



Development

The development will consist of Phase 3A as well as roads, services and public space relating to the overall Phase 3 Ladywell Masterplan lands as follows: A) 99 no. dwellings comprising 73 no. 2-storey houses consisting of 24 no. 2 bedroom dwellings [House Types E1, E2, E3, E4), 44 no. 3 bedroom dwellings (House Types B1, B2,B3, D1, D3, F1, F2, F3, F4, F5] & 5 no. 4 bedroom dwellings [House Types M1 & M2]), all with private open space; 16 no. duplex apartments (8 no. 2 bedroom [Types X1, X3] and 8 no. 3 bedroom units [Types X2, X4] in a 3 storey duplex building (including terraces at first floor level, single storey refuse storage building and cycle parking); 6 no. 1 bedroom 'triplex' apartments [Types T1, T2, T3] with balconies at first and second storey levels in 2 no. 3 storey buildings along with a single storey bicycle store & 4 no. 1 bedroom 'maisonette' apartments in 2 no. 2

storey buildings (Types P1 & P2) & bin stores as well as 172 no. car parking spaces; B) Public Open Space of c. 1 hectare, (with additional 0.27 hectares of open space along riparian corridor) as well as communal and private open space; all associated landscaping and drainage works (including attenuation) with public lighting, planting and boundary treatments, including regrading/re-profiling of site (and ditches] where required; C) Provision of Class 1 Public Open Space (c.0.65 hectares), with play equipment (accessed from Hamlet Lane) located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane, (proposal includes alterations to part of the Class 1 public park and associated works approved under Reg. Ref. F15A/0550]; D) Provision of roads and services infrastructure (surface water, foul and water supply) to facilitate the future development of Phase 3 lands (Phases 3B-3D) including public lighting, Suds drainage and services infrastructure, as well as vehicular and pedestrian connections to the 'Boulevard Road' and all associated landscaping and ancillary site development works; E) Signalised upgrade of the junction of Boulevard Road and the Clonard

Road (R122) as well as pedestrian crossings along Boulevard Road; An Environmental Impact Assessment Report (EIAR) will be submitted to the Planning Authority with the application.

Location	Lands of c. 5.79 ha relating to: 'Phase 3' to be known as 'Ladywell', within the townlands of Clonard or Folkstown Great, Clogheder & Flemington, Balbriggan, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0055
Applicant(s)	Glenveagh Homes Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Kevin Tolan
Observer(s)	None.
Date of Site Inspection	27 th April, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located within the townlands of Clonard or Folkstown Great, Clogheder & Flemington, on the western fringe of the built-up area of Balbriggan, Co. Dublin, approximately 1.7km west of the town centre and 1km east of the M1 Dublin-Belfast Motorway, in an area earmarked for new residential development. The wider site surrounds to the east and northeast are generally characterised by an expanse of suburban development and housing construction with a variety of house typologies having been utilised that are interspersed with supporting services / amenities, including a number of schools (e.g. Coláiste Ghlór na Mara and St. George's National School to the southeast along Boulevard Road), community buildings, a neighbourhood centre (Castle Mill Shopping Centre) and other retail / commercial premises. Those lands further west and to the south are more inherently rural in character with intermittent instances of one-off housing, assorted businesses, and farm complexes / outbuildings.
- 1.2. The site itself comprises two parcels of land which in turn form part of a larger landbank envisaged for future development. The larger portion of these lands to the south extends to a gross area of 8.7 hectares (excluding the 0.65 hectares of land that will accommodate the upgrading of the Boulevard and Clonard Road junction), however, the actual site area (as outlined in red on Drg. No. P3-001: '*Site Location Map*' received by the Planning Authority on 3rd February, 2021) is only 5.14 hectares to the exclusion of those areas envisaged for future housing development under Phases 3B, 3C & 3D of the applicant's masterplan for the wider landholding. This part of the site presently comprises the works compound associated with the construction of the neighbouring Taylor Hill housing scheme to the east as well as sections of adjoining agricultural fields defined by mature hedgerow. A considerable proportion of this area has already been stripped of topsoil and is used for the temporary storage of excavated material. A narrow strip of land extending along Boulevard Road and that area occupied by the junction of Boulevard Road with Clonard Road (the R122 Regional Road) has also been included in the site. The broader site topography is characterised by a fall from north to south with a small stream serving to define its southernmost limit that subsequently passes through a 'green' link on traveling eastwards.

1.3. The more northerly part of the site measures 0.65 hectares and is physically detached from the remainder of the site area with access to same requiring the traversing of intervening lands. It presently comprises a planted area and some undeveloped lands which adjoin a playing pitch and an adjacent car / coach parking area that is undergoing final landscaping works. Access to this area by the general public was not open on the day of my site inspection although it will ultimately be available via an existing (closed) roadway which extends westwards from Hamlet Lane. Alternatively, this area can be accessed from the larger more southerly portion of the site by way of an unsurfaced track / accessway through third party lands.

2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, is described as comprising Phase '3A' of a larger residential development planned on the remainder of the applicant's landholding. It will consist of the construction of 99 No. residential units as follows:

- 4 No. 1-bedroom maisonettes
- 8 No. 2-bedroom duplex apartments
- 8 No. 3-bedroom duplex apartments
- 6 No. 1-bedroom triplex apartments
- 24 No. 2-bedroom houses
- 44 No. 3-bedroom houses
- 5 No. 4-bedroom houses

2.2. By way of context, the applicant's wider residential lands comprise 3 No. main phases of development with Phase 1 being complete (137 No. units) and Phase 2 nearing completion (248 No. units and a crèche facility). The third phase of the planned development (Phase 3) is to be divided into 4 No. sub-phases (Phases 3A, 3B, 3C & 3D) and will cumulatively provide for a total of 328 No. dwellings and 540m² of commercial floorspace as well as the extension of an area of Class 1 Open Space to the north and the upgrading (including the signalisation) of the junction of Boulevard Road with Clonard Road. The subject proposal encompasses 'Phase 3A' of this next stage of development.

- 2.3. The overall design and layout of the scheme is typical of a suburban format of development and is predominantly characterised by a two-storey construction apart from the three-storey apartment blocks and duplexes. The proposal includes for a variety of house typologies which share a common design theme with the external finishes including nap render, selected brickwork, black rainwater goods, and blue / black concrete roof tiles.
- 2.4. Access to the proposed development will be obtained from the existing 'Boulevard Road' via Clonard Road (which also provides access to the neighbouring Taylor's Hill development to the northeast / east) with new openings to facilitate vehicular and pedestrian connections. This includes for the upgrading and signalisation of the junction of Boulevard Road with Clonard Road (R122) and the provision of a series of pedestrian crossings along Boulevard Road.
- 2.5. The proposal also includes for the provision of c. 0.65 hectares of additional Class 1 Open Space with play equipment (accessed from Hamlet Lane) on lands located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane (these works will entail the alteration of the Class 1 public park previously approved under PA Ref No. F15A/0550).
- 2.6. In addition to the foregoing, it is proposed to develop much of the road network and services infrastructure intended to serve later phases of development (Phases 3B, 3C & 3D) as part of the subject proposal.
- 2.7. Associated site development works include car parking, open spaces & landscaping etc. while water and sewerage services are available via connection to the public mains.
- 2.8. The application has sought a 10-year permission and has been accompanied by an Environmental Impact Assessment Report.
- 2.9. In response to a request for further information, amended proposals were received by the Planning Authority on 14th July, 2021 which include for the following changes:
- The alteration of the site boundary.
 - The relocation (and associated redesign) of the majority of the SUDS features (c. 96%) to a position along the southern site boundary. The revised design

proposes to modify an existing drainage channel to provide liner detention basins which will be formed to resemble a stream bank.

- The reconfiguration of the site layout and the provision of a new dual fronted house typology along the southern side boundary.
- Revisions to the house typologies proximate to Public Open Space Nos. 02, 03 & 04 to allow for an increased width of open space to the north of these units, the retention of existing hedgerows, and the retention of the drainage channel that runs along the southern side of the hedge.
- Revisions to the site layout / housing configuration, open space provision, and the retention of further hedgerows within Phases 3B & 3C.
- The alteration / rationalisation of the plaza proposed between the development and Taylor Hill to the east.

2.10. It is envisaged that these amendments will result in the cumulative (reduced) provision of 311 No. dwellings across Phases 3A-3D of the wider planned development with the revised proposal providing for 99 No. residential units as follows:

- 8 No. 2-bedroom duplex apartments
- 8 No. 3-bedroom duplex apartments
- 3 No. 1-bedroom triplex apartments
- 12 No. 2-bedroom houses
- 62 No. 3-bedroom houses
- 4 No. 4-bedroom houses
- 2 No. 5-bedrom houses

2.11. The proposed development was subsequently amended further in response to a request for clarification with comparatively minor revisions being made to the site layout as regards certain roadway widths etc. and the provision of options for bicycle parking.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 29th October, 2021 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 32 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, infrastructural services, landscaping, construction management, Part V, and development contributions, however, the following conditions are of particular note:

Condition No. 3 - Clarifies that the layout of the permitted development will be as indicated on Drg. Nos. P3-011 & P3-012 Rev. B received by the Planning Authority on 14th July, 2021 and 6th October, 2021, save as may be modified by subsequent conditions.

Condition No. 5 – States that the permitted boundary treatment shall accord with Drg. No. P3-409 as received by the Planning Authority on 14th July, 2021.

Condition No. 6 - States that the permitted house types shall accord with the revised details received by the Planning Authority on 14th July, 2021.

Condition No. 9 – Confirms that 12,865m² of Class 2 open space will be provided on site before stating that the applicant will be required to transfer a balance of 8,147.5m² of Class 1 open space to the Planning Authority from those lands designed as such on site. Should the proposed number of bed spaces within Phase 3 be amended, the open space provision will be required to be recalculated accordingly.

In addition, the Class 1 open space provision, including play spaces, for Phase 3 is to be delivered in tandem with or in advance of the substantial completion of each sub-phase i.e. Phases 3A, 3B, 3C & 3D. Prior to the commencement of

construction works, the applicant is required to submit to the Planning Authority, for written agreement, a scaled drawing showing the location and accessibility of the 8,147.5m² of Class 1 open space within those lands under the applicant's control. The timeline for the delivery of this open space is to be agreed in advance of any construction.

Condition No. 11 – Specifies the following requirements with respect to surface water drainage:

- (i) The surface water layout and drainage arrangements shall be as per the report and associated drawings received by the Planning Authority on 14th July, 2021.
- (ii) Provision for the runoff from adjoining future development to the north (50l/s) shall be enacted having regard to phasing and construction progress with an incremental increase proportional to the size of the catchment area added to the network.
- (iii) Prohibits any discharge of surface water / rainwater to the foul water system.
- (iv) The surface water drainage system is to accord with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0' FCC, 2006.

Condition No. 13 – Refers to the implementation of the mitigation measures detailed in the EIAR, EIAR Addendum and the Construction Environmental Management Plan.

