



An
Bord
Pleanála

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

Inspector's Report ABP-306794-20

Strategic Housing Development

144 no. apartments and associated site works.

Location

Lands adjacent to the existing residential development known as 'The Gallery', Turvey Walk, off Turvey Avenue, To the west of Donabate Train Station, Donabate, Co. Dublin. (www.turveyavenueshd.ie)

Planning Authority

Fingal County Council

Applicant

Elchior Construction Ltd.

Prescribed Bodies

Irish Water; Development Applications Unit; Inland Fisheries Ireland

Observer(s) See Appendix 1

Date of Site Inspection 16th June 2020

Inspector Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site (1.16 ha in area) is located on the peninsula of Donabate, approx. 20km northeast of Dublin City Centre. The site is located in the town centre, approx. 150m west of Donabate railway station, which is along the Dublin-Belfast commuter railway line. The site is accessed off Turvey Avenue, to the south.
- 2.1.2. The site comprises greenfield undeveloped lands. The site is relatively flat and boundaries consist of hedgerows, trees, shrubs and security fencing. A section of land at the northeast corner is not fenced off and comprises high grassland. Vehicular access to the site at present is via a gated entrance to the southwest of the site, where there is limited road frontage to Turvey Avenue.
- 2.1.3. The surrounding lands consist of residential development in 'The Gallery' (two and a half / three and a half storey apartments) to the north, 'Wrens Hill' (three and a half storey apartments) to the east adjoining the train station, and Turvey Grove (semi-detached two storey houses) to the west. There is a north-south public pedestrian laneway to the west of the site which connects from Turvey Grove housing estate onto Turvey Avenue adjoining the existing vehicular access to the site. This public laneway is within the site boundary. The southern boundary of the site adjoins primarily the rear of individual single storey houses / cottage, and their private gardens, which front onto Turvey Avenue. The site is directly bounded to the east by an access road, Turvey Walk, which serves The Gallery and Wren's Hill apartment developments and a small car park on the western side of the train station. On the southern side of Turvey Avenue (opposite the pedestrian access to the site/Turvey Grove) is a church and the attendant grounds of St. Patricks Church of Ireland. Newbridge Demesne, extensive 18th-century public parklands and house, lie approx. 415m to the south west.

2.1.4. The wider area to the north and west is characterised by residential development in the form of individual houses and more recent larger residential schemes of Beresford, Beverton and Waterlefe, while to the east is the town centre and trainline.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of 144 apartments and 1 no. retail unit in three blocks, all over a single basement.

3.2. Access is proposed to the site from Turvey Walk to the east, with pedestrian only access from the southwest off Turvey Avenue via an existing public pedestrian laneway serving Turvey Grove housing development. Public realm improvements are proposed to this public laneway to provide for a 3m wide public pedestrian and cycle lane.

3.3. The following tables set out some of the key elements of the proposed scheme as indicated by the applicant:

Key Figures

Site Area Net	1.16 ha
No. of Residential Units	144 apartments
Density	124 units per hectare
Childcare Facility	- none
Other Uses	1 x retail unit (382 sqm)
Public Open Space	0.4645 ha
Height	3-5 storeys over basement
Part V	14 units
Plot Ratio	1.3
Site Coverage	31%

Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments	26	100	18	144
As % of total	18%	69%	13%	100%

Parking Provision

Car Parking	149 spaces (144 spaces at basement level; 5 at surface level).
Bicycle Parking	320 spaces (300 spaces at basement level; 20 spaces at surface level).

- 3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer.
- 3.5. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that in order to accommodate the proposed connection to the development, upgrade works are required to increase the capacity of the existing 300mm Foul Sewer Network to the east of Beverton Walk, under the railroad bridge and along Ballisk Road. The existing 300mm foul sewer is to be upgraded to 450mm for approx. 70m along this location. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. The applicant has been advised that they will be required to provide the cost of the upgrades, which will be agreed at connection application stage. Third party consents are required to deliver this infrastructure. Irish Water will engage with Irish Rail at connection application stage in respect of any permission required in order to carry out these upgrades. Irish Water requests a condition be attached to any grant indicating the applicant is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to our network. All development is to be carried out in compliance with Irish Water Standards codes and practices.
- 3.6. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- Planning Statement
 - Urban Design Statement
 - Statement of Response to ABP Pre-Application Consultation Response
 - Statement of Consistency with Planning Policy

- Childcare Provision Assessment Report
- Community and Social Infrastructure Audit
- EIA Screening Report
- Screening Report for Appropriate Assessment
- Schedule of Accommodation
- Housing Quality Assessment
- Building Lifecycle Report
- Landscape Design Rationale
- Arboricultural Report
- Ecological Impact Statement
- Engineering Report
- Preliminary C&D Waste Management Plan
- Transportation Assessment (incl Preliminary Mobility Management Plan, DMURS Statement of Consistency, and Road Safety Audit)
- Sustainability and Energy Report
- Public Lighting Report
- Archaeological Impact Assessment
- Photomontages and CGI
- Sunlight Daylight and Shadow Analysis
- Part V Indicative Costings, Plan and Validation Letter from FCC

4.0 Planning History

Eastern Portion of the Site

- ABP 248756 / P.A. Ref. F17A/0192 - Permission Refused (January 2018) for Revisions to apartment Block C (3 storey's in height comprising 9 apartment units) of granted residential development Reg. Ref. F16A/0268 to now provide for an additional 6 units.

Reasons for Refusal: Lack of additional car parking or public open space would give rise to the overdevelopment of the site; the proximity, height and scale relative to adjoining private gardens associated with the residential properties to the south, would seriously injure the residential amenities of these established properties at Turvey Avenue for reasons of overlooking and loss of privacy.

[I note the changes proposed to the block were to provide for a southern arm/extended block of apartments closer to the southern boundary of the application site, south of of proposed Block A in the development subject of this application].

- P.A. Reg. Ref. F16A/0268 - Permission granted for three no. 3 storey apartment blocks comprising 45 apartment units. (Note: 51 apartments had been applied for, however, six apartments were omitted by condition no.2).

Western Portion of the Site

- P.A. Reg. Ref. F16A/0605 - Permission granted (February 2018) for a mixed use development comprising 1 no. 2 storey commercial unit with 1 no. retail unit at ground floor and 1 no. childcare facility on ground and first floor with associated elevational signage and car parking. Permission is also sought for 2 no. 3 storey apartment blocks with roof gardens comprising 33 apartment units (21 no. two bed units and 12 no. one bed units all with associated car parking and bin storage, utilisation and upgrades to existing access from Turvey Avenue, landscaping, boundary treatments and all associated site and engineering works necessary to facilitate the development.

South west of site, accessed off Turvey Avenue:

- F19A/0353 – Permission REFUSED (September 2019) for 3 storey mixed use office development in lieu of two storey office development approved under F16A/0605. The proposed development provides for 1 no. retail unit at ground floor, 1 no. office unit at first floor and 1 no. two bed apartment at second floor.

Reasons for refusal related to the design, scale and height relative to the neighbouring single storey property; poor architectural design and inappropriate

height; contrary to Objective DMS157 of the Development Plan in relation to impact on ACA and Protected Structure RPS No. 798 to the west of the proposed development; and undesirable precedent.

Block of land on the eastern side of Turvey Walk at junction with Turvey Avenue, adjoining the train station, and section of land to the southwest of Turvey Walk comprising a bungalow with long rear garden, (southeast corner of the application site):

ABP 245572 (P.A. Reg. Ref. F15A/0181) - Permission granted for a development within three blocks comprising retail foodstore with parking above, four retail units and two cafes/restaurants. Block 3, on the eastern side of Turvey Walk is a 3 storey structure comprising a retail foodstore and four retail units at ground level with parking above. Blocks 1 and 2 on the western side of Turvey Walk comprise the conversion of single storey dwelling to café in one block and in a separate block construction of a single storey unit in rear garden, facing Turvey Walk, comprising café/restaurant.

Wren's Hill Apartments - Site located to the east of the subject site, on the opposite side of Turvey Walk, and north of ABP 245572:

- F15A/0175 - Permission granted for 4 no. additional apartment units for a total of 25 number apartment units in Block 1 only as originally approved under F04A/1163.
- F15A/0174 - Permission granted for 3 additional apartment units providing for a total of eighteen apartment units in Block 1 only, as approved under F04A/1163.
- PL06F.231532 / F08A/0978 and PL06F.231529 / F08A/0979 - Permission refused for total of 6 no. additional penthouse apartments located at roof level over the previously approved apartment Block 01 and Block 02 under Reg. ref F04A/1163.

Reason: Deficiencies in the drainage system in the Portrane/Donabate area.

- P.A. Reg. Ref. F04A/1163 - Permission granted for a residential development on 0.48 hectares. The proposal includes 1 no. 3.5/3 storey block with roof terrace (Block

1) and 1 no. 3 storey block (Block 2) comprising 37 apartments. The duration of this grant of permission was extended under F04A/1163E1 until 17th April 2015 and further extended under F04A/1163/E2 until the 16th April 2020.

Condition 8: The area marked in blue on drawing no 47524-001/12 and marked 'site for future development' and in black on drawing SK-01 (submitted 18th February 2005) and marked 'site for future development' and immediately north of the 'new site access road onto Turvey Avenue' shall be reserved as class 2 open space for the proposed development. A sworn affidavit shall be submitted to the Council prior to the commencement of development confirming that this arrangement is to the Council's satisfaction.

I note a compliance submission was submitted in relation to condition 8 and approved by FCC and is available to view via their on-line planning search. It would appear from the compliance submission that the public open space at the northeast corner of this SHD application was to be reserved as Class 2 Open Space [0.091 ha] for use by Wren's Hill apartment development. A note with the compliance submission indicated the Council no longer required a written affidavit. I further note permission PL06F.231532 / F08A/0978 also indicates the northeastern area of this SHD site as open space serving Wren's Hill.

The Gallery Apartments – Site north of the subject site:

F11A/0242 – Permission refused for retention of existing montessori crèche as permitted under F06A/0823 (temporary permission) for 10 children.

ABP ref 201863 (F02A/0993) – Permission granted for 3 No. 3 1/2 storey blocks (A, B, C,) and 7 No. 2 1/2 storey blocks (D, E, F, G, H, J, K) comprising 189 apartments (reduced from 198 units by condition), 259 surface car parking spaces, 188 bicycle parking spaces, and site access road off Turvey Avenue and new improved access road into existing Iarnrod Eireann station car park.

Condition 2: Omit rear return to Block C comprising 7 apartments; one floor comprising 2 apartment in rear return to Block F shall be omitted.

Condition 2: No more than 229 parking spaces to be provided.

Condition 9: 188 cycle parking spaces.

Condition 19: Appropriate childcare facilities, in accordance with the Planning Guidelines on Childcare Facilities issued by the Department of the Environment and Local Government in June, 2001, shall be provided and shall be available prior to the occupation of the one hundredth apartment within the proposed development.

Site on the southern side of Turvey Avenue, adjoining the road and within the site of St. Patrick's Church:

F19A/0128 – Permission granted for 10 houses and a community hub building to St. Patrick's Church of Ireland Parish of Donabate and Lusk.

[The community hub building adjoins Turvey Avenue, opposite the southwestern frontage of this SHD application onto Turvey Avenue].

Road and Cycle Infrastructure in the wider area:

PL06F. 304624 - Permission granted for the construction of a new greenway (shared footpath and cyclepath) approximately 6km in length, between Malahide Demesne and Newbridge Demesne, in Donabate, Fingal, County Dublin (2020).

PL06F.300840 – Permission granted by ABP for a cycleway and footpath between Baldoyle and Portmarnock, County Dublin over a distance of approximately 1.8 kilometres (2018).

PL06F.HA0031 – Permission granted by ABP for the development of Phase one of the Donabate distributor road, approximately 4km in length at Donabate village (2011).

5.0 Section 5 Pre Application Consultation

- 5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 2nd December 2019 in respect of a proposed development on the application site of 145 apartments (ref. 305727). The main topics discussed at the meeting were –

1. Development Strategy having regard to urban and architectural design context of the proposed development within Donabate.
2. Proposed Residential Amenity in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
3. Car Parking and Cycle Parking.
4. Childcare Provision.
5. Upgrade to the water and foul water network and confirmation of agreements being put in place between the developer and Irish Water.
6. Response to the Issues Raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 15th November 2019.
7. Any Other Matters.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Notification of Opinion

- 5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

1. Development Strategy

- (i) Further justification at application stage for a connectivity strategy through the site, having regard, to inter alia, the comments of the planning authority, as set out in their opinion, received by the Board on the 15th November 2019.
- (ii) Justification for the treatment along Turvey Walk having regard to the planning authority's comments, with specific reference to the creation of different unit types, which would allow own door entrances off Turvey Walk to enliven the street.

