith Moynihan
Padraic Lynch
Palmer Avenue Residents Association
Palmer Court Residents Association
Pamela Clare
Patricia Conroy
Patrick Dillon
Patrick Weldon
Paul Butler
Paul Coyle
Paul Miller
Paula and Paul Morley
Paula Whyte-O'Hara
Philip Jones
Rachel & Barry Murphy
Ravenswell Residents Association
Ray Lawlor
Ray Watts
Raychel Williams
Robert Murphy
Robert O'Donoghue

Roisin Gough
Ronan Hartnett
Rosaleen & Gerry McDonnell
Rush Community Development Committee
Rush Men's Shed
Sam Payne
Sarah Farelly
Sarah Lowndes
Sean Nixon
Sharon Casey
Shirley Moore
Simon Doyle
Sinead Hull
Siobhan O'Neill
Siobhan Toner
St. Maur's GAA Club
Stephane Pejus
Stephen Galbraith
Stephen Watts
Stuart Fenton
Susan Manning
Suzanne Devine
Suzanne Gilmartin
Tony Brennan
Trevor Leonard
Una Murray
Vanessa Margate

Vilma Norkiene

Yuk Ying Mok

Yvonne Butterley

Yvonne Walsh Greene

Dermot Coakley