



An
Bord
Pleanála

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

Inspector's Report ABP-305619-19

Strategic Housing Development

153 no. residential units (113 no. houses and 40 no. apartments), 3 no. retail units, cafe, restaurant, medical unit and associated site works.

Location

Station Road, Portmarnock,
Townlands of Portmarnock, Co.
Dublin.

Planning Authority

Fingal County Council

Applicant

St. Marnock's II Designated Activity
Company

Prescribed Bodies

DAA
DAU
Irish Water

Observers

John Mulligan

Date of Site Inspection

13th January 2020

Inspector

Rónán O'Connor

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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 site is part of an emerging suburban area in north Co. Dublin. It is 12km north-east of the city centre beside the railway station at Portmarnock, c900m west of the village centre and c500m west of the head of the estuary at Baldoyle,.
- 2.2. It has a stated area of 4.59ha and consists of 2 pieces of non-contiguous areas of land, which are generally flat in nature. One part of the site is on the southern side of Station Road and is bounded by a surface car park serving Portmarnock Rail Station to the west, Station Road to the North, Phase 1B (under construction) of the St. Marnock's Bay development to the east, and the existing St. Marnock's Bay development to the south. A temporary marketing suite for the overall St. Marnock's Bay development is located on the part of the site for the Local Centre.
- 2.3. The larger part of the site is c150m to the south along the access road on the far side of the existing housing. It is generally bounded by the St. Marnock's Bay development to the west (referred to as Phase 1A), by *Dún Sí* at St. Marnock's Bay (Phase 1B currently under construction and part complete) to the north, the existing townland boundary/hedgerow to the east and undeveloped LAP lands to the south. Works are ongoing on the land on the eastern side of the access road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of the following;
153no. units (40no. duplex / apartments and 113no. houses), ranging between 2 and 4 storeys in height comprising the following: 78no. 3-bed 2 storey houses, 35no. 4-bed 2 storey houses, 26no. 2-bed duplex / apartments and 14no. 3-bed duplex / apartments.

The development will also provide a 'Local Centre' consisting of 3no. retail / café / restaurant units (c. 440 sq. m gross floor area overall) at ground floor with apartments above, all in a building comprising 3 to 4 storeys in height.

A medical unit (c. 92 sq. m gross floor area) is proposed at ground floor level at the end of the terrace of duplexes (under Unit No. 14) adjoining the boundary to Portmarnock Train Station car park fronting onto the civic plaza.

Vehicular access to serve the development will be provided from Station Road via an existing road serving St. Marnock's Bay ('The Drive') and 2no. permitted roads serving St. Marnock's Bay ('The Avenue' & 'Monument View') permitted under ABP Ref. ABP-300514-17 (currently under construction).

315 no. car parking spaces are proposed (226no. on-curtilage parking spaces for the housing and 89no. surface level parking spaces serving the residential and commercial units at the 'Local Centre') and 64no. bicycle parking spaces are proposed to serve the residential and commercial units at the 'Local Centre'

Key Figures

Site Area	4.6 Ha
No. of units	153
Density (Net)	37 unit/ha
Plot Ratio	0.4:1
Site Coverage	23%
Height	Between 2 and 4 storeys
Communal/Public Open Space	4,750 sq. m.
Part V	15 no. units
Vehicular Access	From Station Road
Car Parking	315
Bicycle Parking	64

4.0 Planning History

SHD Application - ABP-300514-18 –Grant permission for 150 homes (98 houses and 52 flats) on adjoining land to the east of the present site (Phase 1b)

Reg. Ref. F13A/0248 – Granted permission for 101 houses on an adjoining site (Phase 1a).

F07A/0947 Grant 684 units including a neighbourhood centre in 2007. This permission was never implemented and has now expired.

Other Relevant Applications

File No. 301908: Townlands of Clonshagh, Dubber and Newtown, County Fingal and Dublin City – Grant - Greater Dublin Drainage Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility.

File Ref. No. 300840-18 - Grant -Application made to ABP under section 177AE of the Planning and Development Act 2000 as amended for construction of 1.8km of pedestrian and cyclist path adjacent to the Coast Road (R-106) from Red Arches Road to just south of the Coast Road/Station Road roundabout. The development includes, inter alia, a 3m wide cycle track and 2m wide footpath separated by a 2.4m wide grass verge and is located in the Racecourse Park. Permission is also sought for the construction of a 30m long, 4m wide bridge over the Mayne River; upgrading of the existing priority junction between Coast Road and Mayne Road to a signal controlled junction with pedestrian facilities; and provision of toucan crossing facilities on Coast Road at either end of the proposed scheme.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 13th August 2019 in respect of a proposed development of 153 homes and a neighbourhood centre. The main topics raised for discussion at the tripartite meeting were as follows:

1. Development strategy, including density, height, housing mix, layout and design with reference to the provisions of the LAP and its overall target for housing provision
 2. The provision of open space at various scales
 3. Facilities for pedestrians and cyclists, including accessibility to the railway station and compliance with the provisions of DMURS including the controls on block sizes at section 3.3.2.
 4. AA and EIA issues
 5. Drainage and water supply
 6. Any other issues
- 5.1.1. Copies of the record of the meeting and the Inspector's report are on this file.
- 5.1.2. In the Notice of Pre-Application Consultation Opinion dated 09th September 2019 (ABP Ref. ABP-304865) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 5.1.3. In the opinion of An Bord Pleanála, the following issues needed to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:
1. Further consideration of the documentation as it relates to compliance with the core strategy of the county development plan and the housing target for the area covered by the Portmarnock South Local Area Plan. The documentation should demonstrate that the proposed development would provide enough housing on the site to contribute to the achievement of the core strategy and local housing target to an extent proportionate to the size and location of the site.
 2. Further consideration of the documentation as it relates to the provision of open space which should demonstrate that sufficient open space would be provided to serve the proposed housing and to generally comply with the provisions of the

county development and local area plans with due regard to existing, permitted and planned development in this area.

3. Further consideration of the documentation as it relates to pedestrian and cycle movement through the proposed development to the railway station and neighbourhood centre. The documentation should show routes for these modes that are to be in reasonable alignment with existing facilities as well as those shown on the LAP and the masterplans submitted with previous applications. In particular the documentation should show that the proposed development would provide a street network that complied with the requirements of DMURS in relation to block dimensions, footpath and carriageway widths and junction radii and that would facilitate cycle movement from the permitted development to the east and south and along Station Road on facilities that provide a suitable continuity of service and priority over vehicular movements at junctions without creating conflict with pedestrians, in line with the principles and the specific requirements of the National Cycle Manual issued by the NTA.

5.1.4. The Opinion also stated that the following specific information should be submitted with any application for permission –

1. The information for the purposes of screening for EIA set out in schedule 7A of the Planning and Development Regulations 2001, as amended, which shall refer to the potential for cumulative effects in conjunction with other permitted and planned housing in the area.
2. A taking-in-charge plan and a plan for the management of the proposed neighbourhood centre including its car parking.
3. An archaeological impact report.
4. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

5. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
7. A draft construction management plan
8. A draft waste management plan.

5.2. Applicant's Statement

- 5.2.1. The application includes a statement of response to the pre-application consultation (set out in Section 10 of the Planning Report & Statements of Consistency), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:
 - 5.2.2. It is stated from the outset that the proposed development has not been subject to significant change from the proposal submitted at Pre-Planning Consultation stage to An Bord Pleanála.
 - 5.2.3. The applicant states that changes have occurred to landscaping and there have been minor adjustments to road layouts but these are not considered significant in nature.

Item 1 – Core Strategy

- The total residential capacity for Portmarnock as set out in Table 2.8 (Chapter 2) of the Fingal County Development Plan, 2017 – 2023, is 57 Ha, which can accommodate 1,490 no. potential residential units. This is anticipated to meet the demand for housing in Portmarnock to 2026.
- Core Strategy figure for Portmarnock does not simply relate to the Portmarnock South lands. It would appear to relate to the wider zoned lands in the wider Portmarnock area.
- The Portmarnock South Local Area Plan 2013 (as extended) identifies that approximately 40 Ha of the Portmarnock lands are identified for residential

development which can achieve approximately 1,200no. units having regard for the airport safety restrictions.

- There is approximately 17 Ha of land for residential development in the remainder of the Portmarnock area (57 Ha identified in the Core Strategy). Based on 35no. units per Ha, if the remainder of the 17 Ha were to be developed on this basis it would yield approximately 600no. units.
- Framework Plan prepared by the Applicant which achieves approximately 1,100no. units for the Local Area Plan land - in conjunction with the remaining 600no. units the residentially development lands in the Portmarnock area can achieve approximately 1,700no. units. This would be in excess of the provision set out in the Core Strategy.
- As referred to above the applicant has prepared a Development Framework which will provide for the development of approximately 1,100no. units. Generally, this can be broken down as follows: -

Phase / Area	No. Units Permitted / Proposed
Phase 1A (Constructed and occupied)	101no. units
Phase 1B (Permitted & under construction)	150 no. units
Phase 1C (Currently proposed)	153 no. units
Remainder of Framework Plan Lands	Approx. 589 no. units
Third Party Lands	Approx. 100 no. units
Total Approx.	1,093 no. units

- Lands are located in the Outer Public Safety Zone of Dublin Airport - the overriding requirement is to ensure that the density of development provided on these lands adheres to the findings of the 2003 ERM Report in the interests of public safety.
- The upper limit for development within such zones a density of 60no. persons for each half hectare which equates to a density of approximately 35 – 42no. units per Ha.
- The total number of units achieved within the Framework Plan have been maximised in accordance with the provision of the Dublin Airport Public Safety Zone – was informed by specialist input from Arup Consulting Engineers on aviation safety.
- Phase 1A which was permitted under Reg. Ref. F13A/0248, at the time, achieved a density of approximately 30no. units per Ha which is below the density which was sought within the Portmarnock South Local Area Plan 2013 (as extended).
- Remainder of the Local Areas Plan lands have been maximised in terms of densities which can be achieved having regard for the aviation safety requirements. Therefore, the slight shortfall in units having regard for the densities to be achieved will not be easily recovered across the future phases.
- Portmarnock Train Station car park is zoned for residential development – may be developed in the future.
- There are a number of other residential sites being developed in proximity also: -
 - Reg. Ref. F14A/0132 (ABP Ref. PL06F.244401) – 270no. residential units (under construction) - This site is located to the west of the Portmarnock lands on the western site of the Dublin –Belfast Train line.
 - Reg. Ref. F15A/0258 – 121no. residential units (under construction). This site is located on the northern site of Station Road, opposite the proposed
- Framework Plan prepared by the Applicant demonstrates that while maximising the densities achievable within the Local Area Plan lands to achieve approximately 1,100no. units - does not prejudice the Portmarnock area from meeting the targets set out in the Core Strategy.

