



An
Bord
Pleanála

Inspector's Report ABP-309600-21

Strategic Housing Development

Amendments to Block A, Block B and Block C previously permitted development ABP-306794-20 and associated works.

Location

Lands adjacent to The Gallery, Turvey Walk, off Turvey Avenue and to the west of Donabate Train Station, Donabate, Co. Dublin.

Planning Authority

Fingal County Council

Applicant

Elchior Construction Ltd.

Type of Application

Section 146B

Prescribed Bodies

Fingal County Council

Observer(s)

Brid Hayes

Corina Johnston

Frank and Paul Barry

Liam and Geraldine Meaney
Senator Lorraine Clifford-Lee
Turvey Walk Management CLG

Date of Site Inspection

02.07.21

Inspector

Una O'Neill

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1.0 Introduction

- 1.1. An Bord Pleanála received an application for alterations to a previously permitted development (reference ABP-306794-20) on 4th March 2021, from Downey Planning on behalf of Elchior Construction Ltd. to alter the permission granted for a residential development on lands adjacent to The Gallery, Turvey Walk, off Turvey Avenue, to the west of Donabate Train Station, Donabate, Co. Dublin. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requester to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information and display period up to 23rd June 2021, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
 - (I) make the alteration,
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration

2.0 Site Location and Description

- 2.1. 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.
- 2.2. 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.
- 2.3. 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 / cottages, 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.
- 2.4. 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 Legislation

3.1. Section 146B – 146B(1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

3.2. Alteration a material alteration –

Section 146B(3)(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change

to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(4) Before making a F466[determination under *subsection (3)(b)(ii)*], the Board shall determine whether the extent and character of—

(a) the alteration requested under *subsection (1)*, and

(b) any alternative alteration it is considering under F467[*subsection (3)(b)(ii)(II)*]

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in F469[in *subsection (3)(b)(ii)*]—

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under F470[*subsection (3)(b)(ii)*], or

(b) is likely to have such effects, the provisions of *section 146C* shall apply.

(8) (a) Before making a determination under F474[a determination under *subsection (3)(b)(ii)*] or (4), the Board shall—

(i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

Section 146(C)

146C.— (1) This section applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in F477[section 146B(3)(b)(ii)] is likely to have significant effects on the environment.

4.0 Policy Context

4.1. National Policy

4.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- NPO 3(a): Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints
- NPO 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.
- NPO 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.

- NPO 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.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

4.1.2. **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)

4.2. 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.

4.3. Local Planning Policy

4.3.1. 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.

5.0 Proposed Development

5.1. The applicant is making a request to An Bord Pleanála for alterations relating to ABP-306794-20. The alterations in question are set out by the applicant as follows:

- Block A - provision of a creche facility (304 sqm) as per Condition no. 2, removal of retail unit and in its place increased residential amenity space/rooms and commercial gym (457 sqm).
- Block A - increase in building height by 1 no. storey and the provision of 5 no. additional residential units (51 in total consisting of 7 x 1 no. beds, 44 x 2 no. beds)
- Block B - increase in building height by 1 no. storey and the provision of 4 additional units (44 in total consisting of 12 x 1 no. beds, 32 x 2 no. beds)
- Block C - increase in building height by 1 no. storey to provide 6 additional units (60 in total consisting of 6 x 1 no. beds, 36 x 2 no. beds, 18 x 3 no. beds).
- In total, there will be 155 units, a reduction in car parking to 111 spaces (including a reduction of surface car parking from 5 no. spaces to 2 no. spaces) and reduction in basement size to 4219.5sqm, an increase in cycle parking to 410 spaces and minor alterations to landscaping.

6.0 Submission from the Planning Authority

6.1. The submission from Fingal County Council is summarised as follows:

- Height: The proposal for an additional storey to Blocks A, B and C is generally considered acceptable to the Planning Authority, having regard to the location of the site and the pattern of development in the vicinity.
- Omission of Retail Unit: Having regard to the level of existing and permitted retail development within Donabate Town Centre and the extent of lands

zoned 'TC – Town & District Centre' in the area, it is considered that the proposal to omit the retail within Block A is acceptable.

- **Public Open Space:** The current proposal seeks to add 11 no. residential units. The Bord is requested to include a condition requiring a financial contribution in lieu of the shortfall of public open space, based on the particulars submitted. Please refer to original CE report of 22nd June 2020 regarding this calculation.
- **Car Parking:** There is a deficit of 15 parking spaces with regard to the Development Plan Standards and 13 spaces with regard to what the Transportation Planning Section consider to be the practical parking demand for the proposed development.
- The Transportation Planning Section of FCC has concerns with regard to the lack of any additional residential parking for the extra 11 new units. There is also some concern with regard to the deficit of up to 28 additional parking spaces required for the Creche and Gym. All of the parking associated with the proposed residential development should be reserved exclusively for the residential units. The set-down arrangements for the creche should be agreed with the Transportation Planning Section as there are significant safety issues to be addressed through the provision of a suitable set-down facility.

7.0 Observations

7.1. Six third party observations have been received, which are summarised as follows:

Density, Height, Design

- Permission should be refused as design, scale and height of the proposed alterations are not in keeping with the surrounding area and will severely impinge on adjacent properties.
- Proposal is too high a density for such a confined area.
- Proposal will result in overdevelopment of the site.
- Additional height would be visually dominant, obtrusive and overbearing.

