



An
Bord
Pleanála

Inspector's Report

ABP-309833-21

Development

Residential development consisting of construction of 52 no. residential units, refurbishment of existing former barracks building on site, carparking spaces, bicycle parking spaces and all associated site works. The site is within the curtilage of Hollywoodrath House, a Protected Structure (RPS No. 665)

Location

Site at Hollystown, Mulhuddart, Dublin 15, bound by Ratoath Road to the South, the R121 Road to the East, the gate lodge and avenue of Hollywoodrath House to the west and the lands surround Hollywoodrath to the north.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW21A/0003

Applicant(s)

Montague Ventures Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse permission.

Type of Appeal

First Party

Observer(s)

Dublin Airport Authority.

Date of Site Inspection

17th June 2021.

Inspector

Barry O'Donnell.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	11
5.1. Relevant Ministerial Guidelines	11
5.2. National Planning Framework	13
5.3. Regional Spatial and Economic Strategy	14
5.4. Development Plan.....	14
5.5. Natural Heritage Designations	18
5.6. EIA Screening	18
6.0 The Appeal	19
6.1. Grounds of Appeal	19
6.2. Planning Authority Response	22
6.3. Observations	23
6.4. Prescribed Bodies	23
7.0 Assessment	23
8.0 Recommendation.....	46
9.0 Reasons and Considerations.....	46
10.0 Conditions	46

1.0 Site Location and Description

- 1.1. The site has a stated area of 1.5ha and is located at Hollywoodrath, Hollystown, Dublin 15, southeast of Hollystown village and approximately 5km northeast of Blanchardstown.
- 1.2. The site is greenfield in nature and had become overgrown at the time of my site inspection. It is bounded to the east by the R121 and to the south by Ratoath Road. The western edge is bounded by the gate lodge and avenue approach to Hollywoodrath House and the north site boundary is defined by a timber post and rail fence and recently planted hedging. Other site boundaries consist of a masonry wall to the south and mature trees and hedging along the east and west site boundaries. Existing trees around the site perimeter act a screening barrier, restricting public views, in particular along the south and east boundaries.
- 1.3. There is an existing gated access to the site along the R121, located near the roundabout junction of the R121 and Ratoath Road.
- 1.4. Hollywoodrath House, the Gate Lodge and the access gates and piers are designated as a Protected Structure (RPS No. 665). The site is a corner plot within the demesne landscape associated with the house and it contains a derelict former barracks building, adjacent to the eastern boundary. In addition to mature trees along the site boundaries, the site contains a number of mature trees, which are generally concentrated in the southern parcel.

2.0 Proposed Development

- 2.1. The development described in the public notices entailed:-
 - Construction of 52 units, consisting of:
 - 30 No. 2 and 3-storey houses (1 No. 1-bed unit, 6 No. 2-bed units, 21 No. 3-bed units and 2 No. 4-bed units)
 - 22 No. apartment/duplex units within 3 No. 3-storey blocks (2 No. 1-bed units, 11 No. 2-bed units, 9 No. 3-bed units).
 - Refurbishment of existing former barracks building as a 1-bed house with GFA 47sqm.

- Provision of private rear garden, balcony or terrace to all units.
- Provision of communal and public open space and children's play area.
- 81 car parking spaces and 65 bicycle parking spaces.
- Provision of wastewater pumping station and surface water attenuation system.
- Provision of new vehicular entrance off the R121 along the eastern boundary, provision of pedestrian entrances off the Ratoath Road along the southern boundary.
- Hard and soft landscaping and boundary treatments, new internal road layout, demolition of existing garden wall associated with existing building on site, surface water SuDS techniques, surface water connection to adjoining lands to the west, provision of green roof
- Associated site development works.

2.1.1. The site is within the curtilage of Hollywoodrath House, a protected structure under the county development plan (RPS Ref. 0665).

2.1.2. The development has been amended as part of the appeal. The stated amendments consist of a reduction in the number of units proposed, from 52 to 51, a reduction in the number of car parking spaces, from 81 to 76 and enhancements and improvements to landscaping and tree retention on site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was refused on 4th March 2021 for 4 reasons as follow: -

1. On the basis of the information submitted with this application and notwithstanding the proposed retention of significant existing trees, the landscape plan in its current format is not acceptable and the development is considered likely to render trees for retention unsafe or unsustainable due to its layout and inadequate tree protection measures. Accordingly, it is considered that the proposed development would be contrary to objective DMS77 of the Fingal County Development Plan 2017-2023 (To protect, preserve and ensure the effective management of trees and groups of

trees), and would therefore, be contrary to the proper planning and sustainable development of the area.

2. The development, adjacent to and partially within the curtilage of a protected structure, is unacceptable in the context of its impact on the special architectural, historical, cultural and social interest of the protected structure. The proposed development if permitted would contravene materially Objective CH20, of the Fingal Development Plan 2017-2023, would set a poor precedent for other similar development and would therefore be contrary to the proper planning and development of the area.

3. The proposed development, by reason of its layout and the footprint of the residential buildings and of the associated roads and services, including surface water attenuation proposals, fail to achieve the necessary balance between securing a high-quality residential development on the site consistent with the zoning objective and maintaining and enhancing the biodiversity value of the site which is required by reference to the site's inclusion within a nature development area, as designated in the Fingal County Development Plan 2017-2023. The proposed development would be inconsistent with the relevant provisions of the Fingal County Development Plan 2017-2023, including, PM33 (promote excellent urban design responses to achieve high quality sustainable urban and natural environments) and NH20 (maintain and/or enhance the biodiversity of nature development areas), would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development by virtue of an unacceptable provision both qualitatively and quantitatively of public and private open space, excessive provision of car parking along access roads, excessive distance of parking spaces to dwelling houses and inadequate provision of bin storage would fail to provide a satisfactory standard of residential amenity for future residents, would be contrary to Objectives DMS 36 in respect of refuse storage, 57, 57B and 67 in respect of public open space and 85, 87 and 88 in respect to of private open space, of the Fingal County Development Plan 2017-2023, would set an inappropriate precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. A Planning Report dated 1st March 2021 has been provided, which reflects the decision to refuse permission. The report outlined that the proposal had been amended, following a previous refusal, with the principal amendments consisting of an increase in number of units from 40 to 52 and some of the 2-storey units had been increased to 3-storey height. The Report accepted that the development was acceptable under the zoning, but concerns were expressed regarding the mix of combination of urban and rural typologies, in particular the proposed duplexes/apartments. Concerns were expressed regarding the impact of the development on the demesne landscape of Hollywoodrath House and protected structure elements. Concerns were also expressed regarding aspects of the proposed layout, including block and plot layouts, proposed boundary treatments and the impact of likely tree felling. Proposed public open spaces were considered unacceptable. The Report stated that significant design alterations to the scheme would be required, to address these impacts. Regarding noise, the Report stated that unsatisfactory mitigation measures had been incorporated and that insufficient consideration had been given to the potential impacts of noise on proposed dwellings. The Report recommended that permission should be refused, for 4 recommended reasons, which were consistent with the Planning Authority's decision.

3.2.2. Other Technical Reports

A **Parks and Green Infrastructure Division** report dated 23rd February 2021 has been provided. The report outlined that there is a requirement of 0.36ha of public open space as part of the development. Proposed spaces were considered unacceptable as they did not achieve the Council's standards for such space and were considered to constitute incidental/communal open space. Concerns were also expressed regarding the potential for tree retention on the site. Particular concerns were expressed regarding measures proposed along the west site boundary and levels issues at the south of the site, which could affect tree protection. The landscaping plan was considered unacceptable and the development was considered likely to render retained trees unsafe or unsustainable.

A **Transportation Planning Section** dated 23rd February 2021 has been provided. The report advised of proposals to reduce the speed limit in the area to 50km/h but that this had not yet been approved by the Council. The report recommended that additional information should be sought in relation to a number of aspects of the development, including in relation to: the design and layout of the proposed access including sightlines and traffic management signage and the provision of a road safety audit, proposed car and cycle parking layouts, connectivity within the site and from the public road, access to the site for emergency vehicles, street lighting proposals along the R121 and details of road construction and taking in charge standards.

