



An
Bord
Pleanála

Inspector's Report

ABP-309915-21

Development	Construction of 40 houses.
Location	The Rath, Rowlestown, Swords, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0034
Applicant(s)	Rath Glade Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Rath Glade Limited.
Observer(s)	No observers.
Date of Site Inspection	31 st August 2021.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is located within the townland of Rath, on the outskirts of the village of Rowlestown in north Co. Dublin. Rowlestown is a commuter village situated around two parallel roads travelling in an east-west direction and connected by an intersecting road that crosses the Broadmeadow River. The R125 travels along the southern side of the village and connects with Swords, approximately 7.5km to the east, and with Ashbourne approximately 6.5km to the west.
- 1.2. Church Road forms the village centre to the north and this is where the majority of the services are located including the Parish Church, National School and Community Centre which also contains a creche. A secondary service hub is located along the R125 to the south and comprises a recently refurbished petrol station with attached convenience shop. Directly beside this and to the west are some commercial units with associated parking.
- 1.3. The appeal site has a stated area of 2.074ha and is situated on the outskirts of the village on southern side of the R125. It is approximately 355m to the east of the petrol station and 180m from the junction with the north-south road connecting with Church Road. The main village centre and the remainder of the services are approximately 600m from the site.
- 1.4. The site is greenfield in nature with some evidence of a hard-standing area along its northern boundary. There is a distinct change in levels along the boundary with the R125 as the site sloped upwards to the south. An informal vehicular access point is located on the north-western corner of the site.
- 1.5. To the east, west and south, the site boundary is defined by thick hedgerows and trees. On the occasion of the site inspection, the northern site boundary was secured by metal fencing but is open in nature with no trees or hedgerows in place. The Killossery Stream runs along the western boundary of the site and is culverted under the R125 to drain into the Broadmeadow River.
- 1.6. Adjoining the site to the east is a detached residential dwelling which appears to be associated with farmland to the side and rear. Two more residential dwellings are located directly to the west of the site and share an entrance from the R125. To the south, the site is bounded by open fields and to the north the site bounds a public

footpath that runs alongside the R125. There are two detached houses directly opposite the site and on the northern side of the road. The Broadmeadow River runs to the rear of these houses and is approximately 50m to the north of the site at its closest point.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 40 no. two-storey houses (18 x 3-bed, 17 x 4-bed and 5 x 5-bed), ranging in size from 107.8 sqm to 161 sqm. The houses would be positioned on back-to-back sites in two central clusters facing onto an access road. A terrace of houses would be located to the rear of the site and along the southern boundary.
- 2.2. The development would be serviced by existing infrastructure. The foul water would discharge to the existing 225mm diameter foul water pipe within the R125 which discharges to the Swords Waste Water Treatment Plant via the Rowlestown / Lispopple Pumping Station.
- 2.3. Surface water from the development would drain through an underground network of pipes and discharge to the north-west corner of the site where the outfall to the existing ditch is located. Various SuDS devices are proposed for the site including 2 attenuation basins located to the north of the site, permeable paving, swales and soft landscaping.
- 2.4. A new vehicular access and road is proposed from the R125 as well as all landscaping and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the PA for the following reasons;

1. The policy of the Fingal Development Plan 2017-2023 states that villages in the metropolitan area 'will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the

potential for unsustainable travel patterns' and that 'future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns'. It is considered that when taken in the context of existing and permitted development in the vicinity, the proposed development would be contrary to the settlement hierarchy set out in the Regional Spatial and Economic Strategy for the region as well as the core strategy and the settlement strategy of the Fingal Development Plan 2017-2023. The proposal if permitted would contravene materially development objective RF04 of the Fingal Development Plan 2017-2023. The proposal if permitted is, inconsistent with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas May 2009' issued under Section 28 of the Planning and Development Act 2000 as amended and is therefore considered to be contrary to the proper planning and sustainable development of the area.

2. The prominent, elevated nature of the site at the edge of the RV zoning, along with the suburban character of the proposal if permitted would not contribute to the consolidation or to the enhancement of the village. Taken in combination with recently permitted development the proposal would contribute to excessive growth of the village in a short period of time, undermine the rural village character of Rowlestown and that of the surrounding countryside and would therefore contravene materially the RV land use zoning objective set out in the Fingal Development Plan 2017-2023 which seeks to Protect and promote the character of the Rural Village.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 15th March 2021 informed the decision of the PA and included the following;

- The subject site is located in Rowelstown Rural Village, which has a land use zoning objective of 'RV' Rural Village to 'Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an

approved Local Area Plan, and the availability of physical and community infrastructure’.

- The Rowelstown LAP has expired and as such the consistency of the proposal with the land use zoning vision is not as clear as it was when the LAP was in place.
- Rowelstown is not in an existing or proposed high quality public transport corridor and has very limited local employment opportunities. Additional residential development would contribute to growth beyond local need which will contribute to unsustainable commuting patterns.
- Guidance contained in the Dublin Metropolitan Area Strategic Plan and the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031, seek to support the consolidation of existing settlements in order to promote sustainable development.
- The development would be contrary to national guidance contained in the Sustainable Residential Developments in Urban Areas; Guidelines for Planning Authorities, (2009).
- The layout of the development is suburban in character and when considered in combination with recently permitted development would contribute to car-based, commuter driven growth of the village.
- The elevated nature of the site and the proposed finished floor levels of the houses, at 5.37m – 7.57m above the level of the road, would result in the development being visually prominent and visible from across the river valley. This would also have a negative impact on the character of the rural village.
- The expired Rowelstown LAP has an indicative pedestrian/cycle route from east to west across the site. The internal layout could accommodate any future development and transport connections to the east and west.
- Awkward areas of green open space and hedgerow are located along the eastern boundary of the site, which render them difficult to access and maintain. It is unclear as to how these areas will be managed or maintained.

