



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305662-19

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<b>Development</b>	Demolition of all structures on the site. Construction of 2 no. Research and Development Buildings
<b>Location</b>	Collinstown Cross Industrial Estate, R132 / Swords Road, Swords, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F19A/0026
<b>Applicant(s)</b>	Castro Cross Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission (4 no. reasons)
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Castro Cross Limited
<b>Observers</b>	Dublin Cemeteries Committee Dublin Airport Authority (DAA) plc
<b>Date of Site Inspection</b>	16/01/2020
<b>Inspector</b>	Conor McGrath

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## 1.0 Site Location and Description

- 1.1. The site is located southeast of Dublin Airport lands at Collinstown Cross, on the eastern side of the R132 / Swords Road. Dardistown Cemetery and associated lands bound the site directly to the west, while the cemetery access road from Collinstown Cross bounds the site to the north. There is a private residential site and adjoining undeveloped zoned lands to the south.
- 1.2. The stated site area is 1.33ha and is currently occupied by a range of smaller commercial enterprises. Access is currently provided from an uncontrolled entrance off the R132, at the northwestern corner of the site. Existing buildings on the site, stated to extend to 3,435-sq.m., comprise a variety of structures which are not generally of high visual quality. There is extensive surface car parking and external storage on the site. Most of the site is hard paved or under buildings. Mature trees and vegetation along the site boundaries appear to lie mainly outside the boundaries of the site.

## 2.0 Proposed Development

- 2.1. The proposed development as described in public notices as follows:
  - Demolition of all existing structures on the site.
  - Construction of 2 no. Research and Development Buildings (Blocks A and B) with a total gross floor area of 15,092-sq.m. Block A (7,644-sq.m) is located on the eastern part of the site, fronting onto the Swords Road. Block B (7,488-sq.m.) is located on the western side of the site.
  - Both blocks comprise 4 no. storeys plus plant at roof level with a marginal set-back at third floor level.
  - Vehicular access is to be provided at the southern end of the frontage to the R132 and 184 no. surface car parking spaces are proposed to the east and south of proposed buildings. 189 no. bicycle parking spaces are proposed.
  - Associated works include 2 no. ESB substations and other landscaping\ boundary treatments and infrastructural works/services.

The application was accompanied by a Screening Report for Appropriate Assessment.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The planning authority sought further information from the applicants, including:

- Details of the proposed R&D use of buildings on the site.
- Compliance with the requirements of IAA and DAA.
- Review of possible access arrangements and impacts on adjoining roads.

The planning authority subsequently decided to refuse permission for the proposed development for four reasons as follows:

1. Given the lack of certainty regarding future occupation, internal layout and resultant employee density, it is considered that the proposed development may result in office accommodation greater than 1,000-sq.m. The proposed development would, therefore, materially contravene the General Employment (GE) land-use zoning objective, which excludes office accommodation greater than or equal to 1,000-sq.m. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Given the strategic importance of the road network surrounding the airport and the opportunities presented by additional access / egress from the road accessing Dardistown Cemetery, the planning authority considers that the applicant has not adequately explored alternative available access / egress options on the traffic impacts of their proposed access / egress on the adjoining road network. As such, it is considered that the proposed development would be premature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The subject site is zoned 'GE' – General Employment has a vision to be highly accessible and permeable. The applicant was requested to consider

improved access options as part of an additional information request. The response submitted is not satisfactory to the planning authority. As such, it is considered that the proposed development would result in a poor quality layout with a duplication / underutilisation of vehicular / pedestrian arrangements onto the R132. The development as proposed would lead to piecemeal haphazard development and prejudice future comprehensive properly planned redevelopment of the 'GE' zoned lands at this location and would therefore be contrary to the proper planning and sustainable development of the area.

4. The 'GE' zoning objective and location within the Outer Public Safety Zones of Dublin Airport significantly constrain the permissible uses appropriate to the application site. The Environmental Resources Management Ireland Ltd Report, 2003 (ERM Report) recommends that working premises be subject to  $\leq 110$  persons / half hectare. From the information submitted within the initial application and subsequent to the additional information request it is likely that the proposed development will exceed the  $\leq 110$  persons / half hectare. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and set a poor precedent for similar lands.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

**(19/03/2019):** The proposal could be perceived as open plan office space and resembles a HQ type office, contrary to the GE land use zoning. The exact use proposed is unclear and it is not demonstrated that the development will fulfil a R&D use. The employee density would remain below the recommended population density limit for this outer public safety zone. Additional information following from IAA submissions is required. The scale and design is acceptable and would be an improvement on existing structures. Given separation distances the development would not unduly impact on adjoining residential amenities. Additional information on transportation issues is required.

**(18/09/2019):** The proposed development appears to be speculative development aimed at a limited / niche market. Internal fit-out impacts on employee density within the airport Outer Safety Zone. The application states that the development would have an occupation of 293 employees, a density of 110/ half-hectare based on 80% workstation occupancy. This is the maximum recommended for this location. These sample floor areas submitted equate to a density of c.265 / half-hectare, however. While use of the buildings may be for R&D, employee densities will be significantly higher than recommended for the outer safety zone. There is insufficient information to make a qualified and informed recommendation. The proposed development may result in office accommodation >1,000-sq.m. contrary to the zoning objectives.

This piecemeal development does not address the zoning requirement for high-accessibility, permeability and legibility. There is an opportunity to develop the lands to the south, utilising the existing entrance serving the cemetery.

The northern access / egress option was dismissed without adequate consideration. Given the support of the Glasnevin Trust, access along the northern boundary should be provided as part of the development. Given the strategic importance of the road network surrounding the airport, the opportunity for access from the cemetery access road and the limited assessment of impacts on the local road network, it is considered that the development would be premature and the transportation solution proposed inadequate.

### 3.2.2. Other Technical Reports

- **Parks and Green Infrastructure:** The landscape plan is acceptable.
- **EHO:** Acceptable subject to conditions.
- **Water Services:** No objection subject to conditions.
- **Transportation Planning (15/03/2019):** The proposed provision of 184 no. parking spaces is acceptable. The proposed new entrance is significantly better than the existing arrangement. A right-turn lane would be required on the R132, however, the best access would be from the access to Dardistown cemetery to the north. The proposed access is close to a busy junction. Traffic backs up

beyond the proposed entrance regularly throughout the day and not just at peak hours. An entrance off a quiet arm of the existing junction would be more suitable. This could be considered with a possible left-in, left-out access off the R132. The traffic and transport assessment does not consider the R132 and L2005 junction. Further information requested.

