

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

Tenancies Act 2016

Inspector's Report ABP-306771-20

Strategic Housing Development

Demolition of existing buildings, construction of 172 no. apartments, childcare facility and associated site works.

Location

Site of The Former Lord Mayor's Public House, Main Street, Swords, Co. Dublin.

Planning Authority

Fingal County Council

....

Applicant

Jacko Investments Limited

Prescribed Bodies

Transport Infrastructure Ireland

Dept. of Culture, Heritage and the

Gaeltacht

Inland Fisheries Ireland

Irish Water

Observers See Appendix I

Date of Site Inspection 17th June 2020, 8th July 2020

Inspector Sarah Moran

Contents

| 1.0 I | ntroduction | . 4 |
|--------|------------------------------------------|-----|
| 2.0 \$ | Site Location and Description | 4 |
| 3.0 F | Proposed Strategic Housing Development | 5 |
| 4.0 F | Planning History | . 6 |
| 5.0 \$ | Section 5 Pre- Application Consultations | 7 |
| 6.0 | Third Party Submissions | 18 |
| 7.0 F | Planning Authority Submission | 23 |
| 8.0 F | Prescribed Bodies | 32 |
| 9.0 F | Planning Assessment | 34 |
| 10.0 | EIA Preliminary Assessment | 65 |
| 11.0 | Appropriate Assessment | 66 |
| 12.0 | Conclusion | 78 |
| 13.0 | Recommendation | 79 |
| 14 0 | Recommended Board Order | 80 |

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The development site is located in the centre of Swords, Co. Dublin. It comprises a roughly triangular area between Dublin Street/Main Street and Church Road to the east, the Ward River to the north, Bells Lane, and the Ward River Walley Park to the west and Forest Road to the south. The site has a stated area of 1.4 ha and is currently occupied by the former Lord Mayor's pub, an associated car park and an area of undeveloped lands to the rear/west. The existing 2-3 storey building originally dates to the 19th century and has a thatched roof. The original structure has been heavily modified with various extensions. There is a historic water pump and trough on the footpath in front of the building at Main Street. The site has a vehicular entrance from Church Road. There are existing trees and hedgerows along the site boundaries and within the site around the car park area. There are two watercourses at the site. The Ward River runs along the northern site boundary, a tributary of the Broadmeadow River which discharges to the Swords Estuary. The Glebe Stream is partially culverted and runs through the eastern side of the site, to the rear of properties on Forest Road and inside the Church Road site frontage, meeting the Ward River to the north east of the site. Levels fall steeply within the site towards the Ward River and the Glebe Stream.
- 2.2. The site has a mixed context. The Ward River Valley Park, a major local amenity, lies to the north and west, on the opposite side of the Ward River. Brackenstown Road, to the north of the park, serves extensive residential areas and meets Church Road to the north east of the site at a narrow and constrained T junction. The stretch of Church Road along the eastern site boundary is narrow and there is no footpath along the site frontage. The Cooldriona Court apartment building (3-4 storey over basement) is immediately opposite the site on Church Road. The vehicular access to the site is opposite the Cooldriona Court complex. The Main Street frontage of the site is quite open with views over the site to the Ward River Valley Park and to St.

Columba's Church and associated Round Tower, which are located on the brow of a hill to the north west. This frontage also faces existing 2-5 storey mixed use, residential, retail, and commercial development on Main Street, with pedestrian access to the Pavilions Shopping Centre nearby to the south east. There is low rise two storey housing to the south west of the site at Forest Road. A narrow laneway, Bells Lane, off the Highfield residential estate on Forest Road, leads to the Ward River Valley Park at the western side of the site. Bells Lane also serves existing 1-2 storey residential properties, which bound the southern end of the development site.

3.0 Proposed Strategic Housing Development

3.1. The development involves 172 no. apartments as follows:

| UNIT TYPE | NO. OF UNITS | % |
|-----------------|--------------|-----|
| 1 bed apartment | 67 | 39% |
| 2 bed apartment | 101 | 59% |
| 3 bed apartment | 4 | 2% |
| Total | 172 | |

The development has a stated net residential density of 143 units/ha, based on a 'net developable area' of 1.2 ha, which excludes High Amenity zoned lands. The apartments are laid out in 4 no. 4-7 storey blocks over basement with a central landscaped communal open space.

3.2. The application also includes:

- Demolition of the existing 1-3 storey public house, restaurant, off-licence and associated storage buildings (totalling 1,197 sq.m.) and removal of surface car park;
- 3 no. communal amenity spaces (totalling 296 sq.m.), including a communal gym (77sqm), and a ground floor level landscaped courtyard;
- Plaza at the Main Street frontage with pedestrian connection across the site from Main Street to the Ward River Valley Park;

- Underground car park accessed from Church Road with a total of 132 no. parking spaces (including 6 no. accessible spaces and 5 no. car club spaces) and 408 no. bicycle spaces (336 no. resident spaces at basement level and 72 no. visitor spaces at ground floor level in the central courtyard);
- 2 no. commercial units (comprising 397 sq.m. and 301 sq.m. and accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001-2019, as amended) located on the ground floor of Block D;
- Crèche (242 sq.m.) and café (87sq.m.) at ground floor level;
- Removal of existing culverts, installation of new culverts to facilitate pedestrian and vehicular access and diversion of the Glebe Stream on site;
- Associated site and infrastructural works including foul and surface water drainage; lighting; landscaping; boundary fences; plant areas; ESB substations; internal hard landscaping, including footpaths and street furniture; and all associated site development works;
- Part V proposals comprising transfer of 17 no. units at the development site.

4.0 **Planning History**

4.1. Reg. Ref. F00A/0778

4.1.1. Permission granted by Fingal County Council on 19th October 2000 for two storey extension to existing retail unit (off-licence) to accommodate additional retail and storage areas.

4.2. Reg. Ref F11A/0111

4.2.1. Planning permission granted by Fingal County Council on 21st September 2011 for development consisting of (i) single storey extension at lower ground floor level to the rear of the building; (ii) new single storey lobby entrance extension at lower ground floor level; (iii) change of use at lower ground floor level from storage area to public house area; (iv) alteration of existing external escape stairs to the rear of the building; (v) alteration to 3 no. elevations at lower ground floor level; (vi) addition of external decking area at lower ground floor level; (vii) new external stairs from lower ground floor external decking to street including alterations to boundary wall.

5.0 Section 5 Pre-Application Consultation

5.1. Pre-Application Consultation ABP-305856-19

5.1.1. The pre-application consultation related to a proposal to construct 172 no. apartments, crèche and two commercial units at the development site. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 16th December 2019. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

5.1.2. The issues raised were as follows:

1. Surface Water Management and Flood Risk

Further consideration of documents as they relate to the design rationale/justification for the proposed development strategy of the lands as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream in the Broadmeadow River and the identification of a portion of the site on Flood Zone A and B lands. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling where considered appropriate. All proposed SUDs features should be clearly identified on a site layout plan with proposals as to how the features will enhance/contribute to a sense of place. Computer Generated Images and cross-sections should be submitted to show changes in levels and inter alia, the interface of boundary treatments and SUDs to public open spaces/streetscape.

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

2. Movement and Transportation

Further consideration and/or justification of the documents as they relate to the specific objectives for Swords in the Fingal Development Plan in respect of

connectivity and movement for pedestrians, cyclists and motorists within and through the site in particularly connecting the cultural quarter to the River Ward Valley.

Consideration should be given to the future road link identified in the Fingal Development Plan between Main Street and the Brackenstown Road along the northern end of the development site and whether the proposal may compromise the delivery of this future road link including a bridge if required.

Consideration should also be given to the recommendations of the Fingal South Transportation Study 2019 including, inter alia, the movement of pedestrian and cyclists along Church Road having particular regard to the current lack of footpaths at this location, site context and the difference in levels between the public road and site.

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

3. Layout and Urban Design Response

Further justification or if considered necessary further consideration of the documents as they relate to the proposed layout and urban design response vis-à-vis integration with the general area and achievement of the vision and objectives provided for within the Swords Masterplan.

The Swords Masterplan 2009 provides that "applications which propose deviations from the Masterplan Guidance must be set within a detailed urban design rationale and in the context of the urban design appraisal and guidelines set out within the Masterplan before they can be considered favourably". Should the existing design strategy be maintained then a written response should be submitted that addresses/responds to the concerns raised by the planning authority in their opinion and which demonstrates that the proposed urban design strategy supports the achievement of the vision and objectives of the Swords Masterplan.

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

5.2. Applicant's Response to Pre-Application Opinion

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

information / documentation submitted as specified in the ABP Opinion. The following points of the applicant's response are noted.

5.2.2. Response to Surface Water Management and Flood Risk

- The application includes a Site Specific Flood Risk Assessment (SSFRA) and cross-sections illustrating changes in levels and inter alia, the interface of boundary treatments and SUDs to public open spaces/streetscape.
- In addition, the Architectural Design Statement includes a number of computergenerated images which illustrate the changes in levels across the site as well as the developments interface with the adjacent public open spaces and streetscape.

5.2.3. Response to Movement and Transportation

- The applicant notes relevant development plan objectives in relation to pedestrian and cycle links in the vicinity of the development site. The development includes a pedestrian and cycle link along the site's northern boundary as well as through the site, also access to the Ward River Valley park from Main Street and a link to the proposed cultural quarter on the opposite side of Main Street, all in line with relevant objectives of the development plan and the Swords Masterplan.
- The development will not restrict the introduction of a link road, including a bridge, between Main Street and Brackenstown Road as the northern part of the site will remain undeveloped.
- The South Fingal Transport Study (2019) also seeks the creation of a link road between Main Street and the Brackenstown Road which traverses the northern part of the subject site. The section of Church Road included in the Brackenstown Road segregated cycle lanes does not flank the subject site's boundary. It is anticipated that such a segregated cycle lane would tie in with the cycle lane proposed along the street further north.
- The development includes a 2m wide footpath on the western side of Church Road inside the site boundary, immediately north-east of the realigned Glebe Stream. The applicant is willing to liaise further with the planning authority in relation to the detailed design of the various roadway improvements and Glebe

Stream realignment and would not be opposed to the Board including a condition requiring same.

5.2.4. Response to Layout and Urban Design

 This matter is addressed in the Statement of Consistency, as summarised in section 5.7 below.

5.3. Section 28 Ministerial Guidelines

- 5.3.1. The following is a list of relevant section 28 Ministerial Guidelines:
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual.
 - Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities
 - Design Manual for Urban Roads and Streets (DMURS)
 - The Planning System and Flood Risk Management Guidelines for Planning Authorities including the associated Technical Appendices
 - Childcare Facilities Guidelines for Planning Authorities
 - Urban Development and Building Heights Guidelines for Planning Authorities

5.4. Fingal County Development Plan 2017-2023

- 5.4.1. The subject lands have two land use zoning objectives as per development plan Map 08. The majority of the site (1.2 ha) is zoned 'MC Major Town Centre' with the objective "to protect, provide for and/or improve major town centre facilities." An area of lands at the northern side of the site on the banks of the Ward River (0.2 ha) is zoned 'HA High Amenity', the objective of which is "to protect and enhance high amenity areas". Part of the northern side of site is within the Zone of Archaeological Notification. Map 08 also indicates the provision of a future road link between Main Street and the Brackenstown Road to the north of the development site and an indicative cycle / pedestrian route along the western site boundary, continuing northwards towards the centre of Swords and westwards along Church Street and the edge of the Ward River Valley Park.
- 5.4.2. The strategic policy set out in Section 1.6 of Chapter 1 includes policy no. 4:

Promote and facilitate the long-term consolidation and growth of the County town of Swords as provided for in the Swords Strategic Vision 2035.

Swords is at the top of the county settlement hierarchy and is designated as a Metropolitan Consolidation Town, along with Blanchardstown. Objective SS01 applies:

Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the hinterland to towns and villages, as advocated by national and regional planning guidance.

Also Objective SS12:

Promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy.

5.4.3. The following objectives apply to Swords Town Centre.

Objective PM34:

Locate different types of compatible land uses e.g. residential, employment, local retail, tourism and daily service needs close together, so as to encourage a greater emphasis on the use of sustainable transport modes.

Objective PM35:

Encourage a mix of uses in appropriate locations, e.g. urban centres, village centres, neighbourhood centres.

Objective PM36

Encourage appropriate residential, social and community uses in town and village centres in order to enhance their vitality and viability and recognising diversity of communities and actively promote these uses in existing under-utilised or vacant building stock as a mechanism to combat vacancy in town centres.

Objective PM37:

Ensure an holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and planning of

new residential areas, so as to ensure that viable sustainable communities emerge and grow.

Objective PM38:

Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM39:

Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

Objective PM40:

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

Objective PM41:

Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective PM44:

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

5.4.4. The following development plan objectives relating to Swords are noted:

Objective SWORDS 2:

Retain the Main Street as the core of the town centre, protect and enhance its character and ensure that any future new commercial and retail development reinforces its role as the core area of the town centre, by promoting the development of active ground floor uses and limiting the expansion of certain non-retail and inactive street frontages including financial institutions, betting offices, public houses and take aways/fast food outlets.

Objective SWORDS 4:

Promote the development of lands within Swords town centre in accordance with the principles and guidance laid down in the Swords Master Plan (January 2009).

Objective SWORDS 11:

Provide for a comprehensive network of pedestrian and cycle ways, linking housing to commercial areas, to the town centre and to Metro stops and linking the three water bodies (the Ward River Valley, the Broadmeadow River Valley and the Estuary) to each other subject to Screening for Appropriate Assessment if required.

Objective SWORDS 12:

Develop a 'green necklace' of open spaces which are linked to each other and to the existing town centre of Swords, as well as to new development areas, thus promoting enhanced physical and visual connections to the Ward River Valley Park and the Broadmeadow River.

Objective SWORDS 15:

Develop an appropriate entrance to the Ward River Valley from the town of Swords so that access to the amenities of the valley is freely and conveniently available to the people of Swords.

5.5. Swords Masterplan 2009 and Swords Strategic Vision 2035

- 5.5.1. The Swords Strategic Vision 2035 is a non-statutory consultation document, which assesses the development of the wider Swords area, incorporating provisions for an indicative route for Metro North. The Swords Masterplan 2009 covers Swords Town Centre, primarily 'MC Major Town Centre' zoned lands within the Main Street and North Street areas, Pavilions development area, and Barrysparks development area. The development site has a central location on Main Street, within the Masterplan area. The Masterplan provides an urban design framework for the period to 2020, with detailed guidance in relation to building heights and street widths.
- 5.5.2. The site is located in an area defined as a 'Cultural Quarter' between the Ward River Valley Park to the west and the Pavilions Area to the east. Section 2.4 states:

The Cultural Quarter will include culturally focused uses, such as a town library, theatre, galleries and arts centre. This area will accommodate a direct pedestrian connection through the Pavilions site to the Metro Quarter and links into the Ward River Valley Park. A public square will be the central focus and setting to cultural

buildings and the scale of the public space will be capable of supporting outdoor performance, outdoor dining, performance art, promenade as well as meeting/seating spaces.