- It is proposed to maintain existing hedgerows along the eastern and southern boundary. Using hedgerows as boundaries to residential development is difficult to maintain as a long-lasting treatment. Further consideration as to how these would be maintained is required.
- In order to fully assess the proposal further information would be required with regard to the landscaping proposed for the site, to include details of the design and layout of the open space areas, details from the engineer and the landscape architect on the location of the play area on the attenuation area and tree planting.
- A site specific Flood Risk Assessment has been submitted with the application and states that the site is not considered to be a flood risk.
- It is considered that the proposed development, in combination with other recently permitted development in the village would provide an unsustainable level of development which cannot be adequately catered for within the rural village at this time.

3.2.2. Other Technical Reports

Transportation Planning Section –

- The site is accessed from the R125 which has a design speed of 50km/hr and requires sightlines of 49m in both directions taken from a 2.4m setback from the edge of the road. These sightlines can be achieved but would be improved by the removal of a tree to the east of the site.
- Parking within the development is adequate and the proposed development has a minor impact on the road capacity.
- The existing access is very steep and would not be safe. Gradients on the proposed alignment of the access road are acceptable, however footpath gradients are not provided. This information would be required to make a full assessment.
- A swept path analysis has been provided for refuse truck and fire tenders and is acceptable. A taking in charge drawing has not been provided. It is recommended that further information be requested with regard to footpath gradients and areas to be taken in charge.

Parks and Green Infrastructure Division –

- The application states that 20,738m² of open space is proposed with 2,216m² stated as usable due to the topography of the site, narrow width of open space areas and presence of SuDS.
- A large portion of the area shown as ‘Public Open Space 1’ contains an attenuation basin with 1:3 slopes and a depth of 1.3m, which is contrary to Development Plan provisions on SuDS provision on Public Open Space.
- A riparian corridor with a minimum width of 10m should be maintained free of development along the western boundary.
- Awkward areas of open space are located along the eastern boundary of the site which make them difficult to maintain. It is unclear if these areas are to be located within the garden boundaries of the residential units or outside of them.
- There is a distinct lack of street trees in the development.
- In order to fully assess the landscape plans for the development additional information is required.

Water Services –

- No objection subject to conditions.
- No surface water / rainwater to discharge into the foul water system under any circumstances.
- In accordance with Objective WQ05 of the FCC CDP a minimum 10m wide riparian buffer shall be maintained between the watercourse bounding the site on the west and any development.

3.3. Prescribed Bodies

Irish Water – No objection

3.4. Third Party Observations

A total of 5 observations were received by the PA and raised the following issues;

- The density is excessive and is not compatible with the current 'RV' zoning,
- Development permitted under PA Ref. F18A/0522 was more appropriate for the area,
- The removal of trees along the boundary will impact on the privacy of adjoining houses,
- The distance between the two hubs of the village is approximately 1.5km. There is no public footpath connecting them and very little street lighting. This environment is dangerous and unsuitable for pedestrians,
- An agreement is in place between the previous owner of the site and the owner of the adjoining property at Caledonia, Killossery which is binding until PA Ref. F18A/0522 expires,
- The R125 is very busy and the speed limit is regularly exceeded making it a hostile environment for pedestrians.
- The subject site has kites nesting in the trees and the development would result in them losing their habitat.
- The R125 has been known to flood and on a regular basis the Broadmeadow River has flooded and the PA has had to bring sandbags to protect property.
- Whilst the site itself might not flood due to its elevated nature it could result in flooding on the lower lying sites.

4.0 Planning History

On the subject site:

F18A/0522 – Planning permission granted by the PA on the 12th July 2019 for the construction of 9 no. dwellings, comprising 5 no. detached, 5-bedroom houses with detached garages and 4 no. detached, 4-bedroom, houses with detached garages and all associated site works.

F08A/0169 – Planning permission granted by the PA on the 1st August 2008 for the construction of 18 no. detached, 2 storey, dormer type dwellings comprising 4 no. 3

bedroom, 10 no. 4 bedroom and 4 no. 5 bedroom units, upgraded vehicular access and all ancillary site works.

On sites in proximity;

ABP309135/21, (PA Ref. F19A/0505) – (Site located to the east of Rowelstown Village, between Rowelstown and Lisopple, c. 600m to the north-east of the subject site as the crow flies). Planning permission refused by An Bord Pleanála on the 28th day of August on foot of a First Party Appeal, for the construction of 73 no. houses, 55 no. 3 bedroom and 18 no. 4 bedroom, and all associated site works. The reasons for refusal are stated as;

1. Having regard to the location of the proposed development in the rural village of Rowelstown and Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for Eastern and Midlands Area, 2019 to 2031, which seeks to ‘support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans’ and the Fingal Development Plan, 2017 to 2023 policy for villages in S.28 which states that ‘villages will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns’ and Section 5.2 which states that ‘future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns’, it is considered that the proposed development would be contrary to the settlement hierarchy set out in the Regional Spatial and Economic Strategy for the region and the Development Plan policies for the area and, as such would be contrary to the proper planning and sustainable development of the area.

ABP306955/20, (PA Ref. F19A/0626) – (Site located to the west of Rowelstown National School in Rowelstown Village, c. 440m to the north-east of the subject site as the crow flies). Planning permission refused by An Bord Pleanála on the on 16th October 2020 foot of a 1st Party Appeal for the construction of 85 no. 3-4 bedroom houses, (13 no. terraced, 52 no. semi-detached and 20 no. detached), along with a

creche of 150m² and all ancillary works. The reasons for refusal are stated as follows;

1. Having regard to the location of the proposed development in the rural village of Rowlestown and Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for Eastern and Midlands Area 2019- 2031, which seeks to 'support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans' and the Fingal Development Plan 2017-2023 policy for villages in S2.8 which states that 'villages will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns' and Section 5.2 which states that 'future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns', it is considered that the proposed development would be contrary to the settlement hierarchy set out in the Regional Spatial and Economic Strategy for the region and the Development Plan policies for the area and as such, would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the sensitive nature of the site and its location in the village of Rowlestown, its proximity to Rowlestown House, a protected structure, and its relationship to the Architectural Conservation Area, it is considered that the proposed development, by reason of layout and design, would seriously detract from the built heritage of the village and from Rowlestown House and the Architectural Conservation Area, would seriously injure the visual amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP308526/20, (PA Ref. F21A/0490) – (Site located between Church Road and the Broadmeadow River, c. 81m to the north of the subject site as the crow flies).