2. Residential Amenity

- (i) Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the proportion of single aspect and north facing units and daylight and sunlight access. Particular regard should be had to the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018) Section 3.16 – Section. 3.19 in relation to the dual aspect ratio and north facing units.
- (ii) The clear identification on submitted floor plans at application stage of those apartments considered by the applicant to constitute dual aspect having regard to the provisions of ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).

3. Car Parking and Cycle Parking

- (i) Further consideration and / or justification of the documents as they relate to quantum of car parking spaces, having regard to, inter alia, Chapter 4 (Communal Facilities in Apartments) of the ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018).
- (ii) Further consideration and / or justification of the documents as they relate to a cycle strategy. This strategy should address location, accessibility, security and quantum of cycle parking spaces, having regard, inter alia, to Chapter 4 (Communal Facilities in Apartments) of the ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018).

4. Childcare

Should a childcare facility not be proposed, justification is required of the documents for the omission of a childcare facility. Report should be submitted on the need arising, if any, from the subject development and demographic profile of the area and childcare capacity including analysis of services in the immediate area.

5. Infrastructural Services

- (i) Clarification with respect to upgrade works required to increase the capacity of the water network to serve the development. The clarification should

include timelines involved, for completion of works, relative to the proposed development.

- (ii) Clarification with respect to the upgrade of a section of the 300mm diameter asbestos foul water sewer. This clarification should address: whether an upgrade is necessary; who is delivering this upgrade (e.g. IW or the prospective applicant)?; planning consents required (if applicable) and consent of third party land owners (e.g. Irish Rail). The clarification should also address the likely timelines involved for the delivery of this infrastructure relative to the proposed SHD.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address the separation distance between proposed blocks, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along key frontages, in particular, along Turvey Walk. The statement should be supported by contextual plans and contiguous elevations and sections.
2. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
3. A schedule of the open space and communal / playground facilities within the development clearly delineating public, semi-private and private spaces. Details of any resolution / agreement with the p.a. in terms of contribution in lieu.
4. Details of public lighting.
5. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture drawings, and engineering plans that take account of one another.

6. Details of Architectural and Archaeological Heritage impact raised by the planning authority at pre application planning meeting stage (SHD s. 247 meeting, Friday 14th June 2019).

5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 Development Strategy:

Connectivity

- Connectivity north-south and east west is proposed, with figure 2 illustrating connections to adjoining lands and addressing of surrounding streets/boundaries by the building blocks and by pathways/location of open space.
- A direct east-west link from Turvey Grove to the train station is not achievable, as per figure 4 and 5, without breaking up block C and reducing density. The alternative route is considered similar in effect.
- No boundary walls are proposed, except for the southern boundary between proposed basement ramp and rear garden dwellings on Turvey Avenue.
- It is proposed to improve the existing public path on western boundary which connects Turvey Grove estate to Tuvey Avenue. The path is currently narrow with overgrown planting. It is proposed to widen this laneway to a 3m wide shared pedestrian and cycle way, removing existing hedgerow and providing replacement landscaping. This path will also continue north of the lands, past the entrance to Turvey Grove, providing for routes for all to the train station through the lands.

Treatment of Turvey Walk

- The development is set back to protect existing tree lined boulevard on either side of the existing public footpath.
- All units at ground floor level of block A now have own door access from Turvey Walk, but are set back to protect existing trees.
- The public open space to the northeast will connect the development with neighbouring developments to the west and north with access to all to the public

open space and provides a connection to existing open space to the northeast of the site.

Item 2 Residential Amenity:

- A number of design changes have been made to blocks A and B. 53% of units are dual aspect with no single aspect north facing units. Dual aspect units are clearly identified on the submitted plan no. PL200 'Dual Aspect Plans Blocks A, B & C'.
- A 'Sunlight, Daylight and Shadow Analysis' by Ronan Meally Consulting Engineers is submitted with the application. The report concludes in relation to daylight that the proposal complies with BRE guidelines. In relation to sunlight/overshadowing, there will be a very minor reduction in the available sunlight on the ground, with the available sunlight to the amenities meeting the BRE guidelines in all cases and as such the impact will be negligible. All habitable spaces within Blocks A, B and C passes the Average Daylight Factor requirements as indicated by BS 8206.

Item 3 Car Parking:

- Car parking has been reduced following meeting with ABP/FCC from 195 spaces proposed to 149 car parking spaces, of which 144 are located at basement level, with 1 space per apartments and 5 spaces at surface level for retail unit/visitor parking. This is considered appropriate in terms of the location of the development.
- 320 cycle spaces are provided. It is considered onerous to provide the guidelines standard of 352 spaces. Additional cycle parking can easily be provided within the development if required.

The specific information required in the Opinion issued to the applicant has also been submitted.

Item 4 Childcare

- A Childcare Provision Assessment Report is submitted. There is an overall spare capacity of 8 no. childcare spaces within the Donabate area. There are 2 no. planning permissions which have been granted and would provide for an additional spare capacity of 120 no. childcare spaces (Reg. Ref. F17A/0108 and Reg. Ref. F17A/0373 – ABP Ref. PL06F.249206). This would result in an overall spare capacity of 128 no. childcare spaces in Donabate. Furthermore, it is worth noting that

the accessibility of future occupants to employment centres outside of Donabate allows them to choose a childcare facility located closer to their place of employment, which in turn results in less demand for Donabate.

- Given the nature and scale of the proposed development, the quantum of available childcare spaces within the 13 no. registered childcare facilities within the vicinity of the subject site and the aforementioned granted planning permissions (Reg. Ref. F17A/0108 and Reg. Ref. F17A/0373 – ABP Ref. PL06F.249206), there is sufficient spare capacity to cater for the estimated future demand arising from the proposed development.

Item 5 Infrastructural Services

- Irish Water are undertaking upgrade works to the water network in the Donabate Area which are due for completion in the first quarter of 2020.
- With regard to the foul network, there is a 300mm asbestos pipe which runs under a railway bridge to the north of the site, which the foul water arising from the development will have to pass through. An upgrade is required to accommodate the proposed increase in volume, ie replacement of 70m of the 300mm pipe with a 450mm pipe. It has been confirmed that Irish Water will undertake the works and will notify Irish Rail closer to the beginning of the works. As it is underneath a railway bridge it should not cause undue disruption to trains.

The specific information required in the Opinion issued to the applicant has also been submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 3(a): Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)

- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

Regional Policy Objective (RPO) 5.4 – Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

Regional Policy Objective (RPO) 5.5 – Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

The Metropolitan Area Strategic Plan (MASP):

The MASP identifies Donabate as a Strategic Development Area with significant residential capacity along a strategic transport corridor. Short term phasing/enabling infrastructure relating to Donabate are the DART expansion, distributor road and railway bridge, social infrastructure, local area water network and storage upgrades.

- The vision for the MASP sets out an integrated land use and transportation strategy for the sequential development of the metropolitan area, focussed on:

- Consolidation of Dublin City and suburbs
- Key Towns of Swords, Maynooth and Bray
- Planned development of strategic development areas in Donabate, Dunboyne, Leixlip and Greystones
- The MASP aims to deliver strategic development areas, located at key nodes along high-quality public transport corridors, in tandem with the delivery of infrastructure and enabling services to ensure a steady supply of serviced sites and to support accelerated delivery of housing, thereby supporting the sustainable growth of Dublin.

6.3. Local Planning Policy

6.3.1. Fingal County Development Plan 2017-2023, as amended

I note Variation No. 2 of the Fingal Development Plan 2017-2023, 'Alignment of the Fingal Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES)', was adopted on 19th June 2020.

- **Settlement Hierarchy** – table 2.5, Donabate is identified as a Self Sustaining Growth Town, within the Metropolitan Area.
- Donabate is also identified on the North – South Strategic Corridor (DART expansion). The DART Expansion Programme, to be delivered by 2027 will increase capacity on the northern commuter line and support ongoing urban expansion of Donabate.
- Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery.
- Self Sustaining Growth Town – Donabate:

Development in Donabate is set against the policies and objectives of the Fingal Development Plan 2017 – 2023 and the Donabate Local Area Plan 2016 – 2022. Together these documents identify the strategic spatial planning issues and the vision for structured development and balanced growth for Donabate. The area is identified in the RSES as a 'self-sustaining growth' town and part of the North – South Strategic Development Corridor.

The development strategy is to promote the creation of a vibrant town core by providing a high-quality living environment for the existing and future population and providing for the development of the necessary community, commercial, cultural and social facilities in tandem with new residential development and accordingly a 10% increase in population is appropriate.

- **Objective SS17** Manage the development and growth of Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.
- **Chapter 2 Core Strategy, Table 2.4 Total Residential Capacity** provided under Fingal Development Plan 2017 – 2023, updated as of September 2019, in light of the adoption of the RSES and NPF: Remaining residential units for Donabate is 3532 units.
- **Zoning Objective TC**, Town and District Centre – Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.
- **Strategic Policy 6**: Consolidate development and protect the unique identities of the settlements of Howth, Sutton, Baldoyle, Portmarnock, Malahide, Donabate, Lusk, Rush and Skerries.
- **Objective DONABATE 1**: Prioritise the early construction of a Donabate distributor road, delivering a new railway crossing, providing alternative access to Donabate and Portrane.
- **Objective DONABATE 2**: Channel and concentrate the development of additional commercial, social, community and civic facilities with the town centre and promote the high quality urban design in such development.
- **Objective DONABATE 6**: Promote and facilitate the development of a shuttle bus service linking Donabate and Portrane to Donabate Railway Station to the commuter bus services in Swords and to the indicative route for new Metro North.
- **Objective DONABATE 8**: Protect the setting of St. Patrick’s Church of Ireland.
- **Objective DONABATE 9**: Prepare an Urban Framework Plan for Donabate (including a Public Realm and Integrated Traffic Management Strategy) to guide and

inform future development, to include measures to improve and promote the public realm of the village.

- **Objective DONABATE 12:** Promote an enhanced Donabate Railway Station and improved rail services.
- **Objective DONABATE 16:** Provide a pedestrian path and cycle lane as appropriate, on the Hearse Road to enable safe access to Donabate Village.
- **Objective DONABATE 17:** Promote and enhance the visitor experience and amenities at Newbridge House and Demesne within the context of the Demesne's heritage importance and values, including the provision of a new pedestrian and cycle entrance into the Demesne on Turvey Avenue, subject to a feasibility study.
- **MT05:** Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.
- **Chapter 12 – Development Management Guidelines.**
- **Section 12.4:** In general, the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities* (2009). As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities.
- **DMS05:** Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq.m. to provide for a piece of public art to be agreed with the Council.
- **Objective DMS57B:** Require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

- The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space ‘accessibility from homes’ standard specified in Table 12.5.

Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

- **Objective MT26:** Support TII and the NTA in a possible future extension of the proposed new Metro North finishing point to connect with the Northern Line in Donabate, with a view to securing permission from An Bord Pleanála.
- **Sheet (Map) No.7 Donabate / Portrane, Zoning Map:** The majority of the site is within an area identified for an Urban Framework Plan. There are no other specific local objectives affecting the site.
- **Protected Structures:** Item no. 508 St. Patrick’s Church of Ireland, located to the south of the site.

6.3.2. Donabate Local Area Plan 2016

The LAP does not relate to town centre lands (where the application site is located) but to lands outside the town centre of Donabate. The LAP lands comprise approx. 138 hectares (340 acres) in four land parcels at Corballis (c. 65 ha), Ballymastone (c. 50.2 ha), Rahillion (c. 5.5 ha) and at Turvey (c. 16 ha). The new distributor road around Donabate has been constructed since the adoption of the LAP.

6.4. Designated sites

- 6.4.1. The site is not located within or adjoining a European Site.

6.5. Applicant’s Statement of Consistency

- 6.5.1. 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 and the Development Plan.