A **Conservation Officer** report dated 19th February 2021 has been provided. The report advised that the protected structure designation includes the main house, gate lodge, gates and gate piers and historic outbuildings. The report welcomed the retention of 3 mature trees within the site but expressed a number of concerns regarding the proposed layout. Regarding the Gate Lodge, it was considered inappropriate to locate housing and rear gardens adjacent to the shared boundary, including retained trees within garden areas, and it was recommended that the proposed layout should be amended in this area. Regarding the main avenue approach to Hollywoodrath House, supplemental planting was requested along the west boundary in order to retain a sylvan character. Regarding the approach to the site from the east, the report requested that a solid boundary should be retained and that only glimpsed views of the development should be available. A preference was also expressed for lower scale development around the periphery of the site. Regarding the proposed pumping station, in the event that relocation was not feasible, it was requested that its finish should be such to allow it blend in and that planting should be provided, to screen it. The report also questioned whether the surface water wayleave would result in the loss of trees along the avenue approach to the Main House.

A **Water Services Department** report dated 25th January 2021 has been provided. Regarding foul drainage, the report outlined that the requirement of development plan objective WT12 had not been achieved, which relates to the level of separation from a pump station. A request for additional information was recommended, in relation to the following: the applicant was requested to confirm permission is in

place to connect to the sewer network, which had not been commissioned/taken in charge by Irish Water or the Council. Regarding surface water drainage, the report outlined that the outfall traverses third party lands and that the existing pipe which it is proposed to connect to, is in private ownership and the applicant was requested to demonstrate permission to connect to it. It was also requested that a 6m wayleave across the route of the pipeline should be maintained.

3.3. Prescribed Bodies

- 3.3.1. Irish Water made a submission on 3rd February 2021, which requested additional information. It was requested that the applicant should be required to submit a pre-connection enquiry in order to confirm whether a connection to the public networks can be provided. Regarding foul drainage, the submission advised that the development proposes to connect to a sewer which has not yet been commissioned/taken in charge and the permission from the private network owner would be required. It was also requested that the applicant should be required to sign a connection agreement prior to the commencement of development.
- 3.3.2. The Department of Tourism, Heritage and the Gaeltacht (the Development Applications Unit) made a submission on 12th February 2021, which advised that the site is in an area of high archaeological potential. A condition requiring pre-development testing was requested.
- 3.3.3. The Dublin Airport Authority made a submission dated 9th February 2021, which objected to the development on the grounds that the site is partially located within Noise Zones A and B associated with the Airport and that the site is also within the Outer Public Safety Zone for the airport. Reference was made to restrictions on development within noise zone locations, under development plan objective DA07.
- 3.3.4. A submission was received from the Irish Aviation Authority dated 3rd February 2021, which advised that the Authority had no comment on the application.

3.4. Third Party Observations

- 3.4.1. None.

4.0 Planning History

4.1. FW19A/0034 – (ABP Ref. ABP-304504-19) Permission was refused by the Board on 28th November 2019 for demolition of an existing structure and the construction of 40 residential units and associated site works. Permission was refused for 2 reasons as follows: -

1. *The proposed development, by reason of its layout and the footprint of the residential buildings and of the associated roads and services, including surface water attenuation proposals, fails to achieve the necessary balance between securing a high quality residential development on the site consistent with the zoning objective and maintaining and enhancing the biodiversity value of the site which is required by reference to the site's inclusion within a nature development area, as designated in the Fingal County Development Plan 2017-2023. The proposed development would be inconsistent with the relevant provisions of the Fingal County Development Plan 2017-2023, including, PM33 (promote excellent urban design responses to achieve high quality sustainable urban and natural environments) and NH20 (maintain and/or enhance the biodiversity of nature development areas), would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *On the basis of the information submitted with the planning application and the appeal, the Board is not satisfied of the need for the removal of the quantum of trees as proposed, with particular regard to the identified tree number 44 which is of amenity value. In addition, the proposed development is not adequately detailed in relation to the retention and protection of existing trees and the provision of additional tree planting, to satisfy the Board that the measures proposed are likely to be successful. Accordingly, it is considered that the proposed development would be contrary to objective DMS77 (protect, preserve and ensure the effective management of trees and groups of trees) as set out in the Fingal County Development Plan 2017-2023, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.2. F06A/1468 – Permission was refused on 30th November 2006 for demolition of an existing derelict structure and the construction of 28 residential units, new access

from the R121, pedestrian accesses through existing boundary walls and associated works. Permission was refused for 7 reasons, related to (1) the appearance and visual impact of the proposed housing, (2) impact on the adjacent Protected Structure Hollywoodrath House, (3) in adequate open space proposals, (4) inadequate pedestrian connectivity, (5) creation of a traffic hazard due to inadequate sightlines, (6) inadequate information in respect of foul and surface water drainage, (7) impact on trees and hedgerows on the site which should have been retained.

Relevant Nearby Planning History

- 4.3. There are extensive planning records in the area. Relevant applications in the context of this appeal are outlined below.

F08A/0913 - *Lands to the north-west*. Permission was refused on 8th September 2008 for 96 residential units. Permission was refused for 6 reasons related to (1) contrary to zoning and appearance of housing, (2) impact on setting of the Protected Structure, (3) impact on Class 1 open space, (4) inadequate arrangements for access to open space, (5) natural features have not been incorporated into the layout, (6) insufficient information in relation to foul drainage and surface water drainage.

F06A/1472 - *Lands to the north-west*. Permission was refused on 30th November 2006 for 95 residential units. Permission was refused for 9 reasons related to (1) the overall appearance of the housing, (2) impact on the setting of the protected structure, (3) deficient open space, (4) inadequate pedestrian and cyclist linkages, (5) attenuation tanks located on the Class 1 open space, (6) failure to comply with objective RO9 of the Fingal County Development Plan 2005-2011, (7) inadequate sight-lines and inadequate footpath widths on the Ratoath Road, (8) insufficient information in relation to foul drainage and surface water drainage, (9) impact on trees and hedgerow features.

5.0 Policy Context

5.1. Relevant Ministerial Guidelines

Sustainable Residential Development in Urban Areas (2009)

- 5.1.1. Chapter 6 of the Guidelines sets out key planning principles to guide the preparation and assessment of planning applications for residential development in small town and village locations.
- 5.1.2. Section 6.8 outlines that the primary consideration for the design and layout of residential developments in small towns and villages is that new development should relate successfully to the structure of the town or village. A number of design criteria are outlined, against which to consider such proposals. Such developments should:
- *'make the most effective use of the site, having regard to the criteria outlined below;*
 - *make a positive contribution to its surroundings and take the best advantage of its location through the use of site topography, i.e. levels, views, context, landscape, design orientation (sunlight and daylight), to optimise sustainability;*
 - *have a sense of identity and place appropriate to the character of the existing small town or village and a logical hierarchy of places within the scheme working from streets to semi-private and private areas;*
 - *provide for effective connectivity, especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car; and*
 - *include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.'*
- 5.1.3. In relation to the density of development on 'edge of centre sites', Section 6.11 outlines that the emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. It is recommended that such developments should be primarily residential, at a density of 20-35 units per hectare and including a mix of housing types from detached and terraced housing to apartment units.

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

- 5.1.4. The Guidelines set out standards for apartment developments, with the aim of ensuring that such developments are an attractive and desirable housing option in the future. Standards provided within the Guidelines include: the mix of units to be provided, minimum size thresholds for 1-bed, 2-bed and 3-bed units, the orientation and internal layout of units and private open space provision.

Quality Housing for Sustainable Communities (2007)

- 5.1.5. The Guidelines identify principles and criteria that are important in the design of housing and highlight specific design features, requirements and standards.

5.2. National Planning Framework

- 5.2.1. The National Planning Framework provides an overarching policy and planning framework for the social, economic and cultural development of the country. The NPF sets out 75 no. National Policy Objectives including the following:

NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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.

5.3. Regional Spatial and Economic Strategy

- 5.3.1. The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands area (adopted June 2019) provides a framework for development at regional level.

5.4. Development Plan

- 5.4.1. The subject site is zoned 'RS' residential under the Fingal County Development Plan 2017-2023, with an objective to '*Provide for residential development and protect and improve residential amenity.*' Residential development is permissible. The site also falls partly within each of Dublin Airport Noise Zones A and B and is also within the Outer Public Safety Zone.

- 5.4.2. Green Infrastructure Map No. 2 identifies that the site falls within a wider Nature Development Area designation, which also encompasses lands to the west and north. Section 9.2 outlines that these areas are reservoirs of biodiversity in the wide landscape and they are seen as locations where nature conservation can be combined with existing activities. The Section goes on to state that:

'From a planning perspective, the Council aims to ensure that the biodiversity value of these areas is maintained and enhanced. Applications for planning permission must demonstrate how the proposed development will maintain and enhance the biodiversity value of the site.'