Planning permission granted by the PA on the 1st October 2020 for 26 no. 2 storey dwellings comprising 2 no. 3 bedroom houses, 22 no. 4 bedroom houses and 2 no. 5 bedroom houses. A First Party Appeal was lodged against Condition No. 18 and Condition No. 33, both of which relate to Section 48 Development Contributions.

The Board decision directed to remove Condition No. 18 and to amend Condition No. 33.

ABP306182/19 – (Site located in Rowelstown Village East, on Church Road and Rowelstown Drive, c. 340m to the north of the subject site as the crow flies).

Planning permission granted on the 9th April 2020, under S. 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016, for 130 no. houses, (7 no. 2 bed homes for the elderly, 110 three bed houses, 13 four bed houses, creche for 35 children and associated works.

PARTXI/005/18 – Approval given by Fingal County Council at their meeting on the 8th April 2019 for the construction of 6 single storey semi-detached two bedroom dwellings and associated site works as Rowelstown Drive.

PARTXI/005/16 – Approval given by Fingal County Council at their meeting on the 14th November 2016 for the construction of 20 new dwellings with associated site works at lands to the north of Church Road and to the south of Rowelstown National School.

F21A/0439 – Decision pending – Planning permission lodged on the 17th August 2021 for a mixed-use development on a site of c. 3.56ha to the west of the village. Permission is sought for the construction of,

- 21 no. two storey houses (12 no. 3 beds and 9 no. 4 beds; 9 no. detached, 4 no. semi-detached, and 8 no. terraced) and 9 no. storage buildings (c. 13.25sqm each).
- Partial demolition (c.324sqm) and redevelopment of the old national school building to provide a creche (c. 362sqm) and a co-working space (c. 278sqm).
- A farmers' market with c. 30 no. external display pitches and a c. 120sqm storage building.
- Renovation of the mill building (RPS 334) to provide a cultural museum (c. 147.2sqm).
- Renovation of the Miller's House (RPS 334) to provide tea rooms (c. 142.3sqm).

- Redevelopment of the Stable (RPS 334) to provide a restaurant/café (c. 234.7sqm) and an outdoor seating area (c. 95sqm).
- Demolition (c. 28.43sqm) of the ruined Dairy building (RPS 334).
- Construction of a garden centre with a covered glasshouse (c. 308sqm).
- The proposal also includes new public open spaces (including a riverside public park), provision of 92 no. car parking spaces (42 no. of which are provided within the curtilages of the proposed houses) and 40 no. cycle parking spaces, all associated site development works, landscaping, and boundary treatments, bin stores, pedestrian/cycle/vehicular accesses, and services provision including ESB substations.

5.0 Policy Context

5.1. National Policy

5.2. Project Ireland 2040 - National Planning Framework (NPF)

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

The following sections and National Policy Objectives, (NPO's) are of relevance to the appeal;

Chapter 5 – Planning for Diverse Rural Places

NPO 15 – Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 18a - To support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

Chapter 6 – People Homes & Communities

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

NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 6.6 - It is envisaged that Ireland's future homes will;

- be located in places that can support sustainable development - places which support growth, innovation and the efficient provision of infrastructure, are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change;.
- still be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.

5.3. **Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009**

The Guidelines set out the key planning issues to be considered in the provision of new housing development in terms of sustainable development.

Chapter 6 – Smaller Towns and Villages

Advice contained in this chapter states that;

- Development in smaller towns and villages must be plan led.

- New development should contribute to compact towns and villages,
- Higher densities are appropriate in certain locations,
- Offer alternatives to urban generated housing,
- The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.

Section 6.11– Density – Edge of centre sites.

Densities to a range of 20-35 dwellings per hectare will be appropriate.

Section 6.12 – Density – Edge of small town / village

It is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

5.4. Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).

Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), seek to address the regulation of commercial institutional investment in certain housing developments.

The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage.

They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

5.5. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

This strategic plan identifies regional assets, opportunities and pressures as well as setting out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond.

Chapter 2 – Strategic Vision, recognises that this region contains: *'some of the fastest growing communities in the country and the long-term trend is for residential development moving further outwards from Dublin, with significant growth in many of the small towns and villages in the peri-urban area surrounding the city leading to an increase in car-based long-distance commuting. At the same time, an overall lack of adequate housing supply to meet a growing population has resulted in affordability issues and increasing homelessness, with a resulting negative impact on quality of life and regional competitiveness'*.

Chapter 4 – People and Places is of particular relevance to the proposed development and contains the following objective:

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

Section 4.8 deals specifically with Rural Places, Towns, Villages, and the Countryside. It states that, *'In general, those rural places in proximity to large urban centres have experienced significant growth and urban generated pressures and require levels of growth to be managed in order to ensure that there is a requisite service level for the existing population'*.

5.6. Local Policy

5.7. Fingal County Development Plan 2017-2023

The subject site is zoned 'RV' Rural Village, which is to, *'Protect and promote the character of the Rural Village and promote a vibrant community in accordance with*

an approved Local Area Plan, and the availability of physical and community infrastructure’.

The vision for the RV zoning is to, ‘protect and promote established villages within the rural landscape where people can settle and have access to community services. The villages are areas within the rural landscape where housing needs can be satisfied with minimal harm to the countryside and surrounding environment. The villages will serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed through local area plans to ensure that a critical mass for local services is encouraged without providing for growth beyond local need and unsustainable commuting patterns’.

The village of Rowlestown is a designated Architectural Conservation Area, (ACA) and is identified as an Area of Archaeological Potential. The subject site is not located within the boundary of the ACA or the Area of Archaeological Potential.

Chapter 2 - Core Strategy

Within the Core Strategy Rowlestown is identified as one of four villages in the Metropolitan Area that complement and support higher order settlement centres.

In the Metropolitan Area growth in villages such as Coolquay, Kinsaley, Rivermeade and Rowlestown will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns.