- **Transportation Planning (24/09/2019):** The further information does not address the request. The adjoining road is of strategic importance. No proper assessment of future year scenarios has been undertaken. The South Fingal Transportation Study predicts continued traffic growth, which study has not been referenced. Use of the cemetery access road to access the site would provide a more robust access solution and the owners of this roadway support such an arrangement. Refusal recommended on the basis of prematurity.

### 3.3. Prescribed Bodies

**DAA (28/02/2019):** In the event of a decision to grant permission, appropriate conditions should be attached regarding:

- Final design of materials to achieve appropriate noise levels for such uses.
- Final permitted employee density should comply with the recommendations of the ERM Report – Public Safety Zones 2005.
- Agreement regarding any crane operations during construction.
- Ancillary use of car parking.

Clarification on final building height and adherence to obstacle limitation values is required. Lands required for the construction of the East-West Distributor Road should be safeguarded.

**DAA (12/09/2019):** Proposed maximum building height will not infringe obstacle limitation surfaces for Dublin airport and DAA has no further concerns. DAA can support the IAA position on navigation aids. The applicants noise impact assessment is noted and appropriate conditions are recommended.

**IAA (19/02/2019):** Given proximity to the runway approach, the applicants should consult with the DAA and IAA and carry out a Turbulence Assessment and review of potential impacts on navigation aids at the airport. The development should not infringe any obstacle limitation surface or impact on safe aircraft operations.



**IAA (06/03/2019):** Following analysis, it can be concluded that Instrument Landing System (ILS 28) will be affected by the proposed structures. External agencies (identified) should be contacted for further analysis.

**IAA (11/03/2019):** A technical assessment of the potential impacts of the development on ILS28 should be undertaken. Subject to IAA and DAA confirming that there will be no impacts on safe aircraft operations or integrity of the ILS, then permission may be granted

**IAA (12/09/2019):** No further observations subject to the conditions and requirements of IAA and DAA as submitted with the further information..

**TII (19/02/2019):** No observation

**Irish Water / Ervia (06/02/2019) and (27/02/2019):** The site lies outside the GDA permanent wayleaves and adjoins the proposed working area of the proposed GDD pipeline. No objection subject to conditions.

### 3.4. Third Party Observations

#### **Dublin Cemetery Committee:**

- The proposed use will give rise to traffic impacts and a new entrance would be premature advance of the new east-west distributor road.
- An additional entrance from the R132 would result in traffic conflicts in this area and prejudice future access to and development of adjoining GE zoned lands.
- No road safety audit has been undertaken of the access proposals.
- A shared access using the cemetery access road to the north has been discussed but this is not referenced in the application documentation.
- Inadequate parking provision.
- Flooding and surface water drainage design.
- Inadequate visual screening.

#### **George McCullough (Dardistown House):**

- Overlooking and loss of privacy of adjoining properties.

- Impact of the proposed access and boundary set-back in terms of privacy and disturbance.
- Potential flooding impacts given proximity of ponds to rear of their dwelling and the history of flooding in the area.
- Inadequate car parking.
- Lack of co-ordinated approach to development of GE zoned lands.

## 4.0 Planning History

There is no recent relevant planning history on the subject lands. I note the permissions granted for the development of cremation and ecolocation facilities in Dardistown Cemetery under PA ref. F14A/0216 and F17A/0244.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017 - 2023

The site is zoned GE: General Employment – provide opportunities for general enterprise and employment.

Vision: Facilitate opportunities for compatible industry and general employment uses, logistics and warehousing activity in a good quality physical environment. General employment areas should be highly accessible, well designed, permeable and legible.

Permissible uses include Research and Development and Office Ancillary to Permitted Use. Office use over 1000-sq.m. is not permissible in this zone.

With regard to Office Accommodation, Chapter 6 of the Plan notes that a demand for office accommodation is required by a number of economic sectors including the traditional business sector with professional services, ....., design and research elements of manufacturing, Research Development & Innovation, and different aspects of the aviation sector. Depending on the size of the enterprise, office

accommodation in a wide range of formats, sizes, arrangements and locations can be required.

The plan (appendix 4) contains the following definitions:

- **Research & Development:** The use of a building, or part thereof, or land for knowledge activities involving increasing the stock produce or applications.
- **Office:** A building in which the sole or principal use is the handling and processing of information and research or the undertaking of professional, administrative, financial, marketing or clerical work, and which may include services provided to visiting members of the public and includes a bank or building society but not a post office or betting office.
- **Offices Ancillary to Permitted Use:** A building or part thereof, where the office use is subordinate to, and associated with, the permitted land use on site.

The site is located within the Outer Public Safety zone associated with Dublin Airport and within the Inner Noise Zone.

**Objective DA07:** Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, .....

**Objective DA13:** Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

**Objective DA14:** Review Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.

**Objective DA15:** Take into account relevant publications issued by the Irish Aviation Authority in respect of the operations of and development in and around Dublin Airport.

**Objective DA16:** Continue to take account of the advice of the Irish Aviation Authority with regard to the effects of any development proposals on the safety of aircraft or the safe and efficient navigation thereof.

The plan includes an objective for an East-West Distributor Road Stockhole Lane to Cherryhound, running to the north of the site and Dardistown cemetery. This is part of an extended route running from the Malahide Road to Cherryhound

Objective DMS126 seeks to restrict unnecessary new accesses directly off Regional Roads and that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

Parking Requirements based on Offices - Science and Technology: Maximum of 1 space per 40-sq.m. gfa, reduce by 50% near PT, MEC, MC, TC

## **5.2. Draft Dublin Airport LAP 2020 - 2026**

Section 8.2.1 notes that the primary route for vehicular access to Dublin Airport by road is via the M1 and M50 motorway network. The R132 Swords Road provides access for a large number of bus services and also serves as a secondary general access traffic route to Dublin Airport, including for pedestrians and cyclists. The plan notes proposals for higher frequency bus services on the proposed R132 Core Bus Corridor

OBJECTIVE EA4: Reserve an alignment for the East West Link Road from Collinstown Lane to Clonshaugh Road.