Item 2 – Open Space

- Refer the Board in the first instance to the accompanying Landscape Report and Drawings, prepared by Brady Shipman Martin Landscape Architects & Built Environment Consultants, which seek to address the requirements of Issue 2 of the Board Opinion.
- Objectives DMS57A and DMS57B of the Development Plan require that a minimum of 10% of an application site area is provided as public open space/Objective PM52 require a minimum provision of open space per head of population.
- This application includes the proposed provision of c. 4,750 sq. m of public open space, including hard and soft landscaped ‘Civic Plaza’ at Local Centre: c. 1,700 sq. m, a Linear Park (integrating existing townland hedgerow feature): c. 2,500 sq. m and a Pocket Park: c.550 sq. m.
- Amounts to more than 10% of the overall site area (c.4.6 Ha) thus exceeding the minimum requirements outlined in Objectives DMS57A and DMS57B.
- Was noted in FCC’s Assessment on the Applicant’s Pre-Planning Submission that the “retained townland boundary hedgerows are not considered public open space”.
- Provision of open spaces is consistent with what was proposed as part of Phase 1B (ABP Ref. ABP300514-17) - was considered acceptable by An Bord Pleanála that a Linear Park was included within the provision for public open space.
- Hedgerows are identified within the areas of open space shown in the LAP
- The proposed development will be served by a substantial amount of public open space which has already been provided in a variety of forms as part of the Phase 1A (existing) and Phase 1B (under construction) applications/Further additional areas around the monument to the south in Growth Area 2 that will further supplement this public open space provision.
- In total, these amount to a further c. 26,900 sq. m of public open space as follows: -
 - Railway Linear Park: c. 13,000 sq. m

- Landscaped area over Recorded Monument: c. 5,600 sq. m
- Linear Park (integrating existing townland hedgerow feature): c. 8,300 sq. m
- Areas of public open space all fall within a 5-minute walking distance of the residential units now proposed.
- Proposed development lies adjacent to 'Skylark Park', which will be delivered as part of a future planning application within Growth Area 1 of the Portmarnock South lands, as per the phasing requirements of the LAP.
- The existing, permitted and proposed areas of public open space amount to c. 31,650 sq. m in total - amounts to c. 18% of the Phase 1A, 1B and 1C sites (which are c. 18 Ha in total), which comfortably exceeds the minimum requirements of Development Plan Objectives DMS57A and DMS57B.
- As part of Phase 1A an extensive quantum of Class 1 public open space (approx. 107 Ha) in the form of ecological and landscape buffer areas has been provided to the east and south of the Local Area Plan lands.
- A coastal pedestrian / cycle path which is currently under construction by Fingal County Council in the eastern portion of these Class 1 open space lands to the east of the proposed development - A connection from that facility to the St. Marnock's Bay development and on to the Portmarnock Rail Station was provided for in the Phase 1B development currently being built - will ensure that the Class 1 lands will be easily accessible to further residents of the proposed residential development and subsequent future phases of development.
- Dwg. No. 305 'Open Space Provision – Wider Context' illustrates the substantial quantum of open space in proximity to the Portmarnock South Local Area Plan lands and to the wider Portmarnock area in general.
- Objective PM52 of the Development Plan- provision sufficiently addresses the Development Plan requirements for Class 1 Open Space for all existing, permitted, proposed and future residential development at the Portmarnock South LAP lands.
- Existing (1A), permitted (1B) and proposed (1C) Phase 1 development to date yields an overall requirement for 8,209 sq.m of Class 2 Open Space. The combined provision of 31,650 sq.m of Class 2 public open space for Phase 1

identified above therefore far exceeds the minimum requirements of Objective PM52.

- Public open space at the Portmarnock South Phase 1 lands (existing, permitted and proposed) exceeds the minimum requirements of Development Plan objectives DMS57A, DMS57B and PM52, and would be sufficient to serve the proposed residential units.

Item 3 – Pedestrian and Cycle Network

- Refer the Board to the Traffic & Transport Assessment which sets out how the proposed development is consistent with the requirement of DMURS.
- The Report sets out that the main desire lines for pedestrian and cycle movement in this area are in a north / south direction as opposed to east / west.
- Refer to the Board to Dwg. No. C-01004 'Pedestrian / Cycle Tracks Layout', which illustrates the pedestrian and cycle connectivity throughout Phase 1A (constructed and occupied), Phase 1B (permitted and under construction) and Phase 1C (now proposed).
- Phase 1B a connection was proposed to the pedestrian / cycle route to the east of the Local Area plan lands which is currently under construction by FCC/will provide enhance connectivity the wider Portmarnock area and facilitate safe and segregated connection to Portmarnock train Station via Station Road.
- Phase 1B made provision for future connection into the remaining undeveloped land to the east of the townland boundary. The detail of the cycle / pedestrian connectivity will be addressed as part of detailed design of these future phases
- Analysis of the walkability of the scheme based on 2no. fixed point from within the proposed development and a future location on the eastern side of the townland boundary has been provided/demonstrated that the instruction of further east / west links has little or no impact on connection to either the Local Centre or the Train Station.
- Vehicle speeds will be restricted to 30kph throughout the development.
- There are 3no. existing pedestrian / cycle access points into the Train Station/existing connections are consistent with the 'Indicative Internal Street and

Movement Network' set out in the Portmarnock South Local Area Plan 2013 (as extended)/Not an objective of the Local Area Plan to provide such a connection. Therefore, a new connection to the Train Station is not proposed as part of the development.

- Proposed public plaza provides additional permeability through the north western portion of the Portmarnock lands creating a desire line through the public space towards the Train Station/Proposed layout of the Local Centre does not prejudice the future use of the existing connection with the Train Station/No works are proposed to the existing fence separating Irish Rail lands from the application site.

Specific Information Item 1 – EIA Screening

- Section 14 of the Planning Report & Statements of Consistency provides a detailed screening in relation to Environmental Impact Assessment.

Specific Information Item 2 – Taking-in-Charge Plan

- A Taking in Charge' plan has been submitted.

Specific Information Item 3 – Archaeological Impact Report

- An Archaeological Impact Report has been submitted.

Specific Information Item 4 – Housing Quality Assessment

- A Housing Quality Assessment has been submitted.

Specific Information Item 5 – Site Specific Flood Risk Assessment

- A Site Specific Flood Risk Assessment has been submitted.

Specific Information Item 6 – Boundary and Surface Treatments

- Submitted Landscape Master Plan and Boundary Type Drawings provide details of the surface material finishes and boundary treatment types proposed as part of the development.

Specific Information Item 7 – Draft Construction Management Plan

- Construction Management Plan, prepared by Linesight Project Managers.

Specific Information Item 8 – Draft Waste Management Plan

- A Construction & Demolition Waste Management Plan and an Operational Waste Management Plan have been submitted.

Relevant Planning Policy

5.3. National Policy

5.3.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Framework and Principles for the Protection of the Archaeological Heritage
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.

5.4. Local Policy

Fingal County Development Plan 2017-2023

The development site of the proposed residential units and local centre is zoned ‘RA’ – ‘to provide for residential communities, subject to the provision of the necessary social and physical infrastructure’.

It is also in the outer airport safety zone. Objective DA14 is to review the public safety zones associated with the airport and implement government policy on them.

General objectives for Portmarnock

Portmarnock is identified in the second tier of the urban place designation i.e. Town and District Centre. The development strategy is to “consolidate, define and enhance the existing urban form, encouraging more intensive commercial development within the central areas of the town while providing enhanced linkages to lands at South Portmarnock adjacent to the rail line. Retain and improve existing amenities, both for visitors and for residents, along the coast and within the town in a manner sensitive to the proposed natural and built heritage of the area”.

The key development plan objectives for Portmarnock relevant to this application are:

- Objective Portmarnock 1 - Develop Portmarnock as a vibrant town providing services and amenities for both residential and visitor populations.
- Objective Portmarnock 2 - Implement the Portmarnock Urban Centre Strategy and prepare a Public Realm Strategy to include any issues which may be identified as part of public consultation such as streetscape, car parking, traffic movement, environmental improvements and permeability.
- Objective Portmarnock 4 - Protect and manage the flood plain of the Sluice River to the south of Portmarnock and ensure that its integrity as a natural habitat is maintained; and investigate the potential of a riverside walkway.
- Objective Portmarnock 5 - Promote an enhanced rail station and rail service with improved facilities for cyclists including secure bike racks and supporting an increase in car parking space provision for motorists together with the provision of a feeder bus service and improved pedestrian and cycle linkage between Chapel lane and the station.
- Objective Portmarnock 7 - Prepare and/or implement a Local Area Plan for lands at Portmarnock South to provide for strategic development of the area as a planned sustainable mixed use residential development subject to the delivery of the necessary infrastructure.

Portmarnock South Local Area Plan 2013

The Local Area Plan for Portmarnock South 2012 has had its period extended to 2023.

Section 2.2.6 states that the density of development within the airport outer safety zone is limited to 60 persons per half hectare plot.

Objective WW1 - Ensure that all required drainage infrastructure including the installation and commissioning of the pump station and network are completed and operational following the completion of the first 100 dwellings and prior to the commencement of further development.

The phasing scheme at section 11.6 states that phase 2 would include be units nos. 301-600 of 1,200 and that the Skylark Park would be completed in this phase.

The LAP sets out that the Portmarnock South LAP lands (86ha) are strategically positioned along the DART commuter service and the Dublin-Belfast railway line. The strategic vision of the LAP is to “develop a high quality urban environment with a unique sense of place, maximising and respecting the opportunities presented by the area’s natural assets and coastal location adjoining Baldoyle Bay and recognising its high level of accessibility to Portmarnock train station.”

Objective C 1 Maintain qualifying interest habitats and species within the Baldoyle SPA and SAC and other European sites where relevant at favourable conservation condition to ensure the ecological integrity of Baldoyle Bay and further ensure that the LAP lands continue to provide supporting functions for the Qualifying interest species.

Objective C 2 Protect and conserve the natural habitats and designated status of the Sluice River Marsh and ensure that salmonid waters constraints apply to all development within the plan lands.

Table 5.0 in the LAP sets out Habitat Protection Measures. Section 5.5.2 deals with the implementation of these habitat measures. Of note are the following objectives:

- Objective GI 6 Require Appropriate Assessment Screening for any development, plan or project including changes to the landscape, within the Ecological Buffer Zone. This will include any changes to existing or future layout, materials or management.
- Objective GI 7 Protect and enhance the function of the ecological buffer zone through appropriate mitigation and management measures as set out in the Green Infrastructure and Landscape Strategy.

- Objective GI 13 Ensure that sufficient information is provided as part of development, plan or project proposals to enable AA screening to be undertaken and to enable a fully informed assessment of impacts on biodiversity to be made.