7.0 Third Party Submissions

- 7.1. In total 32 submissions were received, three of which are from prescribed bodies (summarised in section 10 below). The submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Density, Design and Layout

- Density is excessive for Donabate and for the site. Adjoining developments of The Gallery and Wren's Hill have densities of 55 and 57 units per hectare. Permitted density on application site is 61 units per hectare, resulting in overdevelopment and over-intensification of development with insufficient parking.
- Height of 5 storeys proposed is too high and is out of keeping with Donabate and neighbouring apartment schemes which are 3/3 and a half storeys high. The proposed height will impact negatively on The Gallery, Turvey Grove and dwellings to the south fronting Turvey Avenue in terms of overshadowing, negative visual impact, overbearance, and traffic congestion.
- Overall scale, height, mass, siting and design of the proposed development is excessive and will have a significant detrimental impact on the residential and visual amenities of the adjoining properties.
- Scale of blocks should be broken up.
- Proposal will impact on Church View (bungalow to the south) in terms of visual impact and overbearance, overshadowing and privacy, impact from lack of car parking spaces, impact from construction traffic, and impact on overall value of the property.
- Scheme is visually incongruous and out of context with its environs.
- Additional CGIs should be submitted of the development from the northern site boundary shared with The Gallery, from Turvey Grove, from the rear of the gardens of the bungalows to the south, and a closer view from the junction of Turvey Avenue and Turvey Walk.

- The accuracy of the submitted CGIs are questioned and it is requested that an independent landscape and visual impact assessment be undertaken.
- Flat roof design is out of character.
- Deficient quality and quantity of public and communal space.
- Communal open space is below the minimum standards and provides inadequate level of residential amenity for future occupants.
- Site is zoned as Town Centre. There are a serious lack of commercial/retail developments in Donabate. There is very little mix of use in the development proposed, as per requirement of TC zoning. Additional commercial, cultural, recreational and leisure facilities are required and needed to support the growing population.
- Proposal contrary to 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.
- Proposal contrary to Objective 2 of the development plan which seeks to channel and concentrate the development of additional commercial, social and community and civic facilities in the town centre and promote high quality urban design. Proposal would negatively impact on the established integrity and special character of the surrounding area along Turvey Avenue.
- Proposed development contrary to Objective DMS39 of the development plan in that it does not respect the height and massing of existing residential units.

Impact on Residential Amenity

- Block A, F and H in the Gallery will be negatively impacted upon by the development by blocking of light and overshadowing.
- Negative impact on 26 Turvey Grove. All The Gallery buildings bordering Turvey Grove (to the west) are two and a half storeys high. Proposed buildings will tower over Turvey Grove. There is no precedent for height of five storeys.
- Loss of light to existing apartment in Block F.

- Community and Social Infrastructure Report is inaccurate – water supply and sewage network is affected by recent development at Wrens Hill and Semple Woods; the new primary school reference was refused permission by ABP and the alternative temporary site will not have capacity for 600 pupils, all other primary schools are full; public transport is at capacity and the planned electrification of the train line has no timeline and is likely to be years away; open space provision is poor; there is a serious lack of childcare on the peninsula and many residents have to travel outside the peninsula for childcare.
- Lack of crèche is contrary to Objective PM76. There is a serious lack of childcare facilities on the peninsula, particularly for the under 2s. The crèche referenced in F17A/0108 is operational, therefore this cannot be counted as an additional 60 places available. The permission F17A/0373 includes provision for a crèche, but the development is no longer interested in developing this site.

Open Space

- Scale of proposed open space is inadequate.
- The proposed playground could result in anti-social behaviour.
- The proposal does not adequately demonstrate that the amenity of space of the residents of The Gallery will not be encroached upon.

Traffic and Transportation

- Transport links from Donabate, ie the train and bus service, are operating over capacity, particularly at peak times with no timeline on the spending proposed to upgrade these services.
- Bus service is poor and does not represent a high frequency service, defined in the apartment guidelines as being at a minimum 10 min peak hour frequency.
- There is one bus service to Dublin City from Donabate.
- Previous ABP refusal on site based on parking and open space, ref 248756.
- Query over assumptions in TIA, including definition of development as being small scale, consideration of bus service as high frequency, statement in relation to no significant accidents while several minor accidents have occurred, carrying capacity of road at 800-1000 PCSs, and statement that significant number of

residents will cycle to work which is unlikely given lack of cycle infrastructure in the area. Trip generation is low and signifies that proposal underestimated in terms of trip generation potential. Traffic growth factors for future year assessment are incorrect for all versions of the TII PAG guidelines, while noting a 2016 document is referenced instead of 2019 document.

- Vehicular access should be from Turvey Avenue.
- No mention of the recently constructed Donabate Distributor Road or its impact on traffic flows within and around Donabate or proposed development of LAP lands off this road, which will also access Turvey Avenue.
- Insufficient parking provided with one space per apartment, which will result in parking on surrounding streets.
- Parking below what FCC Transportation would consider the minimum.
- Parking for retail units at 5 spaces is insufficient. Deliveries and staff parking have not been considered.
- Parking far below development plan standards. Public transport outside of peak times is poor and residents rely on cars to travel to Swords/Balbriggan for their weekly shop.
- Parking needs to be properly managed.
- Average number of car ownership in The Gallery is two spaces per apartment, with overflow parking on streets in The Gallery. Bus and train options are poor.
- Turvey Walk is already used by large number of vehicles from 192 apartments in the Gallery, Wren Hill, and pedestrians accessing the train station, with overspill parking an issue on this road.
- Potential for increase in traffic using The Square as existing right turn from Turvey Avenue onto Hearse Road not viable.
- Vehicular access should be from Turvey Avenue, not Turvey Walk.
- Proposal will result in a bottleneck at junction with Turvey Avenue.
- Applicant does not own the roadway into the Gallery or the 5 parking spaces which the Gallery claim ownership of.

- No bicycle lane access is proposed to the underground.
- Bicycle spaces would lead to chaos as people try to move about.
- Bicycle spaces below the minimum standards as per the apartment guidelines.
- Roads in the area too narrow and dangerous for use by cyclists.
- Recommendation of RSA not incorporated within drawings submitted. Items listed are not all within the control of the applicant to deliver.
- No information has been submitted in relation to construction traffic. Construction traffic should enter via Turvey Avenue and not Turvey Walk.
- Concern regarding fire safety and fire tender access.
- Construction noise, vibration and dust raised as a serious concern.
- Construction hours should not be allowed to vary for any reason.

Natural Heritage

- Concern regarding cutting down of trees in and around the site.
- Two trees proposed for removal along the northern boundary are not within the red line boundary of the site but within The Gallery, who have not given the applicant permission to omit these trees.
- The loss of trees/hedgerows along the western boundary of the site, where existing public footpath is located, will have a significant negative impact on the visual amenity of Turvey Grove residential estate.
- Loss of trees and hedges at the northern boundary opposite The Gallery, including 6 mature White Willow trees, would result in loss of a valuable amenity and have a negative visual impact.
- Objection to removal of trees and hedgerows from eastern boundary of the site and resultant impact on biodiversity.
- There is a proposed loss of 60 trees and significant hedgerow. As many trees as possible should be retained, preserved and protected.

Architectural Heritage

- Development, given its design and context, will negatively impact on the historic location of St. Patricks Church (protected structure) and the Square architectural conservation area, impacting adversely on the setting and character of the protected structure and existing architectural conservation area and would contravene the development plan in that it has not has regard to the Architectural Heritage Protection Guidelines for Planning Authorities.
- Proposal contrary to objective DMS157 of the development plan in relation to protection of ACAs and fails to respect the architectural quality of protected structure RPS No. 798 to the west and protected structure RPS 508 to the south.

Water Services

- Concern in relation to impact on water supply and sewage system for existing developments.
- IW has indicated upgrade works to an asbestos pipe are required and IW does not intend to carry out these works. The applicant does not show such works on the drawings.
- Historic flood events have been reported in the vicinity of the site. All drawings fail to identify and address potential concerns raised.

Other Matters

- Ownership of access route into the Gallery - applicant shows access in blue line. The Gallery claim ownership over part of this route. The Gallery dispute claim of ownership by the applicant. The applicant may have a right of way over the road but does not legally own it. All works to the shared boundary should be clearly assessed as part of the planning application.
- The roads and services pertaining to The Gallery are intended to remain in private ownership. No agreement with the management company over The Gallery is in place to use their water services pipes.
- The northeast corner of the site has been used by and maintained as open space by The Gallery for the last 15 years. It is noted it was in the blue line ownership of The Gallery parent application, but has served The Gallery and should be counted as their open space.

- Lack of environmental planning and public participation.
- Detrimental impact on overall value of property.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Fingal County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 23rd June 2020. The report notes the planning history in the area, policy context, site description, proposal, planning history, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Fingal County Council. The Chief Executive's Report concludes that it is recommended that permission is granted. The CE Report from Fingal County Council is summarised hereunder.

8.1.1. Summary of Inter-Departmental Reports

- Parks and Green Infrastructure Department – proposed development is generally acceptable subject to a number of conditions.
- Transportation Department - proposed development is generally acceptable subject to a number of conditions.
- Water Services Section – proposed development is generally acceptable / points to note.
- Environment and Water Services Department - proposed development is generally acceptable subject to a number of conditions.
- Environmental Health Air and Noise Unit - proposed development is generally acceptable subject to a number of conditions.
- Conservation Officer – proposed development is generally acceptable / points to note.
- Community Archaeologist - proposed development is generally acceptable subject to a number of conditions.

- Architects Department – concerns raised with regard to architectural quality / points to note.
- Biodiversity Officer – No report at time of submission.
- Heritage Officer – No report at time of submission.
- Public Lighting Section – No report at time of submission.

8.1.2. **Summary of View of Elected Members:**

- The proposed development will provide much needed housing.
- Site ideally located for mixed use. Mixed uses element is lacking.
- Lack of commercial, social, community and civic uses proposed.
- Concern in relation to SHD process.
- Concern in relation to height and scale of development.
- Concern that no childcare facility being provided.
- Inadequate car and bicycle parking.
- Concern in relation to public transport infrastructure serving the site. Train not capable of coping with additional passengers.
- Concern regarding community infrastructure. Schools in the area are full.
- Inability of water and sewage infrastructure to cope with development.
- Non-compliance with Donabate LAP density.
- Concern regarding whether density complies with RSES for the Eastern and Midland Region.
- Concern regarding access arrangement of the site.
- Impact of height and scale on historic core of Donabate and Church of Ireland protected structure.

8.1.3. **Planning Analysis**

- Scale of mixed use/retail proposed on the site is adequate given the lack of road frontage onto a primary street such as Turvey Avenue. The quantum and location of retail proposed is considered acceptable. Note a public plaza and walkway are

proposed to the southeast corner of the site, which will complement the retail unit. It is noted that a retail development has been permitted to the southeast of the site.

- The development strategy allows for connectivity between key local destinations and public transport routes through the provision of a high degree of permeability and legibility, in particular for pedestrians and cyclists and for accessibility to the train station.
- The proposed blocks address all frontages, overlooking all existing streets. The provision of own door access along Turvey Walk will increase passive surveillance along this road. The set back of Block A to retain the trees on Turvey Walk is considered an appropriate design response. Design of Blocks B and C is considered acceptable.
- The application site is suitable for increased density and height. The application is in accordance with national guidelines and SPPR4 in relation to density and in accordance with guidelines on urban development and building heights.
- Having regard to existing retail, community, and commercial facilities in the town, in addition to proposal for a retail unit, and the permitted retail development in proximity to the site, the development is in compliance with SPPR2 where increase in building heights is proposed along mix of uses.
- The proposed development steps in height from 3 to 5 storeys with cognisance given to existing residential dwellings and the provision of appropriate separation distances. The lands are essentially brownfield town centre lands that are zoned for residential use and are serviced with road and public transport infrastructure.
- The concerns of the architect's department are noted in relation to massing and height to the south and east, however, it is considered that given separation distances to properties to the south, the graduated height, the impact on the properties will be negligible.
- With regard to separation distances between Blocks B and C and issue of overlooking between directly opposing windows, the application has proposed a design solution of opaque and high level windows to counter potential overlooking and a daylight, sunlight and shadow analysis indicates that the development

complies with minimum standards of the relevant guidelines. While the architect's comments are noted, this is acceptable.