The following objectives are of relevance to the appeal;

Objective SS12 – Promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal’s primary growth centres for residential development in line with the County’s Settlement Hierarchy.

Chapter 5 – Rural Fingal

Within Chapter 5, Rural Fingal is identified as an area under ‘Strong Urban Influence’ due to its location and proximity to Dublin and major transport corridors.

Section 5.2 – Fingal’s Rural Settlement Strategy,

Rowlestown is identified as a commuter village located in the Metropolitan Area.

The Village Settlement Strategy states that the level of growth in the villages of Fingal will be managed through the Core Strategy and the Local Area Plan process. However, the level of growth within villages must be managed. Rapid expansion will not be permitted as it would put undue pressure on services and the environment and encourage higher levels of un-sustainable commuting. The level of growth will be managed through the Core Strategy and the Local Area Plan process.

Objective RF03 - Review the Rowlestown Local Area Plan including an assessment for potential higher densities which may help in the delivery of necessary physical and social infrastructure, particularly road improvements, expanded recreational facilities and local services for the benefit of existing and future residents in Rowlestown.

Objective RF04; Manage the development of each village, within the existing RV boundaries, having regard to:

- Government Guidelines set down in the Sustainable Residential Development in Urban Areas, 2009,
- The settlement strategy for rural villages set out in the Regional Spatial and Economic Strategy (RSES) and,
- The Core Strategy of the Fingal Development Plan.

Chapter 7 – Movement and Infrastructure

The Fingal Strategic Flood Risk Assessment, (SFRA), requires that a justification test be carried out for developments in flood risk areas.

Lands in Rowlestown have been identified as flood risk areas in the SFRA and a Detailed Flood Risk Assessment is required for development proposals in these areas. These areas are mainly located around the Broadmeadow River basin.

Under the Surface Water and Flood Risk Management Section it is stated that a justification test will be required for development in flood risk areas. Lands identified in the SFRA where a Detailed Flood Risk Assessment is required are located in the Rowlestown area.

Chapter 12 – Development Management Standards

Section 12.4 – Design Criteria for Residential Development.

Table 12.1 – Houses – Contains minimum floor areas for houses.

Section 12.7 – Open Space

Objective DMS57 - Require a minimum public open space provision of 2.5 hectares per 1000 population.

Objective DMS73 - Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of open space provision shall be taken up by SuDS. The Council will give consideration to the provision of SuDS on existing open space, where appropriate.

Objective DMS74 - Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.

Variation 2 of the Fingal Development Plan 2017-2023;

Variation 2 was adopted on the 19th June 2020 with the explicit purpose to align the Fingal Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy.

Variation 2 is of relevance to the subject appeal as it relates to the settlement strategy of the County. The following objectives are of particular relevance;

Objective SS01 – Consolidate the vast majority of the County’s future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the hinterland to towns and villages, as advocated by national and regional planning guidance.

Objective SS01a - Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.

Objective SS01b - Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.

Objective SS02 – Ensure that all proposals for residential development accord with the County’s Settlement Strategy and are consistent with Fingal’s identified hierarchy of settlement centres.

Objective SS02a - Development will be permitted in principle on lands where there is a Local Area Plan or Masterplan in place and only when these lands are substantially developed will permission be granted for the development of lands without such a framework. Should the lands identified within a LAP or Masterplan not come forward for development in the short term, consideration will be given to other lands.

Objective SS02b - Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality public transport corridors and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.

Objective SS03 – Identify sufficient lands for residential development in order to achieve the housing and population targets set out in the Core Strategy, while ensuring that excess lands surplus to this specific requirement are not identified, in order to prevent fragmented development, uneconomic infrastructure provision and car dependent urban sprawl.

Objective SS03a - Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.

Rowlestown is identified as one of 4 growth villages in the Metropolitan Area. These villages will be managed to ensure that they do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns.

Rowlestown Local Area Plan 2013 & Village Development Framework Plan

- The Rowlestown LAP has now expired. Objective RF03 of the Development Plan seeks to review the LAP, including an assessment for potential higher densities which may help in the delivery of necessary physical and social infrastructure, particularly road improvements, expanded recreational facilities and local services for the benefit of existing and future residents in Rowelstown.
- Within the LAP the subject site is identified as Development Area 8. The total number of additional houses proposed for Rowlestown in the LAP is c.150 units, which was in accordance with the Core Strategy at the time.
- In the LAP it was envisaged that the development of the subject site and the adjoining site to the east, identified as Development Area 7, could be developed together to yield a total of 19 no. houses.
- The low density of development proposed was in response to the vehicular access to these sites onto the R125. It was considered prudent to limit the number of plots accessed off the road to optimise the balance between safety for vehicular traffic in the R125 and development on the contiguous plots.

5.8. Natural Heritage Designations

No designations apply to the subject site.

The closest designated sites are the Malahide Estuary SPA, (Ref. 004025) and the Malahide Estuary SAC, (Ref. 000205), which are approximately 6.7km to the south east of the site.

5.9. EIA Screening

- 5.9.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.9.2. Class (10)(b)(i) 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,

5.9.3. It is proposed to construct 40 no. of houses with associated site works and landscaping. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below.

5.9.4. 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. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the vicinity. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It would not give rise to a risk of major accidents or risks to human health.

5.9.5. 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 for 'Residential' uses under the provisions of the Fingal County Development Plan, and the results of the strategic environmental assessment of the Fingal County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site which is served by public infrastructure,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- 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),

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 (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal seek to address the reasons for refusal and include the following;

- The first reason for refusal is based on the Council's contention that the proposed development is contrary to the settlement strategy; would contravene Policy Objective RF04 and is inconsistent with the Sustainable Residential Development in Urban Areas Guidelines, (2009).
- Within the CDP, the Core Strategy and Settlement Strategy have been revised by Development Plan Variation No. 2. The recent variation provides for a growth figure of 844 residential units to 'small towns and villages', which includes Rowlestown.
- The proposed development would deliver 40 units, which amounts to less than 5% of the 844-unit residential capacity.
- Analysis carried out on the villages of Portrane, Coolquay, Kinsealy, Rivermeade and Rowlestown during the Development Plan period, show that so far only 354 houses have been approved across these rural villages, (130 for Rowlestown). This represents just 42% of the capacity identified in the Development Plan Variation 2. This demonstrates that the residential capacity for the rural villages has not been taken up.