OBJECTIVE EA6: Facilitate the delivery of the R132 Swords Road Core Bus Corridor and to seek its prioritisation as a scheme of strategic national importance in enabling sustainable growth of Dublin Airport in the short-term and in advance of MetroLink.

## **5.3. South Fingal Transport Study 2019**

The SFTS has examined the effects of the East West Link Road (EWLR) in sections, Clongriffin at Malahide Road (just north of Clarehall Junction) to Stockhole Lane, and Stockhole Lane to the R132 and Collinstown Lane (Parallel Road).

Modelling indicates that the full EWLR, as originally envisaged, has limited beneficial effect on motorway operation or Dublin Airport surface access. The section between

Stockhole Lane and the R132 has downsides such as conflicting with the future CBC and inducing traffic onto the M50 at Ballymun, and is therefore not recommended.

SFTS Recommendation 31: The East-West Link Road between the R107 Malahide Road and Stockhole Lane should be progressed in order to improve access to Dublin Airport from Fingal/ Dublin Fringe areas.

#### 5.4. **Project Ireland 2040 - National Planning Framework**

4. Making Urban Places Stronger, notes the tendency for many sectors, particularly related to the information economy and knowledge development to agglomerate' in the larger, denser, skilled labour markets found in urban areas. There is also a dependency on attractiveness to skilled employees, having a stream of local talent and innovation associated with third level research institutions and international connectivity.

National Strategic Outcome 5, A Strong Economy Supported by Enterprise, Innovation and Skills:

In terms of Supporting Entrepreneurialism and Building Competitive Clusters, measures include:

- Promoting innovation and its diffusion, through support for firm-level innovation, developing research centres and gateways in key areas of relevance to the regions through SFI and EI, and ensuring our research system in the regions is internationally connected.
- Developing challenge-based Disruptive Technologies Initiatives to ensure that we stay at the forefront of technological innovation, market application and commercialisation and can spur the next generation of technology-led enterprises, drawing on R&D activities in the higher education sector and enterprise in the regions.

In terms of Sustaining Talent and Boosting Human Capital in all Regions, measures include:

- The development of skills, talent and innovation capacity is a key strategic pillar for the NPF. Investment in building and sustaining skills, talent and innovation capacity will be prioritised to promote greater competitiveness and increase productivity at both national and regional levels through developing the skills

base necessary to fully exploit digital technologies and sustain innovation and through greater alignment of research endeavour and human capital development between the education and enterprise sectors.

## 5.5. **Eastern and Midland Region – Regional Spatial and Economic Strategy**

### 6.4 The Region's Economic Engines and their Sectoral Opportunities - Dublin Metropolitan Area

Dublin as national economic driver is the only city in Ireland with international scale. It hosts a variety of enterprises with large concentration of multi-nationals; a large number of universities, institutes and research centres with a young and well-educated population. All these features translate into:

- Dublin Metropolitan area with a strong capacity to attract FDI, and
- A large amount of new business formation – start-ups - and a high concentration of organisations dedicated to research and development, which suggests a critical mass of businesses in a healthy ecosystem of innovation and entrepreneurship.

Regional Policy Objective 6.9: The Regional Assembly supports the Regional Enterprise Plans to focus on increased enterprise engagement in innovation, research and development to ensure Dublin's continued competitiveness and productivity.

## 5.6. **Natural Heritage Designations**

The appeal site is not designated for any nature conservation purposes. The closest sites are:

- Baldoyle Bay SAC (000199), approx. 6km east of the site.
- Baldoyle Bay SPA (004016), approx. 6km east of the site.
- Malahide Estuary SAC (000205), approx. 7.8km northeast of the site.
- Malahide Estuary SPA (004025), approx. 8km northeast of the site.
- North Bull Island SPA (004006), approx. 6.7km southeast of the site.
- North Dublin Bay SAC (000206), approx. 6.7km southeast of the site.

## 5.7. EIA Screening

The proposed development comprises the demolition of existing structures and construction of 15,092-sq.m. of Research and Development floorspace, on a site of 1.33ha within the urban area. Schedule 5 of the Planning and Development Regulations sets out the prescribed classes of development for the purposes of Part 10. These include the following:

Part 2

10. Infrastructure projects

(a) Industrial estate development projects, where the area would exceed 15 ha.

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

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

The proposed development would not exceed, and would fall significantly below, these thresholds for submission of a mandatory EIS. The site is not designated for any natural heritage conservation purposes and is not located in proximity to or connected with such sensitive sites.

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party make the following points in their appeal against the decision to refuse permission for the proposed development:

**Reason no. 1:**

- R&D use is permissible within this land use zone.
- The R&D sector is evolving and relates to innovative activities in developing new services or products or improving services and products.
- Different R&D uses will have different requirements depending on whether it is lab-centred, technology centred or research-centred.
- While such use has not yet been defined, the lack of final fit-out details does not mean that this should be regarded as an office building or a material contravention of the zoning objectives.
- Open plan workspace can accommodate R&D uses, consistent with the zoning. Indicative floorplans are submitted in this regard based on precedent use cases.
- Conditions could restrict uses and require that final fit-out and occupier details, including employee numbers, be agreed with the planning authority.
- This is an appropriate and accessible location for R&D uses and would be attractive for such users.
- The development complies with the Outer Safety Zone employee densities as the average net floor area per workstation in a typical R&D tenant would be 34.3-sq.m. / employee or more.
- Maximum number of workstations would be 366, with 80% occupancy.
- Maximum employee numbers could be subject to condition, which would be part of any future lease agreements.
- Such R&D use is consistent with development plan policies, supported by National Policy, and would be consistent with the DAA Masterplan.
- There is a recognised demand for R&D facilities in the country and the nature of such use is broadening out from traditional lab-based activities.
- S.37(2) of the act applies to this refusal. The development should be granted permission on the basis of criteria (3) and (4) thereof.
- The National Planning Framework, Regional Economic Strategy and MASP support provision of R&D facilities.
- Development with similar intensities of use have been granted within the outer safety zone, including PA ref. F06A/1374.
- Precedent examples of R&D uses elsewhere in Dublin and Kildare are cited.