Section 6 deals with Movement and Traffic. The LAP sets out that the entire RA plan lands are within walking distance of the train station which is located immediately northwest of the LAP lands and provides frequent DART services to Malahide and the City Centre, suburban train services to north County Dublin and a regional service to Belfast.

Objective TM 4 Ensure that all planning applications provide for a pedestrian/cycle connection to Portmarnock train station within the plan lands in consultation with Irish Rail. Interfacing with residential development, environmental features and the train station lands shall be carefully considered in future route design proposals.

With regard to Station Road the LAP sets out that Station Road Green Route plays a major role in the public transport system providing pedestrian/cyclist connection to Portmarnock train station. There is an opportunity through the development of the plan lands to provide significantly enhanced pedestrian/cyclist facilities along this route, a tree lined boundary is proposed along Station Road with integrated pedestrian/cycle facilities located behind the tree line providing an attractive and efficient link to Portmarnock train station.

Section 7 of the LAP deals with Urban Design.

5.5. Statement of Consistency

- 5.5.1. The applicant has submitted a Statement of Consistency (included in Section 11 of the Planning Reports and Statements 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 and the City Development Plan. The following points are noted:

National Planning Framework

- The proposed development is strategically located on greenfield lands within walking distance of high frequency, high capacity public transport in the form of commuter rail and DART services at Portmarnock Train Station.
- The site is serviceable and well connected to the road network.

- The site forms part of the Portmarnock South development lands, which have long been identified as a prime location for future residential development at a sustainably high density.
- The proposed scheme features a variety of dwelling types designed to a high standard, and with easy access to a wide range of existing, permitted and now proposed amenities.

Regional Spatial and Economic Strategy for Midlands & East

- The proposed development is strategically located at lands at Portmarnock South, which are along the Dublin-Belfast Corridor, in close proximity to high frequency urban rail transport and have long been identified as a suitable location for residential development.
- The proposed scheme is representative of plan-led development that delivers significant additional housing in a range of house types in a consolidated, accessible urban neighbourhood.
- Proposed housing development will be supported by ancillary and associated community facilities, public open space.
- Notwithstanding the density constraints imposed for public safety reasons, the location of these lands in close proximity to public transport represents an efficient use of zoned lands and expenditure in to the public transport system.

Smarter Travel – A Sustainable Transport Future, A New Transport Policy for Ireland 2009 – 2020

- The proposed development accords with the provisions of this policy document, as outlined in the Traffic and Transport Statement.

Sustainable Residential Development in Urban Areas Guidelines, 2009

- Having regard to the location of the subject lands within the Outer Public Safety Zone of Dublin Airport the over-riding requirement is to ensure that the density of development provided on these lands adheres to the findings of the 2003 ERM Report, which sets as its upper limit for development within such zones a density of 60 persons for each half hectare.

- Densities proposed adhere to the limits applicable within this Outer Public Safety Zone. The average net residential density across the proposed development falls within the range of an average minimum density of approximately 35 units per Ha.
- The proposed development provides a high quality layout. All units will meet the requirements for unit sizes, have access to private open space and be built to a specification that they are energy efficient.
- Cycle / walking routes increase connectivity within the development and to the wider context.
- Proposal complies with the 12 Design Criteria as set out in the Urban Design Manual.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’

- 40no. apartments / duplex units, to which the standards of the Apartment Guidelines are applicable.
- Proposal complies with relevant standards within the Guidelines.

Quality Housing for Sustainable Communities (2007)

- Complies with dwelling size standards

Urban Development & Building Heights Guidelines for Planning Authorities (2018)

- The proposed development provides for a range of building heights between 2 – 4 storeys.
- Due to the density constraints imposed by the airport safety zone designation, there are extremely prescriptive and restrictive criteria that need to be met. The development proposed is at the limit of those limits of acceptability as regards those criteria.
- In this specific instance there are aspects relating to public safety that over ride those provisions.

The Planning System and Flood Risk Management (2009)

- The submitted Flood Risk Assessment generally concludes that the development is not vulnerable to flooding.

Design Manual for Urban Roads and Streets (2013)

- The design has followed the 4 core principles contained in DMURS, including *inter alia* the creation of a street network to maximise connections to amenities and services, high levels of permeability and legibility, provision of a pedestrian and cycle network and provision of safe streets.

Childcare Facilities Guidelines for Planning Authorities (2001)

- A childcare facility is not included as part of this proposed development as the site lies within the Outer Public Safety Zone where such provision is precluded (as per Section 4.2 of the LAP).

Fingal County Development Plan 2017 – 2023

Core Strategy and Zoning

- The proposed development supports the growth of Fingal County by ensuring that development takes place on residentially zoned land within Portmarnock in line with the Core Strategy.

Other

- Complies with Objectives that relate to placemaking, urban development, movement and infrastructure, cultural heritage.
- Complies with Local Area Objective 79 – relating to visual impact – development utilises contours of the site to add additional building height without impact on surrounding views.

Development Management Standards

- Open Space - Objectives DSM57 and DM57A - The proposed development, in tandem with the developments constructed at Portmarnock South under Phase 1A and Phase 1B, provide a significant quantum of public open space which exceeds this requirement.
- Bicycle Parking - Table 12.9 - Bicycle parking meets the requirements of the Fingal County Development Plan 2017 – 2023. Bicycle parking serving the

apartments / duplexes is provided in dedicated facilities, and adequate bicycle parking can be accommodated within the proposed houses.

- Car Parking - Table 12.8 - Car parking meets the requirements of the Fingal County Development Plan 2017 – 2023 and is integrated into the layout of all the proposed houses (in-curtilage) and adequate parking is provided adjacent all duplexes and apartments.

5.6. Portmarnock South Local Area Plan (2013)

The applicant states that the proposal is generally compliant with the LAP including with objectives that relate to green infrastructure, biodiversity, Natura 2000 sites, design and visual impact, impacts on trees/tree planting, archaeology, open space provision, transport and accessibility, mix of uses including the provision of a health centre and retail uses.

However the applicant is of the opinion the proposal is a Material Contravention of Objective WW1 of the LAP which states the following:

'Ensure that all required drainage infrastructure including the installation and commissioning of the pump station and network are completed and operational following the completion of the first 100 dwellings and prior to the commencement of further development.'

The applicant has submitted a Material Contravention Statement in relation to same and this is summarised below.

- Phase 1A (Reg. Ref. F13A/0248 refers) consisted of 101no. occupied units/Phase 1B (ABP Ref.: ABP- 300514-17 refers) was granted permission for a further 150no. units.
- As part of the SHD Planning Application for Phase 1B applicants liaised with Irish Water and it was demonstrated that there was sufficient capacity within the existing Mayne Road Pumping Station to cater for that development, notwithstanding the provisions of the LAP.
- The provision of a temporary private 24 hour storage tank, which will be removed once the permanent solution is operational was agreed.

- Subsequent to receipt of the Permission for Phase 1B applicants have liaised with Irish Water and have prepared a further Report which Irish Water have accepted demonstrating that there is further additional capacity in the existing Mayne Road Pumping Station to cater for an additional 159no. units (residential and commercial units proposed).
- The existing temporary private 24 hour storage tank, which will be removed once the permanent solution is operational, will continue to be utilised. The letter dated 12 April 2019 from Irish Water confirming this is attached to the 'Water Services Report', prepared by JB Barry & Partners, Consulting Engineers.
- Irish Water have advised that their programme shows the new Pumping Station being completed in Q3 2021, which will facilitate the rest of the development within the LAP lands, including the balance of the development for which permission is intended to be sought in this case.
- Recognised that this proposal deviates from the LAP (Objective WW1). However, Irish Water are satisfied there is existing capacity to cater for an additional 153no. dwellings and 4no. commercial units without further works being required.
- Application is also being accompanied by a 'Certificate of Feasibility' and 'Statement of Design Acceptance' from Irish Water which confirms acceptance and agreement of the position set out above.

6.0 Third Party Submissions

6.1.1. One submission has been received from St. Marnock's Bay Owners' Management Company. The issues raised are summarised below:

- Lack of on-street parking in the existing estates, combined with narrow roads leading to safety issues/speeding is an issue.
- Shortage of adequate and appropriately designed car parking
- Majority of visits to the estate made by car not public transport.
- Capacity on the rail line is finite/Irish Rail reduced the number of services stopping at Portmarnock Station.

- Cycle paths not clearly marked/lack of linkages to the coastal cycleway/temporary cycle path should be completed.
- Existing traffic calming measures are inadequate/additional mitigation should be considered.
- There is significant traffic congestion/road upgrades should be required before any units in the current application for Phase 1C are sold.
- Construction Traffic has been entering Phase 1A of the development/this is a major safety issue.
- Permitted working hours have been ignored.
- Provision should be made for a mini-mart style retail unit – there will eventually be more than 3,000 residents.

7.0 Planning Authority Submission

7.1. 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). 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.

Principle/Nature of Proposal

- Density appears to comply with the restrictions imposed by the Outer Public Safety Zone and the Outer Airport Noise Zone for Dublin Airport.
- Proposed development generally appears to comply with the strategic aims and detailed objectives of the Local Area Plan and relevant phasing requirements.
- Is compliant with the aim of the LAP to provide for a residential development with an element of mixed uses.
- The net density of c37 units/ha is above the minimum density requirements of 35 units/ha.
- Applicant has provided a detailed Aviation Compliance Report – would appear applicants have taken measures to ensure compliance with the restrictions imposed of the Dublin Airport Safety Zone – would have been useful to show a

simultaneous population density for the whole of the site as opposed to a random sample.

- Condition should be imposed in relation to existing and proposed habitats.
- Subject to the implementation of the detailed landscape plan the impact of the proposal on the landscape would be sufficiently mitigated.
- The proposed development does not provide for a sufficient quantity of Class 2 public open space. There is a major shortfall of pocket and small parks/the proposed open spaces can be considered mainly back areas and incidental spaces/townland hedgerow cannot be considered an opens space/proposed protection of this hedgerow is in doubt considering the planned swale within the root protection area/there is a shortfall of 3,674 sq. m. of class 2 open space/contribution in lieu cannot be accepted.
- Planning Authority considers that the provision of over 400 houses warrants a suitable designed park i.e. Skylark Park – however there is no indication that the lands to provide such a park are within the applicant’s ownership and therefore cannot be relied upon as potential Class 2 open space.
- Given the lack of community facilities due to the ERM zone restrictions the issue of public open space has added significance.
- Need to provide appropriate playground facilities in the park as per LAP requirements.
- Provision of Class 2 open space provision can be addressed by way of condition.
- Additional play equipment should be provided/lack of overlooking of play area is of concern/likely to cause noise disturbance given the proximity to residential units/revised provision of play space is required.
- Absence of street trees/proposed public and private trees along the roadsides are likely to require severe pruning as most do not meet the 7m spacing distance from a lamp standard.
- SuDs proposals require revision.
- Recommended that the townland boundary that forms part of the eastern boundary of Phase 1C lands is appropriately protected during the construction

and operation stages of the proposed development/other issues in relation to archaeology can be dealt with by way of condition.