- 5.4.3. Hollywoodrath House, including a number of other buildings within its curtilage, is identified as a Protected Structure (RPS Ref. No. 665). The Record of Protected Structures describes the PS thus: -

'Late 18th or early 19th century seven-bay two-storey house plus gate lodge, gates & gate piers & outbuildings.'

- 5.4.4. Chapter 4 contains a development strategy for Hollystown. The area, which includes Hollywoodrath, is described as a residential area north of the centre of Blanchardstown and north of Hollystown Golf Course. The stated development strategy for the area is to ensure that future development respects existing development in the area and is carried out in a sustainable manner to provide a high quality living environment for existing and future populations.

- 5.4.5. Relevant development plan objectives are outlined as follows: -

Objective PM31: Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM33: Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages.

Objective PM38: Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM41: Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objectives PM52/DMS57: Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A/57B: Require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion to allow upgrades to other parks outside of the relevant site or to accept a financial contribution in lieu.

Objective CH20: Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.

Objective CH21: Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.

Objective NH20: Maintain and/or enhance the biodiversity of the Nature Development Areas indicated on the Green Infrastructure maps.

Objective Hollystown 2: Ensure the physical and visual integration of the centre with the newly developing residential areas and landscape setting.

Objective Hollystown 3: Create a network of pedestrian and cycle routes between Tyrrelstown and Kilmartin, Mulhuddart and Hollystown.

Objective DMS 03: Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas.

Objective DMS30: Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

Objective DMS36: Ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at pre-planning and planning application stage. Ensure refuse storage areas are not situated immediately adjacent to the front door or ground floor window, unless adequate screened alcoves or other such mitigation measures are provided.

Objective DMS 61: Retain in open space use institutional lands, landscaped demesnes and similar properties with established recreational or amenity uses, as far as practicable. However, in the event of permission for development being granted on these lands, open space provision in excess of the normal standards will be required to maintain the open character of such parts of the land as are considered necessary by the Council for this purpose.

Objective DMS67: Ensure open space provision is suitably proportioned and inappropriate narrow tracts are not provided.

Objective DMS 77: Protect, preserve and ensure the effective management of trees and groups of trees.

Objective DMS 80: Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.

Objective DMS85: Ensure private open spaces for all residential unit types are not unduly overshadowed.

Objective DMS87: Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.

Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

Objective DMS88: Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/ corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house.

Objective NH 20: Maintain and/or enhance the biodiversity of the Nature Development Areas indicated on the Green Infrastructure maps.

Objective DA 07: Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

Objective WT12: Establish an appropriate buffer zone around all pumping stations suitable to the size and operation of each station. The buffer zone should be a minimum 35 metres – 50 metres from the noise/odour producing part of the pumping station to avoid nuisance from odour and noise.

5.5. Natural Heritage Designations

- 5.5.1. The subject site is not located within or adjacent to any designated European Site, the nearest such site being the Rye Water Valley/Carlton SAC (Site Code 001398) which lies approx. 10.4km to the south.

5.6. EIA Screening

- 5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.6.2. Class (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.
- 5.6.3. The subject development is the construction of 51 units (houses and apartments), together with associated works, on a site with a stated area of 1.5ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10 ha.
- 5.6.4. The site is in an emerging residential area, which is characterised by contemporary housing and new residential neighbourhoods. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is designated as a Nature Development Area and the development plan states that its value should be protected and enhanced as part of any redevelopment. The proposed development is not likely to have a significant effect on any European Site (as discussed later in this report) and proposals have been incorporated to maintain its biodiversity potential. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Fingal County Council, upon which its effects would be marginal.

5.6.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned 'RS', where residential uses are permissible under the Fingal County Development Plan 2017-2023,
- The existing pattern of residential development in the vicinity,
- 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), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.6.6. I have 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 and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal can be summarised as follows: -

- Refusal reason No. 1
 - In response to the reason for refusal, the layout of the site has been revised, to improve tree protection and landscaping. The number of units proposed has been reduced to 51 (from 52) and landscaping along the western boundary has been reconsidered.
 - A balance needs to be struck between providing adequate open space for houses and protecting the character of the site, through the retention of trees. Garden sizes adjacent to the western boundary have been reduced, in order to provide a buffer which can be managed and maintained. The affected

gardens are 18sqm and each is provided with a direct connection to communal open space, which is provided as compensation. The proposed approach will provide residents with a high level of amenity. Reference is made to similar arrangements, at St. Anne's Terrace, Northbrook Lane, Ranelagh and Fey Yerra, Leopardstown Road, Dublin 18.

- Revised landscaping proposals have been submitted, which take account of an updated tree report. 152 new trees are being planted and 32 trees and hedgerows are being retained.
- It is considered that the revised layout proposed addresses refusal reason No. 1.
- Refusal reason No. 2
 - The proposed development site does not form part of the protected structure curtilage. The development is contained within its own site boundary and is separate to the main site and gate lodge.
 - Verified images have been provided, which illustrate that the proposed development will not create any visual impact on the protected structure and will be largely screened from view from the gate lodge.
 - The proposed design is simple and the use of materials, comprising of stone and slate, are consistent with the character of the area and the protected structure. Reference is made to a Conservation Report prepared by Cathal Crimmins, which supports the proposed amendments to the site layout.
 - Regard has been had to the character of the area and the former use of the site. The existing ruined Barracks building is proposed to be retained and refurbished as a reference point.
 - The development is not considered to materially impact on the setting and character of the protected structure.
- Refusal reason No. 3
 - Biodiversity within the site was a key consideration throughout the design phase and significant enhancements were proposed as part of the planning

application. The development fully complies with the objectives for the nature development area and biodiversity objectives within the development plan.

- The proposed revisions to the site layout further improve biodiversity within the site. Reference is made to a supporting note provided by Scott Cawley Ecologists, outlining the improvements to the scheme, which states that the amendments and improvements will safeguard biodiversity by maintaining ecological corridors to surrounding green infrastructure and by increasing its biodiversity value.
- Concerns raised by the Planning Authority regarding roads and services have been addressed, with updated engineering drawings provided. A response to the concerns is contained in an accompanying report prepared by POGA Engineers.
- Refusal reason No. 4
 - The proposed layout has been revised to address the concerns of the Planning Authority. The revised layout incorporates 0.35ha (23.2% of the site area) of public open space and 630sqm of private and communal open space.
 - The Planning Authority's statement that public open space is incidental is disputed. The quantum provided is not incidental and it exceeds the requirements of the development plan.
 - The Planning Authority believes that areas of open space that contain trees cannot be counted towards public open space requirements. Given the site characteristics and the Planning Authority's requirement to retain trees, it is contradictory to not include trees in the public open space area.
 - The applicant's landscape architect has provided a note to support the open space provision of the site, which states that these areas are not narrow or incidental and the development plan's qualification regarding such spaces does not apply in this instance.
 - The open space is considered to be high quality and provides for a significant enhancement of the residential amenity and landscape character of the development. The majority of units contain adequately sized rear gardens and

for the units adjacent to the western boundary, underprovision is addressed by the provision of communal open space.

- Car parking has been reduced from 81 to 76 spaces, to reduce the impact of cars on the landscaped environment. Parking provision is at a ratio of 1.5 spaces per unit which, although below the minimum requirements of the development plan, is considered acceptable due to the mix of units proposed.
- The location of the bin store is identified on the drawings provided as part of the appeal.
- Regarding noise, an addendum report has been prepared by AWN, to address the Planning Authority's concerns. The report states that with mitigation measures in place, future occupants will have a good internal noise environment within their dwellings.

6.2. Planning Authority Response

6.2.1. A submission was received from the Planning Authority dated 28th April 2021, the contents of which can be summarised as follows: -

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2017-2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective as well as other relevant factors.
- The substantive issues raised in the assessment remain applicable.
- The development of the site presents complex challenges, with reference to the adjacent protected structure.
- The development would compromise the retention of trees on the site and would be contrary to development plan objective DMS77.
- The submitted design does not address constraints and opportunities presented by the site and would materially contravene the RS zoning.
- The Board is requested to uphold the decision to refuse permission. In the event that the appeal is successful, conditions are requested to secure (a) a financial

contribution under the S48 development contribution scheme and (b) a bond to ensure that infrastructure to be taken in charge is built to the Council's standard.

