



An
Bord
Pleanála

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

Inspector's Report ABP-306182-20

Strategic Housing Development

Demolition of existing structures, construction of 130 houses, childcare facility and associated site works.

Location

Rowlestown, Church Road and Rowlestown Drive, Rowlestown East, Rowlestown, Co. Dublin.

Planning Authority

Fingal County Council.

Applicant

Chillidale Ltd.

Prescribed Bodies

1. Irish Water
2. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. The Heritage Council
4. An Taisce – the National Trust for Ireland

5. Transport Infrastructure Ireland

6. National Transport Authority

7. Local Childcare Committee

Observer(s)

1. Andrew and Samantha Varley

2. Anne and Vinnie Convery

3. David and Marie Begg

4. Inland Fisheries Ireland

5. Joanna Kiernan for Rowlestown
Residents Association

6. John and Tara Brennan

7. Jonathan and Lucy Begg

8. Nathan Lawless

9. Paul and Anne Blake

10. Rowlestown National School
Parents Association

Date of Site Inspection

5 March 2020.

Inspector

Stephen Rhys Thomas.

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	6
5.0 Section 5 Pre-Application Consultation.....	7
6.0 Relevant Planning Policy	10
7.0 Third Party Submissions	13
8.0 Planning Authority Submission	15
9.0 Prescribed Bodies.....	17
10.0 Environmental Impact Assessment	19
11.0 Appropriate Assessment	20
12.0 Assessment.....	26
13.0 Recommendation	36
14.0 Draft Recommended Order	36
15.0 Conditions	39

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 subject site is located within the village of Rowlestown, north Fingal approximately 9km north west of Swords and 9km east of Ashbourne, Co Meath. Rowlestown is a small spread out village with a primary school, community hall, some commercial units and church within the settlement. The village is found in the Metropolitan area as identified in the Fingal Development Plan.
- 2.2. The site has a stated area of 8.5 ha, all of which is fallow grassland at present. There are derelict structures on various parts of the site such as farm buildings and vacant houses to be demolished. There are existing entrances to the site from Church Road, the local road to the south of the lands, entrances have hoarding to restrict entry. There is a field entrance at the northern end of Rowlestown Drive, a cul-de-sac which serves the graveyard and school. There is a large primary school to the west of the development lands which is also accessible from Rowlestown Drive. There is a parking area with bring banks along Rowlestown Drive. A local authority residential development currently under construction and nearing completion with frontage onto Church Road opposite the church and also fronts onto Rowlestown Drive. The local authority development includes a substantial amount of public realm improvement, including footpaths and a new high quality public square.
- 2.3. The village of Rowlestown has a spread out and rural vernacular character with key buildings including protected structures that provide focal points within the village. The defining character of the village in the vicinity of the site are mature trees and extensive hedgerows giving the impression of scattered low density development. Church Road is characterised with hedgerows and mature trees and is a narrow country road. The R-125 linking Ashbourne to Swords is located to the south across the river and is connected to Church Road by a T-junction. There is a bus terminus for the 41b (four services a day to the city centre via Swords) located before the bridge crossing the Broadmeadow River. A petrol station, shop, tyre/service garage,

log cabin manufacturer and other commercial units are located along the R-125 within the southern environs of the village.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the demolition of two existing derelict houses and associated outbuildings and the construction of 130 two storey dwellings, details as follows:

- 7 two bed homes for the elderly,
- 110 three bed houses,
- 13 four bed houses (4 of which are 'serviced sites'),
- public open space and a children's play area,
- Single storey crèche for 35 children – 256 sqm,
- 3 access points to be provided (two from Church Road and one from Rowlestown Drive), road widening at Church Road, provision of new footpaths and boundary treatment to Church Road and Rowlestown Drive,
- Provision for access to adjoining lands to the north from within the proposed development and from Rowlestown Drive.

3.2. Key statistics include:

Parameter	Site Proposal
Application Site	8.5 ha
No. of Units	130 houses
Unit Breakdown	13 – four bed houses 110 – three bed houses 7 – two bed houses
Other Uses	Creche
Car Parking	260
Bicycle Parking	None

Vehicular Access	3 access points, one from Rowlestown Drive and two from Church Road.
Part V	7 units*
Density	15 units/ha (gross calculation)

*10% social and affordable housing is required, but not provided.

3.3.

Unit Type	1 bed	2 bed	3 bed	4 bed	
Unit	26	88	101	2	217
% Total	12%	40%	47%	1%	100%

4.0 Planning History

4.1.1. Subject Site

There is no recent relevant planning history for the site.

It is noted that there was a history file F07A/1636 pertaining to the site where permission was granted for demolition of existing dwelling and provision of 62 dwellings and crèche. That permission has lapsed.

4.1.2. Lands in the vicinity

Notable planning applications in the vicinity include:

F19A/0626 – Permission refused for 85 houses and a creche. Six reasons. Decision date 21 February 2020.

F19A/0505 – Construction of 73 houses. Additional information has been requested 17 December 2019.

F19A/0490 - Construction 26 dwellings, a two storey building facing Church Road consisting of 2 one bedroom apartments at 1st floor level over a 129.7sq.m ground floor retail unit; a part three/part four storey nursing home building comprising 90 nursing bedrooms with staff facilities, 7 no. assisted living apartments, a single storey building consisting of 4 no. one bedroom assisted living apartments. Additional information has been requested 10 December 2019.

F08A/1011/E1 – Permission refused to extend permission for 40 houses. June 2014.

F18A/0522 – Permission for 5 houses. July 2019.

5.0 Section 5 Pre-Application Consultation

5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 17 July 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP- 304634-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Principle of Development including Core Strategy considerations

Give a planning justification for the extent of lands to be developed and overall number of housing units proposed having specific regard to the local planning policy context including the Rowlestown LAP which has expired, the provisions of the Regional Spatial and Economic Strategy, Eastern and Midlands Regional Assembly in relation to commuter towns in the Metropolitan area, and the availability of existing infrastructural and social services in Rowlestown and how such would sustain the population increase as result of this proposed development.