- The density of 134 units per ha is not in keeping with the established character and pattern of development in the area.
- Design Standards for New Apartments 2018 – proposal considered to be an Intermediate Urban Location.
- Proposed buildings are too high. Light and sunshine will be deprived from current residents.
- Height of buildings would not respect the setting and scale of existing development in the vicinity and would be overbearing on Turvey Avenue, Turvey Grove and the 4 storey Gallery apartments.
- Inappropriate height would compromise and negatively impact on the established integrity and special character of Turvey Avenue and surrounding areas.
- Section 5.3 of the Sustainable Residential Development in Urban Area (2009) seeks to ensure sensitivity in relation to adjacent residential development. Building heights should taper down towards boundaries of a site within an established residential area.
- Development would be contrary to Objective DMS39 of the Fingal Development Plan. The proposal would affect the views, privacy and light of adjacent properties and is not in keeping with the surrounding buildings and landscape.
- Undesirable precedent which would be harmful to visual and residential amenities of the area.
- Proposal would be overbearing and would overshadow and overlook properties in The Gallery and the single and two storey properties along Turvey Avenue.
- If permission is granted for an additional floor to Block C, proposed unit 58 should be omitted to facilitate a greater set back from The Gallery and to reduce overlooking.
- Notwithstanding BRE compliance, there will be some overshadowing of The Gallery which is not acceptable.

- Facilities and recreation areas are lacking, and proposal will lead to pressure on existing facilities serving existing residents.
- Development would be contrary to Objective DMS157 of the Fingal Development Plan in relation to ACAs.
- The proposal would fail to respect architectural qualities of RPS no. 798 to the west and RPS 508 to the south.
- Density is incorrectly stated in the submitted planning report and is miscalculated as the public footpath area is included.
- No shadow diagrams have been submitted, with the assessment based on quantitative assessment figures from BRE guidelines.

Traffic and Car Parking

- Turvey Walk is the location of Donabate Railway Station and car park. It is already a parking and road traffic black spot.
- Turvey Walk is a narrow access road. Permission was granted for a supermarket, off licence, café and retail units on an adjacent site. Insufficient proposals to address speed/parking along Turvey Walk and traffic.
- Traffic calming measures should be included in any planning conditions, as per Objective MT37.
- No additional parking included to serve additional apartments, gym, creche, and employees and users. Level of provision does not meet FCC standards.
- Traffic calming not adequate.
- Deficit in car parking is too great – 111 spaces provided, instead of 233.
- Surrounding roads are too narrow. See image 410 of bike stands showing roads.
- Gym and creche will result in increased traffic with lack of parking.
- Green space too small.
- Proposal will impact on property values in the area.

Removal of Retail Unit

- The gym is open to non-residents. There is a lack of retail space in Donabate. Removing the retail unit and replacing it with a gym will be to the detriment of the development and local community. Given the projected population increase in the area, retail space is needed for a sustainable community.

Other Matters

- The open space in the northwest corner is mostly outside the red line boundary.
- Issues arise on the shared northern boundary with The Gallery in relation to existing trees which are now being retained. Agreement and clarity with The Gallery is required.
- The northeast corner of the site has been managed and maintained by The Gallery since its construction.
- The Gallery plan to erect a barrier to traffic on Turvey Walk near their entrance. Risk of overflow and fly parking on Turvey Walk.
- Detrimental impact on overall value of property.
- Revisions to the internal layouts were not correctly advertised on the public notices.
- The schedule of accommodation is not clear in relation to the proposed 15 apartments and compliance with standards.
- The revisions proposed amount to a Build to Rent scheme.
- Inaccurate description of the height of The Gallery apartments.
- Negative impact on property values in The Gallery.

8.0 Planning History

- 8.1. The application proposed to be amended, reference ABP-306794-20, was granted permission on 10th August 2020 for a residential development under the provisions of the SHD legislation. The proposed development was for the construction of 144 apartments and 1 no. retail unit in three blocks, all over a single basement.

The following condition 2 of the permission is noted, which reduced the number of units proposed from 144 to a permitted 140 units:

The proposed development shall be amended as follows:

(a) 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 number children in the vacated space, or such alternative location within Block A as the developer may determine appropriate, in consultation with the planning authority,

(b) Privacy screens shall be provided between balconies,

(c) Boundary treatment to ground floor patio/terraces, including an access gate to such patio/terraces from the street, shall be provided,

(d) A landscaped privacy strip shall adjoin all ground level patios to Block A. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity

9.0 **Assessment**

9.1. **Overview**

9.1.1. The applicant applied for 144 apartments and one retail unit under ABP-306794-20. Condition 2 required the omission of four apartments, resulting in a permission for 140 units. I note the applicant is applying for amendments resulting in a proposal for 155 units, which is eleven more than previously applied for and fifteen more than permitted.

9.1.2. The proposed alterations to ABP-306794-20 are summarised as follows:

- Block A - provision of a creche facility (304 sqm) as per Condition no. 2, removal of retail unit and in its place increased residential amenity space/rooms and commercial gym (457 sqm).