6.3. Observations

6.3.1. The Dublin Airport Authority made a submission on 19th April 2021, outlining the reasons for its objection to the development: -

- The site is partially located within Dublin Airport Noise Zone A. Reference is made to the importance of the Airport as a transport hub and as critical national infrastructure. The siting of residential development within Dublin Airport Noise Zone A conflicts with the NPF (NPO 65), RSES (RPO 8.19) and county development plan (objective DA07). Reference is made to the Aircraft Noise Impact Assessment, which rated the noise impact to the development as 'medium' and which recognised that residents would experience noise levels higher than ideal, if windows are left open. This is considered impractical.
- The site is in the Outer Public Safety Zone of Dublin Airport and the Board is requested to consider the compatibility of the development, with reference to the findings of a report titled 'Environmental Resources Management Ireland Public Safety Zones Report (2005).
- The Board is requested to uphold the decision of the Planning Authority, to refuse permission.

6.4. Prescribed Bodies

6.4.1. The appeal was circulated to The Arts Council, An Taisce, Failte Ireland, The Heritage Council and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. No responding submissions were received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;

- Material Contravention;
- Built heritage;
- Tree retention & biodiversity;
- Residential amenity;
- Open Space;
- Access and parking;
- Noise;
- Drainage;
- Appropriate assessment.

7.2. Principle of Development

- 7.2.1. The site is located south-east of Hollystown village and north of Tyrrelstown. It is in an area undergoing significant change as an emerging residential neighbourhood, particularly in the case of lands to the south, which are currently being developed for largescale housing.
- 7.2.2. The site forms part of the transition from urban to rural Fingal. It is zoned 'RS', with an objective to '*Provide for residential development and protect and improve residential amenity*', whilst the lands to the north and beyond are zoned 'GB' Greenbelt. The site is also designated as a Nature Development Area and is therefore subject to the provisions of objective NH20 , which outlines that its biodiversity value should be maintained or enhanced.
- 7.2.3. Whilst the 'RS' zoning and Nature Development Area designation would appear to be in conflict, the site is nevertheless zoned for residential development and it has a role to play in delivering housing for the county in accordance with the development plan Core Strategy. Subject to adequately discharging the requirements of objective NH20, I consider the development to be acceptable in principle. Biodiversity considerations are discussed elsewhere in my Report.
- 7.2.4. I note that the Planning Authority did not have any concern in relation to the principle of a residential development on the site.

7.3. Material Contravention

- 7.3.1. The Planning Authority's refusal reason No. 2 states that the development would materially contravene objective CH20 of the development plan. Objective CH20 seeks to: -

'Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.'

- 7.3.2. Having considered the wording and intent of the objective, I am of the view that it is not so specific as to be demonstrably contravened and, therefore, I do not consider that the development is in material contravention of the development plan. I am therefore satisfied that the provisions of Section 37(2) of the Act are not applicable in this instance.

7.4. Built Heritage

- 7.4.1. The proposed development has been amended as part of the appeal and the stated amendments consist of a reduction in the number of units proposed, from 52 to 51, a reduction in the number of car parking spaces, from 81 to 76 and enhancements and improvements to the landscaping and tree retention on site.
- 7.4.2. The Planning Authority's report considered the proposed layout to be an inadequate response to the site context, with reference to the Protected Structure elements including Hollywoodrath House itself, the Gate Lodge and the tree-lined avenue leading up to the main House. I also note that in its submission on the appeal, the Planning Authority stated that the substantive issues raised in its assessment remain applicable.
- 7.4.3. The Conservation Officer's report on the application stated that there is a substantial level of separation between the development lands and the Main House, such that the development does not have a direct impact on it, but that views of the development would be available from the avenue approach. Supplemental tree planting was recommended along west and north site boundaries, in order to enhance screening of the site and to retain the sylvan character of the avenue. Regarding the Gate Lodge, the Conservation Officer expressed concern that the common boundary would be shared with a number of the residential gardens and

that tree planting identified along the common boundary cannot be assured of retention into the future. It was suggested that the layout of this area of the site should be reconsidered, to orient the front of proposed houses towards the Gate Lodge and to allow for a buffer between sites. The Conservation Officer also expressed concerns regarding the visual impact of the development on approaches to Hollystown from the south and east, where existing trees on the site provide relief from the extensive urban character of the area more generally, and it was suggested that only glimpsed views of the development should be available on approach to the village. A preference was also expressed for lower scale development around the periphery of the site, with particular reference to the 3-storey apartment block in the southern part of the site.

- 7.4.4. The grounds of appeal state that the proposed design responds to all of the issues raised in the previous refusal (Reg. ABP-304504-19) and that it seeks to retain a significant proportion of existing trees, enhance biodiversity and to make reference to the historic character of the site. A Conservation Report has also been submitted, which discusses heritage aspects of the site and the proposed development.
- 7.4.5. The key issues in respect of built heritage are the impact of the development on the setting and character of protected structure buildings and the designed landscape and the suitability and sustainability of proposed landscaping mitigation, which is intended as a visual barrier between the development site and PS buildings.
- 7.4.6. Regarding impacts on the setting and character of the main house, it was evident on my visit to the site that there is little or no visual connection between it and the development site, where avenue trees provide a visual barrier between the sites. In my opinion the development will have no material impact on the Main House.
- 7.4.7. The Gate Lodge plot contains large trees along the north boundary which restrict views through that part of the site, but it is open along parts of the east boundary and there are views through to the development site. Plot configuration in the area adjacent to the shared boundary (i.e. for house Nos. 19-29) has been reconsidered as part of the appeal amendments, and garden depths for each of these plots have been reduced and an ecological corridor/communal open space provided in the area created adjacent to the site boundary. Supplemental tree planting is outlined along the shared boundary in areas which are no longer within private gardens.

- 7.4.8. The creation of this buffer allows for tree retention and supplemental planting, to screen views through the Gate Lodge property, but it has consequential impacts for plots 19-29, where the rear gardens are reduced by an unacceptable degree. It may also have the unintended consequence of creating an unsurveilled and enclosed area that could become a location for anti-social behaviour. These issues are discussed in detail elsewhere in my report.
- 7.4.9. There are some views of the subject site along the avenue approach to the main house, where there are gaps in the trees. In particular there is a gap toward the north-west corner of the site. The development will be visible from this gap due to the wayleave and attenuation area adjacent to the boundary, which appears to restrict the ability to landscape the site boundary (only limited landscaping is proposed adjacent to the site boundary). Whilst I agree with the Conservation Officer that additional planting would be beneficial in this area, I am unclear on whether this is feasible, given the layout of drainage infrastructure in this area of the site. Should the Board decide to grant permission, I would recommend a condition be attached requiring landscaping proposals to be agreed with the Planning Authority. The retention of additional trees adjacent to the west site boundary, which arises from omission of house No. 19 as part of the appeal amendments, further screens the main part of the site from view along the avenue.
- 7.4.10. Supplemental planting along the north site boundary would also be beneficial, in terms of both bolstering long term visual screening of the Main House and establishing the transition from urban to rural, but the close proximity of housing to the north boundary means it is unlikely that such supplemental planting can be provided without reconsideration of the layout.
- 7.4.11. The Planning Report considered the 3-storey apartment block to be inappropriate for the site, with reference to the 12m height and 30m elevation length of the block and contemporary render finish, which were considered to constitute overdevelopment of the site and were also considered unsuited to its character. I have no particular objection to the provision of the 3-storey block in the southern part of the site where, in view of the changing context of the site (i.e. its transition from rural to urban as part of the evolving neighbourhood), the block will provide a strong built edge to the development, at an appropriate distance from the Gate Lodge and with development elsewhere transitioning to a reduced scale.

7.5. Tree Retention & Biodiversity

- 7.5.1. The importance of existing trees within and adjacent to the development site, to the setting of the PS and the designed landscape, is outlined within the various application and Planning Authority reports. The applicant states that additional trees are proposed to be retained, over and above what was proposed to be retained as part of the previously refused development. The omission of a house adjacent to the west site boundary and reconfiguration of plot Nos 19-29 also allow for additional tree retention/planting in the immediate area.
- 7.5.2. The Parks report on the application outlined that the layout offers minimal potential for sustainable tree retention and references sections of the Arboricultural Report that are considered to bring into question the viability of tree retention proposals.
- 7.5.3. No topographical survey drawing has been provided, which would allow for comparison of existing and proposed site levels but the *Tree Constraints, Impact Assessment and Protection Plan* provides an indication of the relationship of proposed construction to root protection zones. It can be seen that building profiles in a number of instances are very closely aligned to the identified construction exclusion zone and in the case of the pumping station, it is within the root protection zone of a number of trees. Associated items such as footpaths and amenity space infrastructure are in a number of instances located in areas where ground protection measures are identified as being required.
- 7.5.4. There is clearly a balance to be struck between providing new housing on the site and protecting and enhancing its biodiversity value, in view of the development plan zoning and designation pertaining to the site. The existing trees and hedgerows provide biodiversity connections through the site, onto surrounding lands and the Ecological Impact Assessment acknowledges at Section 7 that the treelines and trees within the site are its most valuable ecological feature. I am concerned that there may be further tree loss particularly along the west boundary, adjacent to the pumping station and attenuation tank. I would recommend that the following conditions be attached, should the Board decide to grant permission:
- (1) requiring that the pumping station should be moved eastward to the area currently occupied by 2 No. car parking spaces, to ensure that it is outside of tree root protection zones.