5.5.3. Section 2.6 of the Masterplan set out Strategic Objectives including:

Promote core recreational and amenity spaces, utilising in particular the Ward River Valley Park, Cultural Quarter, Civic Quarter at Swords Castle and Town Park, Ward River Walk west of Main Street, and Metro Quarter.

5.5.4. Section 3.1, Vision Statement, states the following objectives:

Develop a diverse Cultural Quarter, which will support a more diverse evening economy, and which will integrate with the Ward River Valley Park and the Pavilions development area.

Develop a green corridor through the town linking the main green open spaces associated with the Ward River that is the Ward River Valley Park, Town Park, Balheary Park and the Estuary.

Develop a high quality Cultural Quarter, providing for a theatre, library, cultural/arts centre, associated restaurants/cafés and a large public square. This will be an attractive and vibrant environment throughout the day and into the evening.

- 5.5.5. Chapter 5 of the Masterplan sets out a detailed strategy for the Cultural Quarter. The following points of same are noted in particular:
 - An indicative layout is provided for the Cultural Quarter including the development site.
 - A public square, 'Culture Square', is to be provided to the east of Main Street,
 opposite the development site, to integrate with the Pavilions development and
 provide a central focus and setting to cultural buildings and a scale of public
 space capable of supporting predominantly cultural uses including outdoor
 performance, outdoor dining, performance art, promenade, markets as well as
 meeting/seating spaces.
 - The development site is to provide a linkage to Ward River Valley Park in an area described as 'Ward River Place'. New connections to the park are to be created

- by means of a stepped landscape strategy and/or through a number of buildings located on this side of the road. Ramp access to the park at a gradient of < 1:20.
- A public space at Ward River Place is to complement Culture Square on the
 opposite side of Main Street. The two spaces are to read as an integrated place
 with similar treatments in terms of landscape and materials. The area is to
 incorporate a new pedestrian crossing on Main Street to allow direct access to
 the Ward River Valley Park.
- The landscaping at Ward River Place is to graduate from hard to soft as the transition is made between the Pavilions development area and Ward River Valley Park.
- Ward River Place will provide a series of vistas into the park culminating in areas
 of tree planting or other natural elements. Buildings and landscaping will be
 positioned in such a way as to set up views and access into the Ward River
 Valley Park and views of St. Columba's Church and Round Tower.
- Section 5.5 states in relation to Ward River Place:
 Buildings in this area will be 2-4 storeys in height and will be linear in their form responding to the park side location and the desire to form a view from the Cultural Square to the Ward River Valley Park and St. Columba's Church and Round Tower. It is important that no buildings in this location restrict this view and connection ...

There are opportunities to create landmark buildings on both sides of Dublin Road addressing the Cultural Square and the Ward River Valley Park. Landmark buildings are not required to be large in scale rather they should be distinctive in character and of outstanding architectural merit.

5.5.6. Chapter 10 provides the Swords Town Centre Heights Strategy. Section 10.3 states in relation to the Cultural Quarter:

A precedent for the main street area south of the Malahide Road has been set by the Penneys development set at 5-6 storeys. This height is to be respected by all buildings around the Cultural quarter. The exception to this is on the western side of

Main Street where the heights have been limited to 2-4 storeys such that the views and amenity of the Ward River Valley Park will not be affected.

5.6. Swords Masterplans 2019

5.6.1. Several of the observers' submissions refer to the Swords Masterplans 2019. The submission of Fingal County Council clarifies that the Swords Masterplan 2009 relates to the 'MC Major Town Centre' zoned lands within the Main Street and North Street areas of Swords, the Pavilions Development Area and the Barrysparks development. The Swords Masterplans 2019 relate to the future development areas of Fosterstown, Estuary West and Barrysparks & Crowcastle.

5.7. Statement of Consistency

- 5.7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the Fingal County Development Plan 2017-2023, the Swords Masterplan 2009 and other regional and national planning policies. The following points are noted.
 - The development supports national policy objectives which seek to direct residential development into existing built up areas and to achieve increased residential densities and compact urban growth, as set out in the National Planning Framework.
 - The height of the development complies with SPPR 1 of the Building Height Guidelines given the central location and proximity to services and public transport. The development also scores highly against the development management criteria set out in the Guidelines as it enhances the character, built environment and public realm of the area, maximises access to natural daylight, ventilation and views and has limited impact in relation to overshadowing and loss of light.
 - The development addresses the requirements of the Sustainable Residential
 Development in Urban Areas Guidelines for Planning Authorities, including the 12
 criteria, with regard to high quality residential design, response to site
 topography, location close to public transport routes, redevelopment of an
 underutilised brownfield site, high quality public realm, provision of new

- connections to Ward River Valley Park, appropriate residential density, animated street frontages, use of SUDS.
- The development is designed to meet the standards of the Apartment Guidelines
 with regard to minimum floor areas, dual aspect ratios, internal storage space,
 private open space, floor to ceiling height, lift and stair cores, security
 considerations and cycle parking.
- The application includes a Statement of Compliance with DMURS.
- The submitted Site Specific Flood Risk Assessment demonstrates compliance with the Flood Risk Guidelines.
- The proposed childcare provision is in accordance with the requirements of the Childcare Guidelines.
- The development supports several objectives of the RSES including RPO 4.28 to support the continued development of Swords as a Key Town; RPO 4.29 to support the regeneration of underused town centre lands along with the planned and sequential infill opportunities to provide for high density and people intensive uses in accessible locations; RPO 4.30 to facilitate the strategic regeneration of Swords and RPO 4.32 to encourage transition towards sustainable and low carbon transport modes in Swords through the provision of high quality walking and cycling permeability offering direct routes to local destination and public transportation hubs.
- The proposed land uses are acceptable in principle under the Town Centre and High Amenity zoning objectives that apply to the development site under the County Development Plan. The development also supports strategic objectives of the development plan in relation to the long term consolidation and growth of Swords as the county town, as well as the specific objectives for Swords. The residential development meets development plan standards for residential development, also policies on infill development. A rationale for the proposed provision of public open space with regard to development plan policy is submitted.
- The application includes a rationale for proposed car and cycle parking with regard to development plan standards and the Apartment Guidelines.

The development has been revised so as to maintain the views of Ward River Valley Park as required by the Swords Masterplan. It is considered that the proposed layout respects the Masterplan whilst providing for quality accommodation in an underutilised town centre location. The building positioning differs from that indicated in Masterplan maps, however it achieves the intent of the Masterplan as the buildings have been positioned to provide views and access into the Ward River Valley Park and provide views of St. Columba's Church and Round Tower, as well as the Ward River Valley Park. The development exceeds the recommended building heights of 2-4 storeys on the western side of Main Street. However, Section 5.3 of the Masterplan states that the indicative layout in the Masterplan is only one possible development scenario and that the area would require further analysis. The topography of the site will negate the increased buildings heights to the rear of the site. The application notes that the Swords Cultural Quarter Masterplan was commissioned by Fingal County Council in 2015 now seeks to create a cultural guarter in the vicinity of Swords Castle, located at the northern end of Main Street, including facilities previously proposed for the Cultural Quarter adjacent to the subject site in the Swords Masterplan. It is envisaged that the Cultural Quarter adjacent to the subject site will not materialise as per the Swords Masterplan.

6.0 **Observer Submissions**

6.1. Submissions by Local Residents and Elected Representatives

- 6.1.1. There is a large volume of submissions from local residents with addresses at the Highfield estate, River Valley Grove, Church Road, Brookdale Way, St. Columba's Rise, Castleview Heath, Ridgewood Green, Seatown Villas, Hilltown Close, Park Avenue, Brackenstown, Oakwood Avenue and Forest Road (see Appendix I). There are also submissions from the elected representatives Cllr. Ann Graves, Cllr. Darragh Butler, Cllr. Brigid Manton, Cllr. Dean Mulligan and Duncan Smith T.D. The main points raised may be summarised as follows.
- 6.1.2. The observers raise several procedural/legal issues in relation to the nature of the SHD process and SHD legislation; SHD developments contravening local development plans; delay in the application appearing on the Pleanála website; error

- in first site notice regarding the number of 3 bed units; difficulties in delivering submissions to the ABP office during the Covid 19 outbreak. The submission of Fiona O'Reilly requests an oral hearing in relation to the proposed development.
- 6.1.3. Many observers submit that the development is not consistent with the Swords Masterplan or the County Development Plan, including objectives in relation to building height and impacts on residential amenities. Several submissions comment that the development materially contravenes the Major Town Centre zoning objective as it does not provide the required mix of cultural, commercial, recreational and residential uses in a good quality urban environment. It is submitted that there are other land banks in Swords that are more suitable for large scale housing development. It is also noted that the application documentation refers to the Swords Masterplan 2009, however the updated Swords Masterplan 2019 should be referenced.
- 6.1.4. Observer comments in relation to the nature and scale of the development state that the scheme involves an excessive density of development and overdevelopment of the subject site. Local residents consider that the development is high rise, visually incongruous and out of keeping with the area. Observers consider that the rationale provided for the increased height is weak and that additional building height cannot be justified at this location in the absence of public transport infrastructure. There are also concerns that the height of the development will result in adverse visual impacts at this prominent location at the entrance to Swords Town Centre and in the context of the historic church and round tower. Observers comment that the development does not meet other requirements of the Building Height Guidelines with regard to contribution to place making or the public realm. Observers also consider that there is a lack of capacity in local schools and social amenities. If the development is permitted, there should be a guarantee that the crèche is provided. It is submitted that existing vacant residential units over shops should be renovated instead of the proposed development.
- 6.1.5. With regard to the housing mix, it is submitted that there is a lack of 'family type units' in the proposed scheme, which is aimed at the private rental sector. All apartments should be increased in size with fewer one bed units and more 2 and 3 bed units.

- 6.1.6. The observer comments state concerns about adverse impacts on residential amenities in adjacent areas by way of overshadowing and visual obtrusion, also that the design, scale and finishes of the development make no attempt to assimilate to the existing character of the area. It is submitted that the development is monolithic in appearance and is generally visually obtrusive due to its mass and scale, also that the buildings should be redesigned to be more in keeping with the area. There are concerns about adverse impacts on views of the Ward River Valley Park, Swords Castle, St. Columba's Church and Round Tower, particularly from local residences. There are also related concerns about associated heritage impacts and adverse impacts on the historic character of the area. It is submitted that the development will overshadow the access to the Ward River Valley Park from Bells Lane and that Blocks A and B should be reduced in height to lessen visual impacts on the park. Observers consider that the frontage of the development to Church Street has no respect for the existing building scale, urban grain or finishes. Observer comments also consider that the development layout is too close to site boundaries, there is a need for wider footpaths and greater boundary space, also potential cycle paths. It is submitted that Blocks A and C should be set back c. 10m into the site to minimise impacts. There are concerns that the development does not integrate well with Main Street or provide a satisfactory urban realm at this location. It is also submitted that the documentation on file does not adequately demonstrate potential visual impacts of the development.
- 6.1.7. Several observers note that permission was recently refused by Fingal County Council for a hotel on Swords Main Street for reasons relating to contravention of the Swords Masterplan, design, poor street animation, excessive bulk/mass, inactive ground floor uses; lack of set down/lay by area; prematurity pending design of Main Street to Brackenstown Link Road; excessive height and infringement of building line at Church Road, ref. F19A/0527. It is submitted that these refusal reasons also apply to the proposed development.
- 6.1.8. The observers raise concerns about cultural heritage impacts associated with the loss of the existing buildings at the site. There has been a large number of signatories (> 2,800) to an online petition to save The Lord Mayor's pub. It is submitted that the building is an iconic landmark of Swords with an important location at a gateway to the town and should be retained as part of the development,

also that it should be included in the Record of Protected Structures due to its architectural and social importance. The existing building should be retained in use as a pub/restaurant, which contributes to the vibrancy of the town centre, or at a minimum, the façade should be protected. Observers also note that there are several National Monuments in the vicinity. Historic human remains were recently discovered at the Ward River, c. 50m from the western site boundary. It is submitted that there is a need for a review of the Zone of Archaeological Potential. There concerns about potential archaeological impacts at the development site and the need for archaeological testing.

- 6.1.9. Observers consider that the development will have adverse impacts on the Ward River Valley Park associated with increased pedestrian traffic and related littering. There is a need for an improved maintenance regime at the park to counter impacts associated with the development. Observer comments refer to a lack of detail on the development of the High Amenity zoned lands at the interface with Ward River Valley Park, also adverse impacts on the existing entrance to Ward River Valley Park.
- 6.1.10. With regard to roads and pedestrian/cycle connections, observers submit that there is a lack of pedestrian and cycle facilities in the area to cater for the development. The development does not include pedestrian and cycle objectives of the Swords Masterplan 2019 and the development site should be used to provide pedestrian and cycle links between Swords Cultural Centre and Broadmeadows Estuary and nearby residential areas. There is a lack of clarity regarding cycle routes to and from the development. Concerns that the development will result in traffic hazard associated with increased pedestrian and cycle movements.
- 6.1.11. Observers consider that the development will result in increased traffic in the area, including HGV traffic associated with deliveries and bin collection. Local roads and junctions do not have capacity for this traffic and need to be upgraded. A significant amount of development has already been permitted in the area, including a hotel and a care home, which has added to traffic congestion. It is submitted that the development is premature pending the preparation and approval of an acceptable road scheme to link Brackenstown Road to Main Street. There is particular concern about the proposed vehicular access to Church Road and the safety of same, there is already significant traffic congestion at this location. Traffic hazard associated with

- the location of the Church Road access close to the entrance to the Cooldriona apartment car park. Observer submissions refer to a current lack of public transport services in the area. Local residents have concerns that the Metro Link will not be provided on schedule. It is submitted that the development should be phased pending permission for Metro Link in 2021. Residents of Highfields estate submit that there should be no vehicular entrance to the development from the lane at the entrance to Highfields.
- 6.1.12. Submissions refer to inadequate car parking provision and concerns that the development will generate additional on street parking in nearby housing estates. Illegal parking is already a significant issue in the area. There are also concerns regarding construction traffic.
- 6.1.13. There are concerns about potential flooding at the Ward River and related downstream impacts. Observer comments state that the development will accelerate run-off from the site into the Ward River and will alter the natural flow of the Glebe Stream. There are concerns about ecological issues associated with impacts on water quality at the watercourses present at the site, which flow into the Malahide Estuary SPA and SAC. The Ward River has poor water quality due to build-up of refuse at the Ward River Valley Park. EPA records indicate poor water quality in Malahide Bay. Also, potential impacts on bats, birds, and other wildlife in the Ward River Valley Park. Comments note that the proposed sewage treatment plan is dependent on attenuation tanks and pumping systems similar to those that have been chronically problematic in other local developments.
- 6.1.14. Submissions state that the development must be guaranteed to fulfil the objectives of Part V.