- Block A - increase in building height by 1 no. storey and the provision of 5 no. additional residential units (51 in total consisting of 7 x 1 no. beds, 44 x 2 no. beds)
- Block B - increase in building height by 1 no. storey and the provision of 4 additional units (44 in total consisting of 12 x 1 no. beds, 32 x 2 no. beds)
- Block C - increase in building height by 1 no. storey to provide 6 additional units (60 in total consisting of 6 x 1 no. beds, 36 x 2 no. beds, 18 x 3 no. beds).
- In total, there will be 155 units, a reduction in car parking to 111 spaces (including a reduction of surface car parking from 5 no. spaces to 2 no. spaces) and reduction in basement size to 4219.5sqm, an increase in cycle parking to 410 spaces and minor alterations to landscaping.

9.1.3. The application is accompanied by the following documents: Planning Statement, EIA Screening Report, Screening Report for AA, Sunlight Daylight and Shadow Analysis, Housing Quality Assessment, Waste Management Plan, Engineering Report, Transportation Assessment Report (including Mobility Management Plan, DMURS Statement of Consistency and Road Safety Audit), Landscape drawings, and Photomontages and CGIs.

9.2. Zoning and Uses

9.2.1. The applicant proposes to omit the permitted retail unit and, in its place, proposes additional residential amenity spaces (a stated 400sqm in total) of a laundry room, 'bookable' kitchen/living/dining room, concierge and lounge areas, in addition to three additional office rooms. The location of the office space will result in the omission of an additional two apartments at ground level. A commercial gym with changing rooms is also proposed.

9.2.2. 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...'. Residential use is permitted within TC, as is a gym. The additional residential amenity spaces of bookable room, offices and laundry uses are also acceptable.

9.2.3. There is no stipulated appropriate mix of uses for town centre sites within the development plan. I note concern raised in a submission in relation to the replacement of the retail unit. I have considered the proximity and accessibility of the site to the existing commercial core and services of the town, proximity of permitted retail uses adjoining the site, and context of the existing residential developments and I consider the revised mix of uses and omission of the retail unit would be in compliance with the zoning objective and its associated vision and would not be to the detriment of the area.

9.2.4. The applicant proposes a childcare facility in place of four apartments, as per condition 2 of the permitted development. This is acceptable. The balcony area assigned to the ground floor childcare facility is 47.5sqm (5m deep x 9.5m wide) and is in my opinion small for the scale of the facility, however, I note it is located adjoining an open space area and proximate to a proposed playground, both of which would be accessible and open to use by the childcare facility.

9.3. **Density and Unit Mix**

9.3.1. Under permission ABP-306794-20 where 144 units were proposed, the proposed density was 124 units/ha. The applicant proposes to increase the number of units to 155 units on this 1.16 ha site, resulting in an overall density of 134 units per hectare. Additional apartments are proposed through the addition of a floor to Blocks A, B and C, which would result in a total of 155 units and give an overall density of 134 units per hectare. I note the submitted Planning Report incorrectly references the proposed density as 124 units per hectare, however, accurate information in terms of unit numbers and site area has been submitted.

9.3.2. One submission considers the inclusion of part of the public footpath in the site area is misleading and the density figure should be stated as 141.8 units per hectare. Other submissions consider the increase in density given the area involved is excessive and will result in overdevelopment.

9.3.3. I note the Board has determined that this site is capable of accommodating a high-density development, as per the previous permitted development, and that detailed

planning considerations in relation to the proposed additional units and not the density figure alone will determine the suitability of the proposed alterations. With regard to density, the Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. I note there is no upper limit on density applied and the application site is within 150m of a rail stop.

- 9.3.4. The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.
- 9.3.5. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The site, given it's proximity to a high capacity train line, the town centre itself, as well as to a large hospital (currently under construction in Portrane), is a suitable location for higher density residential development.
- 9.3.6. The increase in density at this location from 124 units/ha to 134 units/ha is in my opinion acceptable and is in accordance with national policy in this regard including the Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, subject to appropriate design and amenity standards, which will be assessed in detail hereunder.

9.3.7. The unit mix has been altered with the alterations proposed as set out in the table hereunder. I consider the difference in unit mix to be marginally different and the mix as now proposed will enhance the housing mix of the wider area, where there are 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.

Unit Mix

	1 bed	2 bed	3 bed	Total
Permitted Development	26 (18%)	100 (69%)	18 (13%)	144
Proposed amendments	25 (16%)	112 (72%)	18 (12%)	155

9.4. **Height and Design**

- 9.4.1. The applicant proposes to add a floor to each of the permitted Blocks A, B and C, with the additional floor to each block incorporating setbacks within the permitted footprint. It is stated in the submitted planning report that the additional floors have been set back so as not to appear overbearing or impact on the privacy of other units within the consented SHD development or on The Gallery/Turvey Walk apartments.
- 9.4.2. A number of submissions received consider the proposed alteration to the height is excessive, out of keeping with the area, overbearing and will impact negatively on the established character of neighbouring properties.
- 9.4.3. I have inspected the site and viewed it from a variety of locations in the surrounding area. I have reviewed all documentation submitted with the application, including the architectural drawings, photomontages, and CGIs, and I have considered all submissions made. I note a submission raises a query in relation to some of the CGIs, however, I am satisfied that the level of information submitted is acceptable.
- 9.4.4. Block A as previously permitted had a maximum Ridge Level height of 22.7mOD, ranging in height from 3 to 4 to 5 storeys. The proposed additional floor is to the eastern arm of Block A facing Turvey Walk/opposite Wren’s Hill and brings the height of this portion of the building to 25.75mOD. I consider the design and layout of the western portion of the block, as assessed in the permitted application ABP-