- The comments from the architect's report is noted in relation to the finishes, however, the proposal for two different finishes/materials on one elevation can add contrast and reduce the impact of large monotonous facades. A condition in relation to materials is recommended, including in relation to the ground level terraces.
- The proposed apartments comply with the guidelines on Sustainable Urban Housing, Design Standards for New Apartments (2018). Compliance with Part M and building regulations is not a planning matter.
- The documentation and drawings indicated plant will be located in the basement. This is considered acceptable.
- Parking is 96 spaces below what the Transportation Section considers to be the minimum practical parking demand for this site. All basement parking should be for residents only with no commercial spaces. All residential parking should include EV charging points. Alternatively, 10% of spaces should have EV charging, with ducting and services provided for the remainder to allow for retrofitting.
- Given parking proposed is reduced in accordance with National Policy, the level of bicycle parking should be increased to comply with national policy. Location of the bicycle parking is substandard. An accessible bicycle stacking system would be acceptable.
- There are issues with the methodology and information submitted in the Transportation Assessment Report, however the FCC Transportation Division are satisfied that the two junctions assessed are significantly below capacity and would have no issues if the appropriate trip rates were applied.
- The Transportation Planning section is generally in favour of the proposed development, however, the issue of fine tender access is not a minor one as it impacts on the building line.
- The site is considered a 'Central and/or Accessible Urban Location' as defined by the apartment guidelines and is suitable for higher density apartment development.
- Taking account of SPPR5 and the sites location in the town centre, adjoining the train station, it is considered appropriate that the floor to ceiling heights of the ground

floor of Block A be raised to 3.5m internal height, which could be undertaken by way of condition, to ensure a level of adaptability in order to facilitate change of use applications.

- The Conservation Officer is satisfied there will be limited impact on the protected structure of St. Patrick's Church with sufficient separation between the sites to limit visual impacts.
- A contribution in lieu of shortfall of open space is required.
- A childcare facility is required. The audit submitted indicates that only 3 of the 13 childcare facilities offer full day care and only 2 offer care to babies 0-2. Fingal Childcare Committee in respect of a recent application noted that the expected increase in population in the area will put extreme pressure on existing services.
- A piece of public art is requested in accordance with development plan.
- The Fingal Community Archaeologist concurs with the submitted Archaeological Impact Assessment Report.

8.2. **Statement in accordance with 8 (3) (B) (II)**

Fingal Council Chief Executive's Report recommends permission is granted, subject to conditions. The following conditions are noted:

C2: A childcare facility shall be provided as part of the proposed development. The commensurate number of ground floor units shall be omitted from the development in order to accommodate the provision of a suitably sized childcare facility. The omission of residential units and subsequent provision of a childcare facility shall be the subject of a separate planning application.

C3: The internal floor to ceiling height of the ground floor of Block A shall be raised to 3.5m. Reason: To ensure future adaptability of development within a town centre location in compliance with SPPR5.

C8: Bicycle parking for 352 bicycles shall be provided in compartmentalised, lockable storage units; EV charging points; Stage 2 and 3 Road Safety Audit required; security barrier to the underground car park.

C9: The developer shall pay 305,150 euro in lieu of 0.51 ha of public open space for upgrading of recreational facilities for Newbridge Demense -

C10: Revised landscape plan.

C11: Management and maintenance plan for SuDS features, including green roofs.

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Coras Iompair Eireann (CIE)
- Commission for Railway Regulation
- Department of Culture, Heritage and the Gaeltacht
- An Taisce - The National Trust for Ireland
- Heritage Council
- An Chomhairle Ealaíon (Arts Council)
- Fáilte Ireland
- Fingal County Childcare Committee

Two of the bodies have responded and Inland Fisheries has also made a submission. The following is a summary of the points raised.

- 9.1. Irish Water: Based upon details submitted by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.
- 9.2. Department of Culture, Heritage and the Gaeltacht: It is recommended that the applicants engage the services of a suitably qualified archaeologist to co-ordinate the mitigation measures contained in the submitted report (section 6, page 10) for archaeological monitoring at the preconstruction and construction phases of the development works.

9.3. Inland Fisheries Ireland: Note that SUDS has been applied to the site, however, condition required in relation to a maintenance policy to include regular inspection and maintenance of the SUDS infrastructure and petrol/oil interceptor throughout the operational stage. A detailed CEMP required. It is noted that sewage will discharge to the Portrane, Donabate, Rush and Lusk Wastewater Treatment Scheme. While an application has been submitted to the EPA under the Waste Water Discharge (Authorisation) Regulations 2006, this agglomeration has not yet been licensed. The loading from this development should not alter the current WFD High Water Status at the point of final discharge to the north western Irish Sea.

10.0 Environmental Impact Assessment

- 10.1.1. The applicant has submitted an Environmental Impact Assessment Screening Report. The Report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not likely result in significant effects on the environment.
- 10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 10.1.3. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that 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.

10.1.4. The proposed development of 144 residential units on a 1.16 ha site is located in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. It is not a large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The site is not designated for the protection of landscape or natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per the findings of section 13 of this assessment).

10.1.5. Having regard to:

(a) the nature and scale of the proposed development, on zoned lands served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. Therefore, an environmental impact assessment report for the proposed development is not necessary in this case.

11.0 **Assessment**

11.1. **Introduction**

11.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Zoning / Principle of Development
- Density and Mix
- Layout and Design
- Residential Amenity

- Traffic, Transportation and Access
- Water Services Infrastructure
- Other Matters

These matters are considered separately hereunder.

11.2. Zoning/Principle of Development

- 11.2.1. The site is zoned TC, Town and District Centre, the objective of which is to 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'. It is part of the vision for this zoning objective to '...Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development...'.
- 11.2.2. I note third party submissions consider the proposal does not accord with the zoning objective given the limited mix of uses proposed, which amounts to one retail unit in Block A, with the remainder being residential. There is no stipulated appropriate mix for such town centre sites within the development plan. I have considered the proximity of the site to the existing commercial core of the town, permitted retail uses adjoining the site, and context of the existing residential developments and I consider the development as proposed would contribute to the achievement of the zoning objective and its associated vision, with the mix of uses in my view appropriate to the site context.
- 11.2.3. Residential use and retail are permitted in principle within zoning objective TC. The principle of development is therefore acceptable, subject to detailed considerations below.

11.3. Density and Housing Mix

- 11.3.1. The guidelines Sustainable Residential Development in Urban Areas support consolidated higher density developments in town centres and along public transport corridors, where higher densities with minimum net densities of 50 dwellings per hectare are supported, subject to appropriate design and amenity standards. With regard to the Design Standards for New Apartment (2018), it is noted that increased housing supply must include a dramatic increase in the provision of apartment

development. In identifying locations suited to apartment development, it is stated that consideration should be given to issues of proximity and accessibility. For intermediate urban locations, this involves being within walking distance of a principal town centre; within walking distance of high capacity public transport stop such as DART, commuter line or luas; within walking distance of high/reasonably frequent (min 15 min peak hour frequency) urban bus services.

- 11.3.2. The application site is within the Metropolitan area of Dublin and Donabate is identified as being a strategic development area within the Metropolitan Area Strategic Plan (MSAP) of the RSES. The site is located within the town centre of Donabate on an infill greenfield site, proximate to existing commercial and community facilities, and within 150m of a train station on the Dublin-Belfast commuter line. The proposed development is for 144 units on a total site area of 1.16ha gross, with a gross density of 124 units/ha.
- 11.3.3. I note third party submissions contend the density is too high for the site, having regard to the lower density of the adjoining apartment developments, and the proposal results in over development and over-intensification of the site.
- 11.3.4. Given the site's zoning, it's proximity to the commercial core of the town centre, and it's location within 150m of a high capacity train station, I am of the view that the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units, would be consistent with policies and intended outcomes of current Government policy, specifically the NPF and RSES, which look to secure more compact and sustainable urban development in the Dublin Metropolitan area, Donabate being a strategic area in the MASP of the RSES. The density proposed is within the range expected adjoining a high capacity public transport corridor within the Dublin metropolitan area, where no maximum density is set and is considered acceptable, subject to design and amenity standards, which are discussed further in detail hereunder.
- 11.3.5. The dwelling mix caters for 69% 2 bed apartments, with the remainder comprising 1 and 3 bed units. I consider this mix to be reasonable and will enhance the housing mix of the wider area, where there would appear to be a large number of 3/4 bed dwellings within traditional housing developments. The proposed mix in my opinion would cater to persons at various stages of the lifecycle.

11.4. Layout and Design

Overall Development Strategy

- 11.4.1. The site is proposed to be accessed from Turvey Walk to the east, with an enhanced pedestrian only access proposed from the southwest off Turvey Avenue, via an existing public laneway at this location, which is to be upgraded. Turvey Walk is a tree lined access road which serves Wren Hill Apartments (to the east), a small car park on western side of Donabate Train Station, and The Gallery Apartments (to the north and northeast). I note permission has been granted on the opposite side of Turvey Walk at the corner with Turvey Avenue to the southeast for a retail foodstore and smaller retail units, with café/restaurant adjoining the southeast boundary of the site on the same side of Turvey Walk.
- 11.4.2. Three apartment blocks are proposed, 3 to 5 storeys in height, over a central basement level. Block A, positioned along the eastern boundary, is 3-5 storeys and is L shaped, addressing both Turvey Walk and the vehicular access route into the site, with the staggered height proposed to the southern aspect. To the northeast corner is a public open space with playground. Block B is positioned along the northern boundary fronting onto the northern section of Turvey Walk (which serves The Gallery development) and is 5 storeys in height. Block C, is positioned with its primary façade along the western boundary with an aspect also to the northern boundary with The Gallery and to the southern boundary with the neighbouring bungalows. The western aspect of Block C faces onto the existing public path/laneway along this boundary, which is planned to be widened and improved as part of this application. Block C is 3-5 storeys in height, dropping down in height toward the boundary with the bungalows to the south. There is pathway along the outer perimeter of the site and a central open space area between the blocks with pathways/hard landscaping, which connects to the perimeter pathway. No boundary treatment is proposed along the northern, western and eastern boundaries of the site, with east-west as well as north-south permeability promoted.
- 11.4.3. The layout of the scheme has been informed by the existing site context of the surrounding developments and proximity to Donabate train station. I consider the positioning of the proposed apartment blocks appropriate in creating a positive defined urban edge to this block of land, addressing the existing

streets/pathways/surrounding developments and providing additional overlooking and passive surveillance, specifically of the existing pedestrian pathway to the west, which has heretofore lacked any passive surveillance. I consider the pedestrian permeability east-west across the scheme from Turvey Grove to the train station supports a connected and open access route to the train station for neighbouring communities to the west, which is to be welcomed. While the lack of a boundary around the site has been raised as an issue in third party submissions over concerns in relation to use of neighbouring amenity spaces by future residents, I consider it in the interests of permeability, connectivity and the creation of a positive public realm that the buildings and landscaping define the street edges as proposed and supported by the Guidelines for Planning Authorities on Sustainable Residential Development and accompanying Urban Design Manual.

11.4.4. Block A, with its eastern edge aligned with Turvey Walk will adequately provide an urban edge at this side of the street, while retaining the outer row of existing trees along the street. Block B and C have been positioned to enable retention of existing trees along the northern boundary, albeit I note two of the white willow trees are to be removed (one due to disease). The documentation submitted states there will be activity at street level from the apartments facing Turvey Walk, which are described as 'own door units' with direct access from Turvey Walk. An 'own door access' approach is adopted to all ground floor units in the three blocks A, B and C. I note from the drawings submitted that the 'own door access' term refers to access via the proposed ground floor terrace/patio areas of the ground floor apartments directly into the main living areas, however, access is also available via the main entrance to these blocks via the internal corridors, with the internal layout of the apartments designed to support the access from the main entrances/corridors to the blocks rather than from the patios/terraces. Nonetheless, I consider that the design, in this instance, supports a high level of passive surveillance and activity onto the surrounding streets and public realm areas. An appropriate condition is required to ensure that the ground level boundary to the apartments where 'own door access' is indicated incorporates an access gate (none is currently indicated on the drawings) in support of a greater level of activity at ground level for all the blocks. Overall, I consider the design approach acceptable.

11.4.5. I consider the positioning of the public open space with playground at the northeast corner of the site, with open boundaries, will positively contribute to the public realm at this location. I note concerns raised by third parties in relation to safety and security with this area not being fenced off. A railing is proposed around the playground and I consider there to be adequate overlooking from the surrounding developments, which will aid in the prevention of potential anti-social issues arising within this space. I do not consider it necessary to fence in the entire public realm space as this would be contrary to the principles of accessibility and permeability. The additional central space between the blocks, which is also open to the public, will provide for an additional localised green space for future occupants.

11.4.6. Overall, I consider the layout of the development as proposed to be acceptable. The proposal in my view integrates successfully with the wider area in terms of design and layout, and contributes to the public realm and character of this area.