- Condition should be imposed relating to a lighting layout.
- Car parking is in line with minimum requirements.
- Cycle parking for mid terrace units has not be addressed.
- Road layout is adequate.
- Commercial car parking has been shown on the taking-in-charge drawings/is not acceptable.
- Applicant has been made aware of the required upgrades of the R124/Station Road junction and the Station Road/Strand Road/Coast Road junction to facilitate the proposed development.
- Would be appropriate to have a proper design and costing carried out in order to determine the required contributions/no such design or costing has been carried out/a proposed design is required/upgrade of the two junctions should be provided prior to the construction of the proposed development/Can be achieved by way of condition.
- Additional cycle route though the Local Centre would offer more permeability. This can be addressed by way of condition.
- Wastewater proposals, while not ideal and a contravention of Objective WW1, would allow for the maintenance of a scale of development which has been achieved in St. Marnock's Bay, therefore providing for housing on these strategically located lands.
- Proposed works are considered acceptable having regard to flood risk.
- Development Standards have been achieved.
- Separation distances of less than 22m may inhibit future extension works of future homeowners and should be revisited accordingly.
- Proposed taking-in-charge areas not acceptable to the council as it includes the curtilage of residential blocks and café seating areas/also shows a proposed right

of way across a car park that is proposed to be taken in charge/a revised taken-in-charge drawing is to be agreed with the Council.

- Part V – Can be dealt with by way of condition.
- Proposed development is considered to be consistent with the CDP and LAP/Provides an appropriate mix of units and acceptable density of development.
- Recommends a total of 24 conditions.

Parks Division Report

- The proposed development does not provide for a sufficient quantity of Class 2 public open space. There is a major shortfall of pocket and small parks/the proposed open spaces can be considered mainly back areas and incidental spaces/townland hedgerow cannot be considered an opens space/proposed protection of this hedgerow is in doubt considering the planned swale within the root protection area/there is a shortfall of 3,674 sq. m. of class 2 open space/contribution in lieu cannot be accepted.
- Planning Authority considers that the provision of over 400 houses warrants a suitable designed park i.e. Skylark Park. – however there is no indication that the lands to provide such a park are within the applicant's ownership and therefore cannot be relied upon as potential Class 2 open space.
- Given the lack of community facilities due to the ERM zone restrictions the issue of public open space has added significance.
- Need to provide appropriate playground facilities in the park as per LAP requirements.
- Provision of Class 2 open space provision can be addressed by way of condition.
- Additional play equipment should be provided/lack of overlooking of play area is of concern/likely to cause noise disturbance given the proximity to residential units/revised provision of play space is required.
- Absence of street trees/proposed public and private trees along the roadsides are likely to require severe pruning as most do not meet the 7m spacing distance from a lamp standard.
- SuDs proposals require revision.

- Recommended that the townland boundary that forms part of the eastern boundary of Phase 1C lands is appropriately protected during the construction and operation stages of the proposed development/other issues in relation to archaeology can be dealt with by way of condition.
- Condition should be imposed relating to a lighting layout.
- Commercial car parking has been shown on the taking-in-charge drawings/is not acceptable.

Transport Report

- Parking is in line with minimum requirements.
- Commercial parking could function as shared use visitor parking for the apartments after normal business hours for the commercial units.
- The no. of cycle parking spaces should be increased from 60 to 113.
- Locations are generally accessible.
- Cycle parking for units without side access has not been addressed.
- Measures should be taken to discourage the use of the commercial parking area as a park and ride facility – this would be more easily achieved if the commercial parking was to remain within the control of the management company for the commercial units.
- Previous phases of the development are experiencing issues with parking.
- Concern in relation to the Traffic & Transport Assessment and in relation to the capacity of the Station Road/Strand Road/Coast Road junctions (and Station Road/R124 Junction) which are either close to, at or above their capacities.
- Applicant has not proposed any mitigation measures.
- Junction upgrades will have to be addressed in light of the current proposal/This can be addressed by way of condition.

Water Services

Foul

- Would appear that certain sewers are undersized

- LAP requires that Portmarnock Bridge pumping station and outfall (recently submitted under F19A/0440) be completed prior to any additional development subsequent to phase 1A (Objective WW1).
- Phase 1B has however been approved by Irish Water and ABP.
- Irish Water has also approved this current proposal (Phase 1C)
- It is recommended that the proposal not be considered a breach in respect to Objective WW1.
- Portmarnock Bridge pumping station is expected to be completed circa Q4 2022.

Surface

- Lies within Catchment 1 Area of the LAP/Drains to the Baldoyle Estuary via the new regional wetland and outfall – constructed under Phase 1B. This has been designed for Phase 1B, this phase 1C and all future phases within Catchment Area 1.
- Regional wetland provides treatment and attenuation within the overall catchment areas discharge rate restricted to 200l/s.

Water Supply

- Proposed development will connect to the networks constructed as part of the permitted Phases 1A and 1B.

Flood Risk

- Finished Floor Levels allow for 500mm freeboard above the Mid-Range Future Scenario 0.5% AEP coastal flood level.

Report of the Community Archaeologist

- Programme of excavation, monitoring and reporting has been agreed with the Department of Culture, Heritage and the Gaeltacht. Concur with this approach.

Report of Community, Culture & Sports

- No objection to this application from the Community Culture & Sports Division but the developer should be advised to contact the Council's Public Art Coordinator in relation to the provision of public art at this location.

Report of Environmental Health Air & Noise Unit

- Development is acceptable to subject to 8 no. conditions including condition No. 1 stating that the retail unit should not be used as a gymnasium.

Report of Environmental Health

- Development is acceptable subject to 11 no. conditions.

Elected Members

7.1.1. The views of elected members as expressed at the Howth Malahide Area Committee Meeting held on Wednesday 6th November, 2019 is included in Section 1.6 of the Chief Executive's Report and is summarised below:

- Need cycling infrastructure on Station Road
- Good to see phasing of development.
- Positive to see Local Centre proposed.
- Maximising permeability through the site is important.
- Portmarnock needs to remain the key commercial centre in the area.
- Important that infrastructure is provided/planning permission should be tied to the delivery of infrastructure/works need to be done to upgrade Station Road between Drumnigh Road and the roundabout.
- Provision of new housing welcomed.
- Provision of off-road cycling/walking needed in the area.
- Visual impact needs to be looked at.
- Queried if there are flood risks involved within the site or through the implementation of development.

8.0 Prescribed Bodies

Irish Water

- Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid

connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to Irish Water network(s) can be facilitated.

Department of Culture, Heritage and the Gaeltacht

- Recommends that the applicants engage the services of a suitable qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Report.
- Method statements for the mitigation will be agree with the Department of Culture, Heritage and the Gaeltacht in advance of the commencement of the construction works.

DAA

- Note the accompanying Acoustic Design Statement.
- Request that a condition is attached requiring all recommended noise attenuation measures be implemented in full in order to ensure the proposed development is designed with noise mitigation to an appropriate standard
- Note the accompanying Aviation Compliance Report which considers the ERM Public Safety Zone guidance
- Request that the Board has regard to the recommendations of the ERM report Public Safety Zones (2005)
- Note the applicant's consideration of Dublin Airport's Runway 28 Outer Marker and Outer Locator
- Recommend that the views of the Irish Aviation Authority's Safety Regulatory Directorate (IAA-SRD) and Air Navigation Services Provider (IAA-ANSP) are taken into account

9.0 Screening

9.1. Environmental Impact Assessment (EIA) Preliminary Assessment

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

- 9.1.2. 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;
 - Construction of a car-park providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purpose of, a development;
 - Construction of a shopping centre with a gross floor space exceeding 10,000 square metres;
 - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares 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.)
- 9.1.3. The applicant has carried out a screening exercise and this is reported in Section 14.1 of the Planning Report and Statement of Consistency. It is concluded that no EIA is required with the planning application.
- 9.1.4. The proposed development involves 153 residential units and a local centre a site of 4.6ha. The site is located in an urban area but is not considered a "business district" but is below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 9.1.5. 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.
- 9.1.6. In relation to likely significant effects on the environment, the submitted screening report considers the main issues as set out in Schedule 7A including the

characteristics of the proposed development, location of the proposed development and the environmental sensitivity of the geographical area.

- 9.1.7. Specifically in relation to cumulative impacts, the screening report notes that the proposal site lies within the Portmarnock South LAP land which provide for approximately *inter alia* 1,200 new dwellings, a local centre, necessary infrastructure and a regional wetland and that the LAP has itself been subject to an SEA and an Appropriate Assessment. The applicant's screening report states that the potential cumulative impact of the proposed development with redevelopment of the surrounding lands as part of the LAP has been considered. There are no cumulative effects as long as mitigation measures for all parts of the development are implemented. I concur with the applicant's conclusion in this regard.
- 9.1.8. In these circumstances, upon preliminary examination, it is concluded 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.

9.2. **Appropriate Assessment (AA)**

- 9.2.1. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS), prepared by Brady Shipman Martin (dated 7th October 2019). I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the NIS is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

The Project and Its Characteristics

- 9.2.2. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected Stage I Screening

- 9.2.3. Section 3.6 of the NIS screens for Appropriate Assessment. The report identifies the 18 no. Natura 2000 sites within a 15km radius of the proposed development. I had had regard to the scale and nature of the project and I have had regard to the EPA

Appropriate Assessment Mapping Tool¹ and I am satisfied that the sites as shortlisted in the NIS are appropriate in this instance, having regard to the nature and scale of the project. I note a slight variation in the distances and location of the Natura 2000 sites relative to the site between my assessment and the submitted NIS, but I do not consider that this variation is material to my assessment. These 18 no. sites are set out below.

European site (site code)	Location (closest straight line distance from the development site)
SAC	
Baldoyle Bay SAC (000199)	0.3 km E
Malahide Estuary SAC (000205)	2.5km N.E.
North Dublin Bay SAC (000206)	3.6km S
Rockabill to Dalkey Island SAC (003000)	5.1km S.E.
Ireland's Eye SAC (002193)	5.3km S.E.
Howth Head SAC (000202)	5.8km S.E.
South Dublin Bay SAC (000210)	8.6km S
Rogerstown Estuary SAC (000208)	8.9km N
Lambay Island SAC (000204)	10.9km N.E.
SPA	
Baldoyle Bay SPA (004016)	0.4km E
Malahide Estuary SPA (004025)	3.1km N.E.
North Bull Island SPA (004006)	3.6km S
Ireland's Eye SPA (004117)	5.1km S.E.
South Dublin Bay and River Tolka Estuary SPA (004024)	6.7km S
Howth Head Coast SPA (004113)	6.9km S.E.