Condition No. 14 – Refers to the submission of a detailed Construction Management Plan and assorted car parking & roads requirements, including the need for the final design details of the upgrading of the Clonard Road / Boulevard junction, to be agreed in writing with the Planning Authority and completed prior to occupation of the permitted units in Phase A.

Condition No. 19 - Refers to archaeological monitoring etc.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report details the site context, planning history and the relevant policy considerations, including those set out in the Fingal County Development Plan, 2017-2023 (since superseded). It states that the proposal accords with the applicable land use zoning objectives and that the submission of an overall masterplan for Phase 3 of the applicant's lands (in tandem with the alterations proposed to the Class 1 public park previously approved under PA Ref. No. F15A/0550) is acceptable in the context of the objective to prepare a masterplan for the development lands ('Objective MP.4 B – North West Balbriggan Masterplan' of the Development Plan). It proceeds to consider the overall design and layout of the proposal before raising concerns as regards the quantity & quality of the public open space provision. It is also suggested that the net density of the development proposed is deficient and significantly below that recommended by national guidance. Other issues arising include those identified in the report of the Transportation Planning Section as well as the surface water drainage arrangements and the need for adherence to the apartment design standards. With respect to the Environmental Impact Assessment Report, it is considered to comply with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001, as amended. The report subsequently recommends that further information be sought in respect of a number of issues, including the open space provision, the density of development proposed, and assorted traffic / transportation considerations.

Following the receipt of a response to a request for further information, a subsequent report was prepared which considered the amended proposals. This analysis concluded that the revisions proposed were generally satisfactory although some matters required clarification i.e. the adequacy of the bicycle parking and the access arrangements / road widths serving perpendicular car parking.

Upon the receipt of a response to a request for clarification of further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

Conservation Officer: States that there are no protected structures within the development boundary nor is the site within an Architectural Conservation Area and, therefore, no architectural conservation issues would appear to arise. However, given that there are a number of Recorded Monuments in the area, it is recommended that the comments of the Heritage Officer and the National Monuments Service be sought.

Arts Office: Recommends that the developer be requested to agree in writing with the Planning Authority proposals for the provision of public art on site in accordance with the National Per Cent for Art Guidelines (i.e. the ‘*Public Art: Per Cent for Art Scheme General National Guidelines*’).

Heritage Officer (Archaeological Report): Refers to the contents of the EIAR and notes that the proposed development site lies within an extensive prehistoric landscape where the presence of evidence from Mesolithic and Neolithic activity in the vicinity is highly significant given the relative rarity of the survival of such activity elsewhere in Fingal. It proceeds to raise concerns as regards the extensive topsoil stripping already carried out on site and queries whether there was any archaeological supervision of those activities or the works undertaken in Phase 2 of the adjacent Taylor’s Hill development (where Neolithic activity was identified). It then notes that 7 No. archaeological sites were identified in the development during testing in 2007 with the suggested mitigation being preservation by record (i.e. archaeological excavations) under appropriate licence. The report subsequently recommends that any topsoil stripping be subject to archaeological monitoring with any discovered features of archaeological potential to be subjected to further archaeological mitigation such as preservation in situ or by record. On completion of the excavation and monitoring, written reports detailing the context of same are to be submitted to the Planning Authority and the Department of Housing, Local Government and Heritage.

Environment Section (Waste Enforcement & Regulation): Recommends adherence to the following requirement:

- Prior to commencement of development, the applicant shall confirm details of the various waste streams, including expected tonnages, which will be

generated during the site clearance / demolition and construction phases. The applicant shall also confirm any proposed exportation / importation of soil and stone material, including the destination / source locations, quantities, and if any material will be assessed under Article 27.

Water Services: An initial report stated that there was no objection to the proposed development, subject to the following:

- Clarification as regards the proposed discharge rates associated with some of the surface water catchment areas, notably Sub-Catchment 3 (0.64 hectares: 5.0l/s), Catchment A (8.56 hectares: 96.7l/s) & Sub-Catchment B (0.24 hectares: 2.0l/s) amongst others. Prior to commencement of construction, the developer shall engage with the Water Services Section and agree all discharge rates. Revised attenuation design volumes may be required.
- No surface water drainage is to discharge into the foul water system under any circumstances.
- The surface water drainage must be in accordance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006'.

Following consideration of the applicant's response to a request for additional information, a further report was prepared which stated that there was no objection to the proposed development, subject to the following:

- Provision for the runoff from adjoining future development to the north (50l/s) shall be enacted having regard to the phasing and construction progress and should be incrementally increased proportional to the size of the catchment area added to the network.
- No surface water / rainwater is to discharge into the foul water system under any circumstances.
- The surface water drainage must comply with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006'.

Parks and Green Infrastructure Division: An initial report provides a comprehensive review of the proposal before concluding that the public open space provision as proposed is of such a low quality that concerns arise as regards its 'fit for purpose' functionality, together with the failure to meet Green Infrastructure Objectives for

watercourse setback and tree retention. It submits that a major revision of the site layout is warranted.

Following consideration of the amended proposals received in response to a request for further information, a subsequent report was prepared which recommended a series of conditions to be included in the event of a grant of permission.

Transportation: An initial report provides a comprehensive review of the overall layout and traffic implications of the proposed development before recommending that further information be sought in relation to a number of issues, including the design & siting of adequate bicycle parking facilities, the location of disabled car parking spaces, a revised layout for Road Nos. 15 & 16, the location and number of electric vehicle charging points, the avoidance of any overruns of pedestrian footpaths as part of the swept-path analysis, details of the transition between shared surface areas and normal roadways / footpaths, and clarity as regards future taking-in-charge proposals. It is also recommended that further analysis be undertaken to facilitate an assessment of the proposed infrastructure upgrades for the masterplan area (with additional scenarios to be agreed with the Transportation Planning Section).

Following consideration of the amended proposals received in response to requests for further information and subsequent clarification, a final report was prepared which indicated there was no objection to the proposal.

3.3. Prescribed Bodies

- 3.3.1. *Inland Fisheries Ireland:* No objection provided there is sufficient capacity for wastewater in the Balbriggan Wastewater Treatment Plant and that the works are carried out as per the submitted plans so as to pose no threat to fisheries interests.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: Notes the presence of 7 No. archaeological sites (previously identified in archaeological testing) before referring to the Environmental Impact Assessment Report and the proposed mitigation detailed therein (Section 13.7). It subsequently recommends that the following condition be included in any decision to grant permission:

Archaeological Excavation, Testing and Monitoring shall consist of the following:

1. The applicant is required to engage the services of a suitability qualified archaeologist to co-ordinate the mitigation proposals contained in the archaeological report for archaeological excavations (preservation by record), further archaeological testing and archaeological monitoring of groundworks. The archaeologist will be prepared to excavate sites and features already identified and other features that may be identified in further archaeological testing and to monitor under licence all groundworks associated with the development.
2. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
3. The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring.

Reason; To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

3.3.2. *Irish Water*: No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A total of 7 No. submissions / observations were received from interested third parties and the principal areas of concern / grounds of objection raised therein can be summarised as follows:

- While the provision of commercial units as part of Phase 4 of the wider development is welcomed, given that a substantial element of the site infrastructure is covered by the subject application and EIS, it is unclear how the parking for these units will be considered.
- With respect to the Class 1 Open Space connecting to Hamlet Lane, there would seem to be no provision at present (or any defined timeline) for this park to be easily accessible without a significant walk for the residents of the proposed development and the Taylor Hill scheme. In the absence of some

form of temporary pathway through adjoining lands, the proposed park would effectively serve as open space for other developments.

- The proposed duplexes, triplexes and apartments are out of keeping with the surrounding area and would set an undesirable precedent for further such development.
- The inclusion of one-bedroom units is not conducive to family living and will likely result in a high turnover of property ownership which will not contribute to the local community in the long term.
- The provision of adequate Class 1 Open Space is of particular importance as previously approved parkland has yet to be developed (as was intended in the original North West Balbriggan Action Plan and earlier grants of permission in the area).
- Having regard to the planning history of the area and the extent of existing and approved development, there are concerns that there may have been a duplication in the allocation of Class 1 Open Space in Northwest Balbriggan.
- Given that the surrounding area will see the construction of c. 700 No. units in the absence of green space, the necessary parkland should be developed prior to any further development on the subject lands.
- There is a long planning history associated with this area with concerns arising in relation to the amount of housing that has been allowed to be built in the absence of a designated public park being delivered.
- The need for communities to be able to access open space was apparent during the COVID-19 pandemic and, therefore, the appropriateness of the proposed apartment development is questionable.
- In light of the site location in a transitional area on the urban fringe, any development should respond to its surrounds with a gradual reduction in density.
- Following Variation No. 2 of the Fingal Development Plan, 2017-2023, Balbriggan has been designated as a Self-Sustaining Town *'requiring catch up investment in infrastructure and employment'*.

- The proposal to locate 99 No. additional housing units on the outskirts of this commuter town is an example of the ‘further sprawl’ referenced in the National Planning Framework and the Regional Spatial & Economic Strategy which should be refused permission.
- The continued expansion of Balbriggan needs to cease or be kept to a minimum in advance of further investment in infrastructure and employment so as to avoid the town being over-developed.
- With regard to the projected growth figures for Balbriggan as per Variation No. 2 of the Fingal Development Plan, 2017-2023, it is queried whether the percentage increase in population for Balbriggan is a percentage of the current population of the town or if it is a percentage of the overall increase in the population of Fingal. Such clarity is required in order to ensure that newly permitted development does not exceed the allowable figure.
- It is queried why the proposal is just shy of the threshold for Strategic Housing Development.
- The need for clarity as regards the boundary treatment with the Hastings Estate from a privacy and security perspective.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. F07A/1249 / ABP Ref. No. PL06F.231457. Was granted on appeal on 20th April, 2009 permitting Crescent Park Properties Limited a 10-year permission for the erection of 998 No. (revised from 1,057 No.) dwelling units; 5 No. crèche units; public open space including a public park; services; roads & footpaths; ESB substations; landscaping; boundary treatment; and all associated site development works. The works also include for new vehicular and pedestrian entrances from the Naul Road to the south, Moylaragh to the north and the new road to the east of subject site and the west of Hampton Gardens (‘Road 9’). It is proposed to construct the Boulevard running from the intersection with the proposed C-Ring Road south to the Naul Road. All on lands north of the Naul Road, south of Flemington Lane, east

of the Clonard-Bridgefoot Road and west of existing residential development of Moylaragh at Balbriggan, Co. Dublin.