2. Urban Design Response, Layout and Density

Review the proposed layout and urban design response in the context of the existing built village form. Look again at the layout in order to create a network of linked spaces with an appropriate sense of enclosure and passive surveillance and the potential to create a more defined village edge along Church Road and Rowlestown Drive. The 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines and also the Design Manual for Urban Roads and Streets should inform the layout and design approach.

3. Green Infrastructure

Green Infrastructure and the provision of green corridors and public open space areas including ease of access for pedestrians and cyclists and passive surveillance to these areas should be fully explored. Consideration should also be given to the existing biodiversity value of the site and retention of movement corridors through the proposed scheme for wildlife including consideration of appropriate levels of set-back from new structures.

- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. Detail all existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities on a site layout plan.
 2. A site layout plan indicating pedestrian and cycle connections through the development lands to existing public transport services in the vicinity.
 3. Ecological Impact Assessment and other relevant details to address matters raised in the submission from the Department of Culture, Heritage and the Gaeltacht dated 8th July 2019.
 4. A landscaping plan which clearly identifies all trees/hedgerows proposed for removal and tree protection measures for trees/hedgerows that are to be retained. Details of extent of new planting including species type and quantities and boundary details should be submitted.
 5. A construction and demolition waste management plan should be provided.
 6. A phasing plan having specific regard to the provisions of the local area plan.
 7. A site layout plan indicating all areas to be taken in charge.
 8. Surface water management proposals which are considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the proposed development will not increase flood risk elsewhere, and if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Assessment' (including the associated 'Technical Appendices').

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Irish Water
- The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
- The Heritage Council
- An Taisce – the National Trust for Ireland
- Transport Infrastructure Ireland
- National Transport Authority
- Local Childcare Committee

5.4. Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.5. **Applicant's Statement**

5.5.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

Principle of Development including Core Strategy considerations

5.5.2. The proposed development has been reduced from 163 units to 130 units and has been designed to take account of National Policy, Ministerial Guidance, the Fingal Development Plan 2017-2023 (the FDP), the provisions of the now lapsed Rowlestown LAP 2013-2019 (the LAP) and the accompanying Village Development Framework Plan (the VDFP). In terms of village growth, the core strategy provides for a growth figure of 877 units to 'small towns and villages', (including Rowlestown), representing 2.1% of the residential capacity in the Metropolitan Area (39,909). The delivery of 130 units is seen as having no bearing on the core strategy. In addition, the recently published RSES seeks consolidated growth.

- 5.5.3. The LAP proposal for the Council land at Development Area 1 originally envisaged 19 dwellings on a stated area of 1.65 ha (a density of 11.5 units/ha). The recent development at this site, which consists of two elements that were approved separately by the Council, consists of 26 units on two distinct but adjoining sites at a density of 15 units/ha and 33.5 units/ha respectively. This recent approval amounts to a significant increase above the density figures envisaged by the LAP.
- 5.5.4. There is existing capacity in terms of water services and other commercial and social facilities are either in place or planned for.

Urban Design Response, Layout and Density

- 5.5.5. A softer and more organic layout has been proposed, all hung on retaining trees situated along open spaces. Playgrounds are included and an area in the greenbelt, to be ceded to the Council, is envisaged as future allotments. A greenway along the northern edge of the development area is incorporated into development as per the Village Development Framework Plan. The character and housing typology of Rowlestown was assessed and design cues arose from a desire to rework traditional good quality character as opposed to more recent low quality suburban type development in the area. All public spaces are overlooked by houses, and existing hedgerows and trees are retained. The road widening of Church Road has been designed to reintroduce hedge planting whilst provided pedestrian facilities.

Green Infrastructure

- 5.5.6. The site has been reconfigured to include 73% of on-site trees and hedges. Trees and hedgerows have been incorporated into landscape design and provide connections between housing groups. These corridors provide routes for biodiversity and movement, a lot of work has been done to ensure bat species flight paths will not be impacted upon. SuDS have been incorporated into the landscape design.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework also includes a specific objectives to do with homes and communities, Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'Childcare Facilities Guidelines for Planning Authorities'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage
Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.3. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

RPO 4.83: Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

6.4. **Local Policy**

6.4.1. Fingal County Development Plan 2017-2023

Rowlestown is a designated Village in the Development Plan.

Part of the application site is zoned RV – ‘Rural Village’, whilst part of the application site to the north, where open space and amenity is to be provided, is zoned RU – ‘Rural’ with the objective “protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.”

The chapter pertaining to the Core Strategy sets out that there are four villages in the Metropolitan Area. These, complement and support higher order settlement centres located on the edge of the gateway.

The future development of Fingal’s villages needs careful consideration. In the Metropolitan Area growth in villages such as Coolquay, Kinsaley, Rivermeade and Rowlestown will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns. Objectives for the development of villages are set out in Chapter 5, Rural Fingal.

Objective PM18 Implement the existing Village Design Frameworks prepared as part of the Local Area Plans for Ballyboghil, Garristown, Naul, Oldtown, Rivermeade and Rowlestown.

The Plan provides that this village is mostly traditional-type settlement and has the 'RV' zoning objective which aims to protect the special character of rural villages and provide for improved village facilities. Rowlestown is a commuter village and the RPGs indicate that future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns.

Objective RF03

Review the Rowlestown Local Area Plan including an assessment for potential higher densities which may help in the delivery of necessary physical and social infrastructure, particularly road improvements, expanded recreational facilities and local services for the benefit of existing and future residents in Rowlestown.

Objective SW07

Implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated version of these guidelines. A site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in the SFRA, located in the following areas: Courtlough; Ballymadun; Rowlestown; Ballyboghil; Coolatrath; Milverton, Skerries; Channell Road, Rush.