¹ www.epa.ie accessed 15/01/2019

Rogerstown Estuary SPA (004015)	8.7km N
Lambay Island (004069)	10.8km N.E.
Dalkey Islands SPA (004172)	15.5km S.E.

9.2.36. The NIS states that, given the location of the proposed development site, as well as its nature and scale, and connections to services including water supply and surface water/foul infrastructure, it is possible to rule out potential significant adverse effects arising out of the development on all but four of the above listed sites. The remaining sites, which are 'screened in' are as follows:

- Baldoyle Bay SAC;
- Baldoyle Bay SPA;
- North Bull Island SPA and,
- Malahide Estuary SPA.

9.2.37. It is stated within the NIS that the other sites are such a distance from the proposed development site that there would not be any significant effects on them as a result of habitat loss and/or fragmentation, impacts to habitat structure, disturbance to species of conservation concern, mortality to species, noise pollution, emissions to air and emissions to water.

9.2.38. In relation to the four sites that have been screened in, the NIS sets out the reasons for their designation and identifies potential source-pathway-receptors between the development site and each Natura 2000 site.

9.2.39. It is submitted that with regard to the Baldoyle Bay SAC and SPA, there is a potential link between the sites via disturbance during construction and operation and emissions to water. The applicant identifies potential links between the Malahide Estuary SPA and North Bull Island SPA via disturbance during construction and operation. The report does not identify any potential for habitat loss within any of the four Natura sites which have been 'screened in'.

9.2.40. I agree with the conclusions of the NIS, as relates to Stage 1 Screening, and consider that the Stage 2 Appropriate Assessment can be confined to these four sites listed above.

Stage 2 – Appropriate Assessment

9.2.41. The Qualifying Interests/Special Conservation Interests of the four sites are outlined below:

Name (Site Code)	Qualifying Interests/ Special Conservation Interests
Baldoyle Bay SAC (000199)	<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>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Baldoyle Bay SPA (004016)	<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>
Malahide Estuary SPA (004025)	<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 ostralegus</i>) [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>
<p>North Bull Island SPA (004006)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [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>Sanderling (<i>Calidris alba</i>) [A144]</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>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>

9.2.42. An appraisal of predicted and potential Impacts on European Sites is considered in Section 4 (Sections 4.1, 4.3.2 and 4.3.3) of the NIS and these include impacts related to the construction phase and operational phases which are summarised below:

- Release of contaminated surface water and other contaminants resulting in potential effects (both temporary and long-term) on the Special Conservation Interests of Baldoyle Bay SPA and SAC. While it is noted that estuaries and coastal sites rely on large quantities of sediment to function, it is noted that there is a risk of contaminants within the surface water runoff from a site, which can pose a risk to water quality. Dust deposition can also, in extreme cases inhibit photosynthesis and can increase turbidity in water courses.
- Potential loss of feeding grounds on open agricultural and amenity grasslands resulting in potential effects (both temporary and long-term) on the Special Conservation Interests of Baldoyle Bay SPA, Malahide Estuary SPA and North Bull Island SPA. The NIS however notes that the proposed development site (both the residential area and the Local Centre site) is of no importance as a feeding site for the bird species (the Special Conservation Interests) associated with Baldoyle Bay SPA, North Bull Island SPA and Mahahide Estuary SPA. This is because the site is within a field that is already partly developed and heavily disturbed, and contains no habitats (such as amenity grassland or managed agricultural grassland) to be used even occasionally or by small numbers of light-bellied Brent geese and waders. In combination effects can be ruled out as a result of the significant measures that have been undertaken already in the wider area including the bird quiet zone and the Murragh spit.
- Potential disturbance to birds (both temporary and long-term), from noise, vibration, physical or visual disturbance resulting in potential effects on the Special Conservation Interests of Baldoyle Bay SPA, Malahide Estuary SPA and North Bull Island SPA. The NIS notes the nature of the site, and the immediate surrounding area, which is subject already to construction activity. However the NIS notes potential visual disturbance of birds on the estuary.

9.2.43. Conservation objectives, threats and vulnerabilities of the four European Sites are set out in Section 4.2 of the NIS, and Section 4.3 of the NIS sets out an appraisal of the potential impacts on the sites having regard to their conservation objectives.

Baldoyle Bay SAC

9.2.44. The conservation objective is to maintain the favourable conservation condition of each of the habitats that are listed as Qualifying Interests in Baldoyle Bay SAC.

Potential impacts on habitat area, habitat distribution, physical structure, vegetation structure and vegetation composition, due to scouring, erosion, pollution, sedimentation, spread of invasive species or loss of or damage to qualifying Interest habitat will be avoided by appropriate construction and water management measures as set out in the Section 4.4 of the NIS, as well as in the submitted Construction Management Plan.

Baldoyle Bay SPA

- 9.2.45. The conservation objective is to maintain the favourable conservation status of the six bird species which are listed as Special Conservation Interest in the Baldoyle Bay, as well as the wetland habitats in the SPA. The NIS notes that the habitat protection measures required under Objective GI 12 of the Portmarnock South LAP 2013 have been implemented as part of the Phase 1A development. These measures seek to prevent any changes in bird populations due to any reduction in available feeding habitat or disturbance. The provision of new dedicated grassland areas in quiet zone lands that have been designed to provide feeding habitat for the birds of Baldoyle Bay SPA will avoid any significant impacts on feeding habitats and disturbance to birds during roosting or feeding. The NIS sets out that potential impacts on habitat quality with Baldoyle Bay SPA due to changes in water quality and water flows will be avoided by appropriately designed construction and water management measures (as described in Section 4.4 of the NIS and as described in the Construction Management Plan). It is concluded that these measures will ensure that the attributes and their respective targets defined as part of the conservation objectives for the SPA will not be impacted upon by the proposed development.

Malahide Estuary SPA and North Bull Island SPA

- 9.2.46. The conservation objectives for these two SPAs are to maintain the favourable conservation status of the bird species which are listed as Special Conservation Interests in each SPA, as well as the wetland habitat in the SPAs. The NIS states that the measures implemented to protect Baldoyle Bay SPA as described above will address any potential impacts on these SPAs.

Mitigation Measures

- 9.2.47. Section 4.4 Mitigation Measures of the NIS sets out in detail the proposed mitigation measures referred to above, and makes reference to the submitted Construction Management Plan which has been submitted with the application.
- 9.2.48. In relation to construction phase mitigation measures include *inter alia* a Storm Water Management Plan, measures to minimise soil erosion and monitoring and reporting measures, as well as an ecologist being contracted for the entire construction phases to ensure full implementation of the mitigation measures.
- 9.2.49. In relation to operational phase mitigation, the main mitigation measures related to surface water and foul water management, including the regional wetland which provides attenuation for Catchment Area 1 of the LAP lands (which includes this development site) and the provision of a temporary pumping station and a temporary 24 hour storage tank designed to hold back discharges from both Phase 1B and 1C during rainfall events and hence eliminate impact on the existing Mayne Road pumping station (as detailed in Section 10.6 below). I note that this arrangement was considered acceptable to the Board as part of the proposals for Phase 1B lands (ABP reference 300514-17).
- 9.2.50. In-Combination effects are considered in Section 4.5 of the NIS and I refer the Board to same. It is concluded that, taking into account relevant plans and projects including the Portmarnock South LAP, the Greater Dublin Drainage Project, Baldoyle to Portmarnock Coastal Path and Cycleway, the Baydoyle Stapolin Local Area Plan 2013 and 2 no. significant SHD applications at Clongriffin, no other potential cumulative effects on ecological receptors are expected to arise as a result of the proposed development of Portmarnock Phase 1C.

Interconnectivity between the Natura 2000 sites

- 9.2.51. The Board should note that due regard has been given to the interconnectivity of the Natura 2000 sites in supporting and sustaining bird species and in particular those listed on the special conservation interests for Baldoyle SPA, Malahide Estuary SPA and Bull Island SPA. I am satisfied that there is no loss to any of the qualifying interest habitats. It is considered that the proposal would not adversely affect the integrity of the Baldoyle SPA, Malahide Estuary SPA and North Bull Island SPAs, in view of the sites' conservation objectives or impact on bird species afforded protection under the Habitat Directive or the Wildlife Acts. Consideration has also

been given to noise or light pollution which may have an impact. The LAP has assigned categorisations to areas of the LAP lands in respect of public lighting so as to ensure the integrity of bird feeding grounds are not compromised. This can be reinforced through condition. I am satisfied that there is no impact on the interconnectivity between the various SPA sites in that existing feeding and habitat areas remain unaltered and will continue to be available to the listed species.

AA determination – Conclusion

9.2.52. Having regard to the Natura Impact Statement, supporting documentation submitted with the SHD application, the Chief Executive's report and interdepartmental reports, I consider that the proposed development would not result in the loss of any Annex 1 habitat or any Annex II species. The LAP provides for a detailed green infrastructure network including SuDS measures which will as local and regional controls. The proposal is consistent with the provisions of the LAP which was subject to SEA and AA in this regard. The mitigation measures proposed are such that will ensure the maintenance of the favourable conservation conditions of each of the qualifying interests and/or species. It is therefore concluded that subject to the carrying out of the proposed mitigation measures in the NIS that there would be no adverse impact on the integrity of Baldoyle SPA , Baldoyle Bay SAC, Malahide Estuary SPA, North Bull Island SPA or other Natura 2000 sites.

10.0 **Assessment**

10.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Building Height, Design and Layout
- Residential Amenities
- Quality of Residential Accommodation
- Traffic and Transport
- Flood Risk
- Site Services
- Childcare

- Other Issues

10.2. Principle of Development/Density

Principle

- 10.2.1. The site of the proposed residential units and local centre, and the site of the proposed housing are zoned Objective RA – ‘to provide for new residential communities in accordance with approved local area plans and subject to provision of the necessary social and physical infrastructure’. The provision of housing then is acceptable in principle subject to the detailed considerations below.
- 10.2.2. The provision of the local centre, including the health centre and retail units, is supported by the Portmarnock South LAP and is a welcome addition and will serve the needs of the existing and future occupiers of the wider area.

Density

- 10.2.3. The lands are located within the outer public safety zone and the outer noise zones for Dublin Airport and as such density, land-use and noise restrictions apply as outlined in the development plan and LAP notwithstanding provisions in national guidelines. Densities are limited by the outer public safety zone requirement that ‘no single half hectare plot should accommodate more than 60 persons’ as provided for in the Environmental Resources Management (ERM) Report, Proposed Public Safety Zones for Dublin Airport, February 2005.
- 10.2.4. The Portmarnock South LAP specifically references the ERM report with regard to the allowable density of housing stating that: ‘no single half hectare plot should accommodate more than 60 persons’.
- 10.2.5. An Aviation Compliance report submitted with the application sets out that this requirement has been used as the basis of a residential occupancy checking exercise to ensure that the proposed development is compliant with the requirements of the LAP and the ERM report. Section 3.12 of the report deals with Assessment Methodology and Findings. A grid of half hectare squares was overlaid onto the residential layout. Three additional offset grids were generated in order to create a dense mesh of overlapping half hectare grids. With regard to occupancy, the applicant has used the same methodology as that used for the first two Phase of development (Phase 1a and 1b) but Phase 1b , and this current phases, utilises

occupancy rate based on published the most recent CSO census figures (2016). This methodology has been previously accepted by the Board under SHD application Ref 300517-17.