- 4.1.2. PA Ref. No. F08A/0998. Was granted on 1st October, 2009 permitting Crescent Park Properties Ltd. permission for a four-storey mixed use local centre development (to serve the residential development proposed under Reg. Ref. F07A/1249) comprising 26 No. bedroom apartments, 11 No. retail units including a gym, creche and medical centre, a civil square, and ancillary site development works, at Moylaragh, Balbriggan, Co. Dublin.
- 4.1.3. PA Ref. No. F08A/1329 / ABP Ref. No. PL06F.235048. Was granted on appeal on 24th February, 2010 permitting Crescent Park Properties Limited a 10-year permission to construct a development including: 532 No. dwellings; the Balbriggan C-Ring Road and boulevard; a regional Class 1 public park; an urban square/civic space (formed by a series of mixed use buildings including: a two-storey exhibition hall; an indoor sports/recreation hall; a three-storey crèche building with outdoor play area; and 5 No. ground floor bar/restaurant units with residential units above); new vehicular and pedestrian entrances from Flemington Lane to the north and Hamlet Lane to the east; and all ancillary development works (permission was also sought for the demolition of 2 No. dwellings on Flemington Lane and associated outbuildings). The development represents Phase 2 of the development of the Balbriggan LAP lands (Phase 1 - PA Ref. No. F07A/1249). All on lands south of Flemington Lane, east of Clonard-Bridgefoot Road and west of the existing housing developments of Flemington Park, Moylaragh, Baronshall, New Haven and Brackenwood at Balbriggan, Co. Dublin.
- 4.1.4. PA Ref. No. F10A/0263. Was granted on 1st February, 2011 permitting Crescent Park Properties a 10-year permission for alterations to a previously approved Reg. Ref. F07A/1249 (PL06F.231457). The proposed alterations relate to all 93 (four bed) house Type 2'S within the approved development of 998 no. dwellings, as follows: revised elevational treatment; internal alterations; and addition of attic accommodation to provide a fifth bedroom. All on lands north of Naul Road, south of Flemington Lane, east of Clonard-Bridgefoot Road, west of Moylaragh, Balbriggan, Co. Dublin.

- 4.1.5. PA Ref. No. F15A/0550. Was granted on 3rd October, 2016 permitting Crescent Park Properties Ltd. permission for (i) 148 no. dwellings; (ii) 1 No. crèche facility; (iii) Provision of a Class 1 public park located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane and north west of proposed development, consisting of a full size all weather GAA playing field, full size soccer pitch, full size GAA pitch, dog training and exercise area; footpath and cycle ways, pedestrian access from Bridgefoot Road, single storey changing room building, car park, and access road to connect to Hamlet Lane to the east. Permission is also sought to amend the location within Class 1 public park of approved Class 1 public open space arrangements for previously permitted developments: Reg. Ref. F04A/0745, Reg. Ref. F05A/0323, Reg. Ref. F08A/1329, Reg Ref. F11A/0442, Reg. Ref. F13A/0240 and Reg. Ref. F14A/0381. All on lands off the Naul Road, Balbriggan, Co. Dublin.
- 4.1.6. PA Ref. No. F17A/0372 / ABP Ref. No. PL06F.249267. Was refused on appeal on 16th April, 2018 refusing Crescent Park Properties Limited permission for: Alterations to previously approved residential development (PI. Reg. No. F07A/1249, ABP Ref. No. PL06F.231457) consisting of the omission of the following sections of the previously approved residential development: “Flemington Village” (superseded by PI. Reg. Nos. F13A/0240 & F15A/0437), “Naul Park” (superseded by PI. Reg. No. F15A/0550), “River Court” and “Hampton Court” (superseded by PI. Reg. No. F15A/0242, approval for development of Saint George’s National School and Coláiste Ghlór na Mara Secondary School). The omission of the above sectors of development results in an altered permission comprising only Phase 1 public open space to the north-west (as amended by PI. Reg. No. F15A/0550), “Boulevard” Road, and the “Ladywell Avenue” sector of development located in the southwest corner of the site, which comprises a total of 233 No. dwelling units, consisting of 89 No. houses, 144 No. apartments in three and four storey blocks, crèche, 398 No. car parking spaces and 144 No. bicycle parking spaces. All ground floor apartments have private terraces, all upper-level apartments have private balconies and all houses have private rear gardens, landscaped public open space including public park (as amended under PI. Reg. No. F15A/0550), piped and other services, roads and footpaths, refuse storage, ESB substations, landscaping and boundary treatments and all associated site development works. Works also include construction of the partially completed “Boulevard” Road running from the

intersection with the proposed C Ring Road south to the Naul Road. All on lands north of the Naul Road, south of Flemington Lane, east of the Clonard-Bridgefoot Road and west of the Castlemill Link Road, Balbriggan, Co. Dublin.

- Having regard to the planning history and pattern of development in the area, the current provisions of the Fingal Development Plan 2017-2023 which takes account of statutory guidance adopted in the intervening period since the granting of the parent permission, most notably the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2013), the Board considered that the design and layout of the proposed development, particularly in relation to pedestrian and cyclist permeability, roads infrastructure and the quality of the open spaces, failed to adequately meet the more recent residential development standards. Therefore, the Board considered that the proposed development would seriously injure the residential amenities of future occupants of the development and the area and would not be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

4.1.7. PA Ref. No. F22A/0526. Was granted on 4th May, 2023 permitting Glenveagh Homes Ltd. a 10-year planning permission for development (on lands of c. 6.70 ha) relating to: 'Phase 3' to be known as 'Ladywell' within the townlands of Clonard or Folkstown Great, Clogheder & Flemingtown, Balbriggan, Co Dublin. (Phase 3 lands bounded generally by undeveloped lands to the north, undeveloped lands to the south, Boulevard Road to the east, and undeveloped lands to the west (to the rear of local road L1130). The proposal includes a separate site of Class 1 Public open Space of c. 0.65 hectares in the adjoining townland of Flemington to the north (accessed from Hamlet Lane, Bremore Pastures Drive, Balbriggan). The development will consist of Phase 3B as well as roads, services and public space relating to the overall Phase 3 Ladywell lands as follows: A) 95 no. dwellings comprising 79 no. 2-storey houses consisting of 20 no 2 bedroom dwellings (House

Types E1, E1A, E2, E4, E5, E6), 59 no. 3 bedroom dwellings (House Types D1, D1A, D2, D2A, F1, F1A, F2, F3, F4, F5, F6) all with associated private open space (in a mixture of semi-detached, terraced and detached units), 16 no. 1 bedroom Maisonettes (Apartment Types P1, P1A & P2, P2A), all with private open space; in 4 no. 2 storey building, single storey cycle parking; bin stores; and ESB substations, solar panels on roofs; as well as 305 no. surface car parking spaces; B) Public Open Space of c. 1.34 hectares, (with additional 0.48 hectares of incidental open space along riparian corridor) as well as communal and private open space; all associated landscaping and drainage works (including attenuation) with public lighting, planting and boundary treatments, including regrading/re-profiling of site where required; C) Provision of Class 1 Public Open Space (c. 0.65 hectares), with play equipment (accessed from Hamlet Lane) located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane, (proposal includes alterations to part of the Class 1 public park and associated works approved under Reg. Ref. F15A/0550); D) Provision of roads and services infrastructure (surface water, foul and water supply) to facilitate the development of the remainder of Phase 3 lands (Phases 3A, 3C & 3D) including public lighting, SuDS drainage and services infrastructure, as well as vehicular and pedestrian connections to the "Boulevard Road" and all associated landscaping and ancillary site development works; E) Signalised upgrade of the junction of Boulevard Road and the Clonard Road (R122) as well as pedestrian crossings along Boulevard Road. All on lands to be known as 'Ladywell' within the townlands of Clonard or Folkstown Great, Clogheder & Flemington, Balbriggan, Co. Dublin.

- 4.1.8. PA Ref. No. F22A/0670. Was granted on 31st May, 2023 permitting Glenveagh Homes Ltd. for a 10-year permission for a development consisting of Phase 3C as well as roads, services and public open space relating to the overall Phase 3 Ladywell lands as follows: A) 75 no. dwellings comprising 68 no. houses consisting of 22 no. 2 bedroom dwellings (House Types E1, E2, E4, E6, E7, E8, E9, G1, G2, G3, G4, G5], 41 no. 3 bedroom dwellings (House Types D1, D2, F1, F2, F3, F4, F4A, F5, F5A, N1, N2, N3], 2 no. 4 bedroom detached dwellings (house type M1] - all 2-storey), & 3 no. 5 bedroom detached dwellings [House Type K1 - 2.5 storeys - 3 floors), (in a mixture of semi-detached, terraced, end of terrace and detached units); all with associated private open space; B) 7 no. 1 bedroom apartment units

consisting of 3 no. 1 bedroom triplex units (T1, T2, T3] in a 3-storey building, 4 no. 1 bedroom Maisonettes [Apartment Types P1 & P2] in 2 no. 2-storey buildings, (all with private open space); provision of single storey cycle parking; bin stores; and ESB substations, solar panels on roofs; as well as 238 no. surface car parking spaces; C) Public Open Space of c. 1.34 hectares (Phase 3C -c. 0.38 ha), (with additional 0.48 hectares of incidental open space) as well as communal (c. 0.06 ha) and private open space; all associated landscaping and drainage works (including attenuation] with public lighting, planting and boundary treatments, including regrading/reprofiling of site where required; D) Provision of Class 1 Public Open Space (c. 0.65 hectares), with play equipment (accessed from Hamlet Lane) located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane, [proposal includes alterations to part of the Class 1 public park and associated works approved under Reg. Ref. F15A/0550]. E) Provision of roads and services infrastructure (surface water, foul and water supply) to facilitate the development of the remainder of Phase 3 lands (Phases 3A, 3B & 3D) including public lighting, SuDS drainage and services infrastructure, as well as vehicular and pedestrian connections to the 'Boulevard Road' and all associated landscaping and ancillary site development works; F) Signalised upgrade of the junction of Boulevard Road and the Clonard Road (R122) as well as pedestrian crossings along Boulevard Road; All on lands to be known as 'Ladywell', within the townlands of, 'Clonard or Folkstown Great', 'Clogheder' & 'Flemingtown Balbriggan, Co. Dublin. No decision to date.

4.2. On Adjacent Lands:

- 4.2.1. PA Ref. No. F15A/0242. Was granted on 18th August, 2015 permitting the Minister for Education and Skills permission for a new school building (Phase One: 1 No. two-storey 450 No. pupil post-primary school building; Phase Two: 1 No. two-storey school extension to accommodate 300 No. additional pupils); cycle storage space; ball courts; secure play area; external storage building; and all associated site development works. All on lands located to the northwest of the existing St. George's National School off the Clonard Road (R122), Balbriggan, Co. Dublin.
- 4.2.2. PA Ref. No. F19A/0001. Was granted on 9th May, 2019 permitting Glenveagh Homes Ltd. permission for alterations to the previously approved planning application (Reg. Ref. F15A/0550) including the provision of an additional 16 No.

dwellings and ancillary site developments and ancillary site development works, all at lands off the Naul Road, Balbriggan, Co. Dublin.

- 4.2.3. PA Ref. No. F19A/0377. Was granted on 19th March, 2020 permitting Glenveagh Homes Ltd. permission for the alteration and extension of permission Reg. Ref. F15A/0550 as amended by Reg. Ref. F19A/0001 to include an additional 40 No. dwellings and ancillary site development works, all Clonard or Folkstown Great, Balbriggan, Co. Dublin.
- 4.2.4. PA Ref. No. F20A/0026. Was granted on 13th August, 2020 permitting Glenveagh Homes Ltd. permission for the alteration and extension of site boundaries to Planning Reg. Ref. F15A/0550 (amended by Planning Reg. Ref. F19A/0001) to provide for an additional 32 No. dwellings (contributing to a total of 248 No. dwellings for Phase 2 A-D inclusive) and ancillary site development works, all at Taylor Hill, off the Naul Road, Balbriggan, Co. Dublin.