Rowlestown also has a designated architectural conservation area.

Chapter 12.5 provides Design Criteria for Rural Villages and Rural Clusters.

7.0 Third Party Submissions

7.1. A number of observations were received, most from individuals, and one each from a Residents Association and the national school Parents Association, most refer to similar issues such as overdevelopment, residential amenity, traffic, school capacity and biodiversity. Some submissions supported the principle of residential development in line with the Rowlestown LAP, but all opposed the development in its current format. A summary of each planning issue, is as follows:

7.1.1. Residential Density

The proposed development is at too great a density and not in accordance with the LAP.

7.1.2. Road Infrastructure

The existing roads in the village and Church Road in particular, are not up to standard and placing more traffic will lead to congestion and possible dangers to pedestrians.

7.1.3. Property Boundaries

Some owners are concerned that the nature of their property boundaries will change for the worse (The Paddock House). Some observers have noted that distances shown on plan do not equate to actual distances on site, example 'Chestnut Shade' is not 11.7m from its rear boundary it is 6.5m.

7.1.4. Rights of Way

The owner of 'Chestnut Shade' is concerned about the loss of a right of way granted to them by a previous owner.

7.1.5. Loss of Habitat

Concerns are expressed at the potential loss of trees. In addition, the loss of trees will lead to a reduction in habitat for the Red Kite, which are known to nest in area.

7.1.6. School capacity

There are concerns that the existing school is at capacity.

7.1.7. Overlooking, overshadowing

Sites 96, 97 and 98 will present issues of overlooking and overshadowing to neighbouring property.

7.1.8. Traffic

The increase in the volume of traffic from the proposed development will lead to traffic congestion and lead to accidents. The development could provide additional pedestrian facilities and road improvements.

7.1.9. Overdevelopment

The number of units and residential density proposed will lead to overdevelopment of the overall site and out of character with existing housing. Residential densities should accord with the local plan. The development would change the character of the village, contrary to LAP.

7.1.10. Water services and flooding

Flooding has been experienced at The Gulleys, east of the village, and this development may make matters worse. Existing foul water services may not be able to cope with more development, the pumping station at the east end of the village constantly requires maintenance and removal of sewerage.

Inland Fisheries Ireland (IFI), not a statutory consultee for the purposes of the Planning and Development (Strategic Housing Development) Regulations 2017, submitted an observation with regard to an appropriate surface water management regime during construction and operation of the development.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 19 February 2020. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives. The report also included a summary of the views of the elected members of the Balbriggan/Rush-Lusk/Swords Area Committee Meeting held on the 13 February 2020. The main issues to come out of the meeting revolved around the provision of more community facilities as part of the scheme, road infrastructure in the area needs assessment, there is a lack of public transport, there will be a reliance on private car use and this will lead to traffic congestion, there are no commercial services in the village, the rural character of the area needs to be protected, residential densities proposed for the village are excessive and finally there was general dismay around the entire SHD process.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

8.2.1. Zoning

A portion of the site is located on lands zoned for residential purposes. The balance of the site is located on lands zoned RU, open space and a play area are located on this portion.

8.2.2. Design and Layout

The planning authority highlight the contents of the Village Design Framework Plan (VDFP) for Rowlestown and detail inconsistencies between its contents and the proposed development.

The planning authority consider the increase in housing for the village to be way in excess of that planned for either in the LAP or designed for in terms of the VDFP. Recent development by Fingal County Council, that did exceed the relevant plans was a marginal increase in density, not to the scale of the proposed development. The design and layout of the proposed development will result in a suburban character at a rural location.

8.2.3. Residential Amenity

In broad terms residential amenity is acceptable, though larger gardens would have been preferred. To protect the amenities of existing property, units 97, 98, 99 and 100 should be omitted and units 52 and 53 should be omitted for the sake of larger gardens.

8.2.4. Road Layout

Drawing inconsistencies are noted with reference to road names and detailed design, but on the whole the roads layout is acceptable and car parking adequate. Standard technical conditions are recommended.

8.2.5. Surface Water

The planning authority recommend standard technical conditions with regard to surface water management of the site.

8.2.6. Open Space

The loss of significant amounts of trees and hedgerow is unacceptable to the planning authority in terms of nature conservation and visual amenity. The planning authority are also critical of the landscape design and conditions are recommended.

8.2.7. Community Infrastructure

Other than a creche, no other community infrastructure is proposed. The planning authority fear that the rapid expansion of the village without adequate community infrastructure would be unacceptable and put additional strain on a school that appears to be at capacity.

Other matters to do with archaeology, Part V, EIA and AA are noted by the planning authority and conditions proposed where relevant.

8.3. Overall Conclusion

The planning authority recommend that permission is refused for four reasons: proposed development is out of scale when compared to the existing village and contrary to national, regional and local guidance; design is out of character with the RV zoning, the Village Design Framework Plan and objective RF17 of the County Development Plan; the configuration of open space is poorly designed and the loss of trees and hedgerows is excessive; the impact of the development to the Red Kite (an Annex 1 species) and impact on known bat roosts due to the loss of trees and hedgerows is contrary to Development Plan conservation objectives.

Should permission be granted the planning authority recommend the attachment of conditions that include amendments to the proposed development and that mitigations measures be implemented. Other conditions are standard in nature and relate to the technical requirements of the planning authority.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
- The Heritage Council
- An Taisce – the National Trust for Ireland
- Transport Infrastructure Ireland
- National Transport Authority
- Local Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 12 December 2019, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **Dublin Airport Authority (DAA)** – located in Noise Zone D, attach conditions in relation to the predicted noise environment in terms of future airport growth, acceptable internal noise levels and appropriate noise mitigation measures.
- **Transport Infrastructure Ireland TII** – no comments.
- **Minister for Culture, Heritage and the Gaeltacht (DAU)** –

Archaeology: the contents of the Archaeological Testing Report are noted and a standard condition is recommended.