306794-20, has overall adequately responded to its context with the southern boundary with its stepped height design and positioning of the blocks relative to the existing dwellings. In relation to the eastern portion of the building where the additional floor is proposed, I consider the addition of a full fourth floor (in place of a stepped back fourth floor) and partially stepped back fifth floor, would not detract from the visual amenity of Turvey Walk and given its location relative to the bunaglows to the south there will be no significant visual impact from this perspective. I consider the proposed amendment to the height when viewed from Turvey Walk would further define the entrance to the scheme and the built edge to at this location, with the amendments to the ground level continuing to make a positive contribution to the urban streetscape. Given separation distances involved I do not consider the proposal would detract from the character of the Wren's Hill development or other neighbouring properties, but would add to a variety of architectural design and character which would make a positive contribution to the legibility of the area.

- 9.4.5. Block B was previously permitted with a RL height of 22.95mOD and was 5 storeys in height. The proposed additional floor to Block B is added to the centre of the block with significant set backs off the western and eastern side of the building. The proposed floor results in the addition of four apartments to the block. Given the separation distance of 24m from the block to the north in The Gallery and the positioning of the additional floor relative to the blocks in The Gallery to the north and northwest, in addition to the scale of existing deciduous trees to be retained along the northern boundary, I do not consider the additional height nor the flat-roof design approach will have a significant negative impact on visual amenity when viewed from The Gallery. It is recommended in a submission that the additional floor should only permit apartments to the southern side of the block and that it should be conditioned that no access to the roof or provision on terraces is allowed. As per my assessment, I do not consider such a condition warranted and I am satisfied based on distances between blocks and the design and positioning of the additional floor, that significant overlooking/loss of privacy would not arise and nor would issues relating to overbearance. I discuss in more detail impacts in relation to residential amenity hereunder.

- 9.4.6. Block C with its staggered height of 3-5 storeys had a maximum RL height of approx. 23.25mOD. The additional floor (25.65mOD) is positioned over the northern half of the building, over the permitted fourth floor and slightly stepped back from the northern edges. I note the positioning of the additional floor away from the southern boundary where there are single storey dwellings and I note the northern portion of the block where the additional floor is proposed adjoins a cul-de-sac to the west and southern corner of public open space, where there is an existing strong hedgerow/treeline. While higher than the context of the neighbouring dwellings to the west, I do not consider the proposed additional floor 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. While the development will be visible from the two storey dwellings to the west, I consider there sufficient separation distances between the properties such that the additional floor will not detract from the character of the neighbouring residential development but will contribute to the evolving and varied architectural character of the area.
- 9.4.7. Concerns have been raised in submissions 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 additional height to each of the blocks of one storey will have a significant impact on the architectural heritage of the area given the overall separation distances involved and intervening land uses/permitted development and road. While one submission raises a concern that an updated Architectural Heritage Impact Assessment was not submitted, I do not consider such an updated report would have been warranted and I have sufficient information before me, including photomontages, to form an opinion in relation to this issue.
- 9.4.8. The proposal for an additional floor to each of Blocks A, B and C, given their positioning and design, will in my view result in a development of an appropriate height and scale which will integrate successfully with the wider area. The layout and design has had due regard to the site's immediate context, will contribute to the public realm and streetscape, will add to visual interest, and to the legibility and character of this developing area. I consider the additional height, scale and massing is acceptable in townscape and visual terms and I do not consider the additional

floors proposed to each block would unduly dominate or undermine the wider character of the area. The design has overall had appropriate regard to national guidance which promotes higher densities and building heights in locations such as this. Having regard to all of the above, I consider the site has the capacity to absorb the amendments of the nature and scale proposed and the design, height and layout are in my view acceptable.

9.5. Impact of Increased Height on Residential Amenity

- 9.5.1. Concerns have been raised in relation to scale and height of the development and resultant impacts on overlooking, overshadowing, loss of light, impacts on privacy and overbearance on neighbouring properties.

Daylight, Sunlight, and Overshadowing

- 9.5.2. An updated Daylight, Sunlight and Overshadowing report for the proposed development has been submitted with the application.
- 9.5.3. Objective DMS30 of the Development Plan requires that all new residential units comply with the recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (B.R.E 209, 2011) and B.S. 8206 'Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting' or other updated relevant documents. The methodology of the updated Daylight, Sunlight and Overshadowing report states the report was prepared using BRE 209 and BS 8206-2.
- 9.5.4. A number of submissions question the level of overshadowing from the proposed development and impact on light of neighbouring properties as well as the suitability of the BRE guidance/model.
- 9.5.5. In considering daylight and sunlight impacts, the Apartment Guidelines (2020) state that PA's should have regard to quantitative performance approaches outlined in guides like the BRE guide Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers). The Building Height Guidelines (2018) state under Section 3.2 Development Management Criteria, that at the scale of the site/building, 'appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition) or BS

8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting’. I note the latter document British Standard (BS) 8206-2:2008 has since the publication of the guidelines been replaced by BS EN 17031:2018 ‘Daylight in Buildings’, however, I am satisfied that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Building Height Guidelines and the Apartment Guidelines. While a third party submission proposes an alternate model to assess overshadowing and APSH as being more accurate, this is not what the guidelines recommend and I am satisfied that the methodology put forward has had regard to the appropriate guidelines, as specified in the Fingal Development Plan, Apartment Guidelines and Building Height Guidelines.