4.3. **On Sites in the Immediate Vicinity:**

- 4.3.1. PA Ref. No. F13A/0240. Was granted on 23rd June, 2014 permitting Crescent Park Properties Ltd. a 10-year permission for a development consisting of 112 No. dwellings, access road and roundabout on eastern site boundary, all internal roads, footpaths and cycle tracks, public open space, landscaping, services, ESB substations, and ancillary site development works; all on lands off the Naul Road and north of St. George's National School; west of the Moylaragh housing estate; northwest of the Hampton Gardens housing estate and south of the Martello housing estate, Balbriggan, Co. Dublin.
- 4.3.2. PA Ref. No. F15A/0437. Was granted on 1st February, 2016 permitting Targeted Investment Opportunities PLC permission for alterations to a previously approved development (Reg. Ref. F13A/0240) consisting of revised house types and layout and an increase in the number of dwellings from 99 No. to 131 No. (58 No. four-bedroom, 65 No. three-bedroom and 8 No. two-bedroom units); internal access roads etc.; Class 2 public open space; and all ancillary site development works. All on lands off the Naul Road and north of St. George's National School; west of the Moylaragh housing estate; northwest of the Hampton Gardens housing estate and south of the Martello housing estate, Balbriggan, Co. Dublin.

- 4.3.3. PA Ref. No. F17A/0374. Was granted on 25th September, 2017 permitting Targeted Investment Opportunities ICAV permission for alterations to previously approved development (Reg. Ref. F15A/0437) comprising the revision of house types and house mix to increase the number of dwellings from 129 No. to 130 No. units; to make minor alterations to part of the new internal access roads and footpaths; and all associated site works as previously approved under Reg. Ref. F15A/0437 at lands to be known as Taylor Hill off the Naul Road and north of St. George's National School, west of Moylaragh housing estate, northwest of Hampton Gardens housing estate and south of Martello housing estate, Balbriggan, Co. Dublin.
- 4.3.4. PA Ref. No. F17A/0690. Was granted on 14th February, 2018 permitting Glenveagh Homes Limited permission for alterations to previously approved development (Reg. Ref. Nos. F13A/0240, F15A/0437 & F17A/0374) consisting of amendments to the previously approved house mix, to increase the number of dwellings from 130 No. to 135 No. together with associated alterations to the site layout. All at lands to be known as Taylors Hill, off Naul Road, Balbriggan, Co. Dublin.
- 4.3.5. PA Ref. No. F18A/0266. Was granted on 13th August, 2018 permitting Glenveagh Homes Ltd. permission for a development comprising alterations to the previously approved planning application (Reg. Ref. F15A/0550) including the provision of an additional 12 No. dwellings and ancillary site development works, all at lands off the Naul Road, Balbriggan, Co. Dublin.
- 4.3.6. PA Ref. No. F18A/0449. Was granted on 31st October, 2018 permitting Glenveagh Homes Limited permission for alterations to previously approved developments Reg. Refs. F13A/0240, F15A/0437, F17A/0374 & F17A/0690 including the amendment of the approved house mix, an increase in the number of units from 135 No. to 137 No., alterations to the site layout, all other associated site works, all at lands to be known as Taylor Hill, off the Naul Road, Balbriggan, Co. Dublin.

4.4. Other Relevant Files:

- 4.4.1. ABP Ref. No. ABP-314446-22. Was refused on 20th March, 2023 refusing Kinvara Properties Ltd. permission for a strategic housing development comprising the demolition of existing building and the construction of 127 No. residential units (65 No. houses, 62 No. apartments), a crèche and associated site works, at Flemington Lane, Bremore, Balbriggan, Co. Dublin.

- In the absence of adequate pedestrian and bicycle infrastructure connecting the subject site to Balbriggan town centre and given the poor availability of public transport at this location, the proposed scheme would generate pedestrian and bicycle movements onto Flemington Lane, which, in the absence of pedestrian and bicycle paths along the extent of the lane, would endanger public safety by reason of traffic hazard. Without the aforementioned infrastructure, the proposed development would be largely car dependent and would, therefore, promote unsustainable transport modes which would be contrary to the provisions of Objective Balbriggan 11 of the Fingal County Development Plan 2017-2023 and would, therefore, be contrary to the principles of proper planning and sustainable development.

5.0 Policy and Context

5.1. National:

5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for 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.

A number of key ‘National Policy Objectives’ are as follows:

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.

- NPO 3(c): Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- 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 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: In urban areas, planning and related standards, including in particular 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.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

5.1.3. **Section 28 Ministerial Guidelines:**

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2022)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice note Covid-19 May, 2020)
- Childcare Facilities, Guidelines for Planning Authorities, (2001)
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009)
- Guidelines on the information to be contained in Environmental Impact Assessment Reports (Environmental Protection Agency, 2022)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).

5.2. Regional:

5.2.1. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031:

Balbriggan is identified as a 'Self-Sustaining Town' within the 'Core Region' in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region. Such 'Self-Sustaining Towns' are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery'.

A number of settlements within the Metropolitan Area, Core and at the eastern fringes of the Gateway Regions have undergone rapid commuter-focused residential expansion over the recent decade, without equivalent increases in jobs (i.e. settlements characterised by a low ratio of jobs to resident workforce) and services. Population growth in these towns shall be at a rate that seeks to achieve a balancing effect and shall be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision, to be set out in the core strategies of county development plans.

Towns recording the highest growth rates in the country over the last ten years (>32%), and which have lower levels of employment provision include; Ashbourne, Balbriggan, Blessington, Clane, Kinsealy-Drinan, Lusk, Laytown-Bettystown, Ratoath, and Sallins. Nevertheless, it should also be noted that such towns are important employment and service centres. In addition, some of these settlements, such as Ashbourne and Ratoath have the potential to strengthen their employment base and develop as important centres of employment due to their strategic location, connectivity with surrounding settlements, and the availability of a skilled workforce.

The following Regional Policy Objectives are of note:

- RPO 3.1 Key stakeholders including Local authorities in the Region shall, through their policies and objectives including development plans, commit to the delivery of the Growth Strategy as detailed in the RSES.
- RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

5.3. Development Plan

5.3.1. Fingal County Development Plan, 2023-2029:

Land Use Zoning:

The proposed development site comprises two separate parcels of lands as follows:

- The northernmost extent of the site area measuring 0.65 hectares is zoned as 'OS: Open Space' with the stated land use zoning objective to 'Preserve and provide for open space and recreational amenities'.

Objective Vision: Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.

- The larger more southerly part of the site (c. 5.14 hectares) is zoned as 'RA: Residential Area' with the stated land use zoning objective to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'.

Objective Vision: Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

Other Relevant Policies / Sections:

Chapter 2: Planning for Growth Core Strategy Settlement Strategy:

Section 2.7: Settlement Strategy:

Table 2.20: Fingal Settlement Hierarchy: Core Area: Balbriggan (Self-Sustaining Town with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining)

Section 2.7.2: Role of Each Settlement: Balbriggan:

Balbriggan is the largest of the Self-Sustaining Towns in the Core Area. Located c.18 kms north of Swords, with easy access off the M1 Motorway, it is also served by the main Dublin to Belfast rail line and commuter services to Dublin City. It has developed as a major residential town with a young and expanding population of 20,000 which has more than doubled over the past 20 years. Major infrastructural projects involving upgrades to the water supply, foul drainage and roads infrastructure have been carried out throughout the town and its environs. Balbriggan is eFibre broadband enabled with superfast fibre delivering speeds of up to 100Mb. Fingal County Council has prepared and is implementing Our Balbriggan 2019–23 Rejuvenation Plan, which will transform Balbriggan Main Street and Harbour and will provide significant investment in the public realm and town centre improvements to provide a more vibrant and vital centre to the town. This will be achieved in continued collaboration with stakeholders, by increasing employment, promoting industrial lands and by showcasing Balbriggan as an attractive location for investment.

The availability of zoned lands for high technology and general industrial development, together with the significant infrastructural and environmental improvements with easy access to major transport corridors, ports, rail and air networks, offer considerable potential for the town. Fingal County Council is committed to working with representative stakeholders such as the IDA, Enterprise Ireland and the local Chamber of Commerce, to attract and facilitate new employment generators into the town.

Policy CSP34: Consolidate Growth of Self-Sustaining Towns:

Consolidate the growth of Self-Sustaining towns including Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries as set out in the Settlement Strategy for RSES and by encouraging infill development and compact growth rather than greenfield development and by intensification at appropriately identified locations.

Policy CSP36: Focus Growth Within and Contiguous to Core in Self-Sustaining Towns:

Support the sustainable long-term growth of Self-Sustaining Towns by focusing growth within and contiguous to the core to create a critical mass of population and employment based on local demand and the ability of local services to cater for sustainable growth levels.

Policy CSP38: Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries:
Consolidate development and protect the unique identities of the settlements of Malahide, Portmarnock, Balbriggan, Lusk, Rush and Skerries.

Obj. CSO51: Support Growth of Self-Sustaining Towns:
Proactively support and promote high quality services, social infrastructure, facilities, tourism offer, appropriate retail mix, and economic activity within Self-Sustaining Towns to meet the needs of existing and future growth in line with the scale and function of these towns within the Fingal Settlement Hierarchy.

Obj. CSO52: Safe and Convenient Road, Pedestrian and Cycle Systems:
Ensure all Self-Sustaining towns benefit from safe and convenient road, pedestrian and cycle systems which promote permeability, accessibility, and connectivity between existing and new developments.

Obj. CSO55: Development and Growth of Balbriggan and Skerries:
Promote and facilitate the development and growth of Balbriggan and Skerries as primary service, social, cultural and local tourist centres in north Fingal.

Obj. CSO56: 'Our Balbriggan':
Continue to implement, promote, and support the 'Our Balbriggan' Rejuvenation Plan.

Chapter 3: Sustainable Placemaking and Quality Homes:

Policy SPQHP1: Healthy Placemaking:

The Council will support the development and creation throughout Fingal of successful and sustainable settlements which endorse the principles of healthy placemaking and which through a multi-faceted approach to planning, design and management continue to ensure the development of attractive high-quality places to live, work, recreate, visit and invest in, served by a range of local services, provision of quality public realms, diverse and accessible community facilities for all genders, non-binary or none and open spaces for the benefit of the community.

Obj. SPQHO1: Sustainable Communities:

Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).

Obj. SPQHO8: Our Balbriggan and Sustainable Swords:

Support the objectives arising from Our Balbriggan and the Sustainable Swords Strategy.

Section 3.5.3: Core Strategy and Housing Growth:

Policy SPQHP9: Core Strategy and Housing Growth:

Implement the adopted Fingal County Council Housing Strategy, which includes the Housing Need and Demand Assessment 2023–2029 (and any superseding Housing Strategy agreed by the Members of Fingal County Council). A review of the Housing Strategy will be carried out as part of the two-year review of the Development Plan.