Height and Design

11.4.7. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) sets out the requirements for considering increased building height at various locations and recognises the need for our cities and towns to grow upwards, not just outwards, in order to deliver and achieve compact growth. I have had particular regard to the development management criteria, as set out in section 3 of these Guidelines, in assessing this proposal.

11.4.8. A number of third party submissions consider the height of the development to be excessive and out of keeping with the area, with existing maximum heights of three and a half storeys versus the proposed five storeys. It is submitted that the site layout plan which refers to The Gallery apartment development as being four storeys in height is misleading as it is two and a half storeys at its western boundary and three and a half storeys at its highest. It is also contended that the submitted CGIs are misleading. I note the roof level of The Gallery is designed as a pitched roof with accommodation in this level and can be described as three and a half storeys, with overall four levels of accommodation in the highest blocks. I note there is a discrepancy in the documentation submitted in relation to the western-most block in The Gallery. The applicant has inaccurately referred to this block, north of proposed Block C, as being four storeys, whereas this block is two and a half storeys (three

storeys if the attic level is referred to as a floor). This is also misrepresented in the contiguous elevations (site section S-S) as being 16m high, when it is 12.3m high (as per site history documentation). I note the submitted Sunlight Daylight and Shadow Analysis has accurately assessed the height of the western most block in The Gallery at two and a half storeys. I have inspected the site and the surrounding area and I am satisfied that I have sufficient information before me to assess the impact of the height of the development in the context of what exists and its impact on the amenities of neighbouring properties.

11.4.9. The development is maximum five storeys in height, with the height lowered proximate to the southern and southwestern boundaries. I consider the subject site is of sufficient scale to set its own character, without having to replicate the design, height and scale of the apartment blocks in The Gallery or Wren's Hill development. I consider the contemporary design approach with a flat roof finish acceptable and am of the opinion that a pitched roof is not required to integrate with the existing form of development in the area, as suggested in some third party submissions.

11.4.10. Drawing no. PL-003 indicates the ridge levels of the proposed development and the existing surrounding developments. Contiguous elevations on drawing no. PL-300 indicate the parapet height of the blocks relative to the neighbouring developments. Proposed Block B will have a parapet height of 22.95m and Block C with its staggered height will have a parapet height of approx. 23.25m at its highest point. The western most block and the middle block in The Gallery north of the site are the closest blocks to proposed Blocks B and C. The western most block in The Gallery is indicated to have an overall height of 16m with a ridge line of 21.68m. As noted above, this is a misrepresentation of what exists on site as this block is a floor lower than the middle block in The Gallery. The western most block has an overall height of 12m and the middle block has an overall height of 16m with a ridge level of 22.78m. Looking specifically at the impact of proposed Block C on the western most block in The Gallery (height difference of approx. 4m), I note the block in The Gallery is L shaped with the gable end to Block C being 24m away (approx. 20.5m between projecting balconies) and 44m at the arm furthest away. The positioning of Block C is not entirely due south of The Gallery block, being offset to the west. Block B is approx. 22m from the western most block (approx. 19m between balconies) and approx. 21m from the middle block in The Gallery. Given the separation distances

involved and the positioning of the blocks relative to each other, in addition to the scale of existing deciduous trees to be retained along the northern boundary, I do not consider the difference in height nor the flat-roof design approach will have a significant negative impact on the visual amenity when viewed from The Gallery. I have considered the visual impact of the northern end of Block C on the development to the west, Turvey Grove and Turvey Park, which comprise two storey semi-detached dwellings. At this corner of the site, the development adjoins a cul-de-sac and southern corner of public open space, where there is an existing strong hedgerow/treeline. While higher than the context of these dwellings, I do not consider the proposal will have a significant negative visual impact on Turvey Grove or Turvey Park given the limited view of it from this aspect and given the separation distances involved from the majority of the houses. The southern end of Block C, which is positioned to the side and rear boundary of number 26 Turvey Grove (23m from the dwelling), is predominantly four storeys at this point (13.4m high), rising to five storeys toward the front portion of the dwelling. I consider that the separation distance and level of overlooking of rear gardens in this urban context is reasonable, with the stepped height design approach to the rear gardens of Turvey Gove mitigating the visual impact. I note along the boundary of this dwelling in Turvey Grove at present is a public pedestrian laneway, where there is existing pedestrian footfall. There is dense planting beyond the pedestrian path at present, however the majority of this will be removed as part of the development. While this will make Turvey Grove more visible, it will also improve on the poor urban environment there at present where there is no overlooking or passive surveillance of this laneway. Replacement planting is proposed which will in time mitigate further the visual impact.

11.4.11. With regard to Wren's Hill, given the separation distance and height difference between Block A (ridge height 22.7m) and Wren's Hill (23.23m), in addition to the deciduous tree line to be retained, I do not consider the proposed development will have a significant negative impact on the visual amenity of the area.

11.4.12. I have further examined the visual impact between the proposed development and the low density bungalows to the south. I note the site plan shows a two storey building south of Block C fronting Turvey Avenue (indicated to be an office and crèche), however, this building does not exist on the ground and while a permission

exists for a building at this location, it is part of a wider permission on the western portion of the application site that this SHD application would supersede. The bungalow southeast of Block C (known as Church View), therefore is the closest building to the site, being approx. 5m from the northwest corner of the rear garden of Church View and approx. 25m between the buildings themselves. I note Church View and the adjoining bungalow (which appeared overgrown and uninhabited upon site inspection) are directly to the south of the proposed open space within the development, and while there will be views of Block C from these sites, I consider the impact on these properties has been mitigated through the positioning of the block and the stepped height design at this boundary, with Block C three storeys in height at this end. The next four dwellings (one of which appears to have been in commercial use) are located to the rear of Block A. Block A ranges in height from three to four to five storeys, ie 10m to 13.4m to 16m, and is 16-18 m from the southern shared boundary. While each application is assessed on its own merits, I note the previous permission on this site F16A/0268 permitted a three storey block 14m in height at a similar distance to the southern boundary as Block A. The proposed development will have an impact in terms of outlook from the southern properties, however, I note that this is zoned land in an urban centre, where development greater than one storey is to be expected. I consider the design and layout of the development along this boundary has overall adequately responded to its context with its stepped height design and having regard to the positioning of the blocks relative to the existing dwellings, while at the same time promoting a sustainable urban density and scale of development appropriate to the site context.

11.4.13. Concerns have been raised by third parties in relation to the impact on the setting of St. Patrick's Church, which is a protected structure and the associated ACA which also incorporates Newbridge Demense. I do not consider the height and design of the proposal will have an impact on the architectural heritage of the area. See section 11.6 hereunder on Archaeological and Architectural Impact.

11.4.14. On balance, the proposal in my view is of an appropriate height and scale to integrate successfully with the wider area and has had due regard to its immediate context, contributing to the public realm and character of this developing area. Having regard to all of the above, I consider the site has the capacity to absorb a development of the nature and scale proposed and the design, height and layout are

in my view acceptable. I consider further hereunder in Section 11.5 issues raised by third parties in relation to residential amenity of neighbouring properties.

Childcare Facility and Community Facilities

11.4.15. The applicant has submitted a Childcare Provision Assessment Report setting out the rationale for providing no childcare facility. It is stated that there is spare capacity in existing childcare facilities in Donabate and that two granted planning permissions (Ref. F17A/0108 and ABP 249206/F17A/0373) will provide spare capacity of 120 spaces. In addition it is stated that the accessibility of future occupants to employment centres outside of Donabate allows them to choose a childcare facility located closer to their place of employment. It is contended in the report submitted that the omission of a childcare facility from this residential development is appropriate due to the existing availability of childcare spaces and planned childcare facilities in the area, the demographics of the area within which the subject site is located, as well as the characteristics and scale of the proposed development and the potential demand generated by the proposed residential scheme.

11.4.16. Planning ref F17A/0108 referred to in the application documentation relates to a permission for amendments to a crèche building within a permitted 154 dwelling unit development approx. 980m west of the site, with this permission granting an increase in the proposed crèche capacity from 42 to 60 childcare spaces. Permission ABP 249206 (2019) permitted 149 residential units and a crèche with capacity for 60 children approx. 800m to the east of the site – this development has not been constructed to date. I do not consider it appropriate to assume requirements for the development subject of this application can be met by the two referenced childcare facilities, which are intended in their own right to serve two large new housing developments, notwithstanding they may be able at some stage to cater for extra demand in the wider area of their developments. As can be seen from the map in the submitted Childcare Provision Assessment there are only two crèche facilities this side of the railway line in Donabate, one of which is the new crèche referenced above, and the second is a sessional only facility for preschool children. There are only three facilities providing full day care in Donabate, with spare capacity limited. Based on the assessment submitted, neither The Gallery nor Wren's Hill developments, approx. 230 units, contain a childcare facility. It was an ABP condition

relating to the permitted development of The Gallery that a crèche be provided on the site – this has not been provided for. In the documentation relating to the parent permission for The Gallery, the applicant argued that the development could be catered for in a proposed standalone childcare facility north of the application site in the neighbouring development, required to serve 458 residential units north and west of The Gallery. It would appear that the proposed standalone childcare facility to the north of the site as part of the development of the adjoining lands was also never constructed.

11.4.17. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. I note that Section 4.7 of the ‘Sustainable Urban Housing: Design Standards for New Apartments’ 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, with 1 bed or studio units generally not considered to contribute to a requirement for any childcare provision. Subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

11.4.18. Assuming a discount for 1 bed units, the proposed development results in a requirement for 32 childcare spaces. No evidence based argument has been put forward by the applicant to support an assumption that the proposed two bed units will not support families, indeed given the national trend toward smaller family sizes there is no reason to believe these apartments would not be attractive for family living, therefore I do not consider it reasonable to apply a discount to two bed units. Having regard to all of the information submitted with the application, I consider that the lack of provision of a crèche facility is unacceptable in this instance. There would appear to be a demand for childcare spaces in Donabate, based on the data submitted by the applicant. I do not consider it to be a sustainable argument, as put forward in the documentation, that people as an alternative can travel to their place of work to access childcare. This has implications in terms of uptake of sustainable modes of travel, given it is unlikely families with small children will cycle/take the train/bus if they have to travel by car to avail of childcare options in scattered locations outside their area, nor has any evidence been submitted to support the

contention that people as a preference would rather commute to work with small children than avail of local childcare.

11.4.19. I am of the opinion, that a childcare facility should be accommodated within the apartment development as a facility open to others, with a minimum capacity for 32 spaces. To this end, should the Board be minded to grant permission, I recommend the ground level apartments to the west of the retail unit in Block A be omitted (apts B-1, F-2, E-4 and G-4) and the vacated space utilised as a childcare facility. A separate application shall be submitted for a childcare facility in this space, or in such alternative location within Blocks A, B or C as the applicant may consider appropriate, in consultation with the planning authority.

11.4.20. With regard to concerns raised in relation to the lack of community facilities and schools in Donabate, I note there is no specific requirement for this site to deliver on community facilities or schools. I note that the site is zoned for mixed use development, with provision for a retail unit alongside the proposed apartments, and is in close proximity to a number of permitted and existing commercial uses. I further note permission has been granted for a community hub facility on the site opposite the application site on Turvey Avenue. Future population growth is anticipated in Donabate outside the existing urban footprint with the development of the Donabate LAP lands, which will provide for additional community, schools, and commercial facilities commensurate with the development of those lands in time. I consider that an increase in population from the development of this site within the urban footprint of Donabate will benefit and support existing community facilities. I have reviewed the Community and Social Infrastructure Audit Report and I am overall satisfied with the contents therein.

Open Space Strategy

11.4.21. As stated in the guidelines on Sustainable Residential Development in Urban Areas, on large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area. It is noted that 'where existing recreational facilities are available close to town and city centres, public open space provision on a strictly population basis is not appropriate. Apartment developments in particular, will be unable to achieve public open space standards similar to suburban developments where bed space rates are considerably lower'.

11.4.22. Third parties have issue with the scale of open space provision relative to the quantum of development proposed and also the positioning of the proposed playground. A third party submission questions whether the northeast corner of open space belongs to The Gallery as it has been fenced off and maintained by The Gallery for a number of years. The planning authority has raised no issue with the location of open space proposed and states a shortfall of open space exists for which a financial contribution by way of condition is requested. The submission from the applicant considers there should be no financial contribution in lieu of the shortfall of open space charged, given the level of improvement proposed to the existing public pathway to the west of the site, which the applicant proposes to upgrade and pay for, to the benefit of the wider area.