- The development proposal supports the appropriate growth of Fingal County by ensuring much needed development takes place on residentially zoned and serviced land.
- Rowelstown benefits from excellent infrastructure, including an existing watermain and foul water drainage along the R125, broadband utilities and gas networks. An ESB Networks power supply is already available at the site. Surface water drainage for the site comprises a series of local ditches that discharge to the Broadmeadow River.
- Community infrastructure includes a large national school, Bride Naofa, Rowelstown Parish Church, a community hall, Fingal Ravens GAA club, commercial units and a petrol service station.
- The site would be serviced by a number of bus routes including Dublin Bus, route 41B and TFI route 197 to Swords/Ashbourne. It is also in proximity to a 'park and ride' stop for the Dublin Metro.
- The fear of Rowelstown expanding too rapidly and putting pressure on services is unfounded as the proposed development presents an opportunity to make more efficient use of existing facilities and public transport infrastructure.
- The development has a density of 19 units p/ha, which is in accordance with the Ministerial Guidelines on Sustainable Residential Development in urban Areas (2009), which allows for a density of 15-20 units p/ha in edge of village locations.
- Despite the fact that the Rowelstown LAP and its accompanying Village Development Framework Plan has expired the proposal has been designed to integrate with the adjoining lands.
- Rowelstown falls within the Dublin Metropolitan Area Strategic Plan (DMASP) and is one of 4 villages identified in the Fingal CDP as complementing and supporting higher order settlement centres.
- The PA's second reason for refusal states that the prominent nature of the site does not contribute to the consolidation or enhancement of the village. However, the site is zoned for development and permission has been

previously granted for under Ref. F18A/0522 for 9 houses, in a scheme which has less landscaping and a greater potential for visual impact.

- The proposed scheme was designed in response to comments raised in pre-planning regarding the nature of the site and the scheme has been designed to respect the rural character of the area.
- There are no environmental impacts associated with the proposal, a riparian corridor has been maintained along the western boundary of the site, only one tree on site will be affected by the proposal and all hedgerows are to be maintained.
- The report of the Council's Transportation Section noted that additional information would be required regarding footpath gradients. In response to this and as part of the appeal Drawing no. 20-073-P002 Rev A, 'Proposed Levels & Roads Layout Rev A', has been submitted and details the gradients of the footpaths.
- The report of the Council's Parks Section requested further information on a number of aspects relating to the public open space and the landscaping throughout. These are addressed in the grounds of appeal as follows;
- The Parks dept. noted that a portion of Public Open Space 1 contains an attenuation basin that is contrary to Dev. Plan objectives in relation to SuDS infrastructure. The SuDS solution includes for the provision of a clean, broken stone layer below ground attenuation area in the two open spaces to supplement the above ground attenuation, (consistent with obj. DMS74). In addition the provision of above ground attenuation offers an opportunity to counter the existing topography and to provide usable areas and contribute to landscaping as per obj. DMS73.
- The hedgerow along the eastern boundary falls within the application site boundary and sections of this hedgerow will come within the ownership boundary of individual houses. It is intended that sections of the existing hedgerow will form a garden boundary to these properties in order to reinforce the rural setting. The southern hedgerow will be maintained.

- A revised Landscape Masterplan, (Drawing No. 20461-2-101 Rev B), is submitted with the appeal and indicates a significant increase in tree planting on the site as well as showing the relationship with underground services, tree pit extents and root protection areas.
- Site sections are shown on Drawing No. 204612-201 – Indicative Site Sections, which was submitted with the original application and also on Drawing No. 20461-2-202 – Indicative Site Sections 2, which was submitted as part of the appeal.

6.2. Planning Authority Response

- No response on file.

6.3. Observations

- No observations.

7.0 Assessment

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

- Policy & Setting
- Design & Visual Impact
- Future Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Policy & Setting

7.2.1. Planning Authority's reasons for refusal state that the proposed development would be contrary to the settlement hierarchy set out in the RSES as well as the core strategy and settlement strategy of the Fingal Development Plan 2017-2023, (FDP), and if permitted, it would contravene objective RF04 of the FDP and would be

inconsistent with the 2009 Sustainable Residential Development in Urban Areas Guidelines.

- 7.2.2. Reason No. 2 stated that the nature and location of the site would not contribute to the enhancement or consolidation of the village and would contribute to the excessive growth of the village, undermine the rural village character and materially contravene the RV land use zoning objective of the FDP.
- 7.2.3. Within the grounds of appeal, the applicant has argued that the proposed development accounts for a small percentage of the overall growth figure for smaller towns and villages as set out in the settlement strategy for the county. As such it would be in accordance with the core strategy and demonstrates that the capacity for development has not been exceeded. It is further argued that the proposal is in accordance with national and local development policy as the development is located on zoned lands within a designated settlement which was subject to an LAP and Village Design Statement.
- 7.2.4. Overarching national policy contained in the National Planning Framework, (NPF), seeks to consolidate existing settlements rather than continue with the incremental sprawl of cities and towns. The NPF also seeks to prioritise the provision of new homes at locations that can support sustainable development at an appropriate scale of provision relative to location, (NPO 33). This strategic policy is supported by regional policy contained in the Eastern & Midland Regional Assembly RSES which recognises that rural places in proximity to large urban centres, that have experienced significant growth and urban generated pressures, require levels of growth be managed in order to ensure that there is a requisite service level for the existing population, (Section 4.8). Variation 2 of the Fingal Development Plan 2017-2023 was adopted on the 19th June 2019 in order to incorporate the NPF and the RSES into the Development Plan. Objective SS01 of the CDP seeks to support the implementation of and promote development consistent with the NPF and the RSES.
- 7.2.5. Within the Rural Settlement Strategy for Fingal, (Section 5.2 of the CDP), Rowlestown is identified as a commuter village by virtue of its proximity to urban settlements within the Metropolitan area. The Core Strategy states that development in Rowlestown, and similar villages, will be managed to ensure that these centres don't expand too rapidly, putting pressure on services and the environment and

creating the potential for unsustainable travel patterns. As set out in Objective SS02a, the level of growth within villages will be managed through the Core Strategy and the Local Area Plan process.