Policy SPQHP10: Support Compact Growth:

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 RSES.

Obj. SPQHO10: New Residential Development:

Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport corridors and active travel infrastructure in a phased manner, alongside the delivery of appropriate physical and social infrastructure. Active travel options should also be considered while liaising with the National Transport Authority and Transport Infrastructure Ireland to ensure public transport options to and from new developments to local amenities such as shops and libraries.

Obj. SPQHO12: Fingal Settlement Strategy:

Ensure that all proposals for residential development accord with the Fingal Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

Section 3.5.11: Quality of Residential Development:

Policy SPQHP35: Quality of Residential Development:

Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban

Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

Obj. SPQHO31: Variety of Housing Types:

Encourage the creation of attractive, mixed use and sustainable residential communities which contain a wide variety of housing and apartment types, sizes, tenures and typologies in accordance with the Fingal Housing Strategy, the HNDA with supporting community facilities, amenities and services.

Obj. SPQHO34: Integration of Residential Development:

Encourage higher residential densities where appropriate ensuring proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area with a target minimum amount of 15% (except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) amount of green space, tree coverage and public space associated with every residential area.

Section 3.5.12: Private, Semi-Private and Public Open Space

Sectio 3.5.13: Compact Growth, Consolidation and Regeneration

Obj. SPQHO38: Residential Development at Sustainable Densities

Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.

Chapter 6: Connectivity and Movement:

Section 6.5.10.2: Regional/Local Roads

Table 6.3: Transportation Schemes: Balbriggan Ring Road R122 to R132

Obj. CMO41: Transportation Schemes:

Seek to implement the transportation schemes indicated in Table 6.3.

Section 6.5.10: Roads and Streets Design

Chapter 10: Heritage, Culture and Arts:

Section 10.5.1: Archaeological Heritage

Chapter 14: Development Management Standards:

Section 14.4: Sustainable Placemaking and Quality Homes

Section 14.6: Design Criteria for Residential Development in Fingal

Section 14.7: Apartment Development/Standards

Section 14.8: Housing Development/Standards

Section 14.9: Residential Development – General Requirements

5.4. Natural Heritage Designations

5.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Knock Lake Proposed Natural Heritage Area (Site Code: 001203), approximately 2.2km south of the site.
- The Bog of the Ring Proposed Natural Heritage Area (Site Code: 001204), approximately 2.8km southwest of the site.
- The River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), approximately 4.2km north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The submission made by the Office of the Planning Regulator (dated 21st May, 2021) on the Strategic Issues Paper prepared by Fingal County Council as a first phase of consultation in the preparation and drafting of the Fingal Development Plan, 2023-2029 emphasised the importance that the development of relevant areas, such as Swords and Balbriggan, be guided by statutory Local Area Plans in accordance with the provisions of the Planning and Development Act, 2000, as amended. It further stated that the inclusion of a timetable in the development plan for the preparation of LAPs would be appropriate. Accordingly, it is submitted that large scale residential development such as that proposed should not be permitted before an LAP is in place for Balbriggan.

- The OPR's submission on the Strategic Issues Paper for the Fingal Development Plan, 2023-2029 included the following recommendation:

'Having regard to the population growth and housing supply targets for the plan period, it will be necessary for the planning authority to prioritise those serviced / serviceable lands that will support a sustainable, integrated approach to spatial and transport planning consistent with the objectives of the NPF & RSES'.

The current Fingal County Development Plan, 2017-2023 was aligned with the National Planning Framework and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, 2019-2031 by way of Variation No. 2 (effective since 19th June, 2020). In light of the OPR's commentary on population growth targets, it should be noted that while Variation No. 2 considers a growth rate of 8% to be sustainable for Balbriggan (given the scale of the town and ongoing strategies), it does not state over what period of time that growth is recommended to occur.

By referring to the population growth figures contained in the RSES, it can be projected that the population of Balbriggan is expected to increase by 1,968 No. persons by 2026 (i.e. 8% of the existing population (24,611 No.) persons

= 1,968 No. persons). Furthermore, on the basis that the subject proposal includes for the development of a roadway that will service lands earmarked for the construction of 815 No. housing units, and by applying an average housing occupancy of 2.5 persons per unit, the total future population yield for the wider intended development can be calculated as 2,038 No. persons. Therefore, the advanced infrastructure proposed as part of the subject works will service an area of land capable of single-handedly exceeding the population growth target of 1,968 No. persons. When taken in conjunction with other residential developments proposed in the area (estimated as totalling 1,696 No. units and corresponding to a population of 4,240 No. persons), it is evident that in 2021 the total number of housing units planned in Balbriggan will have exceeded the 'sustainable' 8% population growth rate contained in the Fingal County Development Plan, 2017-2023. Indeed, the total number of planning applications under consideration in 2021 will provide for double the population planned for Balbriggan by 2026 and thus cannot be considered to constitute sustainable development. In effect, Balbriggan cannot absorb all the residential development presently being planned.

- The Board is requested to be cognisant of those applications for less than 100 No. dwelling units which have been lodged with the Planning Authority and are subthreshold for the purposes of Strategic Housing Development. It is important to be aware of the full developmental context of Balbriggan which has been identified as a 'self-sustaining' town in the RSES that requires catch-up investment in infrastructure and employment.
- The Planning Authority has not adequately investigated concerns as regards the possible duplication of open space and questions remain as to how a single parcel of land could be allocated as 'Class 1 Open Space' for two separate housing developments. In this regard, the Board is advised that on comparison of Drg. No. P3-410: '*Masterplan Public Open Space Map*' (received by the Planning Authority on 14th July, 2021 as further information) with the mapping provided for previous planning applications, it is evident that there has been a duplication in the allocation of Class 1 Open Space involving lands in the applicant's control. By using the playing pitch as a reference point, it can be ascertained that while the centremost part of the pitch is

presently shown as having been allocated towards the earlier 'Taylor Hill – Phase 1' development, that same central pitch area was previously identified as comprising the Class 1 Open Space allocation for a completely different housing scheme i.e. Hampton Gardens (PA Ref. No. F05A/0323).

- The Class 1 Open Space shown in both the current and previous planning applications remains undelivered. Moreover, while the applicant constructed Phases 1 & 2 of Taylor Hill, it is now progressing to another housing development in advance of having completed the open space allocated to previous developments.
- The Planning Authority has presided over a situation whereby a public park promised in 2000 (as part of the Northwest Balbriggan Area Action Plan) has yet to be delivered.
- By continuing to grant permission for development in this area and relying on the attachment of conditions which have previously been ignored, the mistakes of the past are being repeated with Balbriggan becoming a prime example of 'developer-led' planning.
- Notwithstanding that there has been a duplication of allocation of open space along with the non-delivery of said open space, it is queried whether it would be appropriate to allow the level of disconnect proposed between the site being developed and the associated area of public open space. There is simply no connectivity between the proposed housing and the Class 1 Open Space as has been acknowledged by the applicant in response to the request for additional information wherein it is stated:

' . . . Glenveagh are not in control of the lands between their site and immediately adjacent to the Class 1 Open Space and as such a connection would not be possible across Third Party lands. It is further noted that the area to the north will comprise a building site and it would not be considered appropriate from a health and safety perspective to include connections across the lands'.

Therefore, while the applicant is showing the theoretical required allocation of open space, in practice, this will not be accessible due to the presence of intervening third party lands and an active building site.

- The overall approach to the planning and development of northwest Balbriggan, particularly with regards to providing usable and accessible open space, has been at best, piecemeal, and at worse, a nonfeasance.
- The Chief Executive's Order reads as follows:

'There is an objective in the Fingal Development Plan, 2017-2023 to undertake a master plan for the application lands (Objective 4.B – North West Balbriggan Masterplan refers). The applicant has submitted an overall Phase 3 Masterplan of their lands at this location. Given the nature of the proposed development and alterations to part of the Class 1 public park approved under Reg. Ref. F15A/0550 the proposed development is considered acceptable in the context of the objective to prepare a masterplan for the lands.'

In light of the concerns raised with regard to the duplication of open space and a lack of connectivity to the Class 1 Open Space, the subject proposal cannot reasonably be held to constitute a 'Masterplan'. Any such masterplan should include all remaining lands within Northwest Balbriggan and ensure that all areas are accessible and planned out properly. Given that the applicant has admitted that it does not own the lands between the proposed housing and the open space, its submission cannot amount to a 'masterplan'. Accordingly, the requirements of Objective MP4.B of the Development Plan have not been met.

- Although Condition No. 9 as imposed by the Planning Authority has again sought a timeline for the delivery of the Class 1 Open Space, it is suggested that a more appropriate approach would be to refuse permission for any further housing in the area until such time as the park is open and accessible to the community.
- By way of precedent as regards the refusal of development in Northwest Balbriggan, the Board is referred to its determination of ABP Ref. No. PL06F.249267 (PA Ref. No. F17A/0372).

6.2. Applicant's Response

- The third-party appeal should be dismissed under Section 138(1)(a)(i) and (ii) as it is without substance and has been made with the sole intention of delaying the proposed development.
- The particulars submitted set out a detailed assessment of the proposed development in the context of national, regional and local planning policy and its compliance with all relevant policies and guidelines.
- The proposed development complies with Objective SS01A of the Development Plan which supports *'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'* as well as Objective SS01B which aims to *'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'*.
- The proposed development is consistent with the Core Strategy of the Fingal County Development Plan, 2017-2023 and the 'RA' land use zoning objective which aims to *'provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure'*.
- In zoning the site as 'RA', the Planning Authority has undertaken an appropriate evaluation of the area and has assessed the capability of these lands to accommodate residential development within the Plan period. In this regard, the proposed development will contribute to the Core Strategy and the Housing Allocation targets in the period to 2023 and fully aligns with the sustainable growth of Balbriggan.
- The proposal aligns with the Core Strategy housing allocation as per Variation No. 2 of the Fingal County Development Plan which states that Balbriggan has a remaining residential capacity of 134 No. hectares / 3,805 No. dwelling

units as of September, 2019 and notes that '*residential development is being delivered at a steady rate within the town in recent years*'. In this context, Balbriggan has ample capacity to accommodate the proposed development (which provides for 99 No. dwellings in Phase 3A with a total of 328 No. units to be developed across the four sub-phases of Phase 3 Ladywell).

- In the assessment of ABP Ref. No. ABP-311092-21 (101 No. 'Build-To-Rent' units at the former Mall Shopping Centre, Balbriggan) the reporting inspector noted that the proposal was '*unlikely to breach the core strategy allocation, given that the large capacity in the town for 3,805 units as of September 2019*'. By extension, the subject proposal is unlikely to breach the Core Strategy given the remaining capacity set out in Variation No. 2 of the Development Plan.
- The Fingal Settlement Strategy embraces the strategic approach advocated by the RSES to physically consolidate the majority of future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the Core Area to towns and villages in order to discourage dispersed development and unsustainable travel patterns. It seeks to focus higher density development and suitable strategic nodes along existing or planned public transport corridors. The subject lands are located within the development boundary of Balbriggan (a self-sustaining town within the core area) and represent one of the last remaining residentially zoned holdings available for development.
- The applicant is committed to the delivery of much needed housing in line with national and regional policy. While the appellant has listed several potential future developments in the area, it is typical to assume that less than 50% of these permissions will be built out (as observed in Dublin City and Dun Laoghaire-Rathdown in the period 2016-2020). It is also possible that these sites may not come forward at all. The appellant's argument in this regard is unsubstantiated and gives little credence to the identified need for additional housing in Balbriggan.
- There is no requirement for the proposed development to be postponed until such time as a Local Area Plan for Balbriggan may be prepared under the

next Development Plan. The proposed development site is not located in an area subject to a Local Area Plan and there is no requirement for the proposal to be delayed until such time as a Local Area Plan may be adopted.