10.2.6. For the residential only portion of the site, a figure of 2.8 persons per dwelling has been used. The highest population density calculated within this portion of the site was 59.5 persons (as outlined in Appendix A of the report), with other figures ranging from 26.6 persons to 46.9 persons. This is within the allowable occupancy range of <60 persons per half hectare.

10.2.7. For the Local Centre element, a unique occupancy rate for each unit type was used as follows:

Unit Type	Occupancy Rate (persons/dwelling)
1 bed	2
2 bed	2.4
3 bed	2.8

10.2.8. Based on the above occupancy rates, the population density within the local centre from residential uses is calculated to be 59.6 persons.

10.2.9. For the non-residential use, an occupancy of 71.1 persons is assumed, utilising methodology used with fire regulations. The Compliance report notes that this falls within the allowable occupancy range (which is <85 persons per half hectare for retail uses). A mix of occupancy rates is calculated for a number of different scenarios (i.e. during working hours, after working hours/night time and the overlap between the two) and all the calculated rates fall within the relevant maximum allowable occupancy rates.

10.2.10. With regard to the net density based on units per hectare, the applicant is proposing to construct 153 units on a net site area of 4.12ha (excluding central linear park and public open space at Local Centre) giving an overall net density of 37.14 units/ha.

10.2.11. I am satisfied that the proposed density is acceptable in this instance having regard to the constraints imposed due to the location of the lands within the Outer Public Safety Zone of Dublin Airport. The proposed density complies with the ERM report with regard to public safety and does not fall below the minimum threshold set out in

the Sustainable Residential Development in Urban Areas of not less than 30 units for greenfield/outer suburban sites.

Core Strategy

10.2.12. Item 1 of the Board Opinion in relation to pre-application reference ABP-304865-19 sought further consideration of the documentation as relates to compliance with the Core Strategy of the Development Plan and the housing target for the area covered by the Portmarnock South Local Area Plan.

10.2.13. In response, the applicant has stated that the total residential capacity for Portmarnock as set out in Table 2.8 (Chapter 2) of the Fingal County Development Plan, 2017 – 2023, is 57 Ha, which can accommodate 1,490 no. potential residential units. The applicant notes that the Core Strategy figure for Portmarnock does not simply related to the Portmarnock South lands and it appears to relate to the wider zoned lands in the wider Portmarnock area. Notwithstanding, the Portmarnock South LAP identifies that approximately 40 Ha of the Portmarnock lands are identified for residential development which can achieve approximately 1,200no. units, having regard for the airport safety restrictions.

10.2.14. The applicant has prepared a Development Framework which will provide for the development of approximately 1,100 units over all phases of development. In the interests of completeness and this is represented both visually and numerically within the application documents. The phases of development can be broken down as follows:

Phase / Area	No. Units Permitted / Proposed
Phase 1A (Constructed and occupied)	101no. units
Phase 1B (Permitted & under construction)	150 no. units
Phase 1C (Currently proposed)	153 no. units
Remainder of Framework Plan Lands	Approx. 589 no. units

Third Party Lands	Approx. 100 no. units
Total Approx.	1,093 no. unit

10.2.15. The applicant highlights the restrictions on the number of units that can be provided within these lands, given their location within the Outer Public Safety Zone of Dublin Airport.

10.2.16. In addition to the phasing as proposed above, the applicant has also noted that there is additional c.17 Ha of residential zoned land within the Portmarnock Area (outwith the LAP area, that could possibly yield approximately 600 units (at an average density of 35 units/ha). Furthermore the applicant also notes two other development sites under construction which will yield a total of 391 residential units.

10.2.17. Having regard to the above I am satisfied that the proposal is in compliance with the core strategy of the development plan, as relates to housing targets for Portmarnock.

10.3. Quality of Residential Accommodation including Open Space Provision

Open Space/Landscaping

10.3.1. Item 2 of the Board Opinion in relation to pre-application reference ABP-304865-19 sought further consideration of the documentation as relates to the provision of open space. The applicant was required to demonstrate that sufficient open space would be provided to comply with development plan and local area plan standards, having regard to existing, permitted and planned development in the area.

10.3.2. Fingal County Council’s Chief Executives Report states that the proposed development does not provide a sufficient quantity of public open space, and there is a shortfall in pocket and small parts. Fingal County Council do not consider the linear park provided to be an open space and therefore there is a shortfall of 3.674 sq. m. of open space. The Planning Authority also considers that the provision of over 400 houses warrants a suitable designed park i.e. Skylark Park – however there is no indication that the lands to provide such a park are within the applicant’s ownership and therefore cannot be relied upon as potential Class 2 open space.

- 10.3.3. The applicant has responded in detail to this item of the Board's opinion and to the Planning Authority's concerns at pre-application stage. In summary it is stated that the application includes the proposed provision of c. 4,750 sq. m of public open space which is broken down as follows:
- Hard and soft landscaped 'Civic Plaza' at Local Centre: c. 1,700 sq. m
 - Linear Park (integrating existing townland hedgerow feature): c. 2,500 sq. m
 - Pocket Park: c.550 sq. m.
- 10.3.4. It is stated that the overall provision amounts to greater than 10% of the overall site area and therefore exceeds the requirements of the Development Plan.
- 10.3.5. I note the submission from Fingal County Council, who state that the linear park should not be considered as its provision is not guaranteed, given the hedgerow may be removed. The applicant contends that the provision of a linear park has previously been accepted by the Board on the previous phase (Ref 300514-17). The applicant also notes the large amount of public open space that has already been provided under completed developments and developments under construction, including the following:
- Railway Linear Park: c. 13,000 sq. m
 - Landscaped area over Recorded Monument: c. 5,600 sq. m
 - Linear Park (integrating existing townland hedgerow feature): c. 8,300 sq. m.
- 10.3.6. The existing, permitted and proposed areas of public open space amount to c. 31,650 sq. m in total. This amounts to c. 18% of the Phase 1A, 1B and 1C sites (which are c. 18 Ha in total).
- 10.3.7. The future provision of a park to the east of the site is also cited by the applicant, which will be provided as part of future phases of development on these lands. I note that Section 11.6 of the LAP refers to Skylark Park being completed within Phase 2 i.e. the completion of 301-600 units.
- 10.3.8. I note that, including this application, there is permitted, constructed and proposed a total of 404 units. I do not consider that the provision of the park is strictly necessary at this stage, therefore, and having regard to the above open space already provided, permitted and proposed under this application, I consider the overall

provision of open space, and layout and location of same, to be acceptable, and in compliance with relevant standards, and will provide a welcome amenity for both residents of the proposed development, and for the wider community as a whole.

Overall Mix

- 10.3.9. The mix of units consists of 26 x 2 bed (17%), 92 x 3 bed (60%) and 35 x 4 bed (23%).
- 10.3.10. The proposed mix provides for a variety of household types and is in line with Objectives PM38 of the Fingal County Development Plan which seeks to achieve an appropriate dwelling mix, size, type and tenure in all new residential developments as well as objective PM40 which seeks to ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

Floor Area

- 10.3.11. The apartment/ duplexes all exceed the minimum floor areas required, with the majority of units exceeding the minimum floor area standard by a minimum of 10%.

Dual Aspect

- 10.3.12. 6 no single aspect units are proposed, a total of 15% (85% are therefore dual aspect). This is in line with relevant standards.

Private Amenity Space

- 10.3.13. The apartment/duplexes will have private amenity space in the form of balconies all of which exceed the minimum standards.

Neighbouring Residential Amenity

- 10.3.14. There are existing dwellings recently constructed, a number of which are occupied. The proposed dwellings are sufficient setback so as to ensure no loss of amenity occurs having regard to overlooking, overshadowing/loss of daylight or loss of visual amenity would result.

10.4. Traffic and Transport

Permeability/DMURS Compliance

- 10.4.1. The Board Opinion in relation to pre-application reference ABP-304865-19 sought further consideration of the documentation as relates to pedestrian and cycle

movement through the proposed development to the railway station and neighbourhood centre, as well as showing compliance with DMURS.

- 10.4.2. The Planning Authority consider that the provision of a cycle route through the Local Centre would offer more permeability.
- 10.4.3. The Third Party submission from John Mulligan states that the cycle paths not clearly marked and there is a lack of linkages to the coastal cycleway. It is stated that temporary cycle path should be completed.
- 10.4.4. In response to the Board's Opinion, the applicants refer the Board to the Traffic & Transport Assessment which sets out how the proposed development is consistent with the requirement of DMURS. This report sets out that the main desire lines for pedestrian and cycle movement in this area are in a north / south direction as opposed to east / west.
- 10.4.5. The application includes Dwg. No. C-01004 'Pedestrian / Cycle Tracks Layout', which illustrates the pedestrian and cycle connectivity throughout Phase 1A (constructed and occupied), Phase 1B (permitted and under construction) and Phase 1C (now proposed).
- 10.4.6. The applicant also notes that, under Phase 1B, a connection was proposed to the pedestrian / cycle route to the east of the LAP lands which is currently under construction by local authority and this will facilitate a connection to Portmarnock train Station via Station Road.
- 10.4.7. The applicant has also provided an analysis of the walkability of the scheme based on two fixed points from within the proposed development and a future location on the eastern side of the townland boundary has been provided. This demonstrates that the introduction of further east/west connectivity little or no impact on walking times to either the Local Centre or the Train Station.
- 10.4.8. I am satisfied that the proposal complies with the overriding principles of DMURS in that sufficient cycle and pedestrian connections been provided, with the road network and layout of the development designed to reduce traffic speeds and prioritise road safety. While I note no material changes have been made to the scheme since the pre-application with the Board, I am satisfied that the applicant has adequately justified the layout, and proposed connections, having regard to the Item 3 of the Board's Opinion.