Reason no. 2:

- Replacement of the existing uncontrolled entrance will be a significant benefit.
- The East-West distributor road proposal is no longer a long-term priority and does not feature in the Draft Airport LAP or the South Fingal Transport Study.
- Access can be accommodated from the R132 and the development is not premature pending the longer-term road objective to the north.
- Access from the cemetery road to the north cannot be provided as it is not in the applicants control or ownership.
- Plans submitted identify potential access from the northern cemetery road, once that road is taken in charge as part of the distributor road objective or otherwise.
- A suggested condition relating to future provision of such access is presented for consideration by the Board.
- The proposed R132 access could then be restricted to left-in, left-out only.
- If the private cemetery road were taken in charge the first party would facilitate access to adjoining lands to the south.

Reason no. 3:

- Access from the Cemetery Road and a connection to adjoining lands to the south would meet the development plan requirements in relation to accessibility and permeability and concerns with regard to piecemeal development.

Reason no.4

- Indicative drawings demonstrate that proposed R&D use will comply with the density restriction of <110 / half hectare. This could be subject to condition.
- The proposals are less dense than that of the example R&D occupier, Kerry Foods in Naas, Co. Kildare.
- IAA and DAA had no objections with regard to location in the Outer Safety Zone.
- The planners report calculated every seat as a workstation across all floors and did not consider lobby / reception and amenity areas for employees.

The accompanying submission by ILTP Consulting makes the following points in relation to traffic and transportation:

- The proposed entrance will replace two existing entrances to the site, one of which is currently unused.
- The new entrance and boundary set-back will result in significant planning gains, which were discussed and accepted by the PA Transportation Section.
- The cemetery access road is a private road and could only be considered for access if it was taken in charge and made a public road.
- It would require a Part 8 and landowner agreement, as well as reconfiguration of the cemetery gates and access.
- The submission of Glasnevin Trust does not support the use of the cemetery access road nor any other option through the applicant's lands.
- 5 no. alternative options to access the southern zoned lands are identified.
- The observation seeks to frustrate the development of these lands while promoting an alternative access to their own lands from the R132.
- The applicants are willing to make provision for such access, delivered as part of the planned East-West Distributor Road.
- The proposed access off the R132 meets the needs of the development and could be retained or restricted to left-in, left-out use only.
- The South Fingal Transport Study does not recommend the proposed east-west Distributor road to the north.
- The SFTS prioritises the Swords CBC, which will reduce vehicular flows along this radial route, while Metrolink will also see a modal shift.
- Growth in vehicular movements along the R132 are not therefore anticipated.
- The transport assessment assumed traffic growth up to opening year (2021) and junctions were seen to operate satisfactorily.
- The development can be adequately accessed from the R132 and facilitates provision of the Swords City Centre CBC.

## 6.2. Planning Authority Response

Fingal Co. Co. make the following comments in response to the first party appeal:

- The information submitted in response to reasons no. 1 & 3 were insufficient to make a qualified and informed recommendation.
- Submissions raise concerns that the final end user density would exceed the maximum density recommended for Outer Public Safety Zones.
- Outstanding issues relating to junction design were too significant to be addressed by way of condition, while concerns relating to prematurity also arise.
- No letter of consent providing access to lands outside the control of the applicant has been included in the appeal, thus concerns regarding access and prematurity remain unchanged.

### 6.3. Observations

#### **DAA (Dublin Airport Authority):**

- The site is located within the Inner Noise Zone of Dublin Airport and the Outer Public Safety Zone.
- In the event of a decision to grant permission, conditions should be attached with regard to the following:
  - The achievement of noise levels appropriate for an office and research facility.
  - Final permitted employee densities should comply with the recommendations of the ERM Report Public Safety Zones 2005.
  - Agreement with DAA and IAA regarding construction crane use on the site.
  - Lands required for construction of the proposed East West Distributor Road should be safeguarded for future construction.
  - Use of parking spaces should be ancillary to the permitted use on the site.
- The proposed development will not infringe upon obstacle limitation surfaces for Dublin Airport and the authority has no further concerns in this regard.
- The authority support the position of the IAA with regard to NavAids as set out in correspondence to Fingal Co. Co. dated 13<sup>th</sup> June 2019.

#### **Dublin Cemeteries Committee**

- The development is inappropriate and premature in the absence of a plan for the overall development of these zoned industrial lands.

- There is potential for the generation of high volumes of traffic, depending on the final use on the site.
- The Observers met with the first party during the application and proposed a shared access to these zoned lands from the northern cemetery access.
- Neither these discussions nor the availability of the northern cemetery road, are referenced in first party correspondence.
- Use of the signalised access is the most appropriate access solution to the orderly development of these zoned lands.
- The concern is that the observer's lands would be landlocked, as access through the inner cemetery lands was not appropriate and a further access onto the R132 would not be acceptable.
- The applicants made no offer to facilitate access to the observers lands.
- A shared access road can be delivered in advance of a future Distributor Road and does not need to be in public ownership.
- The planning authority reasons for refusal are supported.
- The development creates a poor-quality layout resulting in conflicting traffic movements on this busy strategically important road.
- The observers are offering a sustainable solution to the issue.
- The suggested condition allowing access to the observer's lands is noted, however, all lands could be accessed in the short-term from the northern cemetery road.
- The observers are open to discuss an overall masterplan for these lands.

The accompanying Traffic Consultant's report makes the following additional points:

- There is no qualitative assessment to support applicant claims that traffic volumes will be lower in 2036 than 2021, which is contrary to the findings of the South Fingal Transportation Study.
- Objective DMS126 restricting new access to Regional Roads applies.
- Access to the observers lands from the inner cemetery lands rather than the northern access road would not be appropriate.
- This proposal would result in 5 no. entrances within 110m on this busy regional road, with conflicting turning movements.

- This would also conflict with a possible access to the observers zoned lands from the R132, if an alternative access from the north was not achieved.
- The provision for right-turning traffic is inadequate and no Road Safety Audit has been submitted.
- The identified alternative access options by the first party are not viable.
- Notwithstanding first party statements, the observers support a shared access from the cemetery access road to the north as the most appropriate solution.
- The proposed R132 access and conditioning of possible future access from the north is inappropriate and premature, compromising capacity of the R132.
- Such conditions would be likely to be unenforceable and undeliverable.