- The subject lands are sequentially well located relative to the existing development to the east.
- The suggestion that there has been 'double-counting' of open space is rejected. The Class 1 Open Space strategy was the subject of discussions with the Planning Authority throughout the planning process and was fully addressed by way of further information. It has been agreed with the Parks Division of the Planning Authority (with the latter noting that the matter had been satisfactorily addressed). It is considered that the provision of Class 1 Open Space as proposed on the northern parcel of land (and adjoining the Class 1 Open Space serving the Taylor's Hill development) is both sufficient and consistent with Development Plan standards.
- There has been no duplication in the allocation of Class 1 Open Space as it relates to the applicant's lands. The open space provision has been calculated at a rate of 2.5 hectares per 1,000 population with an indicative 75:25 split between Class 1 and Class 2 Open Space. The applicant has developed two phases of housing (Taylor's Hill, Phases 1 & 2) which have been allocated Class 1 Open Space (0.81 hectares for Phase 1 and 1.32 hectares for Phase 2). The Class 1 allocation for Phase 3 is facilitated in the surplus areas of Class 1 Open Space and an additional area provided in the subject proposal of 0.65 hectares (a combined area of 1.5 hectares). It is also noted that the overall open space provision (Class 1 & 2 combined) is over-provided by 0.72 hectares with the current application and 1.61 hectares when viewed in combination with Taylor's Hill Phases 1 and 2.
- The Parks Division of the Planning Authority has determined that the applicant has addressed the double allocation of Class 1 Open Space by '*providing a total of 1.5 hectares of Class 1 open space for the Ladywell Phase 3 as per Masterplan Public Open Space Map No. P3-410*'. In this regard, any concerns have been addressed to the satisfaction of the Planning Authority. The report of the case planner also notes that the applicant has addressed the issues

raised by third-parties relative to 'double-counting' and has accepted that the Class 1 allocation for Phase 3 is partially provided for by way of excess provision that is currently under construction and by the additional area included in the current application.

- The powerlines traversing the northernmost part of the development site which previously delayed progress have been removed and the initial stage of Class 1 Open Space provision is now largely complete. The playing pitch has been seeded and is undergoing further works with goalposts, netting and tubular pitchside railing expected to be erected in Spring, 2022.
- The applicant has demonstrated a commitment to the delivery of open space serving the Taylor's Hill development and the proposed Ladywell development. The proposed development will be served by an appropriate level of Class 1 Open Space within the main section of the site and c. 1.5 hectares in its northern parcel adjoining the recently completed open space serving Taylor's Hill. This has been deemed acceptable by the Planning Authority and a condition attached accordingly.
- Condition No. 9(ii) of the notification of the decision to grant permission requires Class 1 Open Space to be delivered in tandem with or in advance of the substantial completion of each sub-phase i.e. Phases 3A, 3B, 3C & 3D. The applicant is required to agree the location and accessibility of the 8,147.5m² of Class 1 Open Space within the blue line as well as the timing of its delivery prior to the commencement of the development. The applicant is amenable to this condition.
- Connectivity from the main part of the site to the Class 1 Open Space (including that with the northern parcel of the development site) can be provided via the existing pedestrian footpath network to the east in Taylor's Hill Wood which links Martello Road, Bremore Pastures Park and Hamlet Lane. From the Boulevard Road, this link is approximately 1km in length. The applicant is not in control of the intervening lands immediately adjacent to the Class 1 Open Space with the result that temporary paths are not possible. Furthermore, the area to the north will comprise an active building site in the short to medium term as per ABP Ref. No. ABP-308475-20 and it would not

be appropriate from a health and safety perspective to include connections across those lands until that development is permitted and implemented.

The proposed route through the existing development to the east will provide a safe and adequate pedestrian and cycle route to the Class 1 Open Space in the northern parcel of the site.

- Issues regarding Class 1 Open Space have been addressed by the applicant by way of further information and deemed acceptable by the Planning Authority, with a masterplan for the overall Taylor's Hill and Ladywell development considered acceptable in this regard. The applicant is actively engaged with the adjoining landowner to ensure the sustainable and integrated growth of the area as well as further permeable links through the site linking to the Class 1 Open Space in the north.
- The report of the case planner makes reference to Objective MP.4B: *'Northwest Balbriggan Masterplan'* of the Fingal County Development Plan, 2017-2023 which refers to the preparation of a masterplan for the development lands. It further notes that *'the applicant has submitted an overall Phase 3 Masterplan for their lands at this location'* and states that *'given the nature of the proposed development and alterations to part of the Class 1 public park approved under Reg. Ref. F15A/0550 the proposed development is considered acceptable in the context of the objective to prepare a masterplan for the lands'*.
- The site has a significant planning history that serves as a 'de facto' masterplan for the wider lands and accords with the previous (lapsed) Local Area Plan. This approach was discussed and confirmed in pre-application discussions with the Council thereby negating any requirement for a formal masterplan for the overall landbank. Nevertheless, the applicant has worked with the adjoining landowner to ensure that plans for the sequential development of the overall lands are fully coordinated. The acceptability of this proposal was confirmed in the grants of permission for PA Ref. Nos. F19A/0001 and F20A/0026 wherein it was acknowledged that the planning history established the overall framework for the lands.

- The key structuring principles for the area are already broadly in place with the Boulevard Road acting as a key central spine through the applicant's wider lands in a north-south direction. In addition, community and educational infrastructure has been delivered in tandem with development in the area while the site also benefits from its proximity to Scoil Chormaic CNS and Bremore Educate Together Secondary schools which are located c. 200m to the southeast.
- The overall Phase 3 masterplan submitted by the applicant has been accepted by the Planning Authority as sufficient to demonstrate the overall future growth at Phase 3 of the overall development and will enable the implementation of key roads and public open space infrastructure which will contribute to the sustainable development of the lands.

6.3. Planning Authority Response

- Each phase of the permitted development has in excess of the required minimum 10% public open space. Condition No. 9(i) of the permission requires the applicant to transfer to the Planning Authority a balance of 8,147.5m² of Class 1 Public Open Space in the site lands designated for Class 1 Open Space. Condition No. 9(ii) requires that the Class 1 Open Space provision, including play spaces for Phase 3, be delivered in tandem with or in advance of the substantial completion of each sub-phase i.e. Phases 3A, 3B, 3C & 3D. Prior to the commencement of construction works, the applicant is required to submit to the Planning Authority, for written agreement, a scaled drawing showing the location and accessibility of the 8,147m² of Class 1 Open Space within the applicant's holding (as outlined in blue). Double counting of Class 1 Open Space has not occurred in respect of the proposed development.
- In the event that the decision to grant permission is upheld, the Board is requested to attach Condition Nos. 8(v), 31 & 32 as imposed by the Planning Authority in its notification of a decision to grant permission.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The nature of the third-party appeal
- The principle of the proposed development
- Prematurity pending the preparation of a Local Area Plan / masterplan
- Public open space provision
- Environmental impact assessment
- Appropriate assessment

These are assessed as follows:

7.1. **The Nature of the Third-Party Appeal:**

- 7.1.1. Having reviewed the information available, and in response to the applicant's request for the Board to dismiss the third-party appeal pursuant to Section 138(1) of the Planning and Development Act, 2000, as amended, on the basis that the appeal is 'vexatious' or 'frivolous', it is my opinion that the appeal as lodged satisfies the regulatory requirements and raises legitimate planning considerations. The appeal is therefore deemed to be valid and I propose to assess it accordingly.

7.2. **The Principle of the Proposed Development:**

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the wider extent of the site area whereupon it is proposed to develop the housing is zoned as '*RA: Residential Area*' with the stated land use zoning objective to '*Provide for new residential communities subject to the*

provision of the necessary social and physical infrastructure where residential development is 'permitted in principle' in accordance with Chapter 13: '*Land Use Zoning*' of the Fingal County Development Plan, 2023-2029. The vision for this land use zoning is to ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links, and within walking distance of community facilities, in tandem with an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

- 7.2.2. By way of further context, the proposed development site forms part of a larger landbank earmarked for new residential development with the applicant's landholding extending to a cumulative area of 9.84 hectares which encompasses a main development site of 8.7 hectares (initially envisaged as accommodating a total of 328 No. dwellings and 540m² of commercial floorspace over 4 No. sub-phases of development i.e. Phases 3A, 3B, 3C & 3D), 0.65 hectares of Class 1 open space to the north, and a further 0.49 hectares to facilitate upgrading works to the junction of Boulevard Road with Clonard Road. The larger and more southerly portion of the application site is zoned for residential development with the actual site area (as outlined in red on Drg. No. P3-001: '*Site Location Map*' received by the Planning Authority on 3rd February, 2021) being 5.14 hectares to the exclusion of those areas envisaged for future housing development under Phases 3B, 3C & 3D of the applicant's masterplan for the wider landholding. In this regard, it is of particular note that the subject proposal is described as forming 'Phase 3A' of a larger third phase of development (Phase 3) when taken in conjunction with neighbouring housing schemes i.e. Phase 1 (137 No. units) which has been completed and Phase 2 (248 No. units and a crèche facility) which is nearing completion.
- 7.2.3. In broader terms, I would advise the Board that Balbriggan has been identified as a '*Self-Sustaining Town*' in the county settlement strategy which is situated within the Core Region defined by the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031. It is the largest such town within the Core Area of the county and it is envisaged that these '*Self-Sustaining Towns*' require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. The RSES further envisages that population growth in these towns should be at a rate that seeks to achieve a

balancing effect and should be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision.

7.2.4. From an analysis of the Core Strategy that has informed the Fingal County Development Plan, 2023-2029 (the purpose of which is to guide the spatial direction of future development and regeneration in the County in line with the principles of compact growth with a key objective being that the quantum and location of development is consistent with national and regional policy), it can be ascertained that the Plan must accommodate between 37,980 – 62,980 additional persons up to an overall population target of between 334,000 (low) to 359,000 (high) persons by 2029. This has been calculated to equate to a need for the Plan to provide for approximately 16,245 housing units between 2023 and 2029. Accordingly, as part of the Core Strategy, a land capacity assessment was undertaken which determined that there was a zoned capacity for approximately c. 28,000 units on 889 hectares of developable land within the lifetime of the Development Plan period (excluding the Long-Term Strategic Reserves at Dunsink and Lissenhall).