- 7.2.6. The village of Rowlestown is modest in size but is somewhat fragmented in layout and form. The 'village centre' is located around Church Road where the Parish Church, Community Centre and National School are. However, it also has a secondary focal point at the junction of the R125 to the south, where the petrol station, and the only retail service for the village, is located. Recently permitted development, (ABP306182/21 & ABP308562/20), has been focused around Church Road, which serves to strengthen this area as the focus of the village centre. This development would allow for 156 new residential units, which would put an extra demand on existing services, which are lacking in range and offer. I note that a new creche would be provided under ABP306182/21 and a nursing home would be constructed as part of ABP308562/20 which would add to the current services.
- 7.2.7. Existing pedestrian and cycle connections through the village are poor. Footpaths are in place throughout the village, but they are substandard in width and do not offer a coherent and connected pedestrian route. There are no dedicated cycle facilities through the village or along the R125. Public lighting is in place along Church Road and along the local road that connects with the R125, but there are no street lights along the R125 and towards the subject site. The speed limit on the R125 is 50kmph in proximity to the village. However, on the occasion of the site visit, I observed that most cars and buses were travelling in excess of the speed limit. This was particularly evident on the stretch of road from the subject site towards the village. Overall, the pedestrian environment around the village felt unsafe and unwelcoming.
- 7.2.8. The subject site was earmarked for development within the Rowlestown LAP, which allowed for a much lower density of development given the sites location and the access point onto the busy regional road. However, this LAP has since expired and whilst it is an objective of the Development Plan to renew the LAP, Objective SS02a also seeks to manage and direct development through the Core Strategy and LAP process. In the absence of a guiding LAP, the application will be assessed on its merits and against the local and regional strategic policies.

- 7.2.9. The proposed development for 40 houses on a site of 2.074ha would have a density of 19 units per hectare. This density is in accordance with Section 6.12 of the guidelines for Sustainable Residential Development in Urban Areas, 2009 which allows for developments with densities of less than 15-20 dwellings per hectare along or inside the edge of smaller towns and villages in controlled circumstances. However, the guidelines also seek to guide appropriately scaled development to appropriate locations. Whilst the density of the proposal might be acceptable, I would have serious concerns regarding the location of the development which is outside the village centre.
- 7.2.10. The proposed development would be located on the outskirts of the village and to the south of the main service centre. It would be approximately 180 m to the petrol station which contains the only retail offer for the village and would be 600m from the national school and the village centre. Given the nature of the development which comprises 3, 4 and 5-bedroom houses, it is likely to attract families who would need the services of the local school or creche. As the pedestrian environment from the site to the village is unsafe and unwelcoming, I would have serious concerns that this would lead to the reliance on private transport and cars for short local trips to the school, creche or shop.
- 7.2.11. I note that Rowlestown is not in an existing or proposed high quality public transport corridor and has very limited employment opportunities. The village is currently served by two bus services, the No. 41b to and from Dublin City Centre and the 197, which connects with Ashbourne and Swords. However, these bus services are infrequent with an hourly service provided by the 197 and just 4-5 services provided by the 41b. The lack of services within the village would also lead to a reliance on car-based travel for shopping and employment which would result in unsustainable travel patterns.
- 7.2.12. The FDP states that the village had a population of c. 350 people at the time of writing, (p.149). Within the Core Strategy of the Development Plan, it is an objective that all villages have a Local Area Plan to guide development and that the growth of housing in these settlements is at a moderate pace. An increase of 4% is considered to be an appropriate growth rate to ensure that growth is managed in accordance with the capacity of villages. Recent planning permissions permitted in

the village would provide 156 new housing units within the village, which is a significant increase and in excess of the 4% growth rate.

- 7.2.13. The proposed development would be contrary to the Village Settlement Strategy as set out in Section 2.8 and Section 5.2 of the Development Plan as it would put pressure on the existing offer of services and the environment and would encourage higher levels of un-sustainable car-based commuting. The level of growth would be disproportionate to the scale of the existing village and would be contrary to NPO 15 and NPO 18a which seek to provide proportionate development in rural areas and towns whilst also avoiding over-development. It would also be contrary to the RSES and in particular with RPO 4.83 which supports the consolidation of the town and village network whilst ensuring that the development proceeds sustainably and at an appropriate scale, level and pace and in line with the Development Plan Core Strategy.

7.3. Design & Visual Impact

Design & Layout

- 7.3.1. The site is currently an open green field with natural hedgerows and trees along all boundaries apart from the northern boundary, where most of the planting has been removed. There is a distinct level change of along the northern boundary where the land rises to the south. This would result in the houses closest to the site entrance at a level of c. 5m higher than the public road. In response to the increase in level, the houses to the front would be set back from the northern boundary by approximately 22m. The remainder of the houses would be arranged directly behind the front terrace in two central clusters with a terrace of houses also located along the southern boundary. The design of the proposal seeks to work with the levels on the site and housing would be positioned at staggered elevations around a meandering access road.
- 7.3.2. Designated public open spaces are located along the western boundary and to the front of the site, adjacent to the R125. A landscaping plan was submitted with the application and proposed the retention of all existing hedgerows along the site boundary. The majority of existing trees would also be retained. In the initial application the PA expressed concerns regarding the lack of tree planting within the

site. This was addressed by the applicant in the grounds of appeal and a revised Landscaping Masterplan, Drawing No. 20461-2-101 Rev B was submitted. This drawing contains proposals for a significant increase in proposed tree-planting along the internal access road, which is welcomed.