6.2. Submission by Residents of No. 2 Hill Gardens, Forest Road

- 6.2.1. There is a submission by the residents of No. 2 Hill Gardens, Forest Road, which immediately adjoins the southern site boundary and is accessed from Bells Lane. The submission makes general points objecting to the development, as summarised above. The following main additional points are noted:
 - The southern elevation of Block A (6 storey) is c. 18.5 m from habitable rooms within the observers' property. The upper floors of the block will overlook the

- observer's property, with consequent adverse impacts on privacy. A 22m separation distance would normally be required between opposing windows.
- Block A will also have an overbearing impact on the observers' property and detract from the overall residential amenities of their house.
- The development includes an ESB substation directly abutting the boundary between the observers' property and the development site. The observer is medically affected by electromagnetic fields.
- It is submitted that Block A should be reduced in length, lowered by two storeys, and set back from the southern site boundary to address these concerns.
- 6.2.2. I have considered all of the documentation included with the above third party submissions.

7.0 Planning Authority Submission

7.1. Fingal County Council (FCC) has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the Swords Area Committee meeting of 12th March 2020. The submission incorporates reports/ comments by FCC Planning Dept. (17th June 2020); FCC Architects Dept. (24th March 2020); FCC Community Archaeologist (13th March 2020); FCC Community, Culture & Sports Dept. (26th March 2020); FCC Conservation Officer (19th March 2020); FCC Environment Section (Waste Enforcement & Regulation) (26th March 2020); FCC Parks and Green Infrastructure Division (20th March 2020); FCC Transportation Planning Section (undated); FCC Water Services Dept. (23rd March 2020). The following points of the above planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) are noted.

7.2. PA Comment on Principle of Development

- The development of the site substantially complies with the development plan core strategy and settlement strategy.
- The mix of uses on the site is limited with regard to the Major Town Centre zoning of the site, also no link to previous use of Lord Mayor's pub. The 'Use Mix

Justification Statement' submitted by the applicant is limited in scope and does not analyse how much space is in use for different functions. The application does not adequately demonstrate that the development will not negatively impact on the viability and vitality of Swords town centre. SPPR 2 of the Building Height Guidelines is also noted in this regard.

7.3. PA Comment on Design and Layout, Visual Impacts and Integration with Ward River Valley Park

- The Swords Masterplan 2009 and Swords Strategic Vision 2035 seek to provide
 a robust framework for decision making that has developed following the
 assessment of the existing character and setting of Swords and have been
 incorporated into the current development plan. The development site is pivotal to
 achieving the plan's vision and objectives.
- View corridors from Main Street to the Ward River Valley Park and to St. Columba's church and Round Tower are not maintained as per development plan objective SWORDS 4 and the development does not open up new views of the church and round tower. The scheme does not adhere to these key requirements of the Swords Masterplan and will negatively impact upon existing views contrary to development plan objective SWORDS 21 and section 2.9 of the Building Height Guidelines. These protected vistas of local protected structures and the social and historic heritage of the area alongside the landscape assets are key defining qualities of the town. Both their amenity value and potential to inform the identity of Swords should be considered. A LVIA has not been undertaken by a suitably qualified practitioner such as a chartered landscape architect, as set out in section 3.2 of the development management criteria of the Building Height Guidelines. The applicant has not demonstrated to the satisfaction of the planning authority that the development satisfies the criteria to successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views.
- Public open space has not been provided in accordance with development plan standards. The open space on top of the underground car park is at odds with the unique open environment of landscape and views which already impart a strong sense of identity and place. The public open space will be gated rather than

provide a real contribution to the public realm for this part of Swords and contravenes development plan objective DMS532. The edge of the site is significantly constrained by Block D. The remaining areas of public open space are located (i) within the green corridor (riparian strip) to the east of the site and (ii) immediately to the north of the building line in the HA zoned lands which function as SUDS basins for the development site. Neither of these two areas meet development plan standards for public open space. The scheme therefore does not provide sufficient open space and additional amenities to enable the building heights to exceed that indicated in the Swords Masterplan.

- The entrance from Main Street does not meet objectives of the Swords Masterplan, i.e. to:
 - Create a civic space / significant entrance and gateway into this development and beyond into the Ward River Valley Park and
 - o Frame the view onto the Ward River Valley Park.

The entrance does not make a statement as the entry into a significant civic space. The residential balconies of Block C that overlook the entrance will detract from this visually significant focal point. FCC Parks and Green Infrastructure Division recommend that the entrance plaza be reconsidered in terms of entrance width and treatment of building façades. It would be preferable if the treatment of façade D were similar to Block B in order to frame the entrance. The historic water pump and limestone trough on the footpath on Main Street at this location should be included as part of the Green Space fronting onto Main Street.

- Insufficient setback at Bells Lane to improve this approach to the park. The scale
 of the buildings may make this laneway inhospitable. The ESB substation
 projecting beyond the building line of Bells Lane provides a weak frontage on a
 key approach to the Ward River Valley Park and limits passive surveillance at this
 point. Also lack of passive surveillance of this area from habitable rooms within
 Block A.
- FCC Parks and Green Infrastructure Division considers that the entrance to the
 Ward River Valley Park is not clearly defined and appears secondary or
 incidental in nature. Residential balconies will also detract from this significant
 entry point into the development. FCC Architects Dept. comments that the design
 creates a hard edge to the park with building heights of 6-7 storeys, with visual

impacts increased due to the elevation of the development site relative to the park. Blocks A and B should be reduced in height to respond more sensitively to the context on the bank of the Ward River. Also comments regarding lack of passive surveillance at entrances to Blocks A and B. The hard transition along the boundary with the 'HA' zoned lands does not sufficiently protect this highly sensitive and scenic location.

- The overall layout and height would detrimentally disrupt the urban grain, scale, and rhythm of this historic area. FCC Conservation Officer considers that Block D does not successfully address elevations to the corner of Main Street / Forest Road due to its deep plan and 4 storey height and recommends that the scale of Block D and the depth of its southern elevation be reduced. These points are reiterated in the report of FCC Architects Dept.
- FCC Architects Dept. questions proposed used of white brick for the upper elevations of the scheme, submits that this will result in a visually stark appearance, also use of power coated pressed aluminium cills to upper storey windows considered unsuitable for this residential context.
- FCC Community Culture & Sports Division requests a condition requiring provision of a piece of public art on the site in accordance with the percent for art scheme.

7.4. PA Comment on Architectural and Archaeological Heritage Issues

- FCC Conservation Officer has no objection in principle to the demolition of the Lord Mayor's pub, based on the evaluation that the current building is a much modified 19th century structure. However, in case an earlier building is incorporated into the structural fabric of the existing building, it is recommended that a qualified archaeologist monitor any demolition works in addition to other archaeological monitoring required for the site.
- FCC Conservation Officer notes that Swords is primarily a low scale county town and the insertion of ad hoc tall buildings within its main streetscapes has the potential to detrimentally impact on the county town character. The imposing of buildings of city scale into county or other rural towns will irrevocably change the character of those places, dominating and in some cases eroding the appeal of the area. It is essential that any redevelopment of this site retains the openness

- of views of St. Columba's Church and Round Tower so that there is a visible connection between the original core and the modern core of the town.
- FCC Conservation Officer notes that the historic water pump and limestone water trough at the Main Street frontage of the site probably date back to the 19th century as they are indicated on contemporary maps.

7.5. PA Comment on Residential Amenities

- Block D will have detrimental impacts on the residential amenities of property at Forest Road by reason of increased overshadowing and potential overbearing.
- Block C is less than 22m from the Cooldriona Court apartments, potential overlooking.
- The Statement of Consistency and Architectural Design Statement indicate that apartment floor areas and private amenity spaces meet or exceed the requirements of the Apartment Guidelines.

7.6. PA Comment on Traffic and Transportation

- The South Fingal Transportation Study (SFTS) carried out complex integrated traffic modelling for the southern part of the county including Swords, Dublin Airport, and other areas. The multi-modal model accounts for the future provision of Metro Link and Bus Connects and takes into account existing and committed development and future development of zoned lands based on anticipated development densities provided for in the development plan. The SFTS shows that it is possible to reduce traffic flows on Main Street through a traffic management system which restricts movement through the full length of the street but enables local access. A traffic management scheme such as this increases the need for an upgrade to Church Road or an Inner Ward River crossing and for improved access from Forest Road.
- The development plan includes the indicative Ward River Crossing alignment and SFTS Recommendation 4 identifies that additional capacity is required to relieve Brackenstown Road / Church Road which is over capacity in the forecast scenarios. In accordance with the requirements of the development plan and SFTS Recommendation 4, a route options assessment study has been

- incorporated into the Council's programme of works for 2022 and funding has been allocated for the assessment.
- The future road link between Main Street and the Brackenstown Road shown on development plan Map 8 runs along the northern end of the development site and is indicative of the desired route. There are several constraints including the complexities of the topography, the existing buildings, archaeology and the proximity of the Ward River and the Glebe Stream that must be accounted for. The exact alignment and nature of the link can only be fully determined when taking these factors into account and may vary from that indicated on the zoning map. The potential road widening could require a setback of the northern boundary of the development of between 3.25m and 9.25m, which would impact significantly on the Glebe Stream. Possible solutions have been discussed with the Water Services Dept., one of which involves redirecting the Glebe Stream, which would have a significant impact on the proposed building line.
- The submitted TIA indicates that background traffic growth will see both junctions assessed exceeding capacity in the future design year 2037. Given the position of the development site at the junction of Forest Road, Main Street and Church Road and south of the Brackenstown Road, it could potentially enable the delivery of such necessary upgrades to the constrained arterial route from Swords North West. However, the development has not and cannot fully take account of the provision of the link road in the absence of the route options assessment study. The planning authority strongly emphasises the importance of this strategic link as part of a much wider and more holistic transport model study for the greater Swords area and by extension the surrounding road network including Dublin Airport.
- FCC Transportation Dept. considers that the development is premature, that the
 outstanding issues cannot readily be addressed by condition and that as a
 consequence, the development should be refused in its current format. Changes
 to the current scheme may affect the final design in such a way that it might be
 significantly different, at least along the road frontage with Church Road, from the
 current proposal.

- Issues regarding the 24/7 availability of the proposed cycle link within the
 development have not been addressed. A full route may only be available during
 park opening hours. Details of the link and how it is to be incorporated into the
 wider Swords area remain to be addressed. There is a possibility of the cycle link
 being incorporated into the link road between Brackenstown Road and Main
 Street.
- The proposed building line of Block D onto Main Street and Forest Road has made limited provision for improvements to the pedestrian footpath widths.
- There is a deficit of 133 no. spaces below development plan car parking standards and 49 no. spaces below what FCC Transportation Planning Section would consider to be the absolute minimum practical parking requirement. The 3 bed units should have a parking provision of 2 spaces. This deficit does not take into consideration visitor parking requirements which would require a further 34 parking spaces. The development does not include any parking for the non-residential uses and no loading bay is provided to accommodate the proposed commercial units.
- The proposed cycle parking provision is in line with the requirements of the NTA Cycle Manual.

7.7. PA Comment on Site Services and Flooding

- The OPW FEMFRAMS study 2010 found there to be high flood risk across the development site and delineated floodplains to indicate same. The development is within Flood Zones A and B and Blocks A and B are located within the fluvial flood area. The sequential approach of the Planning System and Flood Risk Guidelines advocates strongly for the avoidance of development within floodplains.
- FCC Water Services Section welcomes proposals to remove an existing undersized culvert within the site boundary and to deculvert part of the Glebe Steam. This culvert contributes heavily towards the flooding of parts of the development currently located within Flood Zones A and B.
- The Water Services Planning Section has concerns with regard to the reduced design flows from those calculated within FEMFRAMS. FCC Water Services

Section considers that the difference in design flows between FEMFRAMS and the SSFRA methodology are too great. Taking account of the FEMFRAMS catchment area comparison method and the updated topography information from the SSFRA, it would still not be expected to see such differences in design flows between the flood estimation methods. FEMFRAMS is the most detailed study of the Ward River and in consideration of the precautionary approach advocated within the Flood Guidelines, significant weight is attached to the FEMFRAMS outputs. Considering that mitigatory measures proposed within the SSFRA are based on significantly reduced design flows from those calculated within FEMFRAMS, it is considered that the scale of development proposed is disproportionate to the flood risk at this site.

- Given the differences in the hydrology and other indicators of flood risk such as
 the presence of alluvium in the lower reaches of the site, it is recommended that
 the current proposal should not proceed in its current format pending:
 - Finalisation of the OPW flood maps for the site which indicate a flood regime wholly aligned with the submitted Flood Risk Assessment and / or
 - Further independent assessment of the hydrology and hydraulics associated with the Glebe and Ward Rivers confirming or otherwise the findings of the submitted Flood Risk Assessment.

The development is considered to materially contravene the development plan Objective SW01 which seeks to protect and enhance the County's floodplains and Objective SW02 which disallows new development within floodplains, other than development which satisfies the justification test.

 Lack of clarity regarding maintenance of proposed basement pumping station and access for service vehicles. Potential consequent impacts on water quality in the Ward River.