Impact on the surrounding road network

- 10.4.9. I note that Fingal County Council have raised concerns in relation to the existing and future capacity of the road network, in particular the capacity of two no. junctions, the Station Road/Strand Road/Coast Road junction, and the Station Road/R124 Junction, which are either close to, at or above their capacities. Fingal County Council consider that the required junction upgrades will have to be addressed in light of the current proposal and considered that detailed costing and design can be required by way of condition.
- 10.4.10. A Traffic & Transport Assessment has been submitted with the application and I have had regard to same.
- 10.4.11. The Traffic Impact Assessment considers the impact of the proposed development on the existing road network, as a result of (i) this current proposal (Phase 1c) and (ii) the entire development (consisting of c. 1,100 housing units and local centre, and associated development).
- 10.4.12. Five no. junctions were considered. Junction capacity assessments for the base year 2019 were carried out. Of note is that Station Road is approaching the normal design threshold in the evening peak hour, with subsequent delays for motorists (at Junction 1 Station Road/R124). Junction 2 Strand Road/Coast Road/Station Road is also experiencing some minor delays at evening peak hour, on the Station Road arm. The report also highlights some delays at Junctions 4 and 5. However, the report notes that the 'Hole in the Wall' road realignment scheme will replace Junctions 4 and 5, with traffic passing through the new 'Hole in the Wall' Road junction.
- 10.4.13. The report considers impacts of three scenarios on the relevant junctions (1) Operational Phase 2027 Entire Development, (2) Operational Phase 2021 Open Year Phase 1C. Operation and (3) Operational Phase 2036 Opening Year Phase 1C +15 Years).
- 10.4.14. Of note is that Junctions 1 (Station Road/R124) and 2 (Strand Road/Coast Road/Station Road) are seen to reach close to and exceed their design capacities both with and without the development in place, but exceedance is greater with the development in place. As such the report concludes that the junctions will undergo capacity issues and upgrades are recommended.

The applicant has stated that pre-planning meetings have taken place with Fingal in relation to the required upgrades but have yet to come to a final agreement in relation to same. However the applicant has stated that they are will to provide a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, to provide these upgrades. Fingal County Council's Transportation Department are satisfied that the detailed design can be submitted by way of condition. As such I am satisfied that a special contribution can be sought under Section 48, for an amount to be agreed between the applicant and the council. The detailed design and costings of the junction upgrades can also be sought by way of condition.

Car Parking

10.4.15. The proposed development includes the following car parking provision:

- 113 No Houses – Total 226 car parking spaces (2 no. spaces per unit)
- 40 no. Apartments (local centre) – Total 57 spaces - (1.4 spaces per unit)/8 no. visitor parking units.

10.4.16. While I consider the car parking provision for the larger 3 and 4 bed housing units appropriate, and in line with previous permissions, I consider the provision of a 1.4 spaces per unit for the apartment units at the local centre to be excessive, having regard to the location immediately adjacent to the train station. In particular the provision of 2 spaces per 3 bed apartment is excessive in my view, and given the location directly adjacent to the train station, and having regard to the fact that development is somewhat of a lower density than would otherwise be the case, a provision of 1 space per unit is more appropriate in my view. This would be an overall provision of 40 car parking spaces to serve the units located in the area closed off by the barrier, and a total of 8 no. visitor spaces in the commercial car parking area.

10.4.17. Given the nature of the uses proposed (health centre, retail and restaurant units) the provision of 24 no. spaces does not appear excessive and is in line with Development Plan Standards.

10.4.18. I note the Third Party submission from John Mulligan in which it is stated *inter alia* that there is a shortage of adequate and appropriately designed car parking within

the existing Phase 1a and has submitted photographs relating to same. I did not see any inappropriate parking at the time of my site visit however. The parking proposals in this current application are similar in nature to that already permitted and are appropriate in my view. I do not consider any increase in the car parking ratio to be justified, given the location of the development site relative to the DART station.

10.4.19. Should the Board be minded to grant permission, a condition is recommended in relation to a reduction in car parking numbers to serve the residential units as per above.

Cycle Parking

10.4.20. A total of 70 no. cycle spaces are proposed, with 40 dedicated to the apartments units and 8 no. visitor spaces. A total of 55 are proposed to serve the commercial floorspace. This provision is in line with Development Plan Standards. While the Planning Authority is seeking greater provision (113 units) and the Design Standards for New Apartment Guidelines seek 1 space per bedroom, it is my view that the area for such provision is limited and would encroach into the areas of public realm. Therefore on balance the overall provision of cycle parking is acceptable.

10.5. **Building Height, Design and Layout**

10.5.1. The proposed development comprises of the following:

153no. units (40no. duplex / apartments and 113no. houses), ranging between 2 and 4 storeys in height comprising the following:

- 78no. 3-bed 2 storey houses (House Type: A, B & C),
- 35no. 4-bed 2 storey houses (House Type: D & F),
- 26no. 2-bed duplex / apartments (House Type: G, K, L, M, N & O) and
- 14no. 3-bed duplex / apartments (House Type: H & J).

10.5.2. The development will also provide a 'Local Centre' consisting of 3 no. retail / café / restaurant units (c. 440 sq. m gross floor area overall) at ground floor with apartments above, all in a building comprising 3 to 4 storeys in height.

10.5.3. A medical unit (c. 92 sq. m gross floor area) is proposed at ground floor level at the end of the terrace of duplexes (under Unit No. 14) adjoining the boundary to Portmarnock Train Station car park fronting onto the civic plaza.

10.5.4. As detailed in the Architectural Rationale document, the local centre is part of the 'Station' Character Area, while the remaining area is part of the 'Central' Character Area.

Height

10.5.5. The overall height of the development is limited by the constraints of the airport Outer Safety Zones. The higher elements of the proposal are located within the local centre with the four story element adjacent to station road, providing an active street frontage. The remainder of the buildings within the local centre are 3 storey in height, and provide an appropriate sense of scale to this element of the proposed development, having regard to the overarching restrictions on height and occupancy.

10.5.6. The housing is 2 storey in nature and again is considered appropriate given the limitations on occupancy pertaining to the site.

Layout and Public Realm

10.5.7. The proposed local centre is provides a new street and small public plaza which provides a link to the train station. The areas of open space provided serve to soften the overall landscaping. The provision of the car parking area is somewhat dominant and I consider that there is scope to reduce the overall quantum of car parking (see also discussion in Section 10.4) and provide more appropriate hard and soft landscaping, that would have benefits in terms of urban design.

10.5.8. The provision of the two-story housing is designed in such a way to integrate with the existing and future housing in the area, and the layout is considered appropriate.

Detailed Design

10.5.9. In terms of detailed design, the quality of finish and materials is considered to be high, and in relation to the housing, the overall appearance is of vernacular housing which references the predominant housing type in the surrounding area.

10.5.10. There is variety in the house types proposed throughout the development. The scheme benefits from this variety and it presents a scheme of visual interest. The variety in the use of materials add visual interest.

10.6. **Site Services**

10.6.1. A Water Services Report has been submitted with the application and I have had regard to same.

Foul

10.6.2. Objective WW1 of the LAP which states the following: 'Ensure that all required drainage infrastructure including the installation and commissioning of the pump station and network are completed and operational following the completion of the first 100 dwellings and prior to the commencement of further development.

10.6.3. The applicant has submitted a Material Contravention Statement in relation to same and I have had regard to this statement.

10.6.4. The proposed arrangements for foul water is set out below.

10.6.5. Flows from the 153 units and from the Local Centre will drain to a temporary pumping station, which is currently being constructed under the Phase 1B development, located in the north-east corner of the site. A temporary 24 hour storage tank is being provided at the same location to hold back discharges from both Phase 1B and Phase 1C (this current proposal) during rainfall events and to eliminate impact on the existing Mayne Road Pumping Station. The flows will be pumped to the existing 225mm outfall sewer installed as part of the Phase 1A works. This is connected to the Mayne Road Pumping Station.

10.6.6. Phase 1A (permitted under PA Reg Ref F13A/0248) consisted of 101 no. units, which are no occupied. Phase 1B (permitted under ABP Ref 300514-17) consists of 150 units, some of which are complete and occupied, some of which are still under construction. As part of the SHD application, it was demonstrated that there was sufficient capacity within the Mayne Road Pumping Station to cater for the SHD development, notwithstanding the provisions of the LAP. The provision of a temporary private 24 hours storage tank, which will be removed once the permanent solution is operational (i.e. when the new pumping station is completed) was agreed.

10.6.7. The applicants have prepared a further report since the most recent permission, which demonstrates that there is further capacity in the existing Mayne Road Pumping Station to cater for an the additional 159 units and 4 no. commercial units proposed under this current application. The existing temporary 24 storage tank will continue to be utilised. The applicants note that Irish Water have issued a Certificate of Feasibility in relation to this arrangement.

- 10.6.8. A planning application for a permanent pumping station proposed by Irish Water was submitted to Fingal County Council on 30th August 2019 (FCC Reg Ref 19A/0400). At the time of writing this report, this is currently at Further Information Stage.
- 10.6.9. I note that Irish Water, in their submission to ABP on this current proposal, have stated that the proposed connections to Irish Water Networks can be facilitated.
- 10.6.10. The Water Services Division of the Planning Authority have not raised an objection to the principle of the arrangements being proposed, and do not consider the proposal to be a breach in respect to Objective WW1.
- 10.6.11. I am satisfied, having regard to the details above, that the arrangements in relation to foul water in place are satisfactory, and is in line with the arrangements as approved under the previous SHD application for Phase 1b. I do not consider the proposal is a material contravention of Objective WW1 of the LAP and I note that neither the reporting Inspector, nor the Board, considered similar arrangements, as proposed under SHD Application 300514-17 for Phase 1b, to be a material contravention of Objective WW1.

Surface Water

- 10.6.12. The foul and storm water networks will be on separate systems. The site lies within Catchment Area No. 1, as defined in the Portmarnock South LAP lands, which consists of an area of 37.55Ha. This drains to the Baldoyle Estuary via the new regional wetland and new storm water outfall (both constructed under Phase 1B). The storm water network for Catchment Area No. 1 has been designed to cater for the existing Phase 1C and all future phases of the entire development with the exception of Catchment Area No. 2 (which is located to the north of the LAP lands and has an area of 1.77Ha). The regional wetland provides attenuation for Catchment 1 with outflows restricted for the 1year, 30year, and 100year critical storm events. The Q100 year outflow has been estimated at 200 l/sec in accordance with the Greater Dublin Strategic Drainage Study. A flow control device will be installed on the outfall from the wetland limiting the outflow to 200l/sec.
- 10.6.13. In relation to SuDS, the storm water wetland is included as an essential SuDS measure for the development. Other SuDS measures include source controls (permeable paving, water butts, individual soakways), site controls (bio-retention

areas within public open spaces, swales, filtration trenches, silt and hydrocarbon interceptors) and regional controls (wetland).