- 9.5.6. Both the Apartment and Building Height guidelines indicate that where an applicant / proposal cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and thereafter the planning authorities / An Bord Pleanála should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution. This is provided for within the BRE guidance document itself.
- 9.5.7. I have had appropriate and reasonable regard to these documents (and associated updates) in the assessment of this Section 146B application. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state ‘Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design’.
- 9.5.8. Sunlight: With regard to sunlight, the BRE guidance states that where a development lies due north of a neighbouring development, then sunlight does not need to be analysed. Sunlight is measured in terms of the Annual Probable Sunlight Hours (APSH) for any given location, whereby in order for a proposed development to have a noticeable impact on the APSH of an existing window, the value needs to both drop below the stated target value of 25% (annual) /5% (Winter) and be reduced by more than 20% of the baseline value and it has to have a reduction in sunlight

received over the whole year greater than 4% of the annual probable sunlight hours. The bungalow dwellings on Turvey Avenue, which back onto the application site, are south of the site and therefore an APSH assessment is not required. An APSH assessment was undertaken in relation to the relevant windows in Block 1 and Block 2 of The Gallery and was found in all instances to meet the BRE guidance. The relevant windows in Block 2 to the east/on the eastern side of Turvey Walk was assessed and found to meet BRE guidance. The addition of a 5th floor to Blocks A, B and C increases the height of block A to 18.65m and block B and C to 18.45m. In accordance with BRE guidance, existing buildings within a radius of 3 times this height, approx. 55m needs to be considered for loss of light. The buildings requiring further assessment as part of this application are Block 1 and Block 2, The Gallery only. There is no discernible loss of light to buildings outside of this radius and therefore other buildings need not be analysed as noted in section 2.2.4 of BRE guidance. The windows in Blocks 1 and 2 of The Gallery meet the BRE guidance in all instances.

9.5.9. Daylight: With regard to daylight, the BRE guidance indicates that if the VSC can be maintained above 27%, then enough skylight should still reach the window of an existing building. If the resultant VSC is both less than 27% and less than 0.8 times its former value after the construction of the proposed development, occupants of the building will notice a reduction in skylight. Properties assessed were Blocks 1 and 2 of The Gallery, three houses on Turvey Grove, houses on Turvey Avenue and Church View, and apartments in Blocks 1 and 2 Turvey Walk to the east. All properties meet the relevant BRE guidance with the amended development in place.

9.5.10. Overshadowing: With regard to overshadowing, the BRE guidance recommends that at least half of the area of relevant spaces (ie private gardens of dwellings; amenity spaces; public spaces; streetscapes) should receive at least two hours of sunlight on 21st March. Proposed amenity areas 1 and 2 within the development were assessed and found to be in compliance with guidance. While a submission notes that overshadowing diagrams for the neighbouring properties has not been submitted, I note that the sunlight and daylight parameters have been set out and I am satisfied having regard to the path of the sun and the positioning of the additional floors relative to the neighbouring properties, that the proposed additional apartments would not result in significant overshadowing or additional overshadowing of

neighbouring properties and would be in accordance with BRE guidance in this regard.

- 9.5.11. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within the Dublin Metropolitan area with a positive and active urban edge, in accordance with national policy guidance, are in my opinion acceptable, are in compliance with the relevant BRE and BS standards.

Overbearance

- 9.5.12. As discussed in Section 9.4 of this report, I consider the layout and the design of the additional floor to each block has had due regard to the site context and location of neighbouring properties, as supported by the updated Daylight Sunlight and Overshadowing report. While the proposed additional floors will be visible, I do not consider this will result in a negative impact on residential amenity given the design and layout of the additional floors and other amendments, including stepped heights and separation distances. The protection of existing residential amenities requires balancing against the requirements for sustainable consolidated urban infill development in appropriate locations. Having regard to all of the information before me, including the layout, design and separation distances involved, I consider that while there will impacts on the dwellings neighbouring the site in terms of outlook and the development will be visible when viewed from surrounding area, the impacts of the amendments proposed are not so great as to have a significant negative impact on the residential or visual amenity of the neighbouring dwellings or on the wider area.