7.8. PA Conclusion and Recommendation

- 7.8.1. The planning authority recommends refusal for the following reasons:
 - The proposed development is in an area which is at risk of flooding. Given that
 the mitigatory measures proposed within the Stie Specific Flood Risk
 Assessment (SSFRA) are based on significantly reduced design flows from those

- calculated within the Femframs study, it is considered that the scale of development proposed is disproportionate to the flood risk at this site. Therefore, the proposed development is considered to materially contravene the Fingal County Development Plan 2017-2023 which seeks to protect and enhance the County's floodplains (Objective SW01) and disallows new development within floodplains (Objective SW02) other than development which satisfies the Justification Test, as outlined in the Planning System and Flood Risk Management Guidelines 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2. Having regard to the core principles of the National Planning Framework, which seeks to deliver future environmentally and socially sustainable housing of a high standard for future residents and to achieve placemaking through integrated planning and consistently excellent design; to the development strategy for Swords contained in the Fingal Development Plan 2017-2023 and the Swords Masterplan 2009 which seek to encourage consolidation through the densification and growth ... taking into account (a) the historical character of the town and its urban fabric; (b) the special location of the stie adjacent to Ward River Valley Park and (c) the ecclesiastical complex at St. Columba's Church and Round Tower, it is considered that the proposed development, by reason of its layout, proposed use and architectural treatment of façades would seriously detract from the opportunities presented by the existing built heritage, landform and ecological features to create a memorable layout. In this regard (a) the application of the same architectural style across all 4 no. blocks would not provide a discernible focal point to the scheme or help reinforce the role of the Main Street, (b) the massing, height and building lines would create a hard edge to the Ward Valley Park and would negatively impact upon the church and tower's primacy on the horizon, (c) the proposals to internalise the communal open space that would be gated off rather than provide a real contribution to the public realm for this part of Swords would represent an inappropriate design solution, and (d) proposed 'edge of site' public realm would be significantly compromised by the proposed position of Block D in tandem with limited scale of the entrance to the proposed central pathway linking the Main Street to the Ward River Valley Park.

As such, the proposed development (i) would not make a satisfactory statement as the entry into a significant publicly accessible civic space, contrary to section 5.5 and section 5.6 of the Swords Masterplan 2009 and objective SWORDS 12 which seeks to promote "...enhanced physical and visual connections to the Ward River Valley Park and the Broadmeadow River Valley Park from within the development boundary of Swords"; (ii) would not represent a satisfactory urban design response for the site; (iii) would not enhance the character of the area; (iv) would not be in accordance with development management criteria contained in section 3.2 of the Urban Development and Building Height Guidelines for Planning Authorities 2018 as it has not successfully demonstrated how it would integrate with the built, cultural and natural heritage within this unique setting of both the Ward River Valley Park and St Columba's Church and Round Tower; and (v) would not be in accordance with Objective SWORDS 21 which seeks to "Preserve existing good quality views of the Castle, Church and Round Tower from within Swords; and where feasible to open up new views". As such the proposed development would not be consistent policy as outlined in the National Planning Framework and the Fingal Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Given the strategic nature of the link road between Main Street and Brackenstown Road identified in the Fingal Development Plan 2017-2023, and as per SFTS Recommendation 4 contained in the South Fingal Transport Study (2019) the proposed development is premature pending route options assessment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.0 Prescribed Bodies

8.1. Dept. of Culture, Heritage and the Gaeltacht

- 8.1.1. The main points made may be summarised as follows:
 - The Dept. notes the submitted Archaeological Report and the presence of widespread archaeological features across the development site at subsurface levels. It is recommended that the applicant engages the services of a suitably

- qualified archaeologist to co-ordinate the mitigation measures outlined in the report.
- The development site is c. 1.5 km upstream of the nearest points of the Malahide Estuary SAC (Site Code 000205) and SPA (site code 004025) via the Ward River. The habitats and bird species for which the SAC and SPA are designated would be vulnerable to negative impacts of any pollution entering the Malahide Estuary. A condition regarding measures to protect water quality is recommended.
- It is noted from the submitted Ecological Impact Assessment (EcIA) that much of the development site is occupied by a dry meadow habitat with a relatively diverse flora of wildflowers and grasses. In addition, according to the EcIA and the Arboricultural Report, hedgerows and scrub of mainly native woody species occur on the site adjacent to the Ward River, along a section of the Glebe Stream and on the western site boundary, with a treeline/hedgerow also forming most of the southern boundary of the site. The development involves the removal of all dry meadow habitat on the site, which will result in a definite reduction in local biodiversity that is probably inevitable given the scale of development planned.
- Similarly, the bulk of the native hedgerow/scrub vegetation present along the Glebe Stream will be lost due to the proposed re-grading and alteration of the course of the stream. The documentation supporting the application is contradictory regarding the hedgerows/treelines at the western and southern site boundaries. While the EcIA states that they are to be retained, the boundary details included in landscaping proposals suggest that they are to be removed.
- A condition requiring the protection of native vegetation within the 10m riparian
 zone at the banks of the Ward River and the retention and reinforcement of the
 hedgerow and the treeline/hedgerow on the western and southern boundaries is
 recommended.

8.2. Irish Water

8.2.1. Irish Water confirms that the applicant has been issued a Statement of Design Acceptance in line with the Confirmation of Feasibility for 172 no. units.

8.3. Transport Infrastructure Ireland

8.3.1. Submission states that TII has no observations on the proposed development.

8.4. Inland Fisheries Ireland

- 8.4.1. The main points made may be summarised as follows:
 - The proposals for the realignment of the Glebe Stream as outlined in the application are acceptable at this location, however IFI will require a detailed design for the new channel and for vehicular and pedestrian access structures.
 - Comprehensive surface water management measures must be implemented at construction and operational stage to prevent any pollution of surface waters.
 Relevant conditions are recommended.

9.0 Planning Assessment

- 9.1. The following are the principal issues to be considered in this case:
 - Principle of Development
 - Design and Layout and Compatibility with Swords Masterplan 2009
 - Building Height
 - Residential Density, Housing Mix and Quality of Residential Development
 - Traffic and Transport Impacts
 - Drainage and Flood Risk
 - Site Services
 - Ecology
 - Archaeology and Architectural Heritage Issues
 - Other Issues

These matters may be considered separately as follows.

9.2. Principle of Development

9.2.1. Major Town Centre Zoning Objective

Two zoning objectives apply to the site under Zoning Map No. 8 of the Fingal County Development Plan 2017-2023, i.e. 'MC Major Town Centre' at the Main Street frontage and the eastern side of the site and 'HA High Amenity' along the Ward River bank and in the southern part of the site. The 'MC Major Town Centre' zoning has the following stated aim:

Consolidate the existing Major Towns in the County, (Blanchardstown, Swords and Balbriggan). The aim is to further develop these centres by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing urban fabric. In order to deliver this vision and to provide a framework for sustainable development, masterplans will be prepared for each centre in accordance with the Urban Fingal Chapter objectives.

Development plan objective SWORDS 4 is to promote the development of lands within Swords town centre in accordance with the Swords Masterplan 2009. The Masterplan provides detailed guidance in relation to land use, recreation/amenity spaces, pedestrian, and cycle connections. The site is within an area designated as the 'Cultural Quarter' at the southern end of Main Street, with detailed guidance provided in Chapter 5 of the Masterplan. The Cultural Quarter is to be developed as a counterweight to the Council Offices and Swords Castle in the Civic Quarter at the northern end of the street. The area is to accommodate culturally focused uses such as a town library, theatre, galleries, an arts centre and other potential uses including an anchor retail unit, a hotel with conferencing facilities and commercial and public facilities and a fitness centre/gym on the extended park fringe. Section 6.4 of the Masterplan also states that active frontages shall be provided along retail streets within the scheme and shall be dominant in particular fronting all urban spaces,

particularly at Pavilions Place, Malahide Place, Metro Quarter and Cultural Quarter. There is no specific provision for residential units at the development site.

The development provides for a primarily residential land use, with two commercial/retail units and an ancillary café and childcare facility being the only non-residential land uses (total 1,207 sq.m. non-residential uses), aside from a communal gym serving the residential units. There is no proposal to retain the existing pub/restaurant use of the Lord Mayor's building. The planning authority considers that the use mix is limited with regard to the Major Town Centre zoning and that the application does not adequately demonstrate that the development will not negatively impact on the viability and vitality of Swords town centre. SPPR 2 of the Building Height Guidelines is also noted in this regard.

The application includes a statement justifying the proposed land uses with regard to potential impacts on the vitality and viability of Swords town centre. The following points of same are noted:

- The site is at a point of transition between the commercial uses on Main Street
 and residential areas to the south at Forest Road and Bells Lane. The proposed
 layout positions commercial/retail uses at the Main Street frontage with
 residential uses in the other part of the site bounding residential areas and the
 Ward River Valley Park.
- The topography of the site also influences the provision of commercial and retail uses. The steep slope of the Church Road interface and the presence of the Glebe Stream at the eastern boundary restrict access to the ground floor level of Block C and reduce the desirability of Church Road as a shopping street in the traditional sense. This is clearly illustrated by the existing mixed use development at Cooldriona Court, which has commercial/retail units along its Main Street frontage and a residential frontage to Church Road, with no pedestrian access at ground floor level.
- There are currently several vacant commercial/retail units on Swords Main Street and in the area immediately adjacent to the development site. In addition, permission has recently been granted for several new commercial/retail units in the vicinity, ref. F17A/0363 and plans to develop the third phase of the Pavilions Shopping Centre.

It is submitted that there is sufficient capacity in existing and proposed/permitted
retail and commercial units to cater for growth in Swords and that the proposed
quanta of residential and commercial uses are appropriate for the development
site, particularly given its topography and its transitional location.

The applicant also notes that, subsequent to the Swords Masterplan 2009, the Swords Castle Cultural Quarter Masterplan 2015 sought to create a cultural quarter around Swords Castle at the northern end of Main Street, including a major central public and civic space outside Swords Castle, a new Library/Civic Centre adjacent to County Hall and the creation of a Hub or Cultural Quarter on North Street/Main street. The first phase of the plan involving works to Swords Castle is nearing completion and the Cultural Quarter is due to be completed by 2024. The applicant submits that, having regard to these developments, it is envisaged that the Cultural Quarter adjacent to the development site will not materialise as per the Swords Masterplan. It is, therefore, submitted that the development will not negatively impact upon the development of a cultural quarter in Swords.

I note the concerns stated by the planning authority, elected representatives, and observers regarding potential impacts on the vitality and viability of Swords town centre, along with the relevant objectives of the County Development Plan and the Swords Masterplan. However, I consider that the proposed primarily residential use at the development site is generally consistent with development plan objectives to promote and facilitate the long-term consolidation of Swords as a Metropolitan Consolidation Town and the county town at the top of the county settlement hierarchy and a primary growth centre for residential development. The development is also compatible with development plan objectives for Swords Town Centre in particular Objective PM39 to ensure consolidated development by facilitating residential development in existing urban and village locations and Objective PM41 to encourage increased densities at appropriate locations. The points made by the applicant in relation to the provision of cultural facilities elsewhere in Swords under the Swords Castle Cultural Quarter Masterplan 2015 are also accepted. I also note that Block D provides commercial/retail units at the frontage to Main Street, in line with development plan and Masterplan objectives to provide active ground floor uses to Main Street. I accept the argument of the applicant that the narrow road width, topography and presence of the Glebe Stream at Church Street preclude the

provision of an active frontage at this location and consider that the provision of residential units in the remainder of the site is a satisfactory response to the transition between Main Street and the residential areas to the north, east and west of the site. The matter of consistency with the Building Height Guidelines is considered separately below.

9.2.2. <u>High Amenity Zoning Objective</u>

An area of 0.2 ha along the Ward River at the northern site boundary is zoned 'HA High Amenity' with an objective 'to protect and enhance high amenity areas'. This area is laid out as a landscaped open space along the riverbank, to interact with the adjacent Ward River Valley Park on the other side of the river. The applicant submits that the development will not unduly impact on the HA zoned lands. The matter is discussed further below in relation to the design and layout of the development and to potential impacts on the Ward River Valley Park and ecological impacts.

9.3. Design and Layout and Compatibility with Swords Masterplan 2009

9.3.1. <u>Swords Masterplan Relevant Provisions</u>

The Swords Masterplan indicates the site as located at a key juncture between the Pavilions development area to the east and the major public amenity of the Ward River Valley to the west. This area is to be developed as a Cultural Quarter as outlined above, with a major public space, 'Culture Square', on the opposite side of Main Street from the development site, which is to directly connect to the Pavilions area and the Metro beyond. Culture Square is to be a major activity node, capable of supporting outdoor performances, outdoor dining, performance art and promenade as well as meeting/seating spaces. The development site is to accommodate a 'minor public space', known as Ward River Place, to complement the space on the opposite side of Main Street, with a 'significant pedestrian crossing' and uniform surface treatments between the spaces, such that they read as an integrated place at the heart of the Cultural Quarter. Section 5.0 of the Masterplan indicates a radial building layout at the development site, which is to comprise "landscaping elements" interwoven with well-designed buildings stepping down into the park". This layout incorporates new connections to the Ward River Valley Park, which are to be created by means of "... a stepped landscape strategy and/or through a number of buildings located on this side of the road". Landscaping is to graduate from hard to soft as the

transition is made between the Pavilions development area and the park. The change in levels across the development site is to be negotiated via ramp access to the park at a gradient of < 1:20. The radial layout also provides for a key objective of the Masterplan, ref. section 5.3, which states:

"Buildings and landscaping will be positioned in such a way as to set up views and access into the Ward River Valley Park and views of St. Columba's Church and Round Tower. Landscaping elements will contribute to this view."

Ward River Place is to provide a series of vistas into the park culminating in areas of tree planting, green areas, or other natural elements. Masterplan section 5.5 states:

"Buildings in this area will be 2-4 storeys in height and will be linear in their form responding to the park side location and the desire to form a view from the Cultural Square to the Ward River Valley Park and St. Columba's Church and Round Tower. It is important that no buildings in this location restrict this view and connection."

The Masterplan provides for a building scale of 5-6 storeys at Cultural Square on the opposite side of Main Street, to be consistent with the existing Penney's store. Section 5.5. also states:

"There are opportunities to create landmark buildings on both sides of Dublin Road addressing the Cultural Square and the Ward River Valley Park. Landmark buildings are not required to be large in scale rather they should be distinctive in character and of outstanding architectural merit."

Section 10.4 of the Masterplan states in relation to landmark buildings:

"An increase in building height, at the discretion of the planning authority, may be accepted where it can be demonstrated that there is a strong urban design rationale for doing so, although it should be re-iterated that landmark buildings do not necessarily have to be high to achieve their objectives in urban design terms."

9.3.2. Proposed Design and Layout and Rationale of Applicant

The proposed development is laid out in four blocks as follows:

Block D (4 storeys over basement) at the junction of Main Street and Forest
 Road, the south eastern corner of the site. Two double height commercial units

- facing Main Street at ground floor level with the remainder of the ground floor occupied by the crèche and associated enclosed garden to the rear/west.
- Block C (6 storeys over basement) facing Church Road at the eastern site boundary.
- Block A (6 storeys over basement) and Block B (7 storeys over basement) facing the Ward River at the northern end of the site.