11.4.23. Fingal Development Plan 2017-2023 Objective DMS57 requires a minimum public open space provision of 2.5 hectares per 1000 population. Objective DMS57B requires a minimum 10% of a proposed development site area be designated for use as public open space, with the Council having the discretion to accept a financial contribution for the remaining open space required to allow provision or upgrade of small parks, location parks, urban neighbourhood parks or in exceptional cases regional parks if within 5km (Newbridge Demense in this instance). In accordance with the requirements of Objective DMS57 and as per the submitted report of the CE, a public open space area of 0.63 ha is required for the proposed development, based on a population basis. The minimum of 10% of the site area equates to 1160sqm.

11.4.24. Public open space is proposed in the form of a square to the north east corner of the site with a stated area of 1199 sqm, comprising a paved area with seating, perimeter pathways, green space, and an enclosed playground. A central open space is proposed between the blocks with a stated area of 1758 sqm, comprising a central green area surrounded by pathways. The CE report submitted indicates that the PA considers only the northeast corner of open space (1199 sqm) as public open space and for the purpose of their calculations, this area meets the 10% requirement on site, with a financial contribution in lieu of the shortfall of public open space required for the remaining 0.51 ha, with the financial contribution to be used toward the upgrading of recreational facilities in Newbridge Demense. I am of the view that the central open space area can also be classified as public open space, being open

and accessible to those from within and outside the development. The total public open space being provided on site, therefore, in my opinion, equates to 2957 sqm (1199 sqm + 1758 sqm). Both open space areas, if examined individually, are above the minimum 10% site area required (ie 1160sqm). The applicant indicates that the proposed public pathway around the perimeter of the site is 1,688 sqm of 'semi-public open space', however, in my opinion while this is an important path supporting permeability and connectivity, I do not consider this as usable open space (as per FCC development plan guidance) and therefore it is excluded from my assessment of public open space.

11.4.25. With regard to the financial contribution sought by FCC in lieu of what it regards as a shortfall in open space based on the provisions of the development plan, the council in its assessment has not specified the works for which such a contribution might be used, therefore it is unclear to me whether specific exceptional costs would arise from this development that would provide a legal basis for the application of a special financial contribution under section 48(2)(c) of the planning act. I note the current FCC Development Contribution Scheme 2016 -2020 includes contributions for community and parks facilities and amenities. I therefore consider that the recommended special development contribution in lieu of open space should not be required, if the Board is minded to grant permission.

11.4.26. I note that it would appear from the planning history relating to the Wren's Hill development (as reviewed on line via Fingal County Council's planning search) that the northeastern corner of public open space proposed to be developed as part of this SHD application was reserved as public open space for the Wren's Hill development. I note the planning authority has not raised this as an issue and has accepted this area is to be developed as public open space as part of this development. While it would appear that this open space has already been reserved as such as part of the Wren's Hill development, I have no issue with the open space being developed with seating areas/paths/a playground as part of this application, given it will be open to residents' of Wren's Hill as well as to The Gallery and given that the central open space area in itself meets the 10% minimum open space required on site.

Part V

11.4.27. I note the applicant proposes within the documentation to accommodate part V on the site. The housing section of the planning authority are satisfied with the proposals. A condition is recommended should the Board be minded to grant permission.

Existing Trees/Hedgerows and Landscape Plan

11.4.28. An Ecological Impact Statement, an Arboricultural Report, Landscape Design Rationale report, and associated drawings have been submitted with the application.

11.4.29. I note third party submissions raise concerns in relation to level of tree removal from the site and note that two trees along the northern boundary to be removed are within The Gallery development and outside the red line boundary of the site. The report of the Parks and Green Infrastructure Division of Fingal County Council (submitted with the C.E. Report) requests conditions be attached in relation to the landscape plan relating to boundary treatment, area of constructed tree pits, lighting plan and impact on trees, a condition in relation to the playground equipment and fencing, and a condition that the arboricultural report submitted to be implemented in full. A tree bond of 20,000 euro is also required for a period of three years.

11.4.30. A site survey was undertaken in September 2019 as part of the Ecological Impact Statement. The lands are described as remnant agricultural fields which have been subject to considerable disturbance. Native hedgerows, treelines and scrub are of local value to biodiversity, however other habitats are of negligible value. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. No alien invasive species were encountered on the site. There are no water courses or bodies of open water on the site. There was no evidence of protected mammals on the site. While outside the optimal season for surveying breeding birds, only species of low conservation value were noted.

11.4.31. The Arboricultural Report indicates the proposal will require the removal of 40 trees; 10 groups of trees; and the part removal of one group. It is also required that eight trees and part of one tree group are removed for arboricultural reasons. This is stated to be due to their poor health and condition. Of the 60 survey entries proposed to be removed or part removed, 13 trees are of moderate quality and value

(B Category), 39 trees and groups are of low quality and value (C Category), and eight trees are of poor quality (U Category).

11.4.32. The Arboricultural Report states there are 6 mature white willow trees along the north western boundary each of varying quality but of high amenity value considering their prominence in the local area. It is stated the removal of the two mature white willow trees T956 and T961 along the northern boundary will have some impact on the surrounding area due to their large size. The loss of T961 is required to facilitate the development, however, T956 is proposed to be removed as it contains a large area of basal decay on the northern side of the stem and it is also infected with the fungal pathogen *Ganoderma australe*. Its removal is necessary for health and safety reasons. Although removing these trees will have some visual impact, it is not considered to be significant, as the proposal has been designed to retain the remaining four white willow trees (T957 to T960). There are a double row of lime trees located on either side of the footpath at the eastern edge of the site along Turvey Walk. The trees on the western side of the footpath are to be removed and the trees on the eastern side retained. It is stated that the majority of trees to be removed are of low value and limited public amenity, however, the loss of trees on the eastern boundary and those on the western boundary along the public path will have an initial impact on the immediate surrounding landscape due to their prominence.

11.4.33. While I note the tree loss proposed, I consider the landscaping plan will mitigate such loss through significant additional planting, with proposals for 101 new trees some of which are large growing specimens, in addition to shrubs and hedgerows. I note one of the white willow trees to be removed due to disease is outside the site boundary and the applicant doesn't have the right to remove this tree without the consent of the adjoining development/management company. This is a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act, as amended, which states, a person is not entitled solely by reason of a permission to carry out any development.

11.5. Residential Amenity

Impact on Neighbouring Houses and Apartments

- 11.5.1. The potential impact of the proposed development on the residential amenity of neighbouring properties has been raised in submissions. Concerns have been raised, *inter alia*, in relation to scale and height of the development and resultant impacts on overlooking, overshadowing, loss of light, impacts on privacy and overbearance.
- 11.5.2. The application documentation includes CGIs of the proposed development and an Architectural Design Statement, which I have considered in full. A Sunlight Daylight and Overshadowing Analysis has been submitted, the findings of which I accept. I note a third party submission considers the information submitted with the application deficient and considers a full landscape and visual impact assessment is required. I have carried out an inspection of the site and the surrounding area and am satisfied that sufficient information has been submitted with the application in order to undertake an assessment of the impact of the development.
- 11.5.3. With regard to the existing apartment blocks in The Gallery to the north of Blocks C and B and in Wren's Hill to the east of Block A, I consider there to be sufficient separation distances involved to prevent significant overlooking or loss of outlook and the design and positioning of the blocks further mitigates potential impacts. The issue of the visual impact of the height has been considered in Section 11.4 above. The results of the Sunlight Daylight and Overshadowing Analysis indicates the impacts are in accordance with BRE guidance. Given the layout and design of the proposal and having regard to the context of the site, I do not consider the impacts arising to be so significant as to warrant a refusal.
- 11.5.4. With regard to the bungalows which back onto the site, the bungalows generally have long rear back gardens, with distances of approx. 24m to 50m between Blocks A and C and the rear of the dwellings. Block C is approx. 15-18m from the side boundary to the rear garden of the two storey dwelling to the west in Turvey Grove, no. 26. To mitigate the visual impact of the development, Blocks A and C have staggered heights at the southern/southwestern boundary, rising from 3 storeys up to 4 and 5 storeys. I note the proposed development is north of the bungalow dwellings therefore the loss of sunlight and daylight is not considered to be a significant impact and no significant impacts in terms of overshadowing of gardens to the west or loss of daylight and sunlight arise, with predicted impacts in accordance with BRE guidance.

11.5.5. While the outlook for the surrounding dwellings will be altered, I am of the opinion, overall, that the proposed development, having regard to separation distances involved, as well as the design and layout of the proposed blocks, has adequately mitigated impacts on residential amenity. Indeed, in my opinion it would be unreasonable and contrary to government policy in relation to density and maximisation of strategic infrastructure, to allow the low density nature of the existing bungalows and two storey dwellings to the west to dictate the density of this strategically located block of land within walking distance of a high capacity public transport corridor and the town centre. I do not consider the proposal will seriously injure the amenities of the existing neighbouring properties in terms of overlooking, overshadowing or loss of outlook. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. I am satisfied that impacts on properties in the vicinity would not be so great as to warrant a refusal of permission.

Amenity of Future Occupants - Design Standards for New Apartments 2018

11.5.6. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

11.5.7. The development includes 144 apartments laid out in three blocks:

- Block A - 50 no. apartments (10 no. one beds; 40 no. two beds), 3-5 storeys over basement.
- Block B - 40 no. apartments (12 no. one beds; 28 no. two beds), 5 storeys over basement in height.
- Block C - 54 no. apartments (4 no. one beds, 32 no. two beds, and 18 no. three beds), 3-5 storeys over basement in height.

11.5.8. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

- 11.5.9. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The overall total number of dual aspect apartment units in the development equates to 53%. None of the single aspect units are north facing. This is acceptable.
- 11.5.10. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.
- 11.5.11. Section 3.7 of the guidelines stipulate that no more than 10% of the total number of units in any private residential development may comprise two-bedroom, three-person apartments. Five of the units are two bed three person units. This is acceptable.
- 11.5.12. A Building Lifecycle Report, as required by the guidelines, has been submitted.
- 11.5.13. The car parking provision is considered acceptable (see Section 11.9 hereunder). The provision of bicycle parking can be addressed by condition.
- 11.5.14. There is a separation distance of 12m between Blocks B and C, with directly opposing windows between apartments. To avoid undue overlooking it is indicated on the drawings that the western elevation of Block B will comprise a high level window to the kitchen and an opaque window to the living room of two apartments on each floor. I note the opaque living room window is a second window to the living room and not the primary window. I consider this design solution to be acceptable.
- 11.5.15. The submitted Sunlight Daylight and Shadow Analysis addresses the impact in terms of sunlight/overshadowing of proposed amenity areas within the development and the average daylight factor was assessed for apartments within the proposed development. It is stated that the selected apartments meet the minimum required Average Daylight Factor. I accept the findings of the report.

Communal Open Space

- 11.5.16. Section 4.10 of the guidelines refers to the requirement for communal amenity space. Appendix 1 outlines requirements of 5sqm per one bedroom unit, 6 and 7 sqm per two bed unit, and 9 sqm per three bed unit. The proposed development

results in a requirement for 987 sqm. This is being provided for by way of the open space in the centre of the blocks, which includes hard and soft landscaping, and has a stated area of 1758sqm. I consider this acceptable.

Private Open Space

11.5.17. Private open space is provided by means of balconies/patios to all units, with the guidelines stating a requirement of 4sqm for a studio, 5sqm for a one bed, 7sqm for a four bed, and 9sqm for a three bed. All units are in compliance with the standards.

Conclusion – Impacts on Future Residential Amenity

11.5.18. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. However, I consider the lack of provision of a childcare facility unacceptable and consider such should be provided. This issue can be addressed by way of condition should the Board be minded to grant permission.

11.6. Archaeological & Architectural Impact

11.6.1. A Heritage Impact Assessment (HIA) Report has been prepared by Fergal McGirl Conservation Architect in relation to St. Patrick's Church of Ireland church, located south of the application site, on the other side of Turvey Avenue. St. Patrick's church is a protected structure and is within Newbridge Demense and The Square ACA. The report assesses the impact of the development on the setting of St. Patrick's when it is viewed from the church grounds and when viewed along Turvey Avenue and has had regard to the existing and permitted context of the area.