- 7.3.3. The design and layout of the proposed development is acceptable and responds to the site conditions and physical constraints. Consideration was also given to the future integration of the site with the adjoining lands to the east and west. The houses are well appointed and turn corners and address the public open space. However, the overall architectural style is suburban in nature and common to a lot of new developments. Architectural features throughout comprise peak, gable-fronted detailing, with porches or projecting features to the front. External finishes comprise a mix of brickwork on the lower levels and render above. In my opinion the proposal could have responded better to its rural setting in terms of design or materials.
- 7.3.4. Due to the topography, the full extent of the site is not visible from the public road. The landscaping plan for the site shows graduated grassed berms sloping down to the road to address the changes in level and to soften the visual impact. However, as the existing roadside boundary comprises thick hedgerows and trees, the extent of grassed area would result in a distinct visual interruption in the roadside landscape from both the western and eastern approach. Whilst I acknowledge the requirement to provide adequate sightlines at the entrance, there may be an opportunity to provide additional landscaping to the front of the site in order to integrate it more with its rural surroundings. This issue could be addressed by way of a planning condition should be Board be so minded.

Visual Impact

- 7.3.5. Concerns were raised in the report of the Planning Officer that the proposed development would be visually prominent due to its elevated location. Having visited the site and the surrounding area, any potential visual impact would be most pronounced from the R125, on the approach to the site from the east or from the lands to the north along Church Road and the Broadmeadow River basin.
- 7.3.6. Within the Landscape Character Assessment for Fingal, the village of Rowlestown and the surrounding area is located within the 'Rolling Hills with Tree Belts' character type, which is characterised as having 'medium sensitivity'. The principles for

development within this landscape type recommend that, the skyline should be protected, existing tree belts should be retained and managed, riparian corridors free from development should be established along all significant watercourses and sites with natural boundaries should be chosen rather than open parts of larger fields. There are no protected views towards or across the site.

- 7.3.7. A Landscape and Visual Impact Assessment was prepared by Cunnane Stratton Reynolds and is accompanied by a set of Photomontages prepared by Model Works. The photomontages are taken from 4 points, three of which are located along the R125 with one view from Rath Lane to the south-east of the site. The Assessment concludes that *'The proposed development is regarded as a 'neutral' change to the landscape and visual amenity of the area and in keeping with change proposed in local policy'*.
- 7.3.8. As noted above the development would be set back from the public road and given the site conditions, the full extent of the development would not be visible from the public road. However, given the elevated nature of the site there is a potential for the development to be viewed from the lands to the north and the south. Directly to the north of the site and on the opposite side of the Broadmeadow River, planning permission has been granted for a development of 26 houses and a nursing home, (ABP 308526/20). The entrance to this development would be from Church Road, which is at a higher level than the subject site.
- 7.3.9. On the occasion of the site visit, this development was under construction and the boundary was secured by hoarding. Although it was not possible to determine if the site was visible from this location, any potential views across the site to the appeal site would be obscured by the new development. There are a number of houses located along the southern side of Church Road. It is unlikely that the site would be visually prominent from these properties given their distance from the site and the trees and vegetation in place to the rear and along the Broadmeadow Basin. It was not possible to view the site from the road at the Parish Church as the existing hedgerows and planting blocked any views. I note that the Visual Impact Assessment did not include any photomontages or assessment from the village. However, I am satisfied that the proposal would not result in any significant negative visual impact when viewed from the lands to the north.

- 7.3.10. The impact of the proposed development was assessed from Rath Lane which is located approximately 280m to the south-east of the southern boundary of the site. Rath Lane is rural in nature but is characterised by ribbon development of one-off houses. The assessment and verified montages illustrated that it would not be possible to see the finished development from Rath Lane.
- 7.3.11. Whilst there will be a visual impact from the development of a greenfield site, I am satisfied that the potential impacts will be minor in nature and could be addressed through additional landscaping if required.

7.4. Future Residential Amenity

- 7.4.1. All of the proposed houses are in accordance with the quantitative requirements of the Development Plan in terms of floor areas as set out in Table 12.1 and for private open space which is set out in Objective DMS87. I am satisfied that given the design, scale, orientation and separation distances, that the internal spaces to each house would receive sufficient levels of daylight and sunlight. Separation distances between proposed and existing houses would be a minimum of c. 25m between properties on the eastern side of the development and c. 40m to the west. This would be adequate to prevent any loss of residential amenity to existing houses in terms of loss of privacy or overshadowing. Therefore, no further analysis on the impact of the proposal on existing houses in terms of daylight and sunlight is required.
- 7.4.2. The proposed development would yield 4,792m² of open space, of which 2,216m² is considered 'usable', which is in excess of the 10% minimum as required under policy objective DMS57A. Designated public open space would be provided in two separate areas within the site. I note that the drawings submitted with the application show some disparity between the designated areas. Drawing PL02, the Site Plan for the development, shows two areas of Public Open Space; one at the north-west corner of the site and another towards the centre of the site and along the western boundary. Both of these spaces are labelled as 'Public Open Space 1'. Drawing No. 20461-2-120; Open Space Provision, shows the location of 'Public Open Space 1' at the north-eastern corner of the site and the 'Public Open Space 2'

towards the centre of the site and along the western boundary. Play areas would be provided in each of these area. Passive open space would also be provided throughout the site and alongside the western boundary where it is required to provide a riparian corridor of 10m.

- 7.4.3. The report from the Parks and Green Infrastructure Division noted concerns regarding the functionality of area defined as 'Public Open Space 1', which is located to the front of the site. The report stated that the area contains an attenuation basin with 1:3 slopes and a depth of 1.3m which is contrary to Development Plan objectives on SuDS provision on Public Open Space as set out in Objective DMS73 and DMS74.
- 7.4.4. The applicant has addressed these concerns in the grounds of appeal and argues that Objective DMS73 of the Development Plan allows SuDS to form part of the open space provision where it *'contributes in a significant way to the design and quality of open space'*. The consulting engineers for the project confirm that the SuDS solution includes for the provision of a clean, broken stone layer below ground attenuation area in the two open spaces to supplement the above ground attenuation, which is consistent with Objective DMS74. This also ensures that above ground attenuation area offers an opportunity to counter the existing site topography by providing usable areas and therefore positively contributing to the landscaping as required by Policy DMS73. Furthermore, the man-made depression of 1m will contribute to the natural play experience and the area will also be equipped with natural play elements. I am satisfied that the proposal would contribute to the design and quality of the open space provision and as such would be acceptable. I note that the report of the Water Services Department had no objection to the surface water drainage provisions proposed.
- 7.4.5. Having reviewed the documentation, I am satisfied that the proposed development would afford a sufficient level of residential amenity for future residents.