The blocks have a U configuration overlooking a central public open space, which is laid out with areas of hard and soft landscaping and a play area. The southern part of the site facing the Glebe Stream and adjacent residential properties is open with existing trees/hedgerows removed to facilitate basement construction and replaced with a mix of native woodland. The layout includes a triangular space at the junction of Main Street and Church Road, which leads to a pedestrian/cycle route that bisects the central open space and a new access to the Ward River Valley Park at the end of Bells Lane at the western side of the site. The park access is to be controlled/ gated with access aligned to park opening times. This area indicates works outside the red line site boundary. The western and northern site boundaries facing the Ward River are defined by the interface with the Ward River Valley Park with swales, tree planting and a pedestrian connection between the end of Bells Lane, the Ward River Valley Park and Church Road. The vehicular access to the basement car park is via a bridge over the Glebe Stream to Church Road at the north eastern corner of the site. The eastern side of the site is defined by the frontage of Block C to Church Road. The Glebe Stream inside the road frontage is to be widened and reprofiled in this part of the site and Block C is set back from the riparian zone with associated landscaping

The proposed building form differs substantially from the radial layout indicated for the development site in the Swords Masterplan. The applicant provides the following rationale for the proposed layout:

The layout seeks to address the site context and topography, potential impacts
on residential amenities, the creation of a new link between Swords Main Street
and Ward River Valley Park and the provision of a new public realm at the
communal spaces within the development.

- The Cultural Quarter is now to be located further north adjacent to Swords Castle.
- The layout will provide a gateway to Ward River Valley Park with public access to the communal areas and a gated access to the park during park opening hours.
- The layout achieves a sense of transparency and permeability and will retain the views to the Ward River Valley Park and St. Columba's Church and Round Tower.
- The layout provides a public plaza at Main Street with a visual connection along the central axis to the Ward River Valley Park.
- The Architectural Design Statement includes a 3D digital model of the site and its surroundings. The Swords Masterplan layout was plotted and tested on this model. The building depths needed to be increased to reflect current apartment size requirements and compliant vertical circulation. The resultant scheme, illustrated in the Architectural Design Statement, was unsatisfactory for several reasons including the narrow depth between the buildings, with resultant overlooking and overshadowing of the public realm. The proposed development has a stated net residential density of 143 units/ha. The masterplan layout yielded 88 no. residential units and a density of 73 units/ha. It is submitted that this is an inefficient use of zoned lands, also that the Masterplan layout would have to be 8-10 storeys high to achieve a density of 142 units/ha, this would be out of character with the surrounding town centre.
- The proposed height and massing have been designed to take advantage of the topography of the site with the 4 storey Block D at the Main Street frontage, to tie in with existing buildings at this location and Block A and B, 6-7 storeys, at the lower western side of the site, facing the Ward River Valley Park. Car parking is located underground in the lower part of the site.

I accept the points of the applicant regarding the massing necessary to achieve a sustainable residential density at this site in the centre of Swords and that such density may not be feasible within the radial form indicated for the site in the Swords

Masterplan. The compatibility of the design and layout with other objectives of the Masterplan and development plan may be considered separately as follows.

9.3.3. Impacts on Views of St. Columba's Church and Round Tower

Many of the observers raised concerns about impacts on views of the church and round tower from Main Street, with related impacts on the historic character of Swords. The following statement in the report of FCC Conservation officer is also noted in this regard:

"This is the only location along Dublin Street / Main Street where views of the Round Tower, Mediaeval Tower and replacement 19th century church are visible at street level and it is therefore essential that any proposed redevelopment of the site retains the openness of the views to the site so that there is a visible connection between the original core and the modern core of the town."

The documentation submitted does not include a comprehensive Landscape and Visual Impact Assessment (LVIA). Section 3.9 of the Architectural Design Statement and the submitted CGIs indicate views of the church and round tower from Main Street and along Church Road. I accept that any sustainable development of these zoned lands will change the open nature of the development site and form an intervening mass between Main Street and the historic complex to the north. However, having regard to the limited visualisations submitted and to my site inspection, I agree with the concerns stated by the planning authority and observers that the proposed development, due to its bulk and scale, does not adequately frame views of the historic complex. The resultant views will be intermittent, and the development will create an overly dominant structure in the foreground, contravening a key objective of the Swords Masterplan to protect this view and connection, with consequent wider impacts on Main Street and on the historic character of Swords.

9.3.4. Interaction with Public Realm at Main Street

As submitted by the applicant, it is evident that the Cultural Quarter aspect of the Swords Masterplan is unlikely to materialise and the achievement of the Cultural Square public open space in front of the development site on the opposite side of Main Street is therefore uncertain. However, the public realm at the site frontage should be commensurate with the prominent location of the site at the southern end

of Swords Main street, a gateway to Swords Town Centre. Several of the observers commented on the importance of integrating the site with Main Street and I support this view, also with regard to the above policies in the Swords Masterplan. I consider that the limited scale of the space at the junction between Main Street and Church Road and the subdued scope of the proposed landscaping do not achieve a satisfactory contribution to the public realm at this location. A larger space with a greater sense of place and arrival and possibly a landmark building would help to achieve a counterweight to the Civic Centre at the northern end of Main Street, as envisaged in the Swords Masterplan and in accordance with development plan objective SWORDS 12 to develop a 'green necklace' of open spaces promoting enhanced visual and physical connections to the Ward River Valley Park and the Broadmeadow River Valley Park from within the development boundary of Swords. Such a space could also achieve the objective of framing views of the church and round tower. I consider that the proposed space does not achieve these objectives. The comments of FCC Parks & Landscape Services Division are also noted in this regard.

9.3.5. Interface with Ward River Valley Park and Bells Lane

At the 'HA High Amenity' zoned lands at the northern end of the site, Blocks A and B and the northern elevation of Block C face the landscaped area and pedestrian/cycle route at the northern and western site boundaries overlooking the Ward River and Ward River Valley Park. The planning authority and several observer submissions state serious concerns about visual impacts from the 6-7 storey Blocks A and B on the Ward River Valley Park. I consider that there is a strong urban design tradition of urban blocks overlooking parkland settings and I see no issue in principle with apartment blocks overlooking the park. However, there are several unresolved issues regarding the interaction of the development with the river and the park at ground level. I note that the landscaping and site layouts indicate works outside the red line site boundary, and it is unclear as to how/when these works would be completed. Drawing no. PO.104 indicates that areas along the northern site boundary are to be taken in charge by Fingal County Council, however the report of FCC Parks and Green Infrastructure Division states that this drawing is not acceptable in its current format. I concur with the view of the planning authority regarding the lack of passive surveillance of the pedestrian/cycle route, particularly

at the park access from Bells Lane where the proposed ESB substation is located. I also note the concerns regarding the controlled/regulated nature of the park access at this location, however these could be resolved by condition. Overall, I consider that the development does not successfully interact with Ward River Valley Park in its current form. There are also concerns about flood risk at the HA zoned lands, as discussed below.

There are low rise residential properties on Bells Lane to the immediate south of Block A. Section E-E indicates the relationship between the 6 storey Block A and the adjoining property to the south. The concerns stated by the adjoining property owner at No. 2 Hill Gardens, as summarised in section 6.2 above, are noted. Part of the southern elevation of Block A is angled away from adjacent properties to the south, however balconies on the southern side of Block A will directly overlook the front and side of properties on Bells Lane, including private amenity spaces. I consider that a further setback and revised design and layout for Block A would be necessary to fully ameliorate potential adverse impacts on residential amenities by way of overlooking and overbearing at this location. Such amendments could be required by condition if permission is granted.

9.3.6. Interaction with Forest Road

The southern site boundary is set back from the rear elevations of properties on Forest Road and the intervening area is occupied by woodland and the Glebe Stream. Given the open nature of the southern side of the development, I am satisfied that there is no significant potential for adverse impacts on residential amenities along most of the southern site boundary. However, the rear/western elevation of Block D is less than 5m from the adjacent 2-3 storey residential property at no. 7a Forest Road. Given the orientation and relative height of the 4 storey Block D, it is possible that there may be significant overshadowing impacts on the side of No. 7a Forest Road. There may also be potential noise/privacy issues associated with the close proximity of the crèche unit to no. 7a Forest Road. I note, however that the adjoining property owner has not objected to the development, and I consider that a revised side/ rear elevation of Block D, along with additional screening to the outdoor play area, would address these concerns and could be required by condition if the Board is minded to grant permission.

The 4 storey southern elevation of Block D addresses the junction of Forest Road and Main Street. The ground floor commercial/retail unit provides an active frontage at the eastern side of the elevation, however there is no direct access to Forest Road. The planning authority considers that the elevation does not provide a sympathetic transition between the domestic scale of Forest Road as it rises to Main Street. The reports of FCC Architects Dept. and Conservation Officer consider that there is an opportunity to create a focal point at the location of Block D and I concur with this view, also noting that the Swords Masterplan provides for a landmark building at this gateway location.

9.3.7. Church Road Elevation

The Church Road elevation is dominated by the 6 storey façade of Block C, which is set back from the road frontage to facilitate the realigned and reprofiled stretch of Glebe Stream at this location, along with landscaping of the riparian zone, which also acts as a buffer to ground floor residential units. This layout also incorporates a new 2m wide footpath along the Church Road frontage of the site. While the proposed residential use is acceptable at this location, I consider that the 6 storey elevation is monolithic and that more could be done to create activity and interest in the streetscape of Church Road.

Several observer submissions comment that the development will result in overlooking of adjacent apartments within Cooldriona Court, given that an intervening distance of 22m is not achieved. The planning authority also cites development plan objective DMS28, which requires a minimum 22m separation distance between directly opposing rear first floor windows, in this regard. I note that DMS28 refers to rear windows and therefore is not relevant in this instance. The applicant submits that smaller windows will be used on each apartment and privacy screens will be installed on each balcony to reduce the opportunity for overlooking, however these measures could have adverse impacts on the residential amenities of units within Block C. I am not concerned overall about overlooking between the development and Cooldriona Court given the urban location of the site. In addition, while I accept that there may be potential for some overshadowing/loss of light to habitable rooms within Cooldriona Court, this is also considered acceptable given the urban context. I note in this regard that no residents of Cooldoriona Court have made observations in relation to the proposed development.

9.3.8. Central Public Open Space

Development plan objective DMS57A requires that a minimum 10% site area be provided as public open space in residential development. The proposed central open space exceeds this requirement. The planning authority considers that there is a conflict between the proposed design approach to create a sense of enclosure of the central public open space and the preservation of the open character of the site as required under the Swords Masterplan. I note that the central space is over the underground car park and, having regard to the basement layout, I have concerns about the viability of tree planting at the southern side of the open space. I consider that a more coherent and integrated response would be necessary to create a high quality landscaped urban environment at this location that, along with the interface to Main Street, could make a satisfactory contribution to the urban realm of Swords Main Street and provide an enticing link to Ward River Valley Park, as envisaged in the Swords Masterplan.

9.3.9. Visual Impacts on Brackenstown Road and the Wider Area

St. Columba's Church, Brackenstown Road, and the residential areas to the north of the site overlook the development site from a high vantage point. Development plan Map 08 indicates an objective to protect views from St. Columba's Church. The development will change the outlook from these areas; however, this would be the case for any development of these zoned and serviced lands. There is also a development plan objective to preserve views from Highfield Green to the south west of the development site. The development may impinge somewhat on these views; however, this cannot be fully quantified in the absence of a comprehensive LVIA. In general, however, I do not consider that the development will result in significant adverse impacts on visual amenities in the wider area, having views the site from various locations in the area.

9.3.10. Design and Layout Conclusion

I have concerns about the overall quality of public realm that will be achieved within the scheme, including the critical interactions with Swords Main Street and the Ward River Valley Park and the achievement of related objectives in the Swords Masterplan and County Development Plan. I also consider that the development does not satisfactorily frame views of St. Columba's Church and Round Tower from

Main Street and thus fails to achieve a key objective of the Swords Masterplan. In addition, the proposed elevation to Church Street is monolithic.

9.4. Building Height

9.4.1. The Swords Masterplan provides for a building height of 2-4 storeys at the development site. Section 2.2.1 states:

However, all such urban design and architectural guidance is indicative only, and each development proposal presented to the planning authority will be considered on its merits through the development management process. Non-compliance with the Masterplan Guidelines will not automatically preclude planning permission being granted, however, applications which propose deviations from the Masterplan Guidance must be set within a detailed urban design rationale and in the context of the urban design appraisal and guidelines set out within the Masterplan before they can be considered favourably.

9.4.2. Having regard to this statement and noting that the Masterplan also provides for a landmark building at the development site, with potential for increased height, it is considered that buildings higher than 2-4 storeys could be considered in principle. In addition, SPPR 3 of the Urban Development and Building Heights Guidelines for Planning Authorities provides that where;

(A)

- 1. an applicant for planning permission sets out how a development proposal complies with the criteria above [section 3.1 and 3.2]; and
- 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...

9.4.3. The development may be considered with regard to the development management principles set out in section 3.1 of the Guidelines as follows:

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling

targets related to brownfield, infill development and in particular effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The scheme will provide a high density infill development, assisting the objective to achieve compact urban growth.

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

As discussed above, the development is generally in accordance with the development plan core strategy and the strategic vision for Swords. The plan is in accordance with the requirements of Chapter 2 of the Guidelines.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

The Guidelines supersede the Swords Masterplan and the Fingal County Development Plan 2017-2023; however, I do not consider that the policies and objectives therein do not align with or support the objectives and policies of the National Planning Framework.

9.4.4. The proposal may be assessed against the development management criteria provided in section 3.2 of the Guidelines as follows:

At the scale of the relevant city / town

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

The site is served by bus connections at Main Street and is accessible to the proposed Metro route nearby to the east.

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having

regard to topography, its cultural context, setting of key landmarks, protection of key views.3 Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

The site has a prominent and sensitive location as discussed above. It is considered that the development does not satisfactorily frame views of St. Columba's Church and Round Tower, does not make an acceptable contribution to the public realm at Main Street and does not provide an enticing link to the Ward River Valley Park. It therefore fails to achieve several key objectives of the Swords Masterplan and the County Development Plan. In addition, the application does not include a LVIA by a suitably qualified practitioner and visual impact assessment is limited to photomontages / CGIs.

On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

This criterion is not considered to apply to the development site, which has a limited area of 1.4 ha.

At the scale of district/ neighbourhood/ street

The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape

This matter is discussed above.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.

The eastern façade of Block C is considered to present a monolithic elevation to Church Road that lacks variety and interest.

The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional

height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).

While there is no objection in principle to higher buildings in the context of the Ward River and Ward River Valley Park, it is considered that the proposed design, layout and landscaping scheme do not achieve a satisfactory resolution of the interface with the river and park at the northern end of the site due to lack of details of proposed landscaping, lack of clarity regarding proposed works outside the red line site boundary and poor passive surveillance of the proposed pedestrian / cycle link between Bells Lane and Church Road. Potential flood risk issues are discussed further below.