7.2.5. Given the surplus capacity identified (in reference to that in excess of the acceptable 20–25% surplus identified in the Development Plan Guidelines, 2022), a Tiered Approach to the zoning of land was considered in line with National Policy Objective 72a of the NPF to differentiate between zoned lands that are serviced and zoned lands that are serviceable within the life of the Plan, however, this ultimately determined that all the capacity lands in Fingal are Tier 1 – as they are zoned, serviced and available. This culminated in the Plan emphasising that there was a need to consider other factors (such as overall planned levels of growth, location, suitability for the type of development envisaged, availability of and proximity to amenities, schools, shops or employment, accessibility to transport services etc.) in order to prioritise lands to deliver planned growth and development in line with the NPF. In broader terms, the need to achieve a balance between the deliverability of units and avoiding an overly rigid identification of specific capacity lands forms a key part of the Core Strategy and, therefore, while the County has an excess of zoned land over that required to deliver the supply targets, it was considered necessary to facilitate a choice in sites that come forward in recognition that not all sites may be available within the plan period. This flexible approach and alignment with national and regional policy is supported by other provisions in the Plan, including the

implementation of an Active Land Management objective which aims to monitor construction and planning activity at a settlement level with the option to transfer a portion of the allocated units from one neighbourhood area to another while ensuring overdevelopment does not occur in any particular area and to ensure that the delivery of necessary infrastructure is provided in a timely manner with the delivery of housing to ensure the sustainability of communities.

7.2.6. While it is acknowledged that the Minister of State for Local Government and Planning has issued a Draft Ministerial Direction related to the adoption of the Fingal Development Plan 2023-2029, it does not concern any aspect of the land use zoning for Balbriggan or the broader development framework adopted for the town as set out in the Core Strategy. In this regard, it would seem reasonable to conclude that the Department is satisfied with the analysis that underpins the residential zoning of the development site.

7.2.7. Although the appellant has asserted that the subject proposal, when taken in combination with other planned and permitted development, will result in an excess provision of housing by reference to projected population growth for the year 2026, it must be noted that the Core Strategy as adopted in the Fingal County Development Plan, 2023-2029 has been informed by a comprehensive analysis of the most recent relevant data and that the population projections derived from same have in turn provided part of the basis on which the Planning Authority has developed its settlement strategy for the county, including the applicable land capacity and zoning requirements. These calculations and the associated land use zonings with respect to Balbriggan and the subject lands have been assessed and accepted by the Office of the Planning Regulator (Page No. 5 of OPR's submission dated 22nd December, 2022 on the material alterations to the Draft Fingal Development Plan, 2023-2029 states the following: *'Taking account of the above and noting the anticipated housing yield and the corresponding quantum of zoned land needed to accommodate same, as set out in the revised core strategy table, the Office considers that this quantum is acceptable and reasonable'*). Therefore, given that the Core Strategy and Settlement Strategy contained in the recently adopted Fingal County Development Plan, 2023-2029 provide a reasoned basis for the anticipated population growth of Balbriggan and thus have informed the current land use zonings, it is my opinion that the subject proposal must be assessed in that context and thus is acceptable in principle.

7.2.8. At this point, I would advise the Board that Table 2.14: '*Core Strategy*' of the Fingal Development Plan, 2023-2029 states that the population of Balbriggan is anticipated to grow by 3,516 No. persons by 2029 giving rise to a projected housing demand for 1,902 units. Notably, although the potential yield of zoned lands in Balbriggan could provide 3,603 No. units, it has been noted that the extant grants of permission on those lands will only yield 93 No. units. Therefore, on the basis that the foregoing figures represent the most up-to-date position in terms of population projections and anticipated housing demand within Balbriggan, and noting that there would appear to be substantial capacity remaining since the adoption of the current Development Plan in the number of housing units required to satisfy the projected demand (as evidenced by a review of the wider planning history of Balbriggan), I am satisfied that the proposed development accords with the Core Strategy and Settlement Strategy.

7.3. **Prematurity Pending the Preparation of a Local Area Plan / Masterplan:**

7.3.1. Concerns have been raised that the large scale of the development proposed should not be permitted in the absence of a Local Area Plan for Balbriggan. In support of the foregoing, the appellant has referred to the submission made by the Office of the Planning Regulator on the Strategic Issues Paper prepared by Fingal County Council as part of its first phase of consultation in the preparation and drafting of the Fingal Development Plan, 2023-2029 wherein it was emphasised that the development of areas such as Balbriggan be guided by statutory Local Area Plans in accordance with the provisions of the Planning and Development Act, 2000, as amended.

7.3.2. From a review of the OPR's initial submission dated 12th May, 2021 made as part of pre-draft consultation for the Fingal Development Plan, 2023-2029, it is apparent that concerns were then raised that a statutory Local Area Plan did not appear to have been prepared for Balbriggan despite the requirement under Section 19 of the Act that such a plan be prepared for designated towns of in excess of 5,000 population and, in certain circumstances for towns in excess of 1,500 population. The Planning Authority was thus advised that the draft development plan should clearly set out its intention to address this issue as a matter of urgency. In response to this submission, the '*Chief Executive's Report on the Pre-Draft Consultation*' (dated 2nd July, 2021) stated that a number of policy responses had been employed as part of the Council's overall development approach and that proactive land measures such

as the provision of LAP's and Masterplans would continue to form part of that approach with those areas necessitating such plans to be outlined in the Draft Plan.

7.3.3. Following the publication of the Draft Fingal Development Plan, 2023-2029 a further submission was received from the OPR (dated 14th May, 2022) which reiterated its concerns that a Local Area Plan had not been prepared for Balbriggan in accordance with the legislative requirements notwithstanding the land use zoning provisions set out in the Draft Plan. This culminated in '*Recommendation 5 – Local Area Plans*' which required the planning authority to review Table 2.16 and Policy CSP6 of the Draft Plan to reflect the requirements of Section 19 of the Act and the requirement to prepare an LAP for certain key settlements including Balbriggan. In response, the '*Chief Executive's Report on the Draft Plan Public Consultation*' (dated 28th July, 2022) states that the mapping prepared as part of the Draft Development Plan clearly identifies the development boundaries of each of the relevant settlements, including Balbriggan, and also includes detailed land use zoning with specific map based objectives, proposed connectivity and movement proposals and routes, architectural conservation areas, protected structures, national monuments, views, and school sites etc. By way of generalisation, the case was then put forward that the combination of highly detailed planning policy requirements for settlements such as Balbriggan, allied with proposed and existing Local Area Plans, masterplans and framework plans proposed within their respective boundaries, as well as the overarching policies for each settlement set out elsewhere in the Draft Plan, ensure a robust planning framework would be put in place for each settlement in accordance with the requirements of the Core Strategy thereby negating any planning rationale for the preparation of an LAP for Balbriggan.

7.3.4. Upon the publication of material alterations to the Draft Fingal Development Plan, 2023-2029, the OPR made a further submission (dated 22nd December, 2022) as regards its earlier '*Recommendation 5*' which had raised concerns regarding the extent of the requirements for Local Area Plans / masterplans and the potential to delay housing delivery in key locations. Notably, while the OPR continued to have concerns regarding the rationale for requiring framework plans for certain settlements, it did not raise any further issue as regards the absence of an LAP for Balbriggan which would seem to suggest that it was satisfied with the rationale set out in the '*Chief Executive's Report on the Draft Plan Public Consultation*' i.e. the

mapping etc. contained in the Draft Plan would provide a sufficient framework for the town's development.

- 7.3.5. The Fingal Development Plan, 2023-2029 has since been adopted and is now in effect. Although a Draft Ministerial Direction related to the adoption of the Fingal Development Plan 2023-2029 has been issued by the Minister of State for Local Government and Planning consequent to a recommendation made by the Office of the Planning Regulator, it does not specify any requirement for a Local Area Plan to be prepared for Balbriggan.
- 7.3.6. In light of the foregoing, I would draw the Board's attention to Section 2.4.1: '*Local Area Plans*' of the adopted Fingal Development Plan, 2023-2029 wherein it is confirmed that there is no operational LAP in place for Balbriggan (Table 2.15) and neither has it been included in the schedule of Local Area Plans to be commenced over the Plan period (Table 2.16) pursuant to Policy CSP6: '*Local Area Plans*'. While the absence of any specific policy in the Development Plan requiring an LAP for Balbriggan would not in itself preclude the prospect of such a plan being prepared in the future, there would seem to be no intent on the part of the Planning Authority to undertake same at this time. The rationale for this approach likely derives from the comprehensive development framework for the area already contained in the Development Plan (as referenced in the '*Chief Executive's Report on the Draft Plan Public Consultation*' dated 28th July, 2022). Accordingly, given that there is no requirement in the Development Plan for an LAP to be prepared for either Balbriggan as a whole or the subject lands, it is my opinion that the proposed development cannot be held to be premature pending the preparation of such a plan.
- 7.3.7. Reference has also been made in the grounds of appeal to Mapped Objective 4.B: '*North West Balbriggan Masterplan*' of the Fingal Development Plan, 2017-2023 which refers to a masterplan having to be prepared and / or implemented for lands which include the proposed development site. That objective was to be given effect by Objective BALBRIGGAN 16 of the Development Plan which referred to the preparation and / or implementation of the North West Balbriggan Masterplan during the lifetime of that Plan. It was further stated that the main elements of any such masterplan were to include a programme for the phasing of construction of residential and commercial development in tandem with the delivery of transport, recreational, community and educational infrastructure. The appellant's principle

concerns in this regard relate to the need to ensure the provision of adequate and accessible open space in tandem with new development.

- 7.3.8. While I would acknowledge that the Fingal Development Plan, 2017-2023 did seek the preparation of a masterplan for lands in northwest Balbriggan, no such provision has been included in the recently adopted Fingal Development Plan, 2023-2029 (with the latter superseding the former). Section 2.4.2: '*Masterplans*' of the current Development Plan states that the preparation of masterplans will continue to assist in achieving quality developments, however, there is no such plan presently in place for Northwest Balbriggan (given its absence from Table 2.17: '*Operational Masterplans*') nor is it proposed to prepare any such plan during the lifetime of the Development Plan (please refer to *Policy CSP7: Masterplans*' and Table 2.18: '*Schedule of Masterplans to be Commenced over the Plan Period*' of the current Plan).
- 7.3.9. Notwithstanding the absence of any masterplan requirement within the current Development Plan, it is of note that in its assessment of the subject proposal under the former Development Plan, the Planning Authority was satisfied that the overall 'Phase 3' masterplan which accompanied the planning application (in addition to the supporting Design Statement setting out the development context, indicative layouts, open space strategy, and how the proposal would comply with the Development Plan) provided an adequate framework for the development of the wider landbank. In this respect, I would draw the Board's attention to Drg. No. P3-010: '*Wider Masterplan*' received by the Planning Authority on 3rd February, 2021 which provides an indicative layout for the development of the wider area, including the entirety of 'Phase 3' of the applicant's lands, the planned Balbriggan Ring Road (R122 to R132) and the provision of 'Class 1 Open Space', which has built upon those 'masterplans' prepared for previous planning applications in the area, including PA Ref. No. F07A/1249 / ABP Ref. No. PL06F.231457 & PA Ref. No. F15A/0550.
- 7.3.10. Having considered the foregoing, it is my opinion that in the absence of any requirement in the current Fingal Development Plan, 2023-2029 for the preparation or implementation of a Local Area Plan or a masterplan (or a Framework Plan as detailed in Section 2.4.3 of the Plan) for the lands in question, the proposed development could not reasonably be held to be premature pending the preparation of any such plan. In any event, given the context and planning history of the wider

area, which has been informed in large part by an overriding vision for the area that appears to have the support of the Planning Authority, I am satisfied that the masterplan submitted with the application provides a reasonable framework for the development of the wider landbank and that the proposed development is acceptable in this regard.