#### 6.4. **First Party Response to Observations**

In response to the observation of the Dublin Cemeteries Committee, the first party make the following submission:

- Agreement in principle has been reached with Glasnevin Trust (Observers) in respect of providing access through the subject site to their lands.
- Such access could be facilitated from the proposed R132 access or from the cemetery road, for consideration as part of a future planning application.
- A letter confirming such agreement from the observers is submitted.
- Access from the R132 and closure of the existing entrance improves the operation of the Collinstown Cross junction.
- Access to the observers lands to the south may be subject to condition.
- The proposals facilitate Bus Connects proposals for the R132 and addresses the requirements of the GE land use zone for permeability and accessibility.
- Shared access from the cemetery road could be possible in the future subject to terms being agreed and a separate grant of planning permission.
- Both parties agree that access from the R132 is the optimal solution.
- There is no development plan requirement for a masterplan for these lands.
- The development is a response to increased demand for R&D floorspace. A letter of support from DCU highlighting such need and demand is submitted.

- Assessments demonstrate that the R132 will operate satisfactorily when the development is in place.

The accompanying Traffic consultant's report makes the following additional points:

- Access from the northern cemetery road would require relocation of gates, parking controls on the road and reconfiguration of internal cemetery access.
- Such access arrangements could be subject to condition.
- Future (left-in, left-out) restrictions on the R132 entrance could be imposed by the Roads Authority in any case.
- The R132 access complies with DMURS and accommodates a new bus corridor.
- Closure and replacement of the existing entrance complies with objective DMS126.
- Traffic modelling confirmed that a right turn lane is not warranted.
- The planning authority did not require a road safety audit in respect of the R132 entrance, rather that it should be DMURS compliant.
- A condition could be attached requiring a Stage II RSA be agreed with the planning authority prior to commencement of development.

## 6.5. Further Responses

### 6.5.1. Planning Authority

The planning authority make the following comments on the First Party response to observations:

- The planning authority were not party to the referenced agreement and cannot corroborate the statements.
- The details and implications of the agreement have not been fully assessed and other parties may be excluded from this aspect of the application process.
- The condition proposed by the first party (section 2.11) is not precise enough in detail, reasonable with regard to the sterilisation of lands outside the control of the applicant, or enforceable.
- The first party misquote the report of the Transportation Section of 24/09/2019 (copy attached) with regard to the extent of agreement reached.

- The opinion of the planning authority with regard to the impacts of the proposed access and prematurity of development remains unchanged.

#### 6.5.2. **Dublin Cemeteries Committee**

The observers make the following comments on the First Party response to observations:

- The Observers state their support for the proposed development subject to the developers allowing access through these lands to observers lands to the south.
- A condition requiring a Right of Way in this regard should be attached.
- The concern of the observers has been to maintain and provide for access to their zoned lands.
- Two options to achieve this are available. The preferred option is to use the proposed R132 access, while access from the cemetery access road could also be considered.

#### 6.5.3. **Dublin Airport Authority**

In relation to the Dublin Cemeteries Committee observation and the First Party response thereto, DAA reiterate comments made in previous submissions and in particular with regard to the Inner Noise Zone, Outer Public Safety Zone, Obstacle Limitation Surfaces, crane use, east-west distributor road and car parking.

### 7.0 **Assessment**

7.1. It is proposed to consider the development under the following broad headings:

- Land use and Development Principle
- Design and Layout
- Transportation and Roads
- Interaction with Airport Operations
- Drainage
- Material Contravention of the Development Plan S.37(2)

## 7.2. Land Use and Development Principle

- 7.2.1. The lands are currently zoned GE for general employment uses. The current uses and structures on the site detract from the visual amenities of the area and represent an underutilisation of these zoned lands. The redevelopment of the site is therefore acceptable and regarded as positive.
- 7.2.2. The focus of the land use zoning objective is on employment uses wherein R&D use is permissible. The planning authority have raised concerns with regard to the design of the buildings and potential for use as office space, contrary to the zoning objective. The proposed buildings are relatively standard in terms of business type uses and final use and internal layout details will not be determined until an occupier has been identified. Within the building shell it is difficult to identify a particular use type and it is considered that the development could accommodate either office or R&D type uses. The development plan acknowledges the demand across a range of sectors for office accommodation, including the R&D sector.
- 7.2.3. The first party have proposed that a condition be applied restricting use to R&D purposes only. In considering the application of such a condition, the relevant definition of Research and Development is that contained in the development plan as: *The use of a building, or part thereof, or land for knowledge activities involving increasing the stock produce or applications.*
- 7.2.4. While I consider that this definition is somewhat vague and would appear to overlap with activities associated with office use, I do not consider that it is possible to determine that the structures will not be used for the purpose proposed in the application and as defined in the plan. It is not necessary to know the future occupier of the buildings in this regard, however, it could be a requirement that the end user be agreed with PA prior to occupation of the buildings.
- 7.2.5. Employee density arises as an issue due to the location of the site within the Outer Public Safety zone, which is considered in more detail in Section 7.5 below. The planning authority are concerned that the development would result in employee numbers in excess of that permissible within the Outer Public Safety Zone. The occupancy limits arising within this zone of 110 / half-hectare would result in a very



low employee occupancy rate for the proposed buildings. It may be the case therefore that a grant of permission would give rise for future pressure for change of use to office contrary to the current zoning of the site.

- 7.2.6. R&D is a permissible use on the lands, while office use generally is not. The proposed buildings could accommodate either use but would appear to have limited adaptability for other permissible uses within the “GE” zone. Where the relatively low employee density constraints of the Outer Public Safety Zone were found to be unviable, it does not appear that other permissible uses could be readily accommodated within the development. I consider therefore that while R&D use would be permissible on the site, the scale and form of development proposed within this Outer Public Safety Zone would appear to be excessive and give rise to concerns future of use and viability of the structures. In the absence of detail in this regard, I am not satisfied that the development as proposed would be appropriate to this use and location.
- 7.2.7. I consider the material contravention aspect of the planning authority decision in further detail in [Section 7.7](#) below.