9.6. **Apartment Design and Layout**

- 9.6.1. The amended Housing Quality Assessment submitted indicates that floor areas for all apartment units meet or exceed the minimum standards specified in SPPR3 of the guidelines Design Standards for New Apartments (2020).
- 9.6.2. I note minor amendments proposed to the internal layouts of a number of apartments, which I have reviewed and are in accordance with the Apartment Guidelines.
- 9.6.3. Private open space is provided in the form of balconies and the minimum space and depth standards are met.
- 9.6.4. Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three person apartments. All additional two bed units proposed can accommodate four persons and are in accordance with SPPR3 in terms of apartment sizes.
- 9.6.5. SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. The housing quality assessment submitted with the permission indicated 53% of the units were dual aspect. I have examined the proposed additional units and note the total number of dual aspect units with the additional units in place remains at 53%. I am satisfied that the requirements of SPPR 4 of the Guidelines are met and exceeded.
- 9.6.6. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.
- 9.6.7. In summary, the proposed apartments are in compliance with guidelines Design Standards for New Apartments 2018.

Sunlight, Daylight and Overshadowing

- 9.6.8. With regard to daylight factors in the proposed apartments, the updated Daylighting and Sunlighting Report addresses ADF values. BS 8206-2:2008 sets out ADF values for kitchens of 2%; for living rooms of 1.5%; and for bedrooms of 1%. It recommends that where one room serves more than one purpose (ie a combined kitchen and living area), the minimum ADF should be taken for the room with the highest value, ie 2% where a scenario of a combined kitchen/living area is proposed. From the submitted report, I note that a target of 1% has been applied to bedrooms

and 2% to combined kitchen/living areas and all rooms assessed are in compliance with the standards. While it would have been beneficial for diagrams illustrating the results to have been submitted, I am satisfied that the quantitative assessment as submitted indicates compliance with the relevant standards.

9.7. Open Space

- 9.7.1. The applicant states in the submitted Planning Report that the public open space requirement for the proposed development is considered to be c.0.65 hectares. It is stated that class 1 public open space is not proposed given the context of this town centre site and proximity to Newbridge Demense. The applicant states that 4,645 sqm of communal/semi-public/public open space is proposed to serve the proposed development and existing built environment.
- 9.7.2. Under the permission ABP-306794-20, the total public open space being provided on site was deemed to equate to 2957 sqm (1199 sqm + 1758 sqm), which is greater than 10% of the site area of 1.16ha. I note a submission notes some of the measurements include pathways, with the landscape plan measuring the usable open space areas as 2583sqm. I note the total area, depending on whether paths are included or not, is far in excess of 10% of the site area. The Planning Authority requests a contribution in lieu of open space be applied. I note permission ABP-306794-20 did not apply a special development contribution in this regard and the current FCC Development Contribution Scheme 2016 -2020 includes contributions for community and parks facilities and amenities. I do not consider the additional apartments given rise to additional open space demands, given the level of provision exceeds 10% of the site area and the level of communal space arising from an additional eleven units will be met within the existing area.
- 9.7.3. I note internal communal space for residents is proposed as part of the alterations. While raised as a concern in a submission that this would result in this development becoming a build to rent development, I note that this is not what has been applied for and the Apartment Guidelines promote and support the provision of communal rooms for use by residents in apartment schemes, particularly in larger developments. The level of internal communal facilities proposed will complement the proposed open space provision.

9.8. Landscape Amendments

- 9.8.1. An Ecological Impact Statement, an Arboricultural Report, Landscape Design Rationale report, and associated drawings were submitted with application ABP-306794-20 and the permission granted attached conditions in relation to agreement with the planning authority in relation to a landscape plan and trees to be retained (conditions 16 and 18).
- 9.8.2. A submission raises concerns in relation to the lack of clarity with regard to the proposed landscape amendments along the northern boundary, with trees proposed to be removed now retained and proposed additional planting omitted.
- 9.8.3. I have reviewed the submitted plans in this regard and note that the submitted landscape layout proposes the same trees to be retained and planting plan for the northern boundary. Conditions 16 and 18 of ABP-306794-20 remain applicable.

9.9. Car Parking and Bicycle Parking

- 9.9.1. The submission from FCC raises concerns in relation to the lack of additional parking with the increased number of units and addition of a commercial gym and creche. Observer submissions raise concerns in relation to the reduction in parking alongside the increase in unit numbers and concern that additional parking for the childcare facility and gym has not been adequately provided for and will result in traffic congestion and overflow parking.
- 9.9.2. The applicant proposes to reduce the size of the basement and reduce the number of car parking spaces, while increasing cycle spaces. The applicant's submission states that it is considered that this is more appropriate given the town centre location of the site and increased emphasis on cycling and public transport provision in national guidelines.
- 9.9.3. The documentation is accompanied by an amended Transport Assessment Report. The basement car park is to be reduced in area and a total of 111 car parking spaces provided (109 in the basement and 2 no. spaces at the surface) and reduction in basement size to 4219.5sqm. An increase in cycle parking to 410 spaces (364 in basement and 64 at surface) is proposed. I note the submitted Planning Report incorrectly states 149 parking spaces are being provided, however, this was what was permitted under permission ABP-306794-20, whereas this application involves a reduction in this number to 111, as clearly indicated in the

description of development, on the submitted drawings and in the Transport Assessment Report.