Nature Conservation: the proposed development will have impacts on Red Kite (*Milvus milvus*), a bird of prey listed on Annex 1 of the EU Birds Directive. The Department is of the opinion that this development would have a direct impact on the breeding and foraging area of this Annex 1 species because of the loss of trees and particularly the possible felling of the tree with nest site A. Given the limited number of mature trees in the local Fingal area, the loss of 44 mature trees will likely have a significant impact on the resident breeding pair (Red Kite) and other birds in winter. The increase in human activity in the vicinity of the housing development has not been adequately considered. The management of rodents on the development site and its hinterland, both at construction and operational stages and development site and its hinterland, both at construction and operational stages and how the risk of exposure for Red Kite to rodenticides will be minimised is an important issue which has not been addressed.

Red Kite mitigation measures in the planning application documentation are hard to follow and may be harder to implement as they are split between a number of extant and future documents, the DAU recommend the following conditions:

1. The proposed mature tree survey and Woodland Management Plan must be prepared by a suitably qualified Ecologist and Arborist. Justification for the felling of any mature trees must be given. The majority of the 60 new trees to be planted should be semi-mature to provide adequate screening and be commensurate with lost Red Kite nesting habitat. Measures to protect trees from damage at construction and operational stages and measures to replace any failed trees must be included. The plan must include a map/drawing showing the location of the five wooded green corridors within the development site, the 60 new trees proposed as a green screen along the northern boundary of the development, replacement hedgerow/trees along the southern boundary and any trees to be retained and felled and any other Red Kite mitigation measures.

2. A Recreation Management Plan should be prepared so that recreational use to the development site can be integrated with Red Kite conservation. The plan must also consider how to best limit recreational use of the adjoining land in order to prevent disturbance to Red Kite nesting and roosting habitat.

3. A Rodent Pest Audit and Management Plan must be prepared by a suitably qualified pest control consultant and Ecologist for both construction and operational stages of this development, with the objective of minimising the exposure of Red Kites to rodenticide at both stages.

4. Mitigation measures in the Ecological Impact Assessment, the Red Kite Impact Assessment and the Red Kite Protection Plan as well as the proposed mature tree survey and Woodland Management Plan, Habitat Management Plan, Recreation Management Plan and Rodent Pest Audit and Management Plan must be drawn together into one document with details of all mitigation measures clearly outlined.

10.0 Environmental Impact Assessment

10.1. The applicant has submitted an EIA Screening Report. The proposed development is below the thresholds of a mandatory EIAR. It is also considered that a sub threshold EIAR is not required in this instance. I refer the Board to the EIA Preliminary Examination for Strategic Housing Development Applications to be found on file and the conclusions contained therein.

10.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares.

Construction of more than 500 dwelling units

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

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

10.3. The proposal is for 130 residential units on a site of 8.5 ha. The site area is below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.

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

11.0 Appropriate Assessment

11.1. I note the Screening for Appropriate Assessment Report contained in the Natura Impact Statement submitted by the applicant, dated June 2019. The site is not located within any European site. It does not contain any habitats listed under Annex

I of the Habitats Directive. The site is not immediately connected to any habitats within European sites. There are seven European sites located within 15km of the site, as follows:

Site code	Site Name	Distance kilometres
004025	Malahide Estuary SPA	6
000205	Malahide Estuary SAC	6
000208	Rogerstown Estuary SAC	6
004015	Rogerstown Estuary SPA	7
000199	Baldoyle Bay SAC	13
004016	Baldoyle Bay SPA	13
003000	Rockabill to Dalkey Island SAC	14

The Screening Report discounts all but the Malahide Estuary SAC and SPA because the site is located a field away from the Killeen Stream, a tributary of the Broadmeadow River that in turn is a tributary of The Ward River that ultimately flows into the estuary. The report states that the potential impacts on the Malahide Estuary SAC (Site Code 00205) and Malahide Estuary SPA (Site Code 004025) are considered in terms of hydrological connectivity with the Broadmeadow River which discharges to Malahide Estuary. The Qualifying Interests of the estuary site are as follows:

Malahide Estuary SAC

1140 Mudflats and sandflats not covered by seawater at low tide

1310 Salicornia and other annuals colonising mud and sand

1320 Spartina swards (*Spartinion maritimae*)

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)

2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*

Malahide Estuary SPA

A005 Great Crested Grebe *Podiceps cristatus*

A046 Brent Goose *Branta bernicla hrota*

A048 Shelduck *Tadorna tadorna*

A054 Pintail *Anas acuta*

A067 Goldeneye *Bucephala clangula*

A069 Red-breasted Merganser *Mergus serrator*

A130 Oystercatcher *Haematopus ostralegus*

A140 Golden Plover *Pluvialis apricaria*

A141 Grey Plover *Pluvialis squatarola*

A143 Knot *Calidris canutus*

A149 Dunlin *Calidris alpina alpina*

A156 Black-tailed Godwit *Limosa limosa*

A157 Bar-tailed Godwit *Limosa lapponica*

A162 Redshank *Tringa totanus*

A999 Wetlands

Given the potential for a hydrological connection between the application site and a designated site, the screening report considered a worst-case scenario whereby the project may result in a significant detrimental change in water quality in Malahide Estuary either alone or in combination with other projects or plans as a result of indirect pollution, the effect would have to be considered in terms of changes in water quality which would significantly affect the habitats or food sources for which the Malahide Estuary European sites are designated, particularly on the sand and mudflat habitats which provide food sources and habitats for protected birds. A Stage 2 Appropriate Assessment (NIS) was considered necessary by the applicant.