10.7. Flood Risk

- 10.7.1. A Flood Risk Assessment has been submitted with the application. This identifies the main hydrological features of the area are the Sluice Rive and the Baldoyle Estuary. The main flood risks therefore were identified as fluvial from the Sluice River, and tidal/coastal from the Baldoyle Estuary.
- 10.7.2. The FRA notes previous flood events at the junction of Station Road and Strand Road, which occurred as a result of high sea levels in the Baldoyle Estuary.
- 10.7.3. Flooding occurred at Portmarnock Bridge due to a combination of high tides and high river flow. This road was raised by 380mm in 2004 and the report stated that this should rectify the problem of recurrence flooding.
- 10.7.4. The FRA notes that the Preliminary Flood Risk Assessment Maps (OFRA) indicate that the site is outside the extent of the 1 in 100 year (indicative 0.5% AEP event) fluvial and coastal flood events. It is also indicated there is no groundwater flood risks on or near the development site. The site therefore lies outside Flood Zone A. CFRAM mapping also shows the site lies outside the 0.1% Fluvial and Coastal AEP event and is therefore located within Flood Zone C.
- 10.7.5. The FRA sets out a Mid Range Future Scenario (MRFS) which is a sea level rise of +500mm.
- 10.7.6. The proposed SuDS measures will ensure there will be no risk of flooding off site due to increased surface water runoff.
- 10.7.7. The mitigation measures as outlined in the Portmarnock South LAP – FRA for Area 1 will also be implemented, including a finished floor level of +4.2m OD or higher.
- 10.7.8. Having regard to the information above, and information as accessed on www.floodinfo.ie² I am satisfied the site is not at risk of flooding from any of the sources listed above and I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

10.8. Childcare

² Accessed 13th January 2019

10.8.1. The applicant is not proposing any childcare facilities as part of this application. The LAP provides that no childcare facilities to be provided on the lands due to the 'Outer Public Safety Zone' of Dublin Airport.

10.9. **Archaeology**

10.9.1. An Archaeological Impact Report has been submitted with the application and I have had regard to same. As part of Phase 1A and Phase 1B, archaeological monitoring was carried out and a number of archaeological features were identified. The report notes that the northern section of the site, adjacent to Station Road as previously been topsoil stripped, archaeologically investigated and excavated and no further work is anticipated for this area. The southern section of the land has previously been archeologically investigated and test excavated on three separate occasions. A number of archaeological features have been identified – two liner ditches and a shallow pit were identified, as well as drainage gullies and a shallow spread or waste pit. A double ditch enclosure was also identified and excavated, dating from the Early Bronze Age. The archaeological impact report notes that the required removal of this feature will be a significant impact. It is proposed to fully excavate the feature and preserve the feature by record.

10.9.2. Archaeological monitoring of topsoil stripping within other areas of the site is recommended. The report also recommends the townland boundary which forms part of the Phase 1c lands is appropriately protected during the construction and operation stages of the proposed development.

10.9.3. I am satisfied that issued relating to archaeology can be adequately dealt with by way of condition.

10.10. **Ecology**

10.10.1. An ecological appraisal has been submitted with the application. The potential for impacts on Natura 2000 sites are appraised in the NIS which is dealt with under the heading of Appropriate Assessments. The appraisal states that no rare habitats or habitats of high ecological value are present within either of the areas proposed for development. No rare plants or evidence of bats, badgers, reptiles or amphibians was recorded. It is noted that the townland boundary running along the eastern edge of the proposed development site is the only feature of any ecological interest in the

immediate vicinity. It is noted that this hedgerow/tree line is to be retained and protected during the construction of Phase 1C.

10.10.2. The report concludes that, following the implementation of all mitigation measures associated with the proposed development, there will be no long-term residual impact on any ecological receptors, either within or in the vicinity of the site, or associated with any site designated for nature conservation as a result of the proposed development.

10.10.3. I generally concur with the findings of the ecological appraisal, and subject to conditions, the overall impact on ecology will be limited.

10.11. Trees/Hedgerows

10.11.1. A preliminary Tree/Hedgerow Survey Report was submitted with the application. The report notes that the majority of trees encountered on the site comprise either Sycamore, Wych Elm or Ash, and all of the trees are located within hedgerows. It is stated that the Elms will likely be lost to disease over the coming years. The report notes that the development is likely to incur some negative effects on the existing tree/hedgerow population and successful retention may provide difficult in some instances.

10.11.2. Appendix 2 refers to Hedge 2 (townland boundary). It is noted that while some Elm are present (and likely to be subject to disease) there are other tree species also and the hedgerow is dense and is generally in good condition. It is stated that this hedgerow is to be retained and will not be impacted by the proposed development.

10.11.3. Subject to conditions, relating to relevant trees/hedgerow protection measures, and subject to the retention of the townland boundary hedgerow on the Phase 1C site, I consider that the overall impact on trees and hedgerows resulting from the development will be minimal.

11.0 Conclusion and Recommendation

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

12.0 Recommended 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 11th Day of October 2019 by St. Marnock's II Designated Activity Company care of Stephen Little and Associates, 26/27 Upper Pembroke Street, Dublin 2, D02 X361.

Proposed Development:

153no. units (40no. duplex / apartments and 113no. houses), ranging between 2 and 4 storeys in height comprising the following: 78no. 3-bed 2 storey houses (House Type: A, B & C), 35no. 4-bed 2 storey houses (House Type: D & F), 26no. 2-bed duplex / apartments (House Type: G, K, L,M, N & O) and 14no. 3-bed duplex / apartments (House Type: H & J); The development will also provide a 'Local Centre' consisting of 3no. retail / café / restaurant units (c. 440 sq. m gross floor area overall) at ground floor with apartments above, all in a building comprising 3 to 4 storeys in height; A medical unit (c. 92 sq. m gross floor area) is proposed at ground floor level at the end of the terrace of duplexes (under Unit No. 14) adjoining the boundary to Portmarnock Train Station car park fronting onto the civic plaza. Private rear gardens are provided for all houses. Private patios / terraces and balconies are provided for all duplexes and apartment units. Upper level balconies are proposed on elevations of all multi-aspect duplex and apartment buildings.

And all associated and ancillary site development, infrastructural, landscaping and boundary treatment works including:

- Vehicular access to serve the development will be provided from Station Road via an existing road serving St. Marnock's Bay ('The Drive') and 2no. permitted roads serving St. Marnock's Bay ('The Avenue' & 'Monument View') permitted under ABP Ref. ABP-300514- 17.
- Bin stores.
- 2no. ESB Sub-stations.
- Areas of public open space (c. 4,800 sq. m in total) including the provision of a pocket park and a civic plaza adjoining the Local Centre.
- 315no. car parking spaces (226no. on-curtilage parking spaces for the housing and 89no.
- Surface level parking spaces serving the residential and commercial units at the 'Local Centre').
- 64no. bicycle parking spaces serving the residential and commercial units at the 'Local Centre' (covered bicycle storage and Sheffield stands).

All on a site of approximately 4.6 Ha. The development comprises amendments to permitted site development works at St. Marnock's Bay (Reg. Ref F13A/0248 and ABP Ref. ABP-300514-17).

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 on lands with a zoning objective for residential development in the Fingal County Development Plan,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Portmarnock South Local Area Plan,
- (c) to the Rebuilding Ireland Action Plan for Housing and Homelessness,
- (d) to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing and Planning and Local Government, March 2018,
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (h) the availability in the area of a wide range of social infrastructure,
- (i) the nature, scale and design of the proposed development;
- (j) to the pattern of existing and permitted development in the area,
- (k) to the submissions and observations received and,
- (l) the report of the Inspector.

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, the Inspector's report, and submissions on file. In completing the screening exercise, the Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Baldoyle Bay SAC (000199), the Baldoyle Bay SPA (004016), the North Bull Island SPA (004006) and the Malahide Estuary SPA

(004025) are the European sites for which there is a likelihood of significant effects. The Board was satisfied that all other European sites could be screened out of any further assessment because the remaining sites identified have no pathway for significant effects.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European sites, namely the Baldoyle Bay SAC (000199), the Baldoyle Bay SPA (004016), the North Bull Island SPA (004006) and the Malahide Estuary SPA (004025), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening 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 on an urban 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

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, having regard to the constraints of the Dublin Airport Outer Public Safety Zone, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design and quantum of development and would also 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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The following requirements of the Planning Authority shall be strictly adhered to:
 - a) The applicant shall provide a detailed design and costing for the upgrade of the two junctions – the R124/Station Road and Strand Road/Coast Road/Station Road, for the written approval of the Planning Authority.
 - b) The upgrade of the two junctions shall be provided prior to the construction of the proposed development.
 - c) Construction vehicles associated with the proposed development shall not access the site via the junction of the R124 and Station Road as the road width is insufficient for two HGVs to pass without mounting the footpath.

Reason: In the interests of proper planning of the area.

3. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - a) Revised plans showing a reduction in the quantum of car parking serving the apartment units at the proposed local centre. Car parking provision shall be reduced to a ratio of 1:1 i.e. a maximum of 40 spaces within the designated residential car park. This plans shall indicate the reduction in car parking spaces and their replacement with hard and soft landscaping features.

Reason: In the interests of sustainable transport and in the interest of urban design.

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority;
 - a) Signage throughout the development, including the signage for the local centre and commercial units.
 - b) Public lighting throughout the development.

- c) The operating hours of the medical centre, retail/café/restaurant units shall be agreed in writing within the planning authority prior to first occupation of the unit.

Reason: In the interests of visual and residential amenity.

5. The internal road network, public footpaths within and outside the proposed development site shall comply with the requirements of the planning authority for such works.

Reason: To ensure a satisfactory standard of development.

6. Prior to commencement of development, the developer shall submit a schedule of Ecological Mitigation Measures as detailed in the Natura Impact Statement (including supporting Appendices) and Ecological Appraisal submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. All of the mitigation measures shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

7. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development. The ecologist shall ensure the implementation of all measures contained in the Schedule of Ecological mitigation measures. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex I habitats and

Annex II species and their Qualifying Interests for which the sites were designated.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall comply with the categorisation system contained in section 5.7 of the Portmarnock South Local Area Plan. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

9. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

10. The proposed café/restaurant units shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission.

Reason: In the interests of residential amenity.

11. The internal noise levels, when measured from bedroom windows of the proposed development, shall not exceed:

- (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
- (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

12. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

13. 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.

Reason: In the interest of sustainable transportation.

14. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, co-ordinate all the mitigation proposals contained in the archaeological assessment and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible

from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

Reason: In the interest of orderly development.

19. 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 Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex units in the development. 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.

20. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

21. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

22. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and water quality.

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

Reason: In the interest of public health.

24. All mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

Reason: To minimise flood risk and in the interest of proper planning and sustainable development of the area.

25. 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.

26. 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. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed SuDS measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.

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.

27. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 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.

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

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

29. 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.

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

30. The applicant shall undertake to implement the measures outlined in the Mobility Management Plan (Section 10 of the submitted Traffic & Transport Assessment) and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of encouraging the use of sustainable modes of transport.

31. 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.

32. 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.

33. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the upgrade of the R124/Station Road junction and the Strand Road/Coast Road/Station Road junction. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

34. 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.

Rónán O'Connor
Planning Inspector

20th January 2020