- 9.9.4. The level of parking is lower than that previously proposed, with an average of 0.72 spaces per apartment, versus the previous 1.03 spaces per apartment. I note the site is within 150m of a high capacity transport route and within walking distance of the town centre and its associated services, which in accordance with section 28 ministerial guidelines, allows for reduced standards of parking. In this regard, I note that in accordance with the Apartment Guidelines (2020), where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage.
- 9.9.5. 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 gym or childcare facility (which was also not provided for as part of the permitted 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 these additional services. The impact of the revised development traffic on the local roads has been assessed and I am satisfied based on the information submitted that the proposed development with an additional eleven residential units, gym use, and reduced parking provision 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.
- 9.9.6. I note the increase in cycle parking in accordance with the Apartment Guidelines, which is welcome at this location and the accessibility of a car sharing option at Donabate Railway Station. I do not consider the change in uses and additional apartments proposed will give rise to significant traffic management issues at this location. The issue raised by the PA in relation to the set-down/drop-off arrangements for the childcare facility can be addressed through condition 12 of permission ABP-306794-20, should the RSA raise concerns in this regard.

9.9.7. With regard to concerns raised in relation to the width of Turvey Walk and ability to accommodate additional traffic, I note Turvey Walk is 6m wide with a footpath and verge along both sides and is not in my opinion excessively narrow. I consider the proposed addition of eleven units over that originally proposed will not give rise to a significant level of additional traffic and the reduction in car parking provision will reduce such movements associated with the development.

9.10. **Other Matters**

9.10.1. I note issues raised in submissions in relation to boundary disputes and agreements with The Gallery. In terms of legal interest, I am satisfied that the applicant has provided sufficient evidence of their 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 the planning appeal. 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.

9.10.2. With regard to concern that not all proposed amendments were listed in the public notices/description of development, I note the purpose of the public notices is to give an indication to the general public that a planning application has been lodged on the subject lands and a broad outline of the development proposed. It is clear that the general public have been made aware of the proposed development and I am satisfied that a broad outline of the proposed development has been adequately presented.

9.10.3. I note the concerns raised in submissions in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

10.0 **Environmental Impact Assessment Screening**

10.1.1. The proposed development of 155 residential units, on a 1.16 ha site, is located on a greenfield site in an urban area that is zoned and serviced and is proximate to a railway station. The area is characterised by apartments and two storey housing. A site survey was undertaken in September 2019 as part of the Ecological Impact

Statement submitted under ABP-306794-20. 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.

- 10.2. 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.
- 10.3. 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.)
- 10.4. 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.
- 10.5. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential and gym use proposed would be similar to predominant land uses in the area. The proposed development will not increase the

risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 11 concludes that the potential for adverse impacts on European sites can be excluded at the screening stage. I have considered the ACA status of The Square, which is located to the south of the site on the opposite side of the road and the site will not negatively impact this ACA or protected structure of St. Patrick's Church in that area.

10.6. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted development in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Landscape plan and Photomontages/CGI booklet
- Transport Assessment, MMP, DMURS and RSA Report
- Engineering Services Report, and Engineering drawings
- Sunlight Daylight and Shadow Analysis
- Appropriate Assessment Screening Report
- Preliminary Construction and Demolition Waste Management Plan, including noise and dust control measures
- Planning Statement
- Preliminary Construction and Demolition Waste Management Plan

10.7. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of

other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I would note that the following assessments / reports have been submitted:

- An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application, which also address requirements arising from the Water Framework Directive and the Urban Wastewater Treatment Directive.
- A Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- A Preliminary Construction and Demolition Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011 and has relied on standards derived under or related to the EU Environmental Noise Directive, as well as air quality monitoring and standards derived from the EU Ambient Air Quality Directive.

The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

10.8. I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This

conclusion is consistent with the EIA Screening Statement submitted with the application.

10.9. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

10.10. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Appropriate Assessment

11.1. Compliance with Article 6(3) of the Habitats

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

11.2. Background on the Application

- The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application, dated October 2020.
- The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential impacts during construction and operation of the development are considered as well in combination impacts of neighbouring developments.
- The screening is supported by associated reports submitted with the application, including an Engineering Report and Preliminary Construction and Demolition Waste Management Plan.

11.3. A Screening Report for Appropriate Assessment was submitted as part of application ABP-306794-20, which concluded 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. A revised Screening Report has been submitted as part of this application which amends ABP-306794-20 and provides for 155 residential units. The Screening

Report submitted with this application 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.

11.3.1. Having reviewed the documents and submissions, I am satisfied that the information submitted allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.4. Screening for Appropriate Assessment - Test of likely significant effects

11.4.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

11.4.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief Description of the Development

11.4.3. The proposed development is for 155 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.

11.4.4. 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.

- 11.4.5. 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.
- 11.4.6. 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.
- 11.4.7. 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.
- 11.4.8. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- Habitat loss/ fragmentation
 - Habitat disturbance /species disturbance
 - Construction related uncontrolled surface water/silt/ construction related pollution and operational phase surface water pollution.

European Sites

11.4.9. 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).

11.4.10. 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)

11.4.11. 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 European sites. 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.