7.5. Other Issues

Flood Risk

- 7.5.1. A Site Specific Flood Risk Assessment was carried out by Waterman Moylan Consulting Engineers and submitted with the application in accordance with the Fingal Strategic Flood Risk Assessment. The subject site is not categorised as a flood risk area in either the OPW maps or the FDP fluvial flood mapping and no flood events occur at the site or in the surrounding areas.
- 7.5.2. The results of the FRA show that given the location and elevated nature of the site it is not at risk from tidal, fluvial or pluvial flooding. The attenuation basins in the surface water drainage system has been designed to allow for a 1 in a 100 year storm event and the designed top of the water level of the basin is a minimum of 500mm below the finished floor level of any house. The design measures implemented in the surface water drainage system will ensure that the proposal would not increase the flood risk to adjoining lands or to any properties downstream of the Broadmeadow River.
- 7.5.3. Having reviewed the subject site and the information submitted I am satisfied that the development proposal is not at risk of flooding nor will it increase the risk of flooding on adjoining lands.

7.6. **Appropriate Assessment**

- 7.6.1. An Appropriate Assessment Stage 1 Screening Assessment accompanies the application. The applicants AA Screening Report concluded that, *'The proposed development alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives'*.
- 7.6.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

7.6.3. Having reviewed the documents, submissions, 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.

Stage 1 – Screening

7.6.4. The proposed development involves the construction of a residential development of 40 two-storey houses, (18 x 3-bed, 17 x 4-bed and 5 x 5-bed), with associated boundary treatments, car parking, a new access road from the R125 and associated landscaping works.

7.6.5. The foul sewage within the development would drain via gravity through a network of 150mm and 225mm pipes before discharging to an existing 225mm public foul sewer running along the R125. Surface water drainage would drain via gravity through a new surface water network prior to discharging into the ditch system to the north west of the site and then into the Broadmeadow River to the north of the site. On-site attenuation and SuDS mechanisms are also proposed to deal with surface water run-off.

7.6.6. The Screening document submitted with the application considers all European sites that are located within 15km of the subject site and include the following;

- Baldoyle Bay SAC, (Ref. 000199)
- Malahide Estuary SAC, (Ref. 000205)
- Rogerstown Estuary SAC, (000208)
- Rogerstown Estuary SPA, (004015)
- Baldoyle Bay SPA, (Ref. 004016)
- South Dublin Bay and the River Tolka Estuary SPA, (Ref. 004024)
- Malahide Estuary SPA, (Ref. 004025)

Conservation objectives for the SPA's can be summarised as:

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Conservation objectives for the SAC's can be summarised as:

To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected:

- 7.6.7. Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface water and/or foul water from the site. The source-pathway-receptor model identified a hydrological connection to the Malahide Estuary SPA and SAC via the Broadmeadow River and the surface water flows from the site. As there are no direct connections to the other designated sites listed, these sites can be screened out from further assessment. Given the location of the site and in consideration of the source-pathway-receptor model I consider the following designated sites to be within the zone of influence of the subject site;

Malahide Estuary SPA	
Ref. IE004025	
Distance from site; c. 7km to the south east of the site.	
Qualifying Interests	Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]
Conservation Objectives	To maintain the favourable conservation condition of the Great Crested Grebe, Light-bellied Brent Goose, Shelduck, Pintail, Goldeneye, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Knot, Dunlin, Black-tailed Godwit, Bar-tailed

	Godwit, Redshank and to maintain the favourable conservation condition of the wetland habitat in Malahide Estuary SPA.
Malahide Estuary SAC	
Ref. IE000205	
Distance from Site; c. 7km to the south east of the site.	
Qualifying Interests	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
Conservation Objectives	To maintain the favourable conservation condition of the Mudflats & sandflats not covered by seawater at low tide; of Salicornia & other annuals colonizing mud and sand and of Mediterranean salt meadows in Malahide Estuary SAC. To restore the favourable conservation condition of the Atlantic salt meadows; of Shifting Dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); and of Fixed coastal dunes with herbaceous vegetation (grey dunes) in Malahide Estuary SAC.

7.6.8. The Killossery Stream runs along the western boundary of the site and flows into the Broadmeadow River, via a culvert, to the north of the site. During the construction phase of the project there is a potential for silt in uncontrolled surface water run-off to enter into the Broadmeadow River via the Killossery Stream/drain network. Surface water from the development will also drain into the Broadmeadow River via the existing drain network. This creates an indirect hydrological connection to the Malahide Estuary which is c. 7km from the site.

7.6.9. There are no individual elements of the proposed project that are likely to give rise to negative impacts on designated sites within the zone of influence. There are no mitigation measures needed as part of this proposed development to protect the

integrity of the Malahide Estuary SAC / SPA. Although a source-pathway-receptor linkage exists between the application site and the designated habitats of Malahide Estuary SAC / SPA, in this instance, the downstream distance of c. 7km is considered sufficient to ensure that no impacts will arise and therefore it concludes that the proposed development will not give rise to any direct, indirect or cumulative impacts upon the designated habitats or species of Malahide Estuary SAC / SPA and the integrity of these sites will be maintained.

- 7.6.10. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000205 and 004025, or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the development.

9.0 Reasons and Considerations

1. Having regard to the location of the proposed development in the rural village of Rowlestown and Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for Eastern and Midlands Area 2019- 2031, which seeks to 'support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans' and the Fingal Development Plan 2017- 2023 policy for villages in S2.8 which states that 'villages will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns' and Section 5.2 which states that 'future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns', it is considered that the proposed development would be contrary to the settlement hierarchy set out in the Regional Spatial and

Economic Strategy for the region and the Development Plan policies for the area and as such, would be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

23rd September 2021