The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.

As discussed above, it is considered that the development does not achieve a satisfactory interaction with Swords Main Street or an enticing link though the development to the Ward River Valley Park.

The proposal positively contributes to the mix of uses and/ or building/dwelling typologies available in the neighbourhood.

The proposed mix of uses is considered acceptable.

At the scale of the site/building

The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The development is not considered to satisfactorily frame views of St. Columba's Church and Round Tower. The application does not include any Daylight and Sunlight Analysis or shadow assessment.

Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

The applicant has not submitted any such rationale.

- 9.4.5. To conclude, I consider that, due to the specific design issues discussed above, the proposed development does not meet the development management criteria set out in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities and that the proposed 6-7 storey height has not been adequately justified in the submitted documentation and is therefore not acceptable in this instance.
 - 9.5. Residential Density, Housing Mix and Quality of Residential Accommodation
- 9.5.1. The development has a stated net residential density of 143 units/ha. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities recommend a minimum net density of 50 units/ha for sites in urban locations within 500m walking distance of a bus stop or within 1 km of a light rail stop. There are several existing bus routes on Swords Main Street, which link the area to the city centre, and development plan Map 08 indicates a QBC objective in front of the site. In addition, the proposed Metro stop is c. 450 m to the east and the proposed Bus Connects Core Bus Corridor no. 2 commences at the Swords road / Pinnock Hill junction c. 500m to the south of the site. It is considered on this basis that the development site would meet the definition of 'Central and/or Accessible Urban Locations' as per section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities. Such locations are identified as generally suitable for small- to large-scale and higher density

- development. The proposed residential density is considered acceptable in principle on this basis.
- 9.5.2. The development comprises 39% 1 bed units, 59% 2 bed units and 2% 3 bed units. I note the comments of observers that a greater proportion of 3 bed units would be desirable, however I consider that the provision of 1 and 2 bed units at this location is generally satisfactory on the basis that it will provide an enhanced mix of accommodation types in the wider Swords area and provide for compact growth and the consolidation of Swords Town Centre. SPPR 1 of the Apartment Guidelines is also noted in this regard, i.e. developments may include up to 50% one-bedroom /studio units and no minimum requirement for apartments with three or more bedrooms.
- 9.5.3. A Housing Quality Assessment is submitted. The development has been designed to comply with the Apartment Guidelines as well as development plan standards for residential development. The apartment floor areas exceed the standards provided in SPPR 3 of the Apartment Guidelines and the internal storage space and private amenity space provisions meet or exceed the requirements. SPPR 4 of the Apartment Guidelines requires a minimum of 33% of dual aspect units in more central and accessible urban locations. A total of 94 or 55% of the units are dual aspect, exceeding this requirement. There are single aspect north facing units in Block B, however these overlook the Ward River Valley Park. The private open space areas, storage space provision, floor to ceiling height and lift/stair core provision all comply with the requirements. A Building Lifecycle Report is submitted.
- 9.5.4. To conclude, I consider that the development provides an acceptable standard of residential accommodation for future occupants with regard to national and development plan guidance for residential development.

9.6. Roads and Traffic / Transport Impacts

9.6.1. Roads and Traffic Impacts

The existing roads infrastructure in the area is constrained with a narrow carriageway width at Church Road meeting Brackenstown Road at a T junction north of the site. Church Road is one way, northbound only beyond this junction.

Development plan Map 08 indicates a road proposal connecting Swords Main Street to Brackenstown Road and traversing Church Road to the north east of the

development site with a bridge over the Ward River. The 2017 South Fingal Transport Study (SFTS), involves integrated traffic modelling based on analysis of existing and projected population, employment and travel patterns and takes into account existing and committed development, the future provision of Metro Link and Bus Connects and the future development of zoned lands. Chapter 5 of the SFTS comprises the Swords Transport Assessment. SFTS Recommendation 4 relates to the area around the development site and states:

Additional capacity is required to relieve Brackenstown Road/Church Road, which is over capacity in the forecast scenarios. A realignment and widening of the existing narrow Church Road on the western side of Main Street and creation of a junction with Brackenstown Road could achieve the desired impact without building an additional river crossing. Alternatively, a new route such as that proposed as the Inner Ward River Crossing would have a similar mitigating effect. Route option development should take cognisance of DMURS, the future function of Main Street and associated traffic calming in the area.

The TIA considers impacts on the Church Road/Main Street and Church Road/ Brackenstown Road junctions, based on a traffic survey carried out on Wednesday 29th May 2019. The Church Road/Main Street junction is currently operating within capacity during both AM and PM peaks and will continue to do so with and without the development in 2022. The junction is operating above capacity for the AM peak in 2037 with and without the development in place. The Brackenstown Road/Church Road junction is currently operating above capacity for the AM peak and will continue to do so in 2022 with and without the development. It is also above capacity for both scenarios for the AM and PM peaks in 2037. While I accept that the development will add to existing traffic congestion, I note the existing and proposed public transport infrastructure and I am satisfied that the site is highly accessible and that development will not result in undue adverse traffic impacts such as would warrant a refusal of permission.

A separate issue arises in relation to the interaction of the development with the future roads layout of the area as per development plan Map 08 and Recommendation 4 of the SFTS. The applicant submits that the northern part of the development is set back from the indicative route of the development plan roads

objective north of the site and that it will not restrict the introduction of a link road at this location. The report of FCC Transportation Planning Section notes that the route indicated in development plan Map 08 encounters significant constraints including topographical complexities, existing buildings, and the Ward River / Glebe Stream and states:

"Consequently, the exact alignment of the link can only be fully determined when taking these factors into account and may vary from that indicated on the zoning map. The type of link, i.e. a bridge or road widening also needs to be assessed in the same context. The exact road width for any widening of the existing road for instance can vary ... This would impact the Glebe Stream significantly ... a number of engineering solutions have been discussed with the Water Services Department.

One of the solutions would be to redirect the flow of the Glebe Steam. This would have the most significant impact on the proposed building line. The proposed development has not and cannot fully take account of the provision of the link road in the absence of the route options assessment study"

FCC Transportation Planning Section stresses the strategic importance of the Main Street/Brackenstown Road link. The report states:

"It cannot be emphasised enough how important it is that this strategic link is accounted for as it is part of a much wider and more holistic transport model study for the greater Swords area and by extension the surrounding road network including Dublin Airport."

FCC Transportation Planning Section comments that the proper design and delivery of this strategic road link cannot satisfactorily be addressed by way of condition, noting that changes to the proposed development may affect the final design such that it could be significantly different from the current proposal, at least along the frontage with Church Road. In particular, the building line at Church Road may have an impact on road design as the type of link, i.e. road widening or bridge over the Glebe Stream, has yet to be determined. The planning authority therefore considers that the development is premature pending resolution of the future roads layout and recommends refusal on this basis. The planning authority report states that a route options assessment study has been incorporated into the Council's programme of works for 2022 and funding has been allocated for the assessment. Given the

strategic importance of the roads objective and having regard to the serious concerns stated by FCC Transportation Planning Section, and to the constraints present including potential impacts on the building line at Church Road and on the Glebe Stream, I consider that the development is premature pending the resolution of the future roads layout of the area.

9.6.2. Pedestrian and Cycle Connections

The existing pedestrian and cycle infrastructure in the vicinity of the site is limited. There are footpaths on Forest Road and Main Street but no cycle infrastructure. There is no footpath at the Church Road site frontage and no cycle infrastructure at Church Road or Brackenstown Road. There are intermittent footpaths on Brackenstown Road. Development plan Map 08 indicates a cycle route along the Ward River at the northern end of the site and development plan objective SWORDS 11 seeks to provide for a comprehensive network of pedestrian and cycle ways, linking housing to commercial areas, the town centre and Metro stops and linking the three water bodies (the Ward River Valley, the Broadmeadow River Valley and the Estuary) to each other.

The proposed roads layout provides a pedestrian and cycle connection along the northern end of the site, between the end of Bells Lane and the existing access to Ward River Valley Park and meeting Church Road at the same location as the proposed vehicular access. As discussed above, the development also provides a route from Main Street to the park. In addition, the set back from Church Road allows for the provision of a 2m wide footpath along this frontage, creating a new pedestrian connection to Main Street. While I consider that the development generally achieves a satisfactory degree of pedestrian and cycle permeability in accordance with the principles of DMURS, I also note that several significant issues remain unresolved, i.e. (i) full details of the northern interface with Ward River Valley Park including works on lands outside the red line site boundary and (ii) the issue of prematurity pending the final roads layout for the area including Church Road, as discussed above.

9.6.3. Car and Cycle Parking

The development includes 132 no. car parking spaces, all at basement level and accessed from Church Road, a provision of 0.77 spaces per unit. This includes 5 no.

car club spaces and 6 no. accessible spaces. Section 6.2.1 of the submitted TIA provides analysis of this provision against development plan standards such that a total of 263 no. spaces would be required for the apartments. This assumes no parking provision for the crèche or commercial/ retail units and no visitor parking provision. The TIA provides analysis of car usage in the area based on census data to justify this provision. Section 4.19 of the Apartment Guidelines states that in larger scale and higher density developments at central/accessible urban locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. I note the concerns stated in the report of FCC Transportation Planning Section, which considers that this provision is below development plan standards and below what would be considered to be minimally acceptable. However, given that the site is within Swords Town Centre and immediately adjacent to employment, shops and services, that it adjoins existing bus routes and is c. 500m from the proposed Metro and Bus Connects routes, I consider that the car parking provision is acceptable, subject to a condition requiring car parking management. The submitted Mobility Management Plan is also noted in this regard.

The development provides 336 no. residents cycle parking spaces at basement level and 72 no. spaces at ground level for visitors, i.e. a total of 408 no. spaces. Section 4.17 of the Apartment Guidelines states a general minimum standard of 1 cycle storage space per bedroom and visitor cycle parking of 1 space per 2 residential units. This implies a total requirement of 359 no. spaces (273 no. residents spaces and 86 no. visitor spaces). The proposed provision is considered acceptable with regard to this guidance.

9.7. Drainage, Flood Risk and Site Services

9.7.1. Existing and Proposed Surface Water Drainage

There are two watercourses present at the development site, i.e. the Ward River along the northern site boundary and the Glebe Stream along the Church Road frontage. The development involves removal and replacement of existing culverts and diversion of the Glebe Stream. The submitted Engineering Services Report outlines proposed surface water management measures including SUDS with swales at the northern end of the site adjacent to the Ward River.

9.7.2. Flood Risk

A Site Specific Flood Risk Assessment (SSFRA) is submitted. OPW flood maps do not indicate any history of flooding in the vicinity of the site. The Fingal East Meath Flood Risk Assessment and Management Study (FEMFRAMS) is the most detailed available assessment of flood extent in the area including modelling of the Ward River. The resultant FEMFRAMS mapping indicates that parts of the site are within Flood Zones A, B and C. A large part of the northern side of the site is within Flood Zones A and B associated with the Ward River and part of the centre of the site is within Flood Zone B associated with the Glebe Stream. In the proposed layout, all of Block B and part of Block A are within flood Zones A or B.

The SSFRA outlines various deficiencies in the methodology and data used in the FEMFRAMS. It includes a detailed flood model assessment of the site based on hydrological analysis of the Ward River and using Flood Studies Update Method (FSU) approach based on catchment specific attributes such as slope, soil type, arterial drainage, lake features, etc. A hydraulic model was developed to assess and define flood zones in the area using hydraulic software. The results, illustrated in SSFRA Figure 5-2, indicate that a revised extent of Flood Zone A that does not impinge on the northern side of the development site. The revised Flood Zone B extent includes part of the centre of the site and is associated with the Glebe Steam. The SSFRA attributes the flooding at the Glebe Stream to surcharging due to inadequate capacity of existing culverts. These will be removed as part of the development and replaced with culverts which are designed to convey predicted flows without risk of surcharging. The SSFRA outlines other proposed flood mitigation measures including finished floor levels, surface water management, overland flow paths and swales. A post development impact assessment has been undertaken. The results confirm that there is no post development impact upstream and downstream of the site, as illustrated in SSFRA Figure 5-4.

9.7.3. As the development includes residential development within Flood Zones A and B, a Justification Test is necessary as per The Planning System and Flood Risk Management Guidelines for Planning Authorities. The SSFRA includes a Justification Test, which is based on the results of the site specific modelling, i.e. the extent of Flood Zone A is beyond the residential development and there is an area within Flood Zone B associated with the Glebe Stream. The applicant's Justification

Test sets out the following points in response to the criteria set out in Box 5.1 of the Flood Risk Management Guidelines (in italics):

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

The site has the zoning objective MC 'Major Town Centre'. The current development plan has been subject to a Strategic Flood Risk Assessment.

- 2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:
 - (i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

The Flood Zone B areas at the centre of the site are likely to be related to inadequate capacity of culverts of the Glebe Stream. The existing culverts will be removed as part of the development, which will remove the flood extent at this location. A post development impact assessment has been undertaken. The results confirm that there is no post development impact upstream and downstream of the site.

(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.

All Finished Floor Levels will be raised above predicted flood levels with a minimum freeboard of 1.8m over the 0.1% AEP event to the ground flood level.

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

The development has been assessed for the potential blockage of the new culvert. Overtopping does occur during the 1% AEP event; however, a flow pathway has been provided through the site to channel flood waters back into the River Ward without impacting on the residential properties. The proposed design has been

tested against the FEMFRAMS flows and there is no risk of inundation to the residential properties during this scenario.

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

These issues are addressed elsewhere.

- 9.7.4. Having regard to the above, I note that the Justification Test provided is based on the hydraulic modelling carried out by the applicant and not on the FEMFRAMS flood extents at the development site. I note the report of FCC Water Services Planning Section, which states:
 - "Taking account of the FEMFRAMS study catchment area comparison method (based on a catchment area comparison between the River Ward and adjacent Broadmeadow River catchments) and the updated topography information from the consultant's study, we would still not expect to see such differences in design flows between the said flood estimation methods ... the Femframs study is the most detailed study of the Ward River and in consideration of the precautionary approach advocated within the Flooding Guidelines, significant weight is attached to the Femframs outputs. Considering that the mitigatory measures proposed within the Site Specific Flood Risk Assessment are based on significantly reduced design flows from those calculated within the Femframs study, it is considered that the scale of development proposed is disproportionate to the flood risk at this site"
- 9.7.5. FCC Water Services Dept. recommend that the development does not proceed in its current format pending (i) finalisation of the OPW flood maps for the site indicating a flood regime wholly aligned with the findings of the SSFRA or (ii) further independent assessment of the hydrology and hydraulics associated with the Glebe Stream and Ward River, confirming or otherwise the findings of the SSFRA. I note that the Flood Risk Guidelines advocate a precautionary approach. Having regard to the concerns of the planning authority, as stated above, I do not consider that the flooding issues at the development site have been adequately addressed in the submitted documentation. I therefore consider that the development does not meet part 2(i) of the Justification Test, i.e. it has been subject to an appropriate flood risk assessment that demonstrates that it will not increase flood risk elsewhere and, if practicable, will

reduce overall flood risk. I also note the comments of FCC Transportation Planning Section, as discussed above, with regard to the revised roads layout for the area and associated potential impacts on the Glebe Stream. The proposed surface water layout for the development includes a new culvert to the Glebe Stream and a realignment of the stream at Church Road. These measures may be incompatible with the future roads layout of the area, which is yet to be determined.