- (2) Proposals for protection of retained trees during the construction phase, which should include monitoring of construction works by an arborist, should be submitted and agreed with the Planning Authority

7.6. Residential Amenity

- 7.6.1. The development contains a mix of 29 No. houses and 22 No. apartments. A Housing Quality Assessment has been provided, which outlines key aspects of the internal layout of each unit.

Proposed houses

- 7.6.2. Regarding the proposed houses, compliance has been demonstrated for the majority of units with the key requirements of development plan Table 12.1, in relation to unit size and internal layout. There are a couple of minor non-compliances;
- There is a minor underprovision of storage space to House Type F but I consider this is acceptable, given the overall size of the house type exceeds the minimum requirement
 - The refurbished barracks building fails to achieve the minimum overall size requirement but I consider this is acceptable, where the development incorporates its retention and the layout reflects the building's original size.
- 7.6.3. The development plan requires that private open space should be provided at a rate of 60sqm for 3-bed units or smaller and 75sqm for 4-bed units or larger. Individual garden sizes are not specified on the site layout drawing but the Housing Quality Assessment provides area ranges for each house type. I would also point out that plot Nos. 19-29 (house types A and B) have been amended as part of the appeal, in particular garden areas have been reduced. Having reviewed the HQA and revised site layout provided as part of the appeal, I note that unit Nos. 19-29 fall significantly below the minimum requirement, each providing around 16-20sqm. The 4-bed units, house type C2, each incorporate an awkward projecting section of garden space, which would form a more natural part of the adjoining garden.
- 7.6.4. In the case of house Nos. 19-29 I consider the underprovision is unacceptable. The applicant states that it arises from attempts to address the issue of tree retention at the common boundary with the Gate Lodge, whereby concerns were previously expressed by both the Planning Authority and the previous Inspector in relation to

the long term prospects of trees provided within private rear garden areas. The applicant further states that an area of communal open space has been incorporated and that the affected houses will have direct access to it. In my opinion the provision of communal open space, which is in a number of instances remote from the affected houses, does not adequately compensate for the loss of garden space to the affected houses. These houses now have very small gardens, of little usable value, and are likely to experience significantly reduced levels of amenity. The corridor would also not be overlooked and may become a location for anti-social behaviour.

- 7.6.5. I have given consideration to agree with the Conservation Officer's recommendation that the front of proposed housing should ideally face towards the Gate Lodge, but this approach requires reconsideration of the layout. In the circumstances, I consider the following amendments to the layout would overcome my concerns:
- a. House Nos. 22-29 should be omitted and the resultant space should be incorporated into public open space.
 - b. House Nos. 19-21 shall incorporate rear garden areas which accord with minimum development plan requirements and house Nos. 19 and 21 should be provided as dual-frontage houses, to improve the level of overlooking of the public open space.
- 7.6.6. Should the Board not agree with the suggested amendments, they may wish to utilise powers available to it under the Act, to request the applicant give further consideration to the layout, in view of the above-outlined concerns.

Proposed apartments

- 7.6.7. Regarding the proposed apartments, compliance has been demonstrated with key aspects of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2020) in relation to the mix of units, the size and internal layout of each unit, orientation and the level of private open space provided.
- 7.6.8. I note that in the case of a number of houses and duplexes, storage spaces are partly provided within the attic space. The apartment guidelines advise that this space should be provided as part of the floor area. In each instance, as the overall size of the unit exceeds the minimum requirement in terms of overall size, I consider

it appropriate that, should the Board decide to grant permission, a condition be attached requiring that storage spaces shall be provided at ground or first floor level, in compliance with the requirements of the development plan or 2020 apartment guidelines requirements.

Daylight/sunlight

7.6.9. Regarding daylight/sunlight, development plan objective DMS30 requires that new residential units shall comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (2009) and BS 8206 *Lighting for Buildings, Part 2* (2008) or other updated relevant documents.

7.6.10. Section 3.2 of the *Urban Development and Building Heights Guidelines for Planning Authorities* (DHPLG, 2018) outlines a series of criteria which are to be applied in the consideration and assessment of proposed building heights and, of relevance to the issue of daylight and sunlight, it also states that 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, 2011) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'. The Guidelines go on to state that: -

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

7.6.11. I note that an updated British Standard (BS EN 17037:2018 '*Daylight in Buildings*'), was published in May 2019, to replace the 2008 BS, but this updated guidance does not have a material bearing on the outcome of the assessment and the relevant guidance documents remain those referred to in the *Urban Development and Building Heights Guidelines*.

7.6.12. In relation to the BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for average daylight factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, or where a room has a

dual purpose the higher ADF value is recommended. ADF is the ratio of the light level inside a structure to the light level outside of structure, expressed as a percentage. Section 2.1.14 outlines that non-daylit internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well-daylit living room. The guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout, although it states that where a room serves a dual purpose the higher ADF value should be applied. The BRE guidance is intended to be applied flexibly, and is only one consideration in apartment/house design. For apartments, or higher density urban schemes, an ADF of 1.5% is considered to be a reasonable target where compensatory design features such as balconies, aspect, outlook, etc. are factored in. In this instance, as the scheme is not particularly dense and of lower heights, an ADF of 2% is considered to be a reasonable target.

- 7.6.13. No daylight and sunlight assessment report was submitted with the application, so I have not been able to confirm that the relevant standards within both the BRE and BS guidance have been achieved. Notwithstanding, I have given consideration to the issue of sunlight and daylight within proposed apartments, in the context of guidance contained within both the BRE and BS guidance.
- 7.6.14. All of the apartment units are dual aspect and there are 6 units (5 ground floor, 1 first floor) that contain non-daylit kitchens. Four of these non-daylit kitchens are directly linked to south-facing, well-daylit living areas, whilst two of the non-daylit kitchens are directly linked to north-facing living areas. The level of light penetration through to kitchen areas that are linked to north-facing living areas is likely to be reduced. In saying this, I would note that the ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant has endeavoured to maximise sunlight/daylight to these 2 affected non-daylit kitchen apartments, through the incorporation of large-scale glazing within the living room portion of the room. I would also note that there will be challenges for urban developments such as this, in meeting the 2% ADF target in all instances, and to do so would unduly compromise the design/streetscape and that where this alternate target is not met it is justified

and reasonable on the basis of the low number not reaching this target and the quality of the design.

- 7.6.15. 9 of the 13 apartment units contain a south or west-facing aspect for the main living space and they are therefore likely to be well-lit spaces. 2 of the units have a north-facing main living space, the main window of which is recessed and they are likely to experience reduced light within the main living space (these units also contain non-daylit kitchens). The other 2 units have a primary east-facing aspect from the living space.
- 7.6.16. Regarding the duplex units, all 9 units have a dual aspect combined kitchen/living/dining area and each contains a south or west-facing aspect. They are therefore likely to be well-lit spaces.
- 7.6.17. Notwithstanding empirical evidence to support compliance with the BRE/BS recommended targets, I consider all units are likely to receive adequate daylight/sunlight, in view of the low building heights proposed and the level of separation between buildings.

7.7. Open Space

- 7.7.1. In accordance with Objection DMS57, there is a requirement for 0.35ha of public open space. The Parks Department states that proposed public open spaces are unacceptable, as they do not meet the Council's standards for such space. The areas were considered to constitute incidental/communal open space, for the use of residents.
- 7.7.2. The landscape report states that public open spaces will be supervised and subject to passive surveillance and each individual space is associated with existing trees which will allow the character of the site to be retained. The report states that 3,990sqm (26% of the site area) of public open space has been provided. The Board will note that the appeal-stage amendments have incorporated additional open space which, although described as communal open space, is functionally connected to the main area of open space adjacent to the west site boundary.
- 7.7.3. Having reviewed the various supporting and technical reports and drawings submitted with the application, I would firstly note that there are conflicting references to public open space. For example, the site layout drawing identifies 4

areas which together occupy an area of 4,289sqm (not including the additional appeal space incorporated as part of appeal-stage amendments) but the landscape report and housing quality assessment identify that there are 3 proposed areas, which occupy a combined area of 3,990sqm. There are also conflicting references within the Planning Authority documentation, with references to different requirements within both the Parks and Planning reports.