- 11.2. The NIS sets out in detail the various characteristics of the two designated sites and the likelihood of any impacts. The report states that there would be no direct impacts

on the Malahide Estuary European sites and there would be no habitat loss or fragmentation as a result of the proposed development in Malahide Estuary. Indirect impacts, such as from discharges of pollutants during construction cannot be ruled out and so mitigation measures are considered. In this context the report states Best Practice Construction Management will be outlined in a Construction Management Plan (CWMP) and implemented during the construction phase. Ultimately, the NIS concludes that the predicted impacts arising from the Project and that with the implementation of appropriate mitigation measures specifically with regard to surface water, significant effects on the integrity of the Malahide Estuary SAC and the Malahide Estuary SPA can be ruled out.

- 11.3. The application site does not provide ex situ habitats that support populations of species listed in the Natura 2000 sites which are the subject of the conservation objectives of those sites, as is evident from the information submitted in the NIS. However, I note that the applicant has prepared an Ecological Impact Assessment (EclA) that details the location of Red Kite nesting sites on the subject lands and in the vicinity. The Red Kite (*Milvus milvus*), is a bird of prey listed on Annex 1 of the EU Birds Directive (79/409/EEC) and protected under the Wildlife Act 1976, as amended. According to the National Parks and Wildlife Service (NPWS) nest locations of Red Kites can change between years and it is likely birds can tolerate some displacement within the site. In addition, the Red Kite's range and population is expanding from those original release sites in Counties Wicklow (2007) and Dublin (2011). As the application site does not provide such ex situ habitats with regard to the designated sites listed, the lack of any consideration of the Red Kite is not information for appropriate assessment and is not required to complete screening. I am satisfied that the matter of the Red Kite has been adequately dealt with by the applicant elsewhere in the documentation submitted and the NPWS are broadly of the same opinion.
- 11.4. The proposed development would provide housing on lands zoned for that purpose. The foul effluent from the occupation of the houses will be directed to the Swords WWTP which has the capacity to assimilate the additional load. The Screening Report notes the Annual Environmental Report for Swords WWTP (2017) available online through the EPA, the WWTP has the remaining capacity of 33,080 PE. Irish Water have reported that this system can facilitate the proposed development.

Surface water runoff from the completed development would be attenuated to replicate the existing discharge regime with petrol interceptors that would prevent hydrocarbons being emitted at the outfall on a field drain that drains to a stream, to a river and then to the Malahide Estuary (SAC, SPA). The occupation of the proposed development is not likely therefore to have a significant effect on water quality in the Malahide Estuary or on Natura 2000 sites.

- 11.5. The NIS refers to a single potential for an effect of Natura 2000 sites which is the change in water quality as a result of indirect pollution of surface water. This would occur during construction activity that could damage the quality of waters in the downstream Natura 2000 site. The NIS refers to mitigation measures that are to be set out in the Construction and Waste Management Plan and the Construction Environmental Management Plan. I note the applicant has submitted a Preliminary Construction, Environmental and Waster Management Plan which specifically refers to the protection of water quality.
- 11.6. While the NIS describes these as mitigation measures for the purposes of appropriate assessment, they are not. They constitute the standard established approach to surface water drainage for construction works on greenfield land. Their implementation would be necessary for a housing development on any greenfield site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a greenfield site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. The impact cited in the NIS would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any rural area whether or not it is connected to a Natura 2000 site.
- 11.7. In any case and with reference to the potential for hydrological links it is evident from the information available for this site that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is

therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect the Malahide Estuary SAC (Site Code 00205) and Malahide Estuary SPA (Site Code 004025) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment would not therefore be required.

12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Design and Layout
- Residential Amenity
- Traffic and Parking
- Infrastructure
- Ecological Impacts
- Other Matters
- Conclusion

12.2. Principle of Development

12.2.1. Zoning - The subject site is located at Rowlestown, north County Dublin, a small-scale village with limited services, but a village that includes a large national school, petrol service station, commercial units, church and community hall. The place is identified in the Fingal County Development Plan as a location for residential development in the Metropolitan Area and housing is under construction at two locations. Given its rural location the village has been targeted in the past for very low density development and consequently zoned RV – Rural Village, where the objective is to protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved local area plan and the availability of physical and community infrastructure. The Development Plan states that the growth of the rural villages identified in the Metropolitan Area will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns. The subject site falls within two zoning objectives, RV – Rural Village and

RU – Rural. The housing component is located within the RV zoning and the remainder of development comprising open space, lands ceded to Fingal County Council for possible allotments and a route for a future access road are located in the RU zoned land. From a land use zoning perspective, the proposed development of housing and open space is acceptable.

12.2.2. Density - The Rowlestown LAP 2013, now expired, is very instructive as to the future growth of the village. In particular, the Village Design Framework Plan (VDFFP) map shows in intricate detail how the entire village should be built out. Though the LAP is no longer in force, I find the detailed layout intended for the subject lands to be remarkably similar in design to the proposal now before the Board. The only substantial difference is the residential density originally envisaged (Area 4 - 36 units at 6.46 units per hectare), which is of course much higher now, 15 units per hectare gross. In this context I note Objective RF03 of the Development Plan that states a need for a review of the Rowlestown Local Area Plan including an assessment for potential higher densities which may help in the delivery of necessary physical and social infrastructure, particularly road improvements, expanded recreational facilities and local services. This review has not taken place and residential development proposals, including the proposal now before the Board, continue apace and at densities in excess of that originally planned for.

12.2.3. The subject site has a previous permission for residential development now withered. The planning authority have outlined an extensive planning history for Rowlestown and it shows a slightly confused perspective on the growth of the village. I note that a recent application for large scale housing development has been refused by the planning authority (F19A/0626). I also note that similar scaled residential developments currently with the planning authority have been the subject of extensive and very detailed additional information requests. There is nothing conclusive to glean from the planning authority's decision making process concerning the growth of Rowlestown. This is hardly surprising given that the intention to review the Rowlestown LAP has not taken place. It would, however, appear that similarly scaled developments of up to 100 units are still under consideration if not by the planning authority, then potentially on appeal. No recent planning applications for residential development have been appealed to the Board in the area. The only certainty to be learnt from the planning application environment

for Rowlestown is that a significant number of housing units are currently under consideration, upwards of 200 plus a large nursing home.