### 7.3. Design and Layout

- 7.3.1. The development comprises two separate, four-storey blocks on the site. The surrounding pattern of development on the R132 is not generally of high quality and current structures on the site do not provide high levels of visual amenity. Proposed building design is of form typical of modern business park type developments is considered to be acceptable.
- 7.3.2. Dardistown House is a single storey thatched dwelling which immediately adjoins the southwestern boundary of the site. Block A is set-back approx. 23m from the boundary and approx. 28m from the rear elevation of this property. The area bounding this residential property is to be landscaped or provided as surface car parking. I consider that removal of light industrial buildings and associated uses, which immediately adjoin the rear of this dwelling, would result in an improvement in the residential amenities of this property. The existing block boundary wall should be

continued along the boundary with this residential property. I do not consider that undue impacts on the amenities of this property are likely.

- 7.3.3. Similarly, I do not consider that the development would erode or seriously impact on the amenities of Dardistown cemetery. Existing trees along the western site boundary are located within the site of the cemetery, while supplementary planting is proposed inside the site boundary. Such vegetation would not screen buildings from views from the cemetery lands, however, given separation and height of the structures, significant impacts are not anticipated. I note that there was no objection to the proposed development from the cemetery operators on these grounds

#### **7.4. Transportation and Roads**

- 7.4.1. Access to these zoned lands is a key issue in submissions on the file. The subject site is currently occupied by a range of smaller individual commercial uses, with access from the R132 via an uncontrolled entrance, adjacent to Collinstown Cross signalised junction. All parties are satisfied that closure of this existing entrance represents a positive aspect of the proposed development.
- 7.4.2. The R132 is a very busy route, particularly at peak hour, and there are a number of entrances along this stretch of the road to the south of the appeal site. There are inbound and outbound bus lanes on the road (QBC) and this route is identified under the Bus Connects proposals as a Core Bus Corridor. The inbound bus lane accommodates an at-grade / shared cycle lane. The proposed route of MetroLink runs north-south to the west of the R132 with a proposed stop at Dardistown. Such stop would be at some distance from the appeal site and access routes thereto remain unclear at this stage.
- 7.4.3. The development proposes a new entrance to the R132 and will facilitate some rationalisation of the existing junction, through closure of existing uncontrolled entrance. It is not clear, however, that the current intensity of traffic use would be equivalent to proposed development. The applicants indicate that the proposed entrance complies with DMURS sightline requirements. It is indicated that an existing bus stop on the opposite side of the R132 to the proposed entrance will have to be relocated approx. 20m south.

7.4.4. A Traffic and Transport Impact Assessment was submitted with the application, which includes a generic Mobility Management which appears to refer largely to a residential development and does not contain specific measures for this site. Traffic surveys were undertaken in May 2018 and TRICS database rates for science and technology uses were applied to the development to estimate the trip generation from the proposed development. The traffic assessment proposes a 50:50 split in northbound – southbound traffic movements from the development, although this does not appear to be specifically linked to existing traffic patterns. I note that no detail with regard to the Trics Rates which were applied to the development in this case have been supplied, only the results thereof as follows:

	AM Peak	PM Peak
Arr	146	21
Dep	17	117

7.4.5. The resulting assessment of the capacity of the proposed access concludes that it will operate at or below 25% capacity during peak hours. Similar results are estimated for design year of 2035. In assessing future traffic growth, the assessment assumed that 2036 rates will be the same as 2021, given proposals for enhanced public transport serving the area. This is described as a worst-case scenario, however, no detailed basis for such a conclusion is provided beyond noting proposals for improved public transport infrastructure in this area.

7.4.6. I note that AM peak right-turning traffic accessing the site is estimated to be 76 vehicles per hour (8am-9am). The assessment assigns this evenly across the hour to determine junction capacity / queues, at a rate of 1.27 vehicles per minute accessing the site. No scenario analysis was undertaken for greater volumes or concentrations of arrivals, or the impact of right-turning queuing traffic on the functioning of the R132.

7.4.7. At time of inspection, outside of peak hour, I observed traffic frequently backing up past the proposed site entrance. This reflects the observations of the planning authority transportation section on this case. The further information response from the applicants included proposals for a right-turn lane on the R132 with capacity for

three queuing cars. This width of this lane is only 1.5m, however, which would be sub-standard. Such proposals would involve rationalisation of existing lane widths at this location. The response recommended the provision of an access option without a right-turn lane, however, noting that the traffic assessment found the junction to operate within capacity without such a turning lane. The further information discounted use of the northern cemetery road to access the development on grounds of control / ownership of that road.

- 7.4.8. The appeal site comprises one block of wider GE zoned lands. I would concur with the planning authority that the preferred approach would be for a rationalised access to these lands rather than piecemeal provision of individual commercial entrances from the regional road. At appeal stage the first party indicate that they have come to an agreement with the observers / owners of the adjoining GE zoned lands to the south with regard to the provision of a single access to serve both blocks of land. This is a welcome development which could deliver an improved outcome for these zoned lands. This agreement provides for access to the southern parcel of lands through the subject site, either via the proposed entrance from the R132 or from an access over the cemetery access road to the north.
- 7.4.9. It remains the position of the planning authority, however, that access over the cemetery access road would be the preferred solution, with which I would concur. This access road is partially in public control / ownership and comprises the eastern arm of Collinstown cross. This junction provides a safe signalised junction, reducing potential traffic conflicts and rationalising road layout in this area. I do not concur with the first party that this access road must be in public ownership / taken-in-charge to facilitate such an arrangement, although some rationalisation of the road would be required to achieve same. I do not consider that this can be appropriately achieved within the scope of this application.
- 7.4.10. Notwithstanding concerns identified above with regard to the proposed R132 access, I note that use of that entrance to serve the approx. 1ha of additional GE zoned lands to the south has been adequately assessed. I am not therefore satisfied that the provision of a simple priority junction at this location serving over 2.3ha of GE lands would be appropriate.