- 7.7.4. I consider it appropriate to take a balanced approach to public open space on this site and, in this regard, I disagree with the Planning Authority's dismissal of open space areas which are considered to be primarily intended to allow for tree retention. In the circumstances of the site and given the importance placed on biodiversity enhancement as part of any development, it would be unreasonable to require that additional spaces should be provided, exclusive of tree protection areas. With this in mind, I am broadly satisfied that proposed areas 1, 2 and 3 are acceptable for the purposes of public open space. For Area 3, it is unclear what comprises the 1,050sqm of space identified. Supporting infrastructure such as the pumping station or structure or parking spaces clearly should not be within the area. I agree with the Planning Authority that Area 4 is a through-route for pedestrians, rather than an open space.
- 7.7.5. The cumulative area of Areas 1, 2 and 3 according to the site layout drawing is approx. 0.35ha (23% of the site area), however; this also incorporates the area of communal open space for the apartment component, so the overall area is likely to be slightly smaller than this. I have recommended amendments to the site layout, with reference to proposed units 19-29, which will increase the quantum of open space on the site and improve the level of overlooking and surveillance provided by housing. Subject to these amendments, I consider the public open space proposals are acceptable.
- 7.7.6. Communal open space totalling 168sqm is required, associated with the apartment aspect of the development. The site layout drawing submitted with the application identifies a communal open space area of 190sqm to the west of the block. Although quantitatively exceeding the requirements of the apartment guidelines, I am unclear on what area is encompassed by this space and how it is separated from surrounding public open space. Section 4.10 of the guidelines advises that although such spaces can adjoin, there should be a clear distinction with an appropriate

boundary treatment and/or privacy strip between the two. I also note that the communal open space area is omitted from the site layout drawing provided with the appeal. Should the Board decide to grant permission, I would recommend a condition be attached requiring the application to provide communal open space in accordance with the requirements of the 2020 apartment guidelines, the location and layout of which should be agreed with the Planning Authority.

7.8. Access and Parking

Access

- 7.8.1. Access is proposed to be taken from the R121, accessing the centre of the site before splitting into a number of internal 'streets' to serve the north and south development parcels. Parking for the houses is provided adjacent to the internal carriageway, whilst parking for the apartments and duplexes is provided in the inter-block area.
- 7.8.2. Visibility splays of 2.4m x 70m are identified in both directions, in excess of the recommendations of DMURS, which advises that sightlines of 59m should be provided on a road with a design speed of 60km/h.
- 7.8.3. The Planning Authority's Transportation department advised in its report on the application that the R121 in the vicinity of the site access is subject to a 60km/h speed limit and that it is intended to have the speed limited reduced to 50km/h, but that this proposal has not yet been approved by the Council. The report queried the extent of clearance required to provide southward visibility and requested that a revised drawing should be provided, clearly outlining the extent of works required and that a road safety audit stage 1&2 should be provided.
- 7.8.4. TII guidance (GE-STY-1027) advises that a stage 1&2 road safety audit should be submitted as part of planning applications for small developments. Where it has been demonstrated that adequate site visibility splays can be provided, I am satisfied that a road safety audit can be controlled by planning condition, should the Board be minded to grant permission, with any recommended design measures to be agreed with the Planning Authority.
- 7.8.5. The proposed access arrangement is acceptable but I consider the public footpath should be extended along the R121 up to the south side of the access, together with

public street lighting, in order to enhance connectivity. The site layout drawing identifies that the roadside boundary south of the site access would be effectively cleared, to the point of the existing site access and such clearance will allow for extension of the footpath, as I have suggested. Should the Board be minded to grant permission, this can be resolved by condition.

- 7.8.6. The Transportation report requested that a reserve for cycling infrastructure should be incorporated along the R121, where this road is identified as an inter-urban cycle route as part of the *Greater Dublin Area Cycle Network Plan* (part of the F7B route, from Blanchardstown to Swords). From the plans provided there is insufficient width available to provide this additional infrastructure, whilst at the same time providing the substantial replacement tree and hedgerow planting that is required, as has been discussed elsewhere. The Network Plan does not specify any particular requirement for the route (i.e. minimum width or route design); however, the *National Cycling Manual* (2013) advises that a single file route should be minimum 0.75m wide, whilst a basic two-way route should be minimum 1.75m wide. In the circumstances, I consider it would be unjustified to refuse permission arising from the failure to incorporate a reserve for cycling infrastructure.
- 7.8.7. The Transportation Planning section also outlined a desire to see improved footpath connections along the south site boundary. I note in this respect that footpath route through the open space at the south end of the site has been omitted from the revised site layout drawing. The footpath adjacent to the south site boundary is of reduced depth and its practical usability by pedestrians from the proposed development is likely to be low. Should the Board be minded to grant permission I would recommend that a condition be attached requiring improved pedestrian connections from the site to the footpath on the Ratoath Road. The location and layout of such improved connections can be agreed with the Planning Authority.
- 7.8.8. The internal street layout consists of a uniform 6m carriageway width, with a number of shared surface home zones accessed from a main spine road. A 6m width for the main spine road, Street 1, is appropriate but I consider reduced widths should be provided for the lesser home zone streets. DMURS advises that a 6m wide carriageway is '*generally too wide for local streets*'¹ and provides advice on

¹ Design Manual for Urban Roads and Streets, Section 4.4.9 'On-Street Parking and Loading', Page 121.

perpendicular bay design amendments which can be incorporated, in order to narrow the carriageway width. For example, this could involve kerb build-out forward of the parking bank, to narrow the carriageway, or widening the perpendicular spaces. Both options would provide for the necessary manoeuvrability, whilst reducing the carriageway width.

7.8.9. Regarding the provision of shared surfaces for the home zone streets, Section 4.3.4 of DMURS promotes these as an effective way of promoting place and also advises that they are effective at calming traffic. The section goes on to advise that the key condition for the design of a shared surface is that drivers should immediately recognise that they are in a shared space and react by driving slowly and, to this end, it recommends the use of a variety of materials and finishes to indicate that the carriageway is an extension of the pedestrian domain, raised kerb lines should be avoided and the width of the carriageway (including corner radii) should be minimised. The site layout plan does not identify the detailed design and treatment of the internal streets; however I am satisfied that the matter can be resolved by condition.

7.8.10. Should the Board be minded to grant permission, I would recommend a condition be attached requiring the detailed layout of the internal road network to be agreed with the Planning Authority and that it should incorporate DMURS place-making principles.

Parking

7.8.11. The Board will note that as part of the appeal the applicant states that total parking has been reduced from 81 to 76. I note that the revised site layout drawing identifies 75 spaces in total, rather than the stated 76.

7.8.12. Table 12.8 of the development plan outlines parking standards for new developments and it provides for parking in the range of 51-58 spaces for the housing component and 41 spaces for the apartment component including visitor parking (92-99 spaces total). The Transportation department expressed the view in its report that 81 spaces was the minimum practicable parking requirement for the development.

7.8.13. The development contains a ratio of around 1.5 spaces per unit, which I consider is acceptable. For the apartment component, the 2020 apartment guidelines advise

that 1 space per unit should be provided, together with an element of visitor parking, so this aspect of the development will require say 26 spaces, with the remaining quantum available to the proposed housing.

- 7.8.14. I am concerned that there is no discernible strategy to parking provision, where spaces appear to have been allocated on an ad hoc basis and in a number of instances, this results in parking being removed from the units. For example, there are 14 spaces in front of the apartment block and it is unclear where the remaining required spaces would be taken from. If the closest 26 spaces to the block were allocated to it, this leaves 11 spaces within the southern half of the site, to serve the 11 houses and, in practice it means that some of the parking for these houses will be in the north half of the site, at some distance from the houses they serve. I would not object outright to grouped parking, in proximity rather than within the curtilage, but I consider the proposed approach is inappropriate for a development of this scale. The Transportation Planning section raised similar concerns regarding the parking layout.
- 7.8.15. I have previously recommended that units 22-29 should be omitted; the omission of these units will reduce the demand for parking spaces in the southern part of the site and will help to address the ad hoc nature of the parking layout. Should the Board decide to grant permission, I would recommend a condition be attached requiring the parking layout to be agreed with the Planning Authority.