12.2.4. The applicant proposes a net residential density of 23 units per Hectare (15 units per Hectare gross), which it is believed is in character with the Village setting, will support locally planned services and on a site not constrained by water services. In the applicant's opinion, 23 units per hectare is well within the range advised by Ministerial Guidelines. In this respect, the relevant guidelines are the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) and they look for plan led development, particularly relevant in the case of Villages. The guidelines advocate a net density in the range of 15 to 20 units per hectare on edge of town/village lands. In addition, the guidelines warn against the rapid and out of scale expansion of small villages. However, having regard to the imperative to responsibly utilise zoned and serviced land, the proposed density of 23 units per Hectare is probably acceptable. The planning authority are concerned that the cumulative impact of this development and others would be contrary to the core strategy of the Development Plan and local observers also hold this opinion.

12.2.5. The National Planning Framework seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale. The regional strategy is to support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale. The operative Development Plan hopes to review the Rowlestown LAP in the context of higher residential densities. All strands of national, regional and local policy advice seek to make better use of zoned land. In my view, the residential density proposed by the applicant is modest and suited to the receiving environment. The subject site is well located within the village and right next door to a national school, a church and community hall. The development will add to the public realm and broadly follow the form and layout of what the planning authority envisaged for the site under the former LAP. The residential densities, whilst low in terms of the Dublin Metropolitan Area Strategic Plan, will fall in line with the type of sustainable growth sought by the RSES for lower order settlement types.

12.3. **Design and Layout**

12.3.1. The Rowlestown LAP included a detailed Village Design Framework Plan (VDFFP) that anticipated an extremely low density plan for the village. The LAP is no longer in force but the applicant has prepared a layout that follows similar design principles albeit at a higher residential density. The defining character of the area of the application site is the amount of mature trees and hedging. A point highlighted by observers, who fear that too many trees will be removed and the character of the area will change. I agree that the character of the area will indeed change, however, the applicant has prepared a landscape masterplan that seeks to retain as many trees as possible. In my mind, any development of this site will result in a change to the defining character of the area. However, such a change is inevitable given the residential zoning of the lands concerned and I am satisfied that the change from rural to urban has been sensitively handled by the applicant.

12.3.2. The overall layout seeks the retention of a large number of trees and has resulted in the existing line of mature trees and hedging defining the configuration of open spaces and pedestrian routes. In this respect I note the landscape design material submitted by the applicant and the Arboricultural Report that states 44 (47%) of the 93 individually tagged trees included within the site area along with 450 linear meters (34.6%) of hedging will need to be removed to facilitate the proposed development works on this site area or as part of management. Taking into account the necessary loss of nearly half of those trees tagged for survey and the intention to supplement with new tree and hedge planting, I am satisfied that an appropriate landscape masterplan has been submitted.

12.3.3. In terms of the street layout, I note that all streets are well connected and this is helped by the provision of three separate vehicular entrances. All these entrances are connected via internal streets with varying surface treatments and speed deterrents. The footpath network is extensive and a continuous and entirely segregated cycle way traverses the north of the site. Subject to compliance with DMURS standards, I am satisfied that the layout of the scheme is logical and legible and will be a beneficial addition to Rowlestown from a new public realm perspective.

12.4. Residential Amenity

- 12.4.1. The applicant has submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.
- 12.4.2. Dwelling Houses - The entire development comprises a mix of dwelling houses, no apartments are proposed. The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. The applicant has provided internal living accommodation that meets or exceeds the best practice guidelines. In most cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. To preserve privacy, bathroom windows are fitted with obscure glazing. In other locations where the gable ends of some house types are closer, such as house type 'E' and 'G', the gable is a blank facade and this is satisfactory.
- 12.4.3. In terms of private open space, garden depths are provided at between 7 and 15 metres or more, in most cases and according to the drawings provided by the applicant result in a minimum of 67 sqm across all house types and up to 196 sqm in one case. In reality, the rear gardens associated with dwellings vary in shape and area and provide an ample amount of private amenity space. As I would expect, given the relatively low density of this scheme public open space is provided in large quantities and is easily accessible throughout the scheme.
- 12.4.4. Local Residents – I note that local observers have expressed concerns about the development of the site at the scale envisaged, and some strong opposition in relation to direct residential amenity concerns to residences along Church Road. As I have already set out in this report with regard to the layout of the scheme, the applicant has maintained generous separation distances between existing and proposed dwellings.

12.4.5. The only dwellings to directly abut the site are located at a cluster at the eastern end of the site, namely: Maryfield, Chestnut Shade, The Paddocks and The Paddock House together with an unnamed single storey dwelling and a single dwelling in the middle of the site. In each of these cases either at least an 11 metre depth of garden is proposed to new houses or serviced sites are proposed. These serviced sites will be subject to a future planning application to determine their design and scale. The only property of the eastern cluster that would be likely to experience some loss of privacy due to the orientation of their existing windows across the site is Maryfield. A semi-detached house type E on plots 097 and 098 will be located to the west of Maryfield. The first floor 'study' room of house type E will be located approximately 13 metres from the side gable of Maryfield upon which there are bedroom windows. Given the low density nature of the proposed development, there is no reason why existing residential amenities should be disturbed and therefore I proposed to omit house type E on plots 097 and 098 and omit house type F on plot 096 and replace with semi-detached house type D. The rear elevation of semi-detached house type D contains only a landing and bathroom window at first floor level and I anticipate no loss of amenity with such an amendment. This will result in a net loss of one residential unit. In addition, 'serviced site' plot 119 should be configured to ensure the residential amenities of Maryfield are preserved, a future planning application will address this.

12.4.6. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the entire development as proposed by the applicant will provide an acceptable level of residential amenity for future occupants and existing residents alike.