11.4.12. 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
Malahide Estuary SAC (00205)	<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</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 Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	c. 1km

	Document – Coastal Habitats also contains information in relation to attributes and targets for coastal habitats (see document for full details).		
Malahide Estuary SPA (004025)	<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 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>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	c. 1km

		<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	
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</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

	<p>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 Habitats also contains information in relation to attributes and targets for Coastal Habitats (2013) – see document for full details.</p>		
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 (Anser anser) [A043]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p>	c. 1.4km

		Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	
Rockabill to Dalkey Island SAC (003000)	<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>	Reefs Harbour Porpoise	c. 4km

Identification of Likely Effects

11.4.6. With regard to direct impacts and habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss

impacts and there is no potential for habitat fragmentation. The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European site(s). There is therefore no potential for any in combination effects to occur.

11.4.7. With regard to indirect impacts, the area around the proposed development is sub-urban 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.

11.4.8. 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.

11.4.9. Potential disturbance and displacement impacts during construction and operation are considered. No European sites within the disturbance Zol have been identified. There are no habitat areas within the disturbance Zol of the proposed development that support populations of qualifying/special conservation interest species of any European site. In combination impacts have been considered and the risk of in combination impacts residential development can be ruled out.

Mitigation measures

11.4.10. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

11.4.11. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it is concluded that

the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on 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 (and submission of a NIS) is not therefore required.

11.4.12. This determination is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- To the intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

12.0 Recommendation

12.1. Having regard to the above assessment, I recommend that in accordance with subsection (3)(b)(ii) of section 146B of the Act 2000 (as amended) the Board – (II) make the alteration, subject to condition, for the reasons and considerations set out below.

13.0 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, prepared by the Department of Housing, Planning and Local Government in December 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013, and as amended
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A

Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009

- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (h) the nature and scale of the Strategic Housing Development permitted under ABP-306794-20,
- (i) the appropriate assessment and environmental impact assessment carried out in the course of this application
- (j) the nature and scale of the alterations,
- (k) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations,
- (l) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and
- (m) submissions received,

it is considered that the proposed alterations would be material and, subject to alteration of conditions 1 and 11 of ABP-306794-20 as follows, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 4th March 2021 and 28th May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

11. 410 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.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

14.0 Recommended Draft Order

REQUEST received by An Bord Pleanála on the 4th March 2021 from Downey Planning on behalf of Elchior Construction Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development on lands adjacent to the Gallery, Turvey Walk, off Turvey Avenue, to the west of Donabate Train Station, Donabate, Co. Dublin, which is the subject of a permission under An Bord Pleanála reference number ABP-306794-20.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 10th August 2020,

AND WHEREAS the Board has received a request to alter the terms of the development which is the subject of the permission,

AND WHEREAS the proposed alterations are described as follows:

- Block A - provision of a creche facility (304 sqm) as per Condition no. 2, removal of retail unit and in its place increased residential amenity space/rooms and commercial gym (457 sqm).
- Block A - increase in building height by 1 no. storey and the provision of 5 no. additional residential units (51 in total consisting of 7 x 1 no. beds, 44 x 2 no. beds)

- Block B - increase in building height by 1 no. storey and the provision of 4 additional units (44 in total consisting of 12 x 1 no. beds, 32 x 2 no. beds)
- Block C - increase in building height by 1 no. storey to provide 6 additional units (60 in total consisting of 6 x 1 no. beds, 36 x 2 no. beds, 18 x 3 no. beds).
- In total, there will be 155 units, a reduction in car parking to 111 spaces (including a reduction of surface car parking from 5 no. spaces to 2 no. spaces) and reduction in basement size to 4219.5sqm, an increase in cycle parking to 410 spaces and minor alterations to landscaping.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal and additional drawings to be submitted,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b)(ii)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board, subject to the alteration of conditions 1 and 11 of ABP-306794-20 as follows:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 4th March 2021 and 28th May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

11. 410 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.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

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, prepared by the Department of Housing, Planning and Local Government in December 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013, and as amended

- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (h) the nature and scale of the Strategic Housing Development permitted under ABP-306794-20,
- (i) the appropriate assessment and environmental impact assessment carried out in the course of this application
- (j) the nature and scale of the alterations,
- (k) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations,
- (l) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and
- (m) submissions received.

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 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.

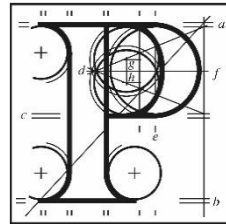
Conclusions on Proper Planning and Sustainable Development:

The Board considers that the proposed alterations would be material and, subject to compliance with conditions, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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.

Una O'Neill
Senior Planning Inspector

2nd July 2020

Appendix A: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-309600-21
Development Summary		Amendments to permission ABP-306794-20 to add an additional floor to Blocks A, B and C, resulting in overall number of 155 residential units, including a childcare facility and gym; reduction in car parking spaces and basement car parking area; increase in cycle parking spaces.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Fingal Development Plan 2017-2023.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of residential units and mixed uses on zoned lands. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located on greenfield infill lands in Donabate, within Fingal County Council. The proposed development is not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is an alteration to an existing permitted development. The development changes have been considered in their entirety and will not give rise to any significant additional effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No European sites located on the site. An AA Screening Report accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>any European site, in view of the sites Conservation Objectives.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There is an ACA and protected structure proximate to the site, however the scheme does not negatively impact on these.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There are no such adjoining landuses. The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective 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.
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: Una O'Neill

Date: 02/07/2021