Having regard to the foregoing, I conclude the following:

- The R132 and adjoining junction with the Old Airport Road is a busy and strategically important route, with queuing traffic regularly extending beyond the proposed entrance.
- The removal and replacement of the existing entrance would represent a positive development and would improve operation of this junction.
- The site is bounded to the north by the Dardistown cemetery access road, which is partially within public ownership and which is integrated into the junction light sequence.
- The assessment of the impact of traffic accessing the site raises concerns and the proposed optional right-turn lane is below standard for such features.
- The appeal site comprises part of wider GE zoned lands at this location and it is considered reasonable to have regard to future development and access requirement for adjoining lands.
- I am not satisfied that the proposed R123 entrance provides a satisfactory solution to site access without impacting on the safety and convenience of the adjoining regional route.
- No assessment of the capacity of the proposed R132 entrance to accommodate additional zoned lands to the south is undertaken.
- There is an available option to provide access to the site from the northern cemetery access road, which rationalises access along the R132, reduces potential conflicting traffic movements and vehicle queues and serves all adjoining lands on the eastern side of the R132.
- There is landowner consent to implement such an access arrangement.
- While reconfiguration of the existing cemetery access road and parking arrangement would be required, such works are not regarded as significant and furthermore, it is not considered that public ownership / taking in charge would be required to facilitate same.
- Final design of such northern entrance remains beyond the scope of this application.

- There does not appear to be a compelling reason not to pursue the optimal, available access arrangement for the subject lands.

I would therefore concur with the planning authority decision in this regard and recommend that permission be refused for the proposed development.

## **7.5. Interaction with Airport Operations**

- 7.5.1. The site is located within the Inner Airport Noise Zone and Outer Public Safety Zone. During the course of the application, concerns with regard to building height and possible impacts on navigation systems associated with Dublin Airport were raised by DAA and IAA. Further submissions were received from the applicants which included consultation with these authorities. I note that on foot of these further submissions, the competent authorities raised no further objections to the proposed development subject to conditions.
- 7.5.2. The application was accompanied by an initial Assessment of Noise Impacts which identified a design standard of  $\leq 45\text{dB LaeqT}$  for proposed uses on the site. Noise surveys were undertaken at locations on the northern and northwestern boundaries and noise levels from traffic and aircraft noise were recorded. Allowance was also made for increased noise levels from future aircraft activity associated with the developments in Dublin airport. In order to achieve the design standard, the assessment identifies glazing and façade performance requirements for the proposed buildings. Further detailed design will be required to finalise these matters. I note the submissions of DAA on the file and consider that subject to appropriate conditions, noise impacts on future occupiers is not an obstacle to development on the site.
- 7.5.3. With regard to the Outer Public Safety Zone, it is noted that uses are subject to the recommendations set out in the 2003 Public Safety Zones Report prepared by Environmental Resource Management Ltd., published on behalf of the Dept. of Transport and Dept. of Environment Heritage and Local Government. This recommends that working premises should have simultaneous occupancy of  $< 110$  persons per half hectare.

7.5.4. In addressing this matter, the applicants Aviation Compliance Report recommends a simultaneous occupancy rate of 80%. Based on the above limits, a site of 1.33ha would therefore have a maximum simultaneous occupancy calculated as follows:

$(1.33 \text{ ha} / 0.5\text{ha}) * 110 \text{ employees} = 293 \text{ employees} / 0.8 \text{ occupancy} = 366$  workstations.

The development provides a gfa of 15,092-sq.m., which would therefore provide a workstation density of approx. 41-sq.m. / person. It is stated that a net floor area of 83% / 12,561-sq.m., would provide a density of 34.3-sq.m. / employee.

7.5.5. As established in section 7.2 above, R&D use is a permissible use within this land use zone. The concern arising is that the level of occupancy permitted within this Outer Safety Zone is low relative to the size of the building and therefore, that there may be a situation whereby either there is pressure to permit other uses within the site or to permit occupancy beyond the rate of 110 / half hectare.

7.5.6. Indicative floor plans are provided with the appeal demonstrating how R&D use might be accommodated within the building. It appears that in order to achieve compliance with the maximum allowable simultaneous occupancy these floor plans include a significant amount of ancillary spaces which are not counted for workspace numbers, including gym, large lobbies and circulation spaces, small batch production space, canteen, library and lecture / teaching space with capacity for over 117 persons. The overall employee density for the proposed structures therefore appears to be very low.

7.5.7. Two examples of R&D operations elsewhere are cited, with stated employee densities of 33-sq.m. / person and 35.7-sq.m. / person respectively. In the case of Kerry Foods, the first party refer to a floor area of 23,500-sq.m. and employee numbers of 700 (33.57-sq.m. / employee). It is clear from the application to Kildare Co. Co., however, that a significant proportion of that development comprised office accommodation and other uses, and it is not clear from submissions on this case what proportion of net R&D floor space and what R&D employee numbers were involved. A direct comparison with the subject development is therefore difficult. Similarly, with regard to the example of APC Labs in Cherrywood, it is difficult to verify the description provided against that associated with the 2006 planning case relating to that site.

7.5.8. In terms of the Outer Safety Zone, a condition limiting employee occupancy to the identified limits per half-hectare could be attached to a decision to grant permission, however, the scale and floorarea of structures proposed for the site would appear to be excessive relative to the permissible occupancy levels. As noted in section 7.2 above, the structures would not appear to be suited to other permissible uses within this land use zone.

## 7.6. Drainage

7.6.1. The existing site is almost completely hard paved or under buildings. No details of existing site drainage arrangements are provided, although I did note the presence of a number of surface water gullies around the site. The engineering report accompanying the application notes that there is no existing public surface water sewer proximate to the site.

7.6.2. The proposed development provides for the collection and attenuation of surface water flows, including the following features

- Use of Aquacell storage crates for attenuation prior to discharge off-site at greenfield rates.
- Permeable paving under car parking.
- Provision of ponds along the western side of the site and a bioretention area in the southeastern corner, upstream of the attenuation area.
- New surface water sewer running south for approx. 90m from the site along the R132 to an existing culvert which drains to the east.

7.6.3. A site flood risk assessment was undertaken which notes that there are no records of flooding incidents in this location. The site is not within an area identified as being at risk of flooding, and is therefore located in Flood Zone C. The proposed use would be *Less Vulnerable*, and is acceptable.

7.6.4. To address risk of flooding from on-site ponds, top water levels will be limited to 1:100 year levels with 20% climate change allowance, equating to 56.100 AOD which is > 500mm below finished floor levels of the proposed structures. In this regard I note the identified ground levels to the rear of the adjoining residential property, Dardistown House and the need to ensure that no overflow would impact thereon.