12.5. **Traffic and Parking**

12.5.1. Traffic – most observers and local residents are concerned about the existing traffic situation in the area. Concerns centre around the state of the existing road infrastructure and the likely negative impact from the increase in traffic from new houses. The roads in the immediate area of the site are minor country roads, narrow and with no footpaths. The planning authority are not so concerned about the impact of the development on the existing nature of traffic experienced in the area but do require some technical details to be clarified.

- 12.5.2. The applicant has submitted a Traffic and Transport Assessment (TTA). The applicant is satisfied that the traffic generated by the proposed development can be accommodated on the existing road network and no specific junction improvements are necessary in the area. Improvements to pedestrian facilities are recommended along Church Road and the issues raised by the Road Safety Audit have been implemented in the finalised design for the scheme.
- 12.5.3. The site will be served by three vehicular entrances, one from Rowlestown Drive and two from Church Road. This makes the scheme permeable to both vehicular traffic and pedestrians. Church Road to the southern boundary of the site is a very narrow, minor country road with mature hedgerows and trees on both sides. Existing residential development, including low density housing developments exit straight onto this minor country road without any improvement to the public realm in terms of the provision of a footpath. During my own observations of the site as a pedestrian, I was forced to either seek refuge in driveways or on one or two other occasions the ditch itself. Fortunately, traffic volumes were low and because vehicles had difficulty passing two abreast, traffic speeds were also low. But this is not always the case and observers have underlined the deficiencies of Church Road. I agree that this may be the case and I am confirmed in my view that Church Road, at present, offers nothing to the road user in terms of a safe environment.
- 12.5.4. Observers, have stated that the character of Church Road will change if the development is permitted. With no development of these zoned and serviced lands, Church Road will remain the same and current houses and future houses planned on lands along Church Road will have no pedestrian facilities. Whether the lands were developed at excessively low densities or the low density proposed by this application the character of Church Road would inevitably change either way. However, I am satisfied that the design approach adopted by the landscape masterplan for a footpath behind a planted verge along a widened Church Road is acceptable. At one point midway along Church Road, outside the ownership of the applicant where a dwelling house is located, the proposed footpath will be interrupted. I see no way to address this issue without the involvement of that property owner, however, given that the subject site also adjoins Rowlestown Drive to the east and all internal footpaths are linked together, no issues arise. I am satisfied that the proposed development will provide good pedestrian facilities within

the site and the traffic generated will not adversely impact the existing road network to any great degree.

12.5.5. Car parking – The applicant has proposed a development that will provide 260 car parking spaces for the proposed 130 houses, which equates to 2 car parking spaces per house. All the car parking spaces will be provided within the curtilage of each house. For the Crèche it is proposed that 9 on-street car parking spaces will be provided. Given the rural location of Rowlestown and the limited availability of public transport, the car parking quantum is acceptable. I would have hopes that together with the proximity of a national school and the provision of new pedestrian facilities that future occupants would walk to school, shops and other services, limited as they are in Rowlestown. On the whole, the quantum and design of car parking is appropriate for the scale and density of development.

12.6. Infrastructure

12.6.1. Foul drainage - Foul drainage from the development will drain via gravity through a network of 150mm and 225mm pipes before discharging to an existing 225 mm sewer line running along Church Road. Some observers have suggested that there may be issues with a local pumping station, but Irish Water identifies no issues with foul water connection and treatment.

12.6.2. Water Supply – no water supply capacity issues have been identified by Irish Water (IW), and a new connection will be made from the supply along Church Road.

12.6.3. Surface Water – the management of surface water for the site is outlined in the applicant's Engineering report and will drain via gravity through a new surface water network prior to discharging into the ditch system to the north east of the subject lands. On-site drainage will require on-site attenuation and SuDS devices in accordance with current standards. The planning authority are satisfied with the applicants surface water management system and recommend standard technical conditions. Some observers have noted that there are occasional flooding issues in the wider area, not necessarily on or near the site. In this respect the applicant states that attenuation will be provided on site to store excess surface water runoff for rainfall events up to the 1 in 100 year storm, with a maximum attenuation basin height of 1.2m, and a top water level of 0.7m. The applicant qualifies this approach and notes that soakaway testing to determine infiltration levels were undertaken in

December 2019 and test pits indicated unacceptable soil infiltration rates. Hence the attenuation approach adopted by the applicant. In contrast, the applicant has included a Site Specific Flood Risk Assessment, that concludes surface water runoff from the site discharges to ground via the attenuation basin and does not impact on developments upstream or downstream of the subject site. This is slightly contradictory, but I am satisfied that the surface water management proposals are acceptable and there is limited likelihood of flooding on or off the site.

12.7. Ecological Impacts

- 12.7.1. The applicant has identified a number of ecological sensitives that affect the site and this is to do with the agricultural nature of the lands, its rural context and the existence of many mature trees and hedges. To this end, the applicant has prepared an Ecological Impact Assessment (EclA), together with an EIA Screening Report, Natura Impact Statement and Screening Report. Specifically, the EclA addresses and assesses the impacts to fauna including mammals, birds and invertebrates. The report highlights impacts and outlines mitigation measures. Of particular interest to the site are the impacts to bats and Red Kites, both are recorded as present in the general area and on site. The NPWS have highlighted the seriousness of the impacts of the proposed development on the breeding and foraging area of the Red Kite, an Annex 1 species. A number of detailed and specific details to be agreed before development commences concerning the construction and operational phase of the housing scheme are suggested. Local observers also highlight Red Kite activity in the area and are concerned about the impact of the development on their habitat and survival.
- 12.7.2. Firstly, I must point out to the Board, that the applicant has prepared a lot of detail concerning the ecology of the site, published in a number of different documents. The NPWS recognise this as a failing and hence their own detailed requirements with regard to Red Kite protection. However, of particular significance is the production by the applicant of a Red Kite Impact Assessment as Appendix 4 of the EclA and marked as 'confidential'. It contains sensitive information about the exact nesting locations of a Red Kite breeding pair on and in the vicinity of the site. This document, as an appendix to the EclA is not published on the dedicated SHD website for the application, but it is present on the file I have to hand. The applicant notes that it is necessary to protect this kind of sensitive nesting location information.