7.9. Noise

- 7.9.1. The Dublin Aviation Authority has objected to the development on the grounds that the site is partially located within Dublin Airport Noise Zone A. The submission also identifies that the site is located within the Outer Public Safety Zone of Dublin Airport.
- 7.9.2. Variation No. 1 of the development plan, adopted on 9th December 2019, included amendments to the Dublin Airport Noise Zones and, of relevance to this appeal, the extent of these zones within the subject site was altered. The noise zone designations are a reflection of elevated noise levels associated with existing and future operations at Dublin Airport and their purpose is to identify areas of potential noise conflict and to protect both ongoing and future operations at the airport and the surrounding communities from such conflict.
- 7.9.3. A large part of the site now falls within Noise Zone A, with the remaining section within Noise Zone B. Objective DA07 states that within Noise Zone A the provision of

new residential development and other noise sensitive uses will be actively resisted, whilst within Noise Zone B, inappropriate development will be controlled and noise insulation will be required where appropriate.

7.9.4. The Planning Authority stated that, given a substantial portion of the proposed units are within Noise Zone A, an option for a resident to close a window in order to reduce noise was not a satisfactory resolution. The report further stated that the applicant had not given sufficient consideration of the impact of noise levels on proposed housing and regard to Objective DA07.

7.9.5. The applicant provided an Aircraft Noise Impact Assessment, prepared by AWN Consulting, which considered that both parts of the site have an equivalent noise environment, given the proximity of the site to the transition between zones, and the noise risk for the site was determined to be 'medium'. The report considered internal and external noise levels as follows: -

- External noise levels: worst case noise levels are expected to be of the order of 64dBLAeq, 16hr, which is above the desirable level of 55dBLAeq, 16hr, but acoustic screening provided by the housing means that noise levels within rear gardens will be lower.
- Internal noise levels: external noise levels are such that it will not be possible to achieve the desired internal noise levels during the night-time, with windows open. Therefore appropriate acoustic specifications to windows and passive vents will be provided to ensure the rooms are adequately ventilated and achieve good internal noise levels.

7.9.6. The Assessment proposes mitigation, in the form of acoustic glazing, ventilation which will achieve sound insulation performance of 41 dB (the report mentions that hit and miss acoustic ventilators, trickle vents or mechanical ventilation will be considered) and enhanced roof construction, to ensure that, with windows closed, noise levels will be reduced.

7.9.7. I consider objective DA07 is not very clear in its intent, in that it states that new housing will be actively resisted in Noise Zone A, but it does not state that new housing is prohibited. I note in this regard that the Planning Authority's reasons for refusal did not include a reference to the site's location within Noise Zone A. The external noise environment is likely to be above the recommended level and this is

acknowledged by the applicant, however; I note that other housing has been permitted in the area which is also within Noise Zone A.

- 7.9.8. In my view, where the site is zoned for residential development and where mitigation can be incorporated to ensure that an adequate internal noise environment can be maintained, it would be unjustified to refuse permission on the basis of noise.

7.10. Drainage

- 7.10.1. Foul drainage is proposed to be drained to a pumping station adjacent to the west site boundary, thereafter being pumped southwards, along the R121, to a privately owned network. The Transportation department identified that the rising main appears to be in third party ownership and requested that permission to connect should be provided. I note that a letter from Gembira Limited was provided with the application, consenting to connection of the development to the foul sewer line on lands within their ownership (south of the site).
- 7.10.2. Irish Water's submission requested that the applicant should submit a pre-connection enquiry in order to confirm whether a connection to the public networks can be provided, however; as no request for additional information was issued, this request was not pursued. I am cognisant that Irish Water did not object to the development and there is nothing within the appeal documents to suggest that a connection to the public network cannot be provided. In view of these considerations, I consider it would be unjustified to refuse permission on the basis of foul water capacity.
- 7.10.3. Regarding the layout of on-site infrastructure, the Planning Authority Water Services department report advised that whilst the 15m buffer to housing accords with Irish Water's requirements, it does not accord with development plan objective WT12, which requires a buffer zone of 35-50m. I note that the site layout drawing provided as part of the appeal indicates that a buffer of 35m from the noise producing part of the pumping station has been provided. Where Irish Water's minimum requirements are exceeded and where it has been outlined that compliance with Objective WT12 has been achieved, I consider it would be unjustified to object to the development on the grounds of the proximity of the pumping station to housing.
- 7.10.4. A number of surface water drainage mechanisms are incorporated, in particular a variety of infiltration techniques and attenuation within an underground tank adjacent

to the west site boundary. Attenuated surface water will be transferred underground to an existing culvert at Ratoath Road. The Engineering Report provides calculations of the size requirements for proposed swales and filter drains and also the attenuation tank and also provides results of soil infiltration testing on the site. I consider the proposed approach to surface water drainage is acceptable. I note that the Water Services department did not express any concerns regarding this aspect of the development.

7.11. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

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

Background on the Application

- 7.11.2. The applicant submitted an Appropriate Assessment Screening Report as part of the application. It provides a description of the proposed development, identifies European sites within a possible zone of influence and identifies the zone of influence of potential effects, in the context of European sites. The Screening Report concludes that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded.
- 7.11.3. Having reviewed the documents and submissions on the file, I am satisfied that the information 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.

Need for Stage 1 Appropriate Assessment Screening

- 7.11.4. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.

7.11.5. The proposed development is not directly connected with or necessary to the management of a European site and accordingly is subject to the provisions of Article 6(3).

Brief description of the development

7.11.6. A description of the proposed development is provided at Section 3.1 of the Screening Report. The development is also summarised at Section 2 of this Report. In summary, permission is sought for the construction of 51 units (29 houses and 22 apartments/duplexes), refurbishment of an existing former barracks building as a 1-bed house, new vehicular access off the R121, public/private/communal open space, car and bicycle parking and associated works. The site has a stated area of 1.5ha and is currently greenfield in nature and has become overgrown. The site is situated on the north side of the Ratoath Road and on the west side of the R121. It forms part of a designed landscape, associated with Hollywoodrath House, which lies to the north-west. Access to Hollywoodrath House is taken from Ratoath Road to the south-west, with a tree-lined avenue leading up to the house. Hollywoodrath House, its Gate Lodge and entrance gates and piers are designated as a Protected Structure. The site is served by the public water supply. Foul drainage is proposed to be pumped to a private network connection to the south. Surface water is proposed to be drained partly via infiltration within the site and partly via attenuated discharge, which would be transferred underground to an existing culvert at Ratoath Road.

7.11.7. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, I consider the following impact mechanisms require examination:

Construction phase impacts

- Impact on water quality within a European site arising from surface water discharges during construction work.

Operational phase impacts

- Impact on water quality within a European site arising from surface water discharges from the site.
- Impact on water quality within a European site arising from foul water discharges from the site.

Submissions and observations

- 7.11.8. The submissions from the applicant, Planning Authority and observers are summarised as Section 6 of this Report. No submissions were received from prescribed bodies or third parties.

European Sites

- 7.11.9. The Screening Report states that there are no European sites within 10km of the site and that the closest European site is the Rye Water Valley/Cartron SAC, which is approx. 10.4km southeast of the site.
- 7.11.10. The Rye Water is itself identified as a tributary of the River Liffey, which flows into Dublin Bay approx. 15km downstream (measured in a direct line) (and by extension North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA). The Screening Report states that there is no hydrological connection between the site and the Rye Water Valley/Cartron SAC.
- 7.11.11. There is a watercourse 350m to the west, on the opposite side of Ratoath Road and EPA mapping identifies that it flows into the Tolka River approx. 3.25km downstream (measured in a direct line). The Tolka also flows into Dublin Bay. There is a hydrological connection between the site and this watercourse, via the surface water drainage system.
- 7.11.12. A summary of the European Sites that occur within zone of influence of the proposed development is presented in Appendix 1. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Construction phase impacts

- 7.11.13. There is a considerable distance from the site to the watercourse on the opposite side of Ratoath Road and a further considerable distance from the point of entry to the point of entry to Dublin Bay. I consider the likelihood of a surface water discharge from the site entering this stream is low and even in the unlikely event of a discharge, it would still be a considerable distance from any European site and it is very unlikely that any pollutants would be transferred to the European sites. I am

therefore satisfied that there is no potential for likely significant effects on European sites.