11.6.2. I note that St. Patricks Church is south of the site, on a raised plot of land on the opposite site of Turvey Avenue, 47m south of the road. The proposed development is not within the setting of the protected structure and I do not consider, given the separation distances involved (approx. 90m), that its height will detract from the church and it's setting. I further note that permission for a community hub has been granted at the edge of Turvey Avenue/edge of the church site, opposite the pedestrian entrance to the proposed development from Turvey Avenue. The HIA Report states that the application site is of no historical or visual significance in relation to the setting of the church and that the development will not have a

significant impact on the setting, significance or the ability to appreciate the protected structure south of the site based on the assessment of existing and proposed photomontages views. I concur with the conclusions of the submitted Architectural Heritage Impact Assessment Report which considers the proposal will not negatively impact on the setting of the protected structure or the ACA. I note the Fingal County Council Conservation Officer has no objections to the proposal from a heritage impact perspective. I am satisfied with the findings of the report.

- 11.6.3. An Archaeological Impact Assessment Report has been submitted with the application. The report recommends further archaeological monitoring of groundworks takes place due to the proximity of surrounding archaeological activity. I note the Department of Culture, Heritage and the Gaeltacht recommends a condition in relation to mitigation attach to any grant of permission.
- 11.6.4. I am satisfied that the development as proposed is appropriate within the context of the area and will integrate comfortably within the existing urban environment.

11.7. Traffic, Transportation and Access

- 11.7.1. A Transportation Assessment Report by NRB Consulting Engineers has been submitted with the application, which includes as appendices a Preliminary Mobility Management Plan/Travel Plan, Stage 1 Road Safety Audit and a Statement of Consistency with DMURS.
- 11.7.2. The submitted Transportation Assessment (TA) report sets out the methodology utilised in undertaking an analysis of the site and also describes the existing road network, public transport routes and pedestrian/cycle facilities. Baseline traffic data was gathered using manual classified junction turning counts at four points – Junction 1 along Turvey Walk, Junction 2 at Turvey Avenue/Sycamore Hill, Junction 3 at Turvey Walk/Turvey Avenue and Junction 4 at Turvey Avenue/Hearse Road. With regard to trip generation, it is stated that there will be a total of 37 two-way car traffic generated in the weekday AM peak and 30 in the weekday PM peak.
- 11.7.3. Third parties have raised concerns in relation to some of the assumptions within the TA. The Transportation Section of the planning authority has also identified issues with the submitted TA in relation to lack of a date for traffic counts, thresholds applied to the junctions and the lack of assessment in relation to the Turvey Avenue/Hearse Road junction. However, the Transportation Section is overall

satisfied that the junction of the development with Turvey Walk and junction of Turvey Walk and Turvey Avenue can adequately accommodate the level of traffic anticipated. While a number of submissions suggest that the vehicular access should be from Turvey Avenue, I have no information before me to believe the current access will not function adequately and from an urban design perspective I am satisfied with the access arrangements as proposed, including the proposed improvement of the pedestrian only access from Turvey Avenue. While I note, as raised in a submission, that it is not clear as to whether the permitted retail and foodstore development off Turvey Walk has been included in the analysis, having regard to the capacity of the Turvey Walk/Turvey Junction at 0.21 RFC in the 2021 AM peak, which is far below the optimum capacity of 0.85, I do not consider this to be a significant issue. I further note that the peak time for travel to a retail foodstore differs from that of a commuting peak time. I note trip generation rates as outlined in the TA appear low, however, given the sites context and the scale of development and limited parking provision, I do not consider the development will generate such additional traffic as to warrant refusal. I note the Transportation Department of FCC county council is satisfied with the Stage 1 Road Safety Audit and requests a stage 2 and stage 3 audit by undertaken. Issues in relation to unauthorised parking on Turvey Walk are a matter for the planning authority/enforcement by the Gardai and beyond the remit of this application.

11.7.4. I acknowledge that there will be some increase in traffic movements as a result of the proposed development which is a concern raised in a number of submissions. However, this is an urban area where growth is to be expected in accordance with national and regional estimates and it is the management of this growth into the future through the development of sustainable communities with a focus on sustainable modes of transport versus the use of the private car, which will support the sustainable development of this land. The development site, as stated previously, is located within 150m of a train station and within walking distance of town centre and its associated commercial and community facilities, including local schools. This in conjunction with the proposed improvements to public footpaths and permeability across the application site will support the use of the train line as well as walking and cycling for local trips. I note Fingal County Council has wider plans to upgrade the cycle network linking Donabate south along the coast to Malahide and

ultimately Dublin city centre as well as north along the coast as part of its Coastal Way project. The recently constructed cycle facilities on the new distributor road in Donabate will ultimately connect to Malahide via the rail viaduct over the estuary (permitted Broadmeadow Greenway ABP-304624-19), which connects onto the newly constructed extension of the coastal pathway between Portmarnock and Baldoyle. The investment in cycle infrastructure in Donabate and planned connections north and south will benefit recreational users as well as commuters.

11.7.5. Donabate is located on the North – South Strategic Corridor (DART expansion) line, which is a strategic development corridor identified in the RSES. The DART Expansion Programme (new infrastructure and electrification of existing lines) is to be delivered by 2027 will increase capacity on the northern commuter line and support ongoing urban expansion of Donabate. There are also plans to develop the Metro North light rail link from the city centre to Swords (5km from Donabate). I appreciate there are current capacity issues on the commuter train line and bus services at present, as noted in a large number of submissions made, and while the timelines for completion of all transport projects in the area may be unclear, it is evident that there are significant levels of public transport investment planned for this area, and this must be borne in mind when examining the capacity of existing zoned land adjoining such infrastructure.

11.7.6. Having examined all the information before me, I am overall satisfied that having regard to the existing context of the site, proximity to a high capacity public transport system and overall road network serving Donabate, include the newly constructed distributor road and planned and permitted greenway proposals, the proposed development would not lead to the creation of excess traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

Parking Standards

11.7.7. In terms of car parking spaces, 149 are provided (144 spaces for the apartments and 5 for visitors). 320 bicycle spaces are provided. I note concerns raised by the PA that the car parking provision is low and below what it considers a minimum amount for this location. A number of submissions also raise concerns in relation to the level of parking proposed and lack of parking for the retail unit, siting existing problems in relation to overspill parking and already high level of congestion in this area.

- 11.7.8. The Apartment Guidelines state that for intermediate urban locations, served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. I have had regard to the location of the site and its proximity to a high capacity transport stop, together with section 28 ministerial guidelines, which allow for reduced standards of parking at appropriate locations and I consider that the quantum of car parking spaces being provided for is acceptable at this location and in line with government policy. I note that no parking is provided for the retail unit, however, this is a town centre site with a large population within walking distance including potential footfall from the train station and in this regard I consider it acceptable that no parking be provided for.
- 11.7.9. With regard to cycle parking, the proposal falls short of the requirements of the apartment guidelines. 352 spaces are required. Within the documentation submitted it is argued that additional spaces are unwarranted given the site's proximity to public transport and the town centre, however additional spaces can be accommodated if required. I consider that compliance with the guidelines in terms of cycle parking provision is important going forward in the support of this sustainable mode of transport over the car, therefore I consider a total of 352 spaces (an additional 32 over what is proposed) should be provided for. I note the planning authority requires a revision of the bicycle storage provisions, which I agree could be improved upon. I consider this issue can be addressed by way of condition, should the Board be minded to grant permission.
- 11.7.10. The proposal is in line with national policy in relation to parking standards as set out within the document Sustainable Urban Housing: Design Standards for New Apartments, 2018. Concerns raised by the observers regarding illegal haphazard parking on the adjoining road network are matters to be regulated by appropriate traffic management and enforcement procedures outside the remit of An Bord Pleanála.

Construction Traffic

- 11.7.11. I note the concerns raised by some parties regarding construction stage impacts in terms of noise, dust, route of construction traffic, and hours of operation

during construction. An outline construction management plan has been submitted by the applicant. While there will be impacts on the adjoining residential area, I am satisfied that they can be appropriately mitigated through good construction management and practice. I consider it reasonable given the nature of construction, that deviation from the standard construction hours may be required, however, this should only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. If the Board is disposed towards a grant of permission, I recommend that such issues be dealt with by means of condition and a full Construction Management Plan should be required to be agreed with the planning authority. I do not have undue concerns in relation to health and safety matters.

11.8. Water Services Infrastructure

- 11.8.1. It is proposed to connect the development to the public water and foul sewer network in the area. In respect of water, no network upgrades are required. In order to accommodate the proposed wastewater connection to the development, Irish Water note that upgrade works are required to increase the capacity of the existing 300mm Foul Sewer Network to the east of Beverton Walk, under the railroad bridge and along Ballisk Road. The existing 300mm foul sewer is to be upgraded to 450mm for approx. 70m along this location. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. The applicant has been advised that they will be required to provide the cost of the upgrades which will be agreed at connection application stage. Third party consents are required to deliver this infrastructure. Irish Water will engage with Irish Rail at connection application stage in respect of any permission required in order to carry out these upgrades. Irish Water recommends a condition attach to any grant of permission in relation to connection agreement with Irish Water. While I note some concerns raised by third parties in relation to negative impacts on water supply and the sewage network arising from other developments in the area, I have no evidence before me to suggest the proposed development cannot be catered for.
- 11.8.2. I note the submission from Inland Fisheries Ireland states that the Portrane, Donabate, Rush and Lusk Wastewater Treatment Scheme has not yet been licensed by the EPA under the Waste Water Discharge (Authorisation) Regulations 2006. The report states the loading from this development should not alter the current WFD

High Water Status at the point of final discharge to the north western Irish Sea. I note the Portrane, Donabate, Rush, Lusk WWTP has a design capacity of 65,000PE and currently operates to a through put of 35,000PE. The plant is operating under a licence from 2009. While the EPA has yet to issue the licence revision for the upgraded plant (applied for in 2011), the plant is operating within its hydraulic and biological capacity as can be seen from Annual Environmental Report 2017 (available from the EPA website). I note an EPA report dated 2019 from the EPA website undertook a site inspection of the plant and no issues were reported. Irish Water in their submitted report has indicated no issues with regard to wastewater infrastructure and I note the connection of the development to wastewater infrastructure is subject to agreement with Irish Water.

11.8.3. The submitted Engineering Report states that surface water management proposals includes provision for an attenuation tank to attenuate storm water from Blocks A and B. Block C and the pathway nearest that block are proposed to drain into a swale and tree pits. Green roofs are also proposed and permeable paving. The site is located within Flood Zone C, as defined by the Planning System and Flood Risk Management Guidelines. The design provides for the 1:100 year events plus 20% allowance for climate change.

11.8.4. I have reviewed the information submitted and all third party submissions, in addition to the reports from the FCC water services section and I am satisfied that water services infrastructure has been adequately addressed.

11.9. **Other Matters**

Boundary/Legal Matters

11.9.1. I note third party submissions from The Gallery contest the applicant's claim of ownership of the access road into the site which serves The Gallery, ownership of five parking spaces allocated to The Gallery, right of the applicant to use wastewater and water pipelines serving The Gallery, and right to include northeast corner of the site in the application when this has been maintained by The Gallery as part of their public open space. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence that they have sufficient legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter, and are outside the scope

of this application. The Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land and these are ultimately matters for resolution in the Courts. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act, as amended, which states, a person is not entitled solely by reason of a permission to carry out any development.

Public Consultation

11.9.2. I note the submissions received in relation of a lack of pre-application consultation with local residents and the SHD process. While I acknowledge that this may have been beneficial to both sides, there is no requirement in the legislation for such consultation to take place. Consultation has been undertaken in compliance with SHD legislation.

Floor to Ceiling Height of Retail Unit

11.9.3. The C.E. report from FCC has requested a condition to increase the height of the retail unit from 2.7m to 3.5m. I note the Guidelines on Design Standards for New Apartments 2018 states 'in certain main urban centre locations, where apartments front onto or adjoin busy commercial streets with significant pedestrian footfall, the need for future adaptability of ground floor areas from residential to potential commercial uses in the future should be considered. Planning authorities may require ground floor apartment floor to ceiling heights to be a minimum of 3.5 - 4m metres generally, in such specific cases'. I have considered the context of the site relative to the main commercial hub of Donabate and I do not consider an increased height for this retail unit is warranted in this area.

11.10. Conclusion – Planning Assessment

11.10.1. This is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open space will enhance the amenity of the area for both existing and future occupiers. I

consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines and is therefore in accordance with the proper planning and sustainable development of the area.

12.0 **Appropriate Assessment**

Introduction

- 12.1.1. The application contains a Screening Report for Appropriate Assessment prepared by Openfield Ecological Services and an Ecological Impact Assessment, also undertaken by Openfield Ecological Services. The Screening report concludes that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites and that a Stage 2 Appropriate Assessment is not required.
- 12.1.2. Having reviewed the documentation available to me, I am overall satisfied that there is adequate information available in respect of baseline conditions to clearly identify the potential impacts on any European site and I am satisfied that the information before me is sufficient to allow for appropriate assessment of the proposed development.