The Board may wish to consider the importance and ramifications of one of the documents submitted as part of the planning application not being posted online.

12.7.3. During my site visit, I observed a single Red Kite perched and in flight, I did not seek out nests and cannot therefore confirm nesting sites on the lands concerned. I do not consider this a necessary action in any case, but Red Kite are on and in the vicinity of the site. In this context, I am guided by the material produced by the applicant and the recommendations of the NPWS, which I consider to be relevant and reasonable and should form the basis of a relevant condition.

12.8. **Other Matters**

12.8.1. The applicant has shown an intention that part of the lands along the northern portion of the site could be used for community allotments. This proposal does not form part of this application, however, any change of use of these lands could take place at some future date if the planning authority are so minded and subject to the relevant consent requirements. There is no need in this application to reserve the lands for such a purpose and I am satisfied to leave this matter at this time.

12.8.2. Drafting errors – I have noted that some house types are incorrectly labelled on plan, but that colour coding in the associated legends do match up. Specifically, house type D, a semidetached four bedroom unit is shown on the site layout drawing as house type B, plots 049, 050 and 051 refer. A drafting error that does not affect my assessment, no further action warranted.

12.9. **Conclusion**

12.9.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established area close to the services and facilities of Rowlestown, limited though they are. An appropriate development on this site has the potential to add to the provision of quality housing stock within the area. I am conscious of the planning authority's original intentions for Rowlestown, in terms of the extremely low densities originally pursued in the LAP. But I am also conscious that it was always an intention of the planning authority to revisit the LAP in terms of more sustainable residential densities and this has not happened yet. In the interim residential development continues to take place in and around the village and current planning applications for residential densities could yield similar residential densities as the current

application before the Board. Finally, any development that takes place on this site will alter the existing rural character of Church Road, but I am satisfied that the proposed development follows the layout and principles set out in the former LAP and will put in place much needed and quality public realm improvements for the village.

13.0 Recommendation

13.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

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

14.0 Draft 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 17 December 2019 by Chillidale Ltd, First Floor, Wilton Park House, Wilton Place, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development on site at Rowlestown, County Dublin.

The proposed development comprises the demolition of two existing derelict houses and associated outbuildings and the construction of 130 two storey dwellings, details as follows:

- 7 two bed homes for the elderly,
- 110 three bed houses,
- 13 four bed houses (4 of which are 'serviced sites'),
- public open space and a children's play area
- Single storey crèche for 35 children – 256 sqm
- 3 access points to be provided (two from Church Road and one from Rowlestown Drive), road widening at Church Road, provision of new footpaths and boundary treatment to Church Road and Rowlestown Drive,
- Provision for access to adjoining lands to the north from within the proposed development and from Rowlestown Drive.

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 policies and objectives in the Fingal County Council Development Plan 2017-2023;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the nature, scale and design of the proposed development;
- (e) the availability in the area of a limited range of educational, social, community and transport infrastructure,
- (f) the pattern of existing and permitted development in the area,
- (g) the submissions and observations received and
- (h) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, and the Inspector's report and submissions on file. In completing the

screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental 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 a 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.

15.0 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) House type E on plots 097 and 098 and house type F on plot 096 shall be omitted and replaced with semi-detached house type D, that is the removal of three residential units and replacement with two residential units. The gardens of plots 097, 098 and 096 shall be redistributed and assigned to the two units of house type D. The front building line of house type D shall align with plots 099 and 100 to the north.

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

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. (a) All screen walls shall be as shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) All rear garden walls shall be as shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

9. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

11. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

12. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

13. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

15. An ecological management scheme including reference to phasing/construction timing and landscaping for the proposed development, with an objective of maintaining a habitat of mature trees and hedgerows present within the site, shall be implemented as outlined in the application details and specified by points (a) to (d), unless otherwise submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed scheme.

(a) The developer shall appoint a suitably qualified Ecologist and Arborist to prepare mature tree survey and Woodland Management Plan. Justification for the felling of any mature trees must be given. The majority of the 60 new trees to be planted should be semi-mature to provide adequate screening and be commensurate with lost Red Kite nesting habitat. Measures to protect trees from damage at construction and operational stages and measures to replace any failed trees must be included. The plan must include a map/drawing showing the location of the five wooded green corridors within the development site, the 60 new trees proposed as a green screen along the northern boundary of the development, replacement hedgerow/trees along the southern boundary and any trees to be retained and felled and any other Red Kite mitigation measures.

(b) A Recreation Management Plan shall be prepared so that recreational use to the development site can be integrated with Red Kite conservation. The plan shall consider how to best limit recreational use of the adjoining land in order to prevent disturbance to Red Kite nesting and roosting habitat.

(c) A Rodent Pest Audit and Management Plan shall be prepared by a suitably qualified pest control consultant and Ecologist for both construction and operational stages of this development, with the objective of minimising the exposure of Red Kites to rodenticide at both stages.

(d) Mitigation measures in the Ecological Impact Assessment, the Red Kite Impact Assessment and the Red Kite Protection Plan as well as the proposed mature tree survey and Woodland Management Plan, Habitat Management Plan, Recreation Management Plan and Rodent Pest Audit and Management Plan shall be compiled as one reference document with details of all mitigation measures clearly outlined.

Reason: To ensure the preservation and protection of flora and fauna within the site.

16. Bat roosts shall be incorporated into the site and the recommendation of the Ecological Impact Assessment report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

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

17. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

b) Location of areas for construction site offices and staff facilities;

- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

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

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

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

25. 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.

Stephen Rhys Thomas
Senior Planning Inspector

07 April 2020