Operational phase impacts

7.11.14. Attenuated surface water is proposed to discharge to the watercourse on the opposite side of Ratoath Road. I have already outlined that EPA mapping indicates that this watercourse flows into the Tolka and ultimately into Dublin Bay, 15km away. The risk of pollutants being transferred via attenuated discharge is low and even in the event that a discharge from the site entered the watercourse, it would still be a considerable distance from any European site and it is very unlikely that any pollutants would be transferred to the European sites. I am therefore satisfied that there is no potential for likely significant effects on European sites.

7.11.15. Regarding foul water, the Screening Report states that effluent for the Dublin area is treated at the Ringsend WWTP, which is operating above its capacity. The Report goes on to state that despite the capacity issues, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of 'unpolluted' water status. The Tolka Estuary is identified as being classified as being 'potentially eutrophic'. Reference is also made to capital investments in wastewater infrastructure, which will reduce such discharges to Dublin Bay in the future. In view of the water quality status of Dublin Bay and the very small proportion of overall discharges to Dublin Bay which the development would contribute, the Report concludes that the development will not impact on the overall water quality status of Dublin Bay.

7.11.16. I would concur with the Screening Report conclusion in respect of the impact of the development on the overall water quality status of Dublin Bay. The development is of a very small scale, in the context of the extent of treatment provided at Ringsend. I would also note that Irish Water operates the Ringsend WWTP under licence from the EPA, which requires a specified level of treatment to be provided, prior to discharge. In view of the small scale nature of the development and the current water quality status of Dublin Bay, together with Irish Water's obligations in respect of the management of wastewater treatment at the Ringsend WWTP, I am satisfied that the development will not impact on the overall water

quality status of Dublin Bay and the potential for likely significant effects on European sites within the Bay can be excluded.

In-combination effects

7.11.17. The Screening Report identifies that there is the potential for in-combination effects on water quality with Dublin Bay, arising from proposed developments discharging foul water to Ringsend WWTP and into Dublin Bay. Reference is made to policies within the RSES, which seek to protect European sites and which the individual planning authorities affected by the RSES must have regard to in preparing development plans within their administrative areas. Reference is also made to capital investments in wastewater infrastructure, which will over time address capacity issues at Ringsend WWTP. The Report concludes that the possibility of any other plans or projects acting in combination with the proposed development to give rise to significant effects on any European site in, or associated with, Dublin Bay can be excluded.

7.11.18. As I have stated previously, Irish Water operates the Ringsend WWTP under licence from the EPA, and is obligated to provide a specified level of treatment to be provided, prior to discharge. All proposed developments seeking to discharge foul water to Ringsend WWTP are required to enter into a connection agreement with Irish Water, whereby Irish Water must confirm that there is capacity to accommodate additional foul water volumes, whilst operating within licencing conditions. I note in this respect the current 'unpolluted' water status of Dublin Bay. In circumstances where wastewater treatment at Ringsend WWTP is the responsibility of Irish Water and is controlled by licence conditions imposed by the EPA, I am satisfied that the potential for likely in-combination significant effects Dublin Bay is low and can be excluded.

Screening Determination

7.11.19. 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 has been concluded that the project would not be likely to give rise to significant effects on European Site Nos. 004006, 004024, 000206 or 000210, or any other European site, in view of the site's

Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the 'RS' zoning which applies to the site under the Fingal County Development Plan 2017-2023, under which residential development is permissible, and the 'Nature Development Area' designation which also applies under the development plan, subject to the conditions set out below, the proposed development would be an appropriate form of development, would not seriously injure the character and setting of Hollywoodrath House and its associated buildings which are identified by the development plan as a Protected Structure, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The development shall be amended as follows: -

	<ul style="list-style-type: none"> House Nos. 22-29 should be omitted. The resultant space should be incorporated into public open space. House Nos. 19-21 shall incorporate rear gardens which accord with minimum development plan requirements and house Nos. 19 and 21 should be provided as dual-frontage houses, to improve the level of overlooking of the public open space. The pumping station should be moved eastward to the area currently occupied by 2 No. car parking spaces, to ensure that it is outside of tree root protection zones. Projecting elements within the gardens of house Nos. 13 and 17 shall be allocated to the gardens of house Nos. 12 and 16. <p>Prior to the commencement of development revised drawings shall be submitted which reflect these amendments, for the agreement of the Planning Authority.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
3.	<p>A Stage I & II Road Safety Audit shall be submitted prior to the commencement of development. The applicant shall also submit proposals for implementation of the recommendations of the road safety audit, for the agreement of the Planning Authority.</p> <p>Reason: In the interest of road safety.</p>
4.	<p>Visibility splays shall be provided at the R121 site access, in accordance with the Planning Authority's requirements, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of road safety.</p>
5.	<p>The internal road/footpath network shall be redesigned as follows: -</p> <ul style="list-style-type: none"> Home zone streets (streets 2, 3 and 4) shall incorporate reduced carriageway widths of 5m. Internal streets shall incorporate <i>Design Manual for Urban Roads and Streets</i> placemaking and shared surface principles.

	<ul style="list-style-type: none"> • A pedestrian footpath/walking route shall be provided along the south and east site boundaries, up to the point of the main site access, and which shall connect to the existing public footpath on Ratoath Road. • A proposed parking layout shall be provided, which identifies allocated and visitor parking spaces for apartments and houses. <p>Prior to the commencement of development revised drawings shall be submitted which reflect these amendments, for the agreement of the Planning Authority.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
6.	<p>Apartments shall be provided with dedicated storage space in accordance with the minimum requirements of the 2020 Apartment Guidelines.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>Proposals for protection of retained trees during the construction phase, which should include monitoring of construction works by an arborist, shall be agreed with the Planning Authority prior to the commencement of development.</p> <p>Reason: To ensure the preservation and protection of features of ecological interest within the development site.</p>
8.	<p>Public open space shall be provided and laid out in accordance with the Planning Authority's requirements, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
9.	<p>Communal open space shall be provided in accordance with the requirements of the 2020 apartment guidelines, the location and layout of which shall be agreed with the Planning Authority.</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>A hard and soft landscaping strategy and boundary treatment plan, which shall include supplemental planting along the shared boundary with the gate lodge protected structure, shall be submitted to and agreed in writing with</p>

	<p>the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual amenity.</p>
11.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>Details of the materials, colours and textures of all external finishes to the proposed houses shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of the visual amenities of the area.</p>

13.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
14.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of proper site drainage.</p>
15.	<p>(a) The development, including all roads, footpaths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, shall be carried out and completed in accordance with the 'taking-in-charge' standards of the planning authority.</p> <p>(b) the areas of open space shown on the submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. The open space shall be laid out and landscaped prior to the making available by the developer for occupation of any of the houses in the relevant phase of the development.</p> <p>(c) all the areas of public open space, as shown on the submitted drawings which are to be taken in charge, shall be maintained by the developer until the development is taken in charge by the local authority. When the estate is taken in charge, these open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.</p> <p>Reason: In the interests of proper development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details</p>

	<p>of the intended construction practice for the development, including hours of working, noise management measures and construction traffic management plan. The plan shall be updated at regular intervals.</p> <p>Reason: In the interest of public safety and residential amenity</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended unless an exemption certificate shall have been applied for and been granted under section 97 of the Act.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area</p>
20.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an in interest in the land shall enter into an agreement with the planning authority (such agreement must specify the</p>

	<p>number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
21.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
22.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of suitable transportation.</p>
23.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>

24.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
25.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
26.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to</p>

	<p>apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
--	--

Barry O'Donnell

Planning Inspector

3rd November 2021.

Appendix 1

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
<u>SPA</u>				
North Bull Island (Site Code 004006)	Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Wetland and Waterbirds	15km	Surface water/foul water discharge	Y
South Dublin Bay and River Tolka Estuary (Site Code 004024)	Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Wetland and Waterbirds	12.5km	Surface water/foul water discharge	Y
<u>SAC</u>				
Rye Water Valley / Carton (Site Code 1398)	Petrifying springs with tufa formation, Vertigo angustior, Vertigo moulinsiana.	10.5km	None.	N
North Dublin Bay (Site Code 000206)	Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt	15km	Surface water/foul water discharge	Y

	meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria, Fixed coastal dunes with herbaceous vegetation, Humid dune slacks, Petalophyllum ralfsii.			
South Dublin Bay (Site Code 000210)	Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Embryonic shifting dunes	15km	Surface water/foul water discharge	Y