9.7.6. Site Services

I note the correspondence on file from Irish Water, which states that the proposed connections to the IW network can be facilitated.

9.8. **Ecology**

- 9.8.1. An Ecological Impact Assessment (EcIA) is submitted, which is based on site surveys carried out on 16th July, 29th August and 11th December 2019, including a bat survey of the Lord Mayors pub and surrounding outbuildings. There are no designated sites at or in the immediate vicinity of the development site. The only habitats of conservation significance noted at the site are the Ward River and Glebe Stream. No terrestrial mammals or signs of mammals of conservation importance were noted on site. No flora of conservation importance was noted on site. No alien invasive plant species are present. The EcIA identifies the following potential ecological impacts:
 - Direct impacts associated with construction, which will result in loss of species of low biodiversity importance. The area is not deemed to be an important foraging area for terrestrial mammals or birds. The riparian corridor area and the perimeter hedgerows/treeline would be considered locally important and scrub/treeline habitats would provide nesting habitat for birds.
 - Potential for downstream impacts during site clearance, reprofiling, demolition and construction works.
 - There is no evidence of a current or past bat roost in the structures or trees on site, therefore no significant negative impacts on bat roosting are expected.
 Foraging activity was not present.
 - No significant cumulative impacts are identified.

The report notes that landscaping elements and swale areas will form a buffer to the Glebe Stream and that the development includes compensatory planting of native species to re-establish nesting and foraging habitats lost. The public lighting is designed to avoid light spill to the riparian corridor of the Ward River and the Glebe Stream. Water quality protection measures are to be implemented during construction. Existing trees and hedgerows are to be retained where possible and new landscaping is proposed. The EcIA concludes that no significant residual effects to biodiversity are likely to arise as a result of the development.

9.8.2. Several observer submissions state concerns about impacts on biodiversity due to the removal of trees, hedgerows and other vegetation at the site and to potential impacts on water quality at the Glebe Stream. I also note the comment of the Dept. of Culture, Heritage and the Gaeltacht, which refers to the removal of dry meadow habitat on the site and the loss of the native hedgerow/scrub vegetation present along the Glebe Stream, resulting in a definite reduction in local biodiversity. In addition, there is a lack of clarity regarding the removal of trees and hedgerows at some locations within the site. I also accept that there is uncertainty around the SSFRA and the potential for flood risk at several areas within the development, with consequent potential impacts on water quality and associated ecological impacts. However, I consider that any large scale development of these zoned and serviced lands, as envisaged in the Swords Masterplan, will result in the removal of existing vegetation at the site and I therefore have no objection in principle to same subject to compensatory landscaping and a satisfactory landscaping scheme.

9.9. Archaeology and Architectural Heritage Impacts

9.9.1. The Lord Mayor's pub does not have any statutory designations and is not listed as a protected structure under the current development plan. The submitted Architectural Heritage Assessment Report indicates that historic maps identify smaller buildings on this site from the early 19th century and during the latter half of that century a plan form similar in shape to the existing building emerges. The extent of 19th century building fabric identified in the report is contained in the external walls, granite cills and elements of the window joinery at upper level. The thatched roof is modern replacement. The report concludes that the building is of no special architectural interest. Little remains of the original 19th century fabric which has undergone including extensive demolitions, extensions, and renovations from the 1970s

- onwards and the building does not possess sufficient special interest to warrant retention. I note the report of FCC Conservation Officer, which states no objection to the proposed demolition of the building subject to conditions. The proposed demolition is therefore acceptable in principle.
- 9.9.2. There is a historic roadside water pump and trough at the Main Street site frontage, which is to be relocated within the proposed development. FCC Conservation Officer states no objection to this relocation subject to requirements.
- 9.9.3. The north eastern portion of the site lies within the constraint area for the historic town of Swords (DU011-035). The Early Christian monastery associated with St. Colmcille (also known as Columba) is located across the River Ward, c.150m north of the development site. The ecclesiastical enclosure of the original foundation (DU011-034002) is believed to comprise of the boundary of Swords Glebe and the curving alignment of the Brackenstown Road, Church Road and Rathbeale Road. Within the enclosure, the round tower (DU011-034055) dates to the Early Medieval period. Outside of the ecclesiastical enclosure, c.100m north of the development site, a test excavation revealed two shell middens interpreted as evidence of occupation in the early medieval period (DU011-034020). The holy well (DU011-034013), 15m east of the site is traditionally associated with St Columba. The Archaeology & Cultural Heritage Report is based on archaeological testing carried out over two days from the 21st January 2019, involving excavation of 9 no. trenches across the site. This found archaeological features or deposits were in all but two of the test trenches excavated. The report concludes that these findings are an indication of archaeological activity across the area. The archaeological features and deposits identified during testing are identified as relatively minor features, which could be fully archaeologically excavated and "preserved by record". Several observer submissions refer to a recent discovery of historic human remains near the development site. The Archaeology & Cultural Heritage Report notes that, while there was no evidence of human remains in the trenches excavated, the possibility that human remains could be found within the site cannot be ruled out at this stage. Suitable conditions are recommended. This approach is supported in the submission of the Dept. of Culture, Heritage and the Gaeltacht. The report of FCC Community Archaeologist dated 13th March 2020 is also noted in this regard. Relevant conditions could be imposed if permission is granted.

9.10. Other Issues

9.10.1. Childcare Provision

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development includes 101 no. 2 and 4 no. 3 bed units, implying a maximum requirement of 28 no. spaces to comply with the Childcare Guidelines if all of the 2 bed units are taken into account. The Statement of Consistency indicates that the proposed crèche provides for an estimated capacity of 59-79 no. children, depending on the type of childcare offered by the end user. This seems unlikely given the limited floorspace indicated in the layout of Block D. However, I am generally satisfied that the development can meet the requirements of the Childcare Guidelines and I consider that further details of the childcare facility could be submitted by condition if permission is granted.

9.10.2. Part V

The applicant proposes to transfer 17 no. 1 bed units at the site to Fingal County Council in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). A site layout plan indicating the units to be transferred is submitted, along with costings. The units to be transferred are located in Blocks C and D. I note the correspondence on file from Fingal County Council, dated 2nd December 2020, which acknowledges this proposal. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

9.11. Planning Assessment Conclusion

9.11.1. The proposed development is considered acceptable in principle with regard to the 'MC Major Town Centre' and 'HA High Amenity' zoning objectives that apply to the development site and the proposed residential density of 143 units/ha is acceptable

- given the central and accessible location of the site. The housing mix is satisfactory, and the development provides a reasonable standard of residential accommodation for future occupants with regard to national and development plan guidance for residential development.
- 9.11.2. However, while it is accepted that the achievement of a sustainable residential density may not be feasible within the radial layout indicated for the site in the Swords Masterplan, it is considered that the current proposal does not achieve several key objectives of the Masterplan, i.e. (i) the preservation of views of St. Columba's Church and Round Tower to the north of the site; (ii) a successful interaction with Swords Main Street and the creation of a public space at this location and (iii) the creation of a linkage from Swords Main Street to Ward River Valley Park. In addition, there are several deficiencies in the design and layout of the HA High Amenity zoned lands at the southern end of the site and the development therefore does not achieve a satisfactory interface with the Ward River Valley Park. Given the complex and interrelated nature of the above issues, it is considered that they could only be dealt with by way of a comprehensive redesign of the development and could not be adequately addressed by condition.
- 9.11.3. The site is highly accessible, and I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission. However, having regard to the comments of FCC Transportation Planning Section, I consider that the development is premature pending the resolution of the strategic road link between Main Street and Brackenstown Road, as per Recommendation 4 of the South Fingal Transport Study 2019, as the current layout may compromise the delivery of this objective. I note in this regard that a route options assessment study has been incorporated into Fingal County Council's programme of works for 2022 and that funding has been allocated for the assessment.
- 9.11.4. FEMFRAMS mapping indicates that parts of the site are within Flood Zones A and B and that all of Block B and part of Block A are within flood Zones A or B. The additional data and modelling submitted in the SSFRA is noted, indicating revised extents for Flood Zone A and B. The submitted Justification Test has been carried out on this basis. However, having regard to the concerns of FCC Water Services Dept. in relation to the extent of the differences in design flows between the FEMFRAMS and those indicated in the SSFRA, I do not consider that the flooding

issues at the development site have been adequately addressed in the submitted documentation. In addition, the proposed new culvert and realignment of the Glebe Stream are premature pending the future roads layout of the area.

9.11.5. I therefore recommend that the Board refuse permission in this instance.

10.0 EIA Preliminary Assessment

- 10.1. The application was submitted after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 10.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

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

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

The development involves 172 no. residential units on an overall site with a stated area of 1.4 ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.

10.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is

no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required. The submitted EIA Screening Assessment and EcIA are noted in this regard.

11.0 Appropriate Assessment

11.1. AA Introduction

11.1.1. This assessment is based on the submitted Natura Impact Statement (NIS), dated 24th February 2020. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

11.2. The Project and Its Characteristics

11.2.1. See the detailed description of the proposed development in section 3.0 above.

11.3. Stage 1 Appropriate Assessment

11.3.1. There are no designated sites within or immediately adjacent to the development.
The NIS Stage I screening assessment identifies the following designated sites within 15km of the development:

| Designated Site | Distance to | Qualifying Interests/ Conservation Objectives |
|-------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Site Code) | Development | |
| Malahide Estuary SAC (000205) | 1.5 km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia |
| | | maritimae) [1330] |

| | | Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] |
|----------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Malahide Estuary SPA (004025) | 1.5 km | The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Great Crested Grebe (Podiceps cristatus) [A005] |
| | | Light-bellied Brent Goose (Branta bernicla hrota) [A046] |
| | | Shelduck (Tadorna tadorna) [A048] |
| | | Pintail (Anas acuta) [A054] |
| | | Goldeneye (Bucephala clangula) [A067] |
| | | Red-breasted Merganser (Mergus serrator) [A069] |
| | | Oystercatcher (Haematopus ostralegus) [A130] |
| | | Golden Plover (Pluvialis apricaria) [A140] |
| | | Grey Plover (Pluvialis squatarola) [A141] |
| | | Knot (Calidris canutus) [A143] |
| | | Dunlin (Calidris alpina) [A149] |
| | | Black-tailed Godwit (Limosa limosa) [A156] |
| | | Bar-tailed Godwit (Limosa lapponica) [A157] |
| | | Redshank (Tringa totanus) [A162] |
| | | Wetland and Waterbirds [A999] |
| Rogerstown Estuary SAC (000208) | 5.0 km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets: |
| | | Estuaries [1130] |

| | | Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] |
|-------------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] |
| Baldoyle Bay SAC (000199) | 6.7km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets: |
| | | Mudflats and sandflats not covered by seawater at low tide [1140] |
| | | Salicornia and other annuals colonising mud and sand [1310] |
| | | Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] |
| | | Mediterranean salt meadows (Juncetalia maritimi) [1410] |
| North Dublin Bay SAC (000206) | 9.6 km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets: Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] |
| | | Salicornia and other annuals colonising mud and and [1310] |

| | | Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395] |
|---------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rockabill to Dalkey Island SAC (0003000) | 10.0 km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitat and Annex II species, as defined by specific attributes and targets: Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351] |
| Ireland's Eye SAC (0002193) | 11.5 km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets: Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] |
| Howth Head SAC (000202) | 12.3 km | The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets: Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030] |

| Lambay Island SAC | 12.9 km | The conservation objectives for the SAC relate to |
|------------------------|-----------|---------------------------------------------------------------|
| (000204) | 1210 1111 | the maintenance of a favourable conservation |
| , | | condition of condition of the following Annex I |
| | | habitats and Annex II species, as defined by specific |
| | | attributes and targets: |
| | | Reefs [1170] |
| | | Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] |
| | | Halichoerus grypus (Grey Seal) [1364] |
| | | Phoca vitulina (Harbour Seal) [1365] |
| South Dublin Bay SAC | 13.2 km | The conservation objectives for the SAC relate to |
| (000210) | | the maintenance of a favourable conservation |
| | | condition of condition of the following Annex I |
| | | habitats, as defined by specific attributes and |
| | | targets: |
| | | Mudflats and sandflats not covered by seawater at |
| | | low tide [1140] |
| | | Annual vegetation of drift lines [1210] |
| | | Salicornia and other annuals colonising mud and sand [1310] |
| | | Embryonic shifting dunes [2110] |
| Rogerstown Estuary SPA | 5.4 km | The conservation objectives for the SPA relate to |
| (0004015) | | the maintenance of the bird species and Annex I |
| | | habitat listed as Special Conservation Interests for |
| | | the SPA, as defined by the specific attributes and targets: |
| | | Greylag Goose (Anser anser) [A043] |
| | | Light-bellied Brent Goose (Branta bernicla hrota) [A046] |
| | | Shelduck (Tadorna tadorna) [A048] |
| | | Shoveler (Anas clypeata) [A056] |
| | | Oystercatcher (Haematopus ostralegus) [A130] |
| | | Ringed Plover (Charadrius hiaticula) [A137] |
| | | Grey Plover (Pluvialis squatarola) [A141] |

| | | Knot (Calidris canutus) [A143] |
|-----------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Dunlin (Calidris alpina) [A149] |
| | | Black-tailed Godwit (Limosa limosa) [A156] |
| | | Redshank (Tringa totanus) [A162] |
| | | Wetland and Waterbirds [A999] |
| Baldoyle Bay SPA (0004016) | 6.8 km | The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] |
| | | Bar-tailed Godwit (Limosa lapponica) [A157] |
| | | Wetland and Waterbirds [A999] |
| North Bull Island SPA (004006) | 9.5 km | The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Light-bellied Brent Goose (Branta bernicla hrota) |
| | | [A046] |
| | | Shelduck (Tadorna tadorna) [A048] |
| | | Teal (Anas crecca) [A052] |
| | | Pintail (Anas acuta) [A054] |
| | | Shoveler (Anas clypeata) [A056] |
| | | Oystercatcher (Haematopus ostralegus) [A130] |
| | | Golden Plover (Pluvialis apricaria) [A140] |
| | | Grey Plover (Pluvialis squatarola) [A141] |