Appropriate Assessment Screening

- 12.1.3. The proposed development is for 144 residential units on a 1.16 ha greenfield site, located in Donabate town centre, on the peninsula of Donabate. The site comprises partially greenfield and partially vacant undeveloped lands, which are relatively flat and regular in shape. Boundaries consist of hedgerows, trees, shrubs and security fencing.
- 12.1.4. The Screening report notes that there are no species growing on the lands which are listed as alien invasive species under Schedule 3 of S.I. 477 of 2011. There are no habitats which are examples of those listed in Annex I of the Habitats Directive and no evidence that species listed in Annex II of that Directive are present. The remains of native hedgerows, treeline and scrub are considered to be of local biodiversity value and other habitats are considered of negligible value. It is noted that the survey was undertaken in September which is not the optimal season for surveying breeding birds. Blackbird and wren were observed on the site, which are of low

conservation concern. The habitats on the lands are not considered suitable for feeding or roosting birds associated with coastal SPAs. I note no bat survey was undertaken. It is stated in the ecological impact assessment that features on the site may be suitable for foraging bats, however, suitable roosting features (buildings and very old trees) are not present. There are no water courses, bodies of open water or habitats which could be considered wetlands. It is stated that natural drainage pathways are unclear due to the modification of land use and the installation of drainage sewers on the site, but either flow to the Rogerstown Estuary to the north, or the Malahide Estuary to the south. Both of these areas are subject to Natura 2000 designations.

12.1.5. Surface water is proposed to discharge to the network. As part of the surface water management system, it is proposed to install sedum green. This will provide stormwater attenuation and slow runoff rates of water. In addition there will be attenuation storage and the use of swales. It is stated that these measures are designed to ensure that the quality and quantity of run-off are maintained at a 'green field' standard. It is noted that these are standard measures in all new developments and are not included here to avoid or reduce an impact to a European site. Surface water drains to the municipal surface sewer which in turn ultimately discharges to local water courses.

12.1.6. Wastewater is proposed to discharge to the Portrane/Donabate wastewater treatment plant which serves development in this area, and which discharges treated effluent to the Irish Sea under licence from the EPA. This plant is fully compliant with its emission limit standards. Water will be supplied from a mains supply which originates from the reservoir along the River Liffey at Leixlip.

12.1.7. The site itself is not within or adjoining any European site. I note the following European sites are within the wider area of the site:

- Malahide Estuary SAC (000205) & SPA (004025);
- Rogerstown Estuary SAC (000208) & SPA (004015);
- Rockabill to Dalkey Islands SAC (003000);
- Rockabill SPA (004014);
- Skerries Island SPA (004122);

- Howth Head SAC (000202) & Howth Head Coast SPA (004113);
- Lambay Island SAC (000204) & SPA (004069);
- Baldoyle Bay SAC (000199) & SPA (004016);
- Ireland's Eye SAC (002193) & SPA (004117);
- North Dublin Bay SAC (000206);
- North Bull Island SPA (04006);
- South Dublin Bay and River Tolka Estuary SPA (04024).

12.1.8. I have considered the scope of the submitted Screening Report, which examines in detail the following European sites:

- Malahide Estuary SAC (000205) and SPA (004025).
- Rogerstown Estuary SAC (000208) and SPA (004015)
- Rockabill to Dalkey Island SAC (003000)

12.1.9. It is considered in the screening report that these are the only three areas which may fall within the project's zone of influence as there are no pathways to any other Natura 2000 areas. I am satisfied having regard to the nature and scale of the proposed development, its separation distance from other European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that no Appropriate Assessment issues arise in relation to the other European sites listed above and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects thereon. The scope of the applicants Screening Report is therefore considered to be reasonable.

12.1.10. The following European sites are therefore deemed to be within the zone of influence of the site and their relevant qualifying interests and separation distances from the application site are listed:

Name of Site	Conservation Objectives	Qualifying Interests/Special Conservation Interests	Distance

<p>Malahide Estuary SAC (00205)</p>	<p>The specific conservation objectives for these sites (NPWS 2013) are based on attaining ‘favourable conservation status’ for all relevant habitats and species. The NPWS document Conservation Objectives Supporting Document relating to Marine Habitats (2013) list the conservation objective for each qualifying interest against measures and targets (see document for full details):</p> <p>Objective To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Malahide Estuary SAC, which is defined by the following list of attributes and targets.</p> <p>The NPWS document Malahide Estuary SAC Conservation Objectives Supporting Document – Coastal Habitats also contains information in relation to attributes and targets for coastal habitats (see document for full details).</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>c. 1km</p>
<p>Malahide Estuary SPA (004025)</p>	<p>The specific conservation objectives for these sites (NPWS 2013) are based on attaining ‘favourable conservation status’ for all</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p>	<p>c. 1km</p>

	<p>relevant habitats and species.</p> <p>The NPWS document Conservation Objectives Supporting Documents list the conservation objectives for each qualifying interest against measures and targets (see document for full details):</p> <p>Objective 1: To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for Malahide Estuary SPA.</p> <p>Objective 2: To maintain the favourable conservation condition of the wetland habitat at Malahide Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	
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		Wetland and Waterbirds [A999]	
Rogerstown Estuary SAC (00208)	<p>The specific conservation objectives for these sites (NPWS 2013) are based on attaining 'favourable conservation status' for all relevant habitats and species. The following specific objectives are listed in the NPWS document Rogerstown Estuary SAC Conservation Objectives Supporting Document – Marine Habitats (2013), which also contains specific attributes and targets (see document for full details):</p> <p>Objective To maintain the favourable conservation condition of Estuaries in Rogerstown Estuary SAC, which is defined by the following list of attributes and targets;</p> <p>Objective To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Rogerstown Estuary SAC, which is defined by the following list of attributes and targets.</p> <p>The NPWS document Rogerstown Estuary SAC Conservation Objectives Supporting Document – Coastal</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	c. 1.4km

	Habitats also contains information in relation to attributes and targets for Coastal Habitats (2013) – see document for full details.		
Rogerstown SPA (004015)	<p>The following specific objectives are listed in the NPWS document Rogerstown Estuary SPA Conservation Objectives Supporting Documentation (2013), which also contains specific attributes and targets (see document for full details):</p> <p>Objective 1: To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for Rogerstown Estuary SPA.</p> <p>Objective 2: To maintain the favourable conservation condition of the wetland habitat at Rogerstown Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	c. 1.4km

<p>Rockabill to Dalkey Island SAC (003000)</p>	<p>The following specific objectives are listed in the NPWS document Rockabill to Dalkey Island SAC Conservation Objectives Supporting Document – Marine Habitats (2013), which also contains specific attributes and targets (see document for full details):</p> <p>Objective To maintain the favourable conservation condition of Reefs in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets.</p> <p>Objective To maintain the favourable conservation condition of harbour porpoise in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets</p>	<p>Reefs Harbour Porpoise</p>	<p>c. 4km</p>
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Factors Likely to Give Rise to Potential Impacts

- 12.1.6. The submitted Screening Report examines the factors that could affect the achievement of the conservation objectives of the above sites, including issues of habitat loss, disturbance, ex-situ factors, pollution during the construction phase, pollution during the operational phase, and pollution from surface water.
- 12.1.7. With regard to direct impacts, the application site is not located adjacent or within a European site and there are no watercourses on the site or habitats linked to European sites, therefore there is no risk of habitat loss, fragmentation or any other direct impacts.
- 12.1.8. With regard to indirect impacts, the area around the proposed development is suburban in style and the lands themselves are not suitable for feeding or roosting

wetland birds. In relation to construction phase pollution, it is noted that there are no watercourses on the site. Notwithstanding this, estuaries are not sensitive to sediment input should sediment enter the system and any level of sediment runoff is unlikely to have any effect on sensitive habitats or species in the eventuality that surface water enters either of the estuaries. I note that surface water will enter the public surface water network. A SUDS strategy is proposed for the development, however, this is not related to the protection of any European Sites. Wastewater is to be treated at the Portrane-Donabate wastewater treatment plant, which is licenced by the EPA to discharge treated effluent to the Irish Sea, as such there is no pathway to the waters of the Rockabill to Dalkey SAC from this source and no direct pathway to Rogerstown Estuary SAC and SPA or Malahide Estuary SAC and SPA.

12.1.9. In combination impacts have been considered and the risk of in combination impacts residential development can be ruled out.

Conclusion

12.1.10. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, the lack of a direct hydrological connection, and distance from the European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site nos. 000205 (Malahide Estuary SAC), 004025 (Malahide Estuary SPA), 000208 (Rogerstown Estuary SAC), 004015 (Rogerstown Estuary SPA), 003000 (Rockabill to Dalkey Island SAC) or any other European site, in view of the sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

13.0 Recommendation

I recommend that permission is granted, subject to conditions.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Fingal Development Plan 2017-2023,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Chief Executive of Fingal County Council,

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

15.0 Recommended Draft Order

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 4th day of March 2020 by Downey Planning on behalf of Elchior Construction Ltd.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the policies and objectives set out in the Fingal Development Plan 2017-2023,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,

- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Fingal County Council, and
- (n) the report of the Inspector

Appropriate Assessment Screening

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

Environmental Impact Assessment

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

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

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

16.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> (i) The ground level apartments to the west of the retail unit in Block A, that is apartment numbers B-1, F-2, E-3 and G-4, shall be omitted. A separate application shall be lodged for a childcare facility with a minimum capacity for 32 children in the vacated space, or such alternative location within either Blocks A, B or C, as the applicant may determine appropriate, in consultation with the planning authority. (ii) Details of privacy screens shall be provided between balconies. (iii) Details of boundary treatment to ground floor patio/terraces, including an access gate to such patio/terraces from the street, shall be provided. (iv) A landscaped privacy strip shall adjoin all ground level patios to Block A. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>All recommended measures outlined in the submitted Ecological Impact Statement and Arboricultural Report shall be implemented in full.</p> <p>Reason: In the interests of biodiversity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>Details of all security shuttering, external shopfront, lighting and signage shall be submitted to, and agreed in writing with, the planning authority prior to-occupation of the retail unit.</p> <p>Reason: In the interest of the amenities of the area/visual amenity.</p>
6.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>Proposals for a development name, commercial/retail unit identification, and block numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be</p>

	<p>utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.</p> <p>(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.</p>
11.	<p>352 spaces bicycle parking spaces shall be provided for within the site. Details of the layout, storage arrangement, marking demarcation, and security provisions for these spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
12.	<p>(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>(b) The findings of the Stage 1 Road Safety Audit and the undertaking of a Stage 2/3 Road Safety Audit and its findings, shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning</p>

	<p>authority for written agreement prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
13.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
14.	<p>A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
15.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during</p>

	<p>construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
16.	<p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interest of residential and visual amenity.</p>
17.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
18.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been</p>

	<p>completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) to be retained, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
19.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial</p>

	<p>completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
21.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
22.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
23.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July</p>

	<p>2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
24.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of site security fencing and hoardings; d) Details of on-site car parking facilities for site workers during the course of construction; e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; f) Measures to obviate queuing of construction traffic on the adjoining road network; g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

	<p>j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
25.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or</p>

	<p>other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
29.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.</p>

30.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Una O'Neill
Senior Planning Inspector

22nd July 2020

Appendix A – Submissions

1. Donald O’Keefe
2. Irish Water
3. Shane O’Donohoe
4. Alan McLoughlin
5. Assumpta Cuffe
6. Brid Hayes
7. Carol O’Hara
8. Cllr Adrian Henchy
9. Corina Johnston
10. Development Applications Unit
11. Diana Hurley
12. Frank and Paula Barry
13. Geraldine Ellis
14. Gillian Bell and Ciaran Cuddy
15. Inland Fisheries Ireland
16. Ivan Cummins
17. Jeff O’Hanrahan
18. Joan O’Callaghan
19. John C. Hayes
20. John Fitzgerald
21. John Fulham
22. Joseph Fitzsimons
23. Larry Carolan
24. Liam and Geraldine Meaney
25. Liz and Brian Kavanagh

26. Louise Cox
27. Michelle Waters
28. Neill Davidson
29. Rosemary Mac Callion
30. Sean Hanley
31. Sean O'Brien
32. Tim Ferguson