7.6.5. Overall, there should be no increase in potential run-off from the site given the nature of existing structures and ground cover thereon. I note the submission of observers on the file in this regard, however, the development will provide for the managed collection, attenuation and controlled discharge of surface water which should result in an improvement over the existing situation. I note that the water services section of the planning authority had no objection to the proposed development.

#### 7.7. **Material Contravention of the Development Plan S.37(2)**

7.7.1. Reason no. 1 of the planning authority decision states that the development would materially contravene the GE zoning objective for the site. S.37(2)(a) of the 2000 Act, as amended, states that the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

7.7.2. S.37(2)(b) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

- (i) The proposed development is of strategic or national importance,
- (ii) There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.7.3. Having regard these matters, I would comment as follows:

- While there is a recognition of overall demand in the Dublin region and nationally for research and development, it is not considered that the proposed development is of a scale which may be regarded as being of strategic or national importance in this regard.
- Reason no. 1 refers to a lack of certainty in relation to the development and the possibility that the development would result in office provision of more than 1000-sq.m. I note that the application relates to R&D, which use along with ancillary office use is permissible within the GE land use zone. I do not concur that the possibility of the development being used for another, non-permissible, use is a sufficient basis to determine that it would materially contravene the plan. I do not therefore consider that this would constitute a material contravention of the plan and that para 37(a) would not therefore apply.
- Where the proposed development is considered to materially contravene the zoning objective, I do not consider that there are grounds under items (iii) or (iv) above which would determine that permission should be granted. Policy contained in the National Planning Framework and Regional Guidelines generally support R&D development however, these generic policies would not over-ride the provisions of the development plan in this case.

Similarly, a precedent for similar development since the making of the development plan for the area, has not been demonstrated which would meet the requirements of item (iv) above.

## 8.0 Screening for Appropriate Assessment

- 8.1. The project is described in section 2.0 of this report above. This application was accompanied by a Screening Report for Appropriate Assessment.

The site is not designated for nature conservation purposes and the development is not required for or directly connected with the management of any European site.

The closest European site are:

- Baldoyle Bay SAC (000199), approx. 6km , east of the site.
- Baldoyle Bay SPA (004016), approx. 6km , east of the site.

- Malahide Estuary SAC (000205), approx. 7.8km northeast of the site.
- Malahide Estuary SPA (004025), approx. 7.8km northeast of the site.
- North Bull Island SPA (004006), approx. 6.7km southeast of the site.
- North Dublin Bay SAC (000206), approx. 6.7km southeast of the site.

8.2. This area is drained by the Mayne River which flows to Baldoyle Bay SAC and SPA. This river passes under the R132 approx. 550m south of the appeal site. There are no connections to the other sites above and the site would not currently function as an ex-situ feeding or foraging site for any species for which those European sites are designated. These other sites are therefore screened out.

The Qualifying interests for Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016) are set out below.

<b>Qualifying Interests</b>	
<b>Baldoyle Bay SPA</b>	<b>Baldoyle Bay SAC</b>
<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>• Shelduck (<i>Tadorna tadorna</i>)</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>)</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>)</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>• Wetland and Waterbirds</li> </ul>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Salicornia and other annuals colonizing mud and sand</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> </ul>

8.2.1. The Conservation Objectives relating to these sites are:

- **Baldoyle Bay SPA**

The objective is generally to maintain the favourable conservation condition of the qualifying interests in each site.

The target population trend is long term stable or increasing, and in terms of distribution the target is no significant decrease in the range, timing or intensity of use of areas, other than that occurring from natural patterns of variation. For wetland habitats the target is that the permanent area occupied should be stable and not significantly less than the recorded area, other than that occurring from natural patterns of variation. The full conservation objectives are available here:

<https://www.npws.ie/protected-sites/spa/004016>

- **Baldoyle Bay SAC**

The objective is to maintain the favourable conservation condition of the habitats and a set of attributes and targets are identified for each habitat in this regard. The full conservation objectives are available here:

<https://www.npws.ie/protected-sites/sac/000199>

Conservation objectives for these sites do not relate to water quality.

### **Potential effects on European Sites**

The development will not result in any direct impacts on any European site either through habitat loss or disturbance. The proposed development is to connect to mains sewerage services and will not discharge wastewater to the European site or any watercourses draining thereto.

Construction activity has the potential to give rise to sediment run-off from the site to nearby drains and eventually to the estuary. I note, however, that the qualifying interests are not identified as sensitive to sediment impacts and the levels of run-off from the project are unlikely to have any adverse effect on the conservation objectives of the European Site.

At operational stage, surface water is to be collected and attenuated as part of standard SUDS measures prior to discharge off site. The development plan requires that SUDS measures be implemented in all new development and they are not regarded as a measure intended to reduce or avoid the possible effects on any European site. The estuary is not sensitive to sediment impacts and the levels of operational run-off from the project are unlikely to have any adverse effect on the conservation objectives of the European Site.

The area is fully served with wastewater services to accommodate future development and I note that there are no current proposals for development on these or immediately adjacent lands. Development at Dublin airport would represent the main area of potential activity in the surrounding area. Having regard to the scale of development proposed in this case and the conservation objectives for the European Site, however, it is not considered that construction or operational surface

water impacts would be likely to give to significant in combination effects on any European site.

## **Conclusion**

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually, or in combination with other plans or projects would not be likely to have a significant effect on Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016) or any other European site, in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **9.0 Recommendation**

- 9.1. That permission be refused for the proposed development for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the design and scale of the proposed development, the provisions of the Fingal County Development Plan 2017 – 2023 and the land use zoning objectives relating to the site, and the constraints on employee densities arising from the location of the site within the Outer Public Safety Zone associated with Dublin Airport, the Board is not satisfied that the proposal would represent an appropriate scale or form of development for the proposed and permissible uses on these zoned lands. It is considered therefore that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the strategic importance of the adjoining regional route (R132) and the availability of an alternative access via the existing signalised junction , it

is considered that the proposed access arrangements from the R132 would represent a sub-optimal arrangement which would give rise to conflicting traffic movements and interfere with the safe and convenient use of this regional route. The proposed development would therefore give rise to the creation of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

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Conor McGrath  
Senior Planning Inspector

24/01/2020