| | T | Knot (Colidria conutus) [A142] |
|-------------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Knot (Calidris canutus) [A143] |
| | | Sanderling (Calidris alba) [A144] |
| | | Dunlin (Calidris alpina) [A149] |
| | | Black-tailed Godwit (Limosa limosa) [A156] |
| | | Bar-tailed Godwit (Limosa lapponica) [A157] |
| | | Curlew (Numenius arquata) [A160] |
| | | Redshank (Tringa totanus) [A162] |
| | | Turnstone (Arenaria interpres) [A169] |
| | | Black-headed Gull (Chroicocephalus ridibundus) [A179] |
| | | Wetland and Waterbirds [A999] |
| South Dublin Bay and River Tolka Estuary SPA (004024) | 10.4 km | The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: |
| | | Light-bellied Brent Goose (Branta bernicla hrota) [A046] |
| | | Oystercatcher (Haematopus ostralegus) [A130] |
| | | Ringed Plover (Charadrius hiaticula) [A137] |
| | | Grey Plover (Pluvialis squatarola) [A141] |
| | | Knot (Calidris canutus) [A143] |
| | | Sanderling (Calidris alba) [A144] |
| | | Dunlin (Calidris alpina) [A149] |
| | | Bar-tailed Godwit (Limosa lapponica) [A157] |
| | | Redshank (Tringa totanus) [A162] |
| | | Black-headed Gull (Chroicocephalus ridibundus) [A179] |
| | | Roseate Tern (Sterna dougallii) [A192] |
| | | Common Tern (Sterna hirundo) [A193] |
| | | Arctic Tern (Sterna paradisaea) [A194] |

| | | Wetland and Waterbirds [A999] |
|-------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ireland's Eye SPA (004117) | 11.2 km | The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] |
| Lambay Island SPA (004069) | 12.9 km | The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Fulmar (Fulmarus glacialis) [A009] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204] |
| Howth Head Coast SPA (004113) | 13.3 km | The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as the Special Conservation Interest for the SPA: Kittiwake (Rissa tridactyla) [A188] |

11.3.100. The screening assessment concludes that the Malahide Estuary SAC and SPA occur within the zone of influence of the project due to a hydrological connection via the Ward River. The development involves instream works and is likely to discharge surface water upstream during construction with potential effects on the SPA and SAC. Acting on a strictly precautionary basis, NIS is required in

respect of the effects of the project on the Malahide Estuary SPA (004025) and SAC (000205) because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Sites.

11.3.101. Having regard to the NIS and to the EcIA, I note that the development site is not immediately connected to any habitats within the remaining European sites listed above and that there are no known indirect connections to these European Sites. I also note the intervening distances and the nature and scale of the proposed development, as summarised in the submitted NIS and in section 3.0 above. With regard to these matters, I consider that there is no likelihood that the development would be likely to have a significant effect on those Natura 2000 sites either individually or in combination with or other plans or projects. A Stage 2 Appropriate Assessment or NIS is not required for the effects of the project on all other listed Natura sites and can be excluded on the basis of the best objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the European Sites.

11.4. Stage 2 Appropriate Assessment

- 11.4.1. The submitted NIS states that the development will involve demolition, the removal of the existing terrestrial habitats on site, re-profiling, excavations and the construction of roads, dwellings, and associated services. The project also proposes to re-align the Glebe Stream, install culverts, and landscape the riparian corridor. There is potential for silt laden runoff and contamination to enter the watercourse with potential for downstream effects. The following potential construction related impacts are identified:
 - In-stream works and surface water runoff on site during construction or operation
 may lead to silt or contaminated materials from site entering the Glebe Stream.
 Concrete, silt, or pollution could enter watercourses during dewatering of
 foundations or drainage trenches, if required during construction.
 - Breaking of concrete (associated with structure demolition) has the potential to emit noise and alkaline dust into the receiving environment and Glebe Stream.

- Localised activity on site and noise may be generated during works.
- The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels, and chemicals could lead to pollution on site or in adjacent watercourses.
- The storage of topsoil or works in the vicinity or the watercourse on onsite could lead to dust, soil or silt laden runoff entering adjacent watercourse.
- 11.4.2. The proposed project would not be expected to affect the habitat area, habitat distribution, physical structure, vegetation structure, vegetation composition of the following habitats within Malahide Estuary SAC:
 - Salicornia and other annuals colonising mud and sand [1310]
 - Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]
 - Embryonic shifting dunes [2110]
 - Mediterranean salt meadows [1410]
 - Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]
 - Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Given the presence of *Zostera* and *Mytilus edulis* beds within the Malahide Estuary SAC and the outflow of the Ward River/Broadmeadow River, there is potential for effects on the habitat area, community extent, community structure: Zostera density, community structure: Mytilus edulis density and community distribution of Mudflats and sandflats not covered by water at low tide [1140] within SAC.

11.4.3. The development would not be expected to affect the distribution and range, timing and intensity of use of areas of the SPA for the following bird species: Great Crested Grebe (Podiceps cristatus) [A005], Light-bellied Brent Goose (Branta bernicla hrota) [A046], Shelduck (Tadorna tadorna) [A048], Pintail (Anas acuta) [A054], Goldeneye (Bucephala clangula) [A067], Red-breasted Merganser (Mergus serrator) [A069], Oystercatcher (Haematopus ostralegus) [A130], Golden Plover (Pluvialis apricaria) [A140], Grey Plover (Pluvialis squatarola) [A141], Knot (Calidris canutus) [A143], Dunlin (Calidris alpina) [A149], Black-tailed Godwit (Limosa limosa) [A156],Bar-tailed Godwit (Limosa lapponica) [A157], Redshank (Tringa totanus) [A162]. The development is not expected to affect the area of Wetlands [A999]. However, as

there are potential effects on Zostera distribution, the project has the potential to affect the distribution and range, timing, and intensity of use of areas of the SPA for Light-bellied Brent Goose (Branta bernicla hrota) [A046].

- 11.4.4. The NIS describes measures to avoid adverse impacts on water quality during construction including:
 - All demolition, enabling and instream works are to be carried out in consultation with the project ecologist, who will carry out on-site inspections.
 - All instream works methodologies to have prior approval of Inland Fisheries Ireland.
 - Surface water from the site to drain to the foul sewer during demolition and enabling works.
 - Staging of project to reduce risks to watercourses from contamination.
 - Dust control measures and stockpiling of materials away from watercourse and drains. Stockpiles and runoff areas to have suitable barriers to prevent runoff into the drainage system and watercourses.
 - Suitable storage and management of fuel, oil, and chemicals within a bunded area at least 50m away from drains, ditches or the watercourse, excavations, and other locations where it may cause pollution.
 - Silt fencing with 10m buffer from the Glebe Stream and Ward River. Use of silt traps. Filtration of water pumped from excavations during construction.
 - Any in-stream works are to be carried out "in the dry" with temporary diversions in place. Appropriate monitoring of groundwater levels during dewatering if necessary.
 - Monitoring of water quality in watercourses during construction.
 - Management of construction waste.
 - Planting in the vicinity of the stream crossings to be put in place as soon as possible to allow biodiversity corridors to establish.
- 11.4.5. The NIS states that the above measures will ensure that water entering the Ward River, Broadmeadow River and Malahide Estuary is clean and uncontaminated. No

- significant effects on the downstream Natura 2000 sites are foreseen from the construction or operation of the proposed project. Residual effects of the project will be localised to the immediate vicinity of the proposed works. I am satisfied that the implementation of these measures will prevent the release of sediment and pollutants during either the construction or occupation of the development and thus would prevent the development having an adverse effect on the achievement of the conservation objectives of the SAC and SPA.
- 11.4.6. I note the comments of Inland Fisheries Ireland, which state that the proposals for the realignment of the Glebe Stream as outlined in the application are generally acceptable at this location and which recommend comprehensive surface water management measures must be implemented at construction and operational stage to prevent any pollution of surface waters. The measures outlined in the NIS are generally in keeping with these requirements.
- 11.4.7. Notwithstanding the above conclusions, I note that the development includes works within Flood Zones A and B of the Ward River and Flood Zone B of the Glebe Stream. Having regard to the outstanding issues around flood risk, I have concerns about potential associated downstream effects that have not been considered in the NIS, with consequent effects on the habitats and species that are listed as qualifying interests of the SAC and SPA, in view of the sites' conservation objectives to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species for which they has been selected. I also note the uncertainty around the future roads layout of the area, which may potentially interact with the Glebe Stream. This matter has not been considered in the submitted NIS. The concerns stated by observers in relation to potential impacts on water quality in the Glebe Stream are also noted in this regard.

11.5. In Combination or Cumulative Effects

11.5.1. The NIS does not identify any significant in combination effects. There is potential for in combination effects associated with permissions for developments on other nearby sites, which are listed in the NIS. The projects listed are small projects and would not be considered to have a to have an in combination effect with the proposed project. No projects in the vicinity of the proposed development would be seen to have a significant in combination effect on Natura 2000 sites.

11.6. AA Conclusion

11.6.1. On the basis of the information provided with the application, including the NIS, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites Nos. 000205 and 004025, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

12.0 Conclusion

- 12.1. I recommend that the Board refuse permission with regard to the planning assessment conclusion set out in section 9.11 above and the Appropriate Assessment conclusion set out in section 11.6 above.
- 12.1.1. Section 18 of the Planning and Development (Housing) and Residential Tenancies
 Act 2016 amends Section 134 of the Act of 2000 for the specified period as follows:
 - (1)(a) The Board may in its absolute discretion, hold an oral hearing of an appeal, a referral under section 5, an application under section 37E or, subject to paragraph (b), an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
 - (b) Before deciding if an oral hearing for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 should be held, the Board—
 - (i) shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
 - (ii) shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

I do not consider that there is a compelling case for an oral hearing in this instance, given that there are several complex and interrelated issues for which refusal is recommended, i.e. design and layout fails to meet several objectives of the Swords Masterplan 2009; adverse impacts on residential amenities; prematurity pending resolution of the future roads layout for the area; outstanding concerns regarding

residential development within Flood Zones A and B and associated potential downstream effects on Malahide Estuary SPA (004025) and SAC (000205).

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.

Having regard to the documentation on file, the submissions and observations, the site inspection and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be REFUSED for the reasons and considerations set out below.

14.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th February 2020 by Hughes Planning & Development Consultants on behalf of Jacko Investments Ltd.

Proposed Development:

Permission for a strategic housing development at the site of the former Lord Mayor's Public House, Main Street, Swords, Co. Dublin.

The development will consist of demolition of existing buildings, 172 no. apartments, a crèche, 2 no. retail/commercial units and all associated site works.

Decision

Refuse permission for the above proposed development based on the reasons and considerations 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

- 1. The proposed development would be premature pending the resolution of the strategic road link between Swords Main Street and Brackenstown Road to the north of the development site as indicated in Map 08 of the Fingal County Development Plan 2017-2023 and as per Recommendation 4 of the South Fingal Transport Study 2019. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2. Having regard to the use of a bespoke river flood model rather than the OPW Fingal East Meath Flood Risk Assessment and Management Study (FEMFRAMS) model in the Site Specific Flood Risk Assessment submitted with the application, to the location of all of Block B and part of Block A are within flood Zones A or B as per FEMFRAMS mapping, and to the extent of the differences in design flows between the FEMFRAMS and the Site Specific Flood Risk Assessment, the Board is not satisfied that the proposal has been subject to an appropriate flood risk assessment that would satisfy criterion no. 2 of the Justification Test for development management set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the minister in November 2009. A grant of permission would therefore be contrary to those guidelines. Furthermore, the local roads layout referred to in reason (1) may result in the redirection of the Glebe Stream, with consequent potential for flood impacts, and this matter has not been considered in the submitted flood risk assessment.
- 3. The Board is not satisfied, on the basis of the information provided with the application, including the Natura Impact Statement, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites Nos. 004025 and 000205, in view of the sites' Conservation Objectives. In addition, the submitted Natura Impact Statement, together with the other documentation submitted with the application,

does not provide sufficient information regarding potential flood impacts at the Glebe Stream and the interrelationship of same with the proposed future roads layout for the area, and associated potential effects on European Sites. In such circumstances the Board is precluded from granting approval/permission.

4. It is considered that the proposed development does not achieve several key objectives of the Swords Masterplan 2009, with specific reference to (i) the preservation of views from Swords Main Street of St. Columba's Church and Round Tower to the north of the site; (ii) a successful interaction with Swords Main Street and the creation of a public space at this location and (iii) the creation of a linkage from Swords Main Street to Ward River Valley Park. In addition, there are several deficiencies in the design and layout of the HA High Amenity zoned lands at the northern end of the site and the development therefore does not achieve a satisfactory interface with the Ward River Valley Park. The development would, therefore, be contrary to the proper planning and sustainable development of the area

Sarah Moran

Senior Planning Inspector

14th July 2020

Appendix I Observers

Gary and Oonagh Cronin, Highfield Downs

Fintan McCutcheon and Siobhan O'Brien, Highfield Green

Catherine and John Orohoe, Highfield Green

Swords Woodland Association

Alan and Emir Higgins, River Valley Grove

Ann Marie and Michael Sherlock, Highfield Close

Bernie Kenny, Church Road

Peter P. Gillet and Associates on behalf of Ciaran O'Kelly and Dorone Paris

Cllr. Ann Graves

Cllr. Darragh Butler & Cllr. Brigid Manton

Cllr Dean Mulligan

Duncan Smith T.D.

Emily and Thomas Finn, Brookdale Way

Fiona O'Reilly and Family, Highfield Close

Francis O'Brien, St. Columba's Rise

Garrett O'Brien, St. Columba's Rise

George Mongey, Castleview Heath

Grace and Declan Kirwan, Ridgewood Green

Grace Loughran Dunne, Seatown Villas,

Joe Newman, Hilltown Close

John Drinane, Swords / Malahide Group of Local Residents

Philomena O'Brien, St. Columba's Rise

Thomas O'Dalaigh, Park Avenue

Michael O'Loughlin, River Valley Grove

Yvonne Doherty, Oakwood Avenue

Philip Maguire, Highfield Crescent

LM SHD Working Group

Joseph Doyle, St. Columba's Rise

Pat Cregg, Brackenstown Road

Mary Maxwell & Others, Forest Road