7.4. Public Open Space Provision:

- 7.4.1. The proposed development includes for the provision of c. 0.65 hectares of Class 1 Open Space with play equipment (accessed from Hamlet Lane) on lands located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane (these works will entail the alteration of the Class 1 public park previously approved under PA Ref No. F15A/0550). This open space will be physically detached from the proposed housing development and comprises a separate parcel of land that adjoins an existing playing pitch and parking area that are undergoing final landscaping works. Although public access to this area was not open on the day of my site inspection, it will ultimately be available via an existing roadway which extends westwards from Hamlet Lane. Alternatively, the area can currently be accessed from the larger more southerly portion of the development site by way of an unsurfaced track / accessway that passes through intervening third party lands, however, this would be unsuited to access by the general public.
- 7.4.2. Concerns have been raised as regards the quality and quantity of the open space proposed along with its deliverance in tandem with the proposed development. Firstly, it has been suggested that although the 0.65 hectares of Class 1 Open Space proposed is described in the application documentation as 'additional', it will likely involve the duplication or 'double-counting' of open space already permitted as part of previously approved housing developments that have since been completed. In this regard, reference has been made to the approval of the broader 'Class 1 Open Space' shown on Drg. No. P3-410: '*Masterplan Public Open Space Map*' (received by the Planning Authority on 14th July, 2021 by way of further information) which details that the centremost part of the existing playing pitch was allocated to serve the Taylor's Hill housing development despite that same pitch area having seemingly previously been identified as comprising the Class 1 Open Space allocation for a completely different housing scheme i.e. Hampton Gardens (PA Ref. No. F05A/0323). Secondly, there are concerns as regards the disconnect between

the proposed housing and the Class 1 Open Space given the physical separation between the two areas and the inability to access the parkland other than through intervening lands over which the applicant does not retain control. Lastly, the appellant has sought to question the failure of the applicant / developer to date to deliver the wider Class 1 Open Space / public parkland that was originally intended to serve the broader development of this part of northwest Balbriggan.

- 7.4.3. With regard to the overall extent and adequacy of the open space proposed, it should be noted that those lands identified as 'Class 1 Open Space' can be distinguished from the remainder of the proposed development in that they are expressly zoned as 'OS: *Open Space*' and form part of a larger landbank zoned for such purposes in the Development Plan. Notably, the lands in question have been consistently zoned as open space since at least as far back as the adoption of the Fingal Development Plan, 2005-2011 and it is my understanding that the purpose of this zoning was to ensure the reservation and ultimate provision of a strategic area of recreational open space / public parkland with a view to meeting the future needs of the growing population of northwest Balbriggan in tandem with new development.
- 7.4.4. At this point, it is of relevance to note that the concerns raised in the grounds of appeal relate specifically to the provision of the 'Class 1 Open Space' as opposed to the 'Class 2 Open Space' which will form a more integral component of the public open space serving the wider housing development to be undertaken in Phases 3A, 3B, 3C & 3D of the applicant's masterplan for its lands. Indeed, from a review of Page No. 12 (1.0: Public Open Space – Phasing) of the A3 booklet prepared by Doran Cray Architecture received by the Planning Authority on 14th July, 2021 in response to the request for further information, it would appear that the revised site layout for Phase 3A (i.e. the subject housing proposal minus the roadways serving later phases of development) includes for 0.59 hectares of public open space which equates to 20% of the 2.95 hectare site area (exclusive of a planned riparian area alongside the stream adjacent to the southern site boundary). That response also confirms that Phases 3B, 3C & 3D will also be provided with Class 2 public open space measuring between 10-15% of their respective site areas.
- 7.4.5. The issue as to whether there has been any duplication, double-counting or reassignment of the permitted Class 1 Open Space during the assessment of the subject application and / or previous planning proposals was already considered as

part of the applicant's response to the request for further information. Within the A3 booklet prepared by Doran Cray Architecture and received by the Planning Authority on 14th July, 2021, (Page No. 14, 1.0: Landscaping – Class 1 Public Open Space), it is stated that public open space provision has been calculated at a rate of 2.5 hectares per 1,000 population allocation with an indicative 75:25 split between 'Class 1' and 'Class 2' open space. This would accord with Section 4.5.2.3: '*Quantity*' of the Development Plan which states that the overall standard for public open space provision is a minimum 2.5 hectares per 1,000 population and that this should generally be provided at a ratio of 75% Class 1 and 25% Class 2 (Objective DMS051: '*Minimum Public Open Space Provision*' of the Plan also specifies a minimum public open space provision of 2.5 hectares per 1,000 population). It is subsequently stated that the applicant has already developed two phases of housing (Taylor Hill, Phases 1 & 2) in the area which have been allocated Class 1 Open Space as shown on Drg. No. P3-410: '*Masterplan Public Open Space Map*' submitted on 14th July, 2021. That drawing details that Phases 1 & 2 (i.e. Taylor's Hill) were allocated 0.81 hectares and 1.32 hectares respectively with a further 1.43 hectares allocated to unspecified '*other developments*'. Phase 3 of the wider development planned for the applicant's lands has been allocated a further 1.5 hectares of Class 1 Open Space with c. 0.65 hectares of which to be provided as part of the subject proposal i.e. Phase 3A of the wider works. The applicant goes on to explain how the Class 1 allocation for Phase 3 (i.e. Phases 3A, 3B, 3C & 3D) is to be partially provided for via excess provision that is currently under construction and by the additional area included in the subject application. It is further submitted that overall open space provision (Classes 1 & 2 combined) is over-provided by 0.72 hectares within the current application and 1.61 hectares when viewed in combination with Taylor's Hill Phases 1 & 2.

- 7.4.6. By way of further clarity, I would refer the Board to the population calculations and open space requirements set out in the tables appended to Drg. No. P3-410: '*Masterplan Public Open Space Map*'. Broadly speaking, the applicant has calculated the cumulative population of Taylor's Hill Phase 1 & 2 (as constructed) and Phase 3 (planned), which incorporates the proposed development (Phase 3A), as totalling 1,981 No. persons which would translate to a requirement for 4.96 hectares of public open space (with a 75:25 split between the two classes). By extension, it has been

shown that 3.63 hectares of Class 1 open space has / will be provided to serve Phases 1, 2 & 3 with a further 2.94 hectares of Class 2 open space. In total, 6.57 hectares of public open space will be provided for the 3 No. phases of development which would result in a surplus provision of 1.61 hectares over that presently required by the Development Plan (excluding the 1.43 hectares of Class 1 open space previously allocated to 'other developments'). Accordingly, the applicant has asserted that there has been no duplication in the allocation of Class 1 Open Space serving the proposed development.

7.4.7. In my opinion, and in the absence of any clear evidence to the contrary, the foregoing details would seem to support the position of the applicant. By way summation, the provision of 6.57 hectares of public open space to serve 3 No. phases of development with an estimated population of 1,981 No persons clearly exceeds the minimum Development Plan requirement to provide 2.5 hectares of public open space per 1,000 population (as detailed in '*Table 4.3: Recommended Quantitative Standards (Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities (2009)*' and Objective DMS051: '*Minimum Public Open Space Provision*' of the Plan). While the Parks Dept. of the Local Authority has determined that Phase 3 as a whole will suffer from a shortfall of 8,147.5m² of Class 1 open space and that such an area should be transferred to the Council as part of the proposed development, I am unconvinced of the appropriateness of any such condition, particularly as it relates to housing development which does not form part of the subject application and may require the transfer of lands outside of the applicant's control. Moreover, I would also question the merits of the Parks Dept. assertions given that it has sought the provision of 21,012.5m² of public open space to serve Phases 3A, 3B, 3C & 3D of the wider development while the applicant has made provision for 2.84 hectares (28,400m²) of such space for Phase 3 as a whole in the subject application.

7.4.8. On balance, I am amenable to the open space provision as proposed. It will provide for adequate Class 2 open space within the various phases of development planned (at a minimum of 10% of the respective site areas as sought and accepted by the Planning Authority) while also ensuring the continued provision of clearly defined Class 1 open space at a scale sufficient to meets the needs of the growing population locally.

- 7.4.9. In relation to the issue of the connectivity of the Class 1 open space to the proposed development, while I would acknowledge the concerns raised as regards its physical detachment from the proposed housing, it should be noted that the Class 1 open space proposed is intended to function in conjunction with other permitted space as an amenity for the wider area with its location in the first instance deriving from the 'OS' land use zoning and its inclusion as part of a larger landbank designated for such purposes. In effect, the proposed Class 1 open space should not be viewed in isolation, but as an integral part of a larger and more significant recreational amenity which is undergoing construction in tandem with the delivery of residential development in the wider area. The provision of such facilities will inevitably result in their siting at an increased distance from certain housing, however, it could equally be said that the space is readily accessible from other housing in the immediate vicinity.
- 7.4.10. Access to the Class 1 Open Space (including the northern parcel of the development site) will be available via the existing pedestrian footpath network to the east through Taylor's Hill which links Martello Road, Bremore Pastures Park and Hamlet Lane. From the Boulevard Road, this route is approximately 1km in length, however, as development progresses in the surrounding area, the likelihood is that the distance between the subject housing and the open space will shorten over time. Although the access roadway leading to the open space from Hamlet Lane was not open on the day of my site inspection, it was apparent that the road link had been completed and that works on the playing pitch etc. were in the final stages. The applicant has indicated that the Class 1 open space is nearing completion, and I would anticipate that it will be open to the public in the near term.
- 7.4.11. In my opinion, there are no other viable options in terms of providing access to the Class 1 open space from the proposed housing in the short-term. In this regard, I would advise the Board that while the open space can be accessed from the larger more southerly portion of the development site by way of an unsurfaced track / accessway through intervening third party lands, this is entirely unsuited to public access. Those lands are not in the control of the applicant and will likely accommodate future building works in the short to medium term as per the submitted masterplan. Therefore, it would not be appropriate from a health and safety

perspective to include connections across those lands until that development is permitted and implemented.

- 7.4.12. With respect to the delivery of the open space, it would appear that the presence of powerlines traversing the northernmost part of the development site previously delayed progress, however, these constraints have since been removed and the initial stage of the Class 1 Open Space provision is now largely complete. This would seem to satisfy the demands of the Taylor's Hill development and the proposed Ladywell development. Accordingly, I would suggest that a refusal of permission on the delayed provision of open space as part of earlier development in the area would be unwarranted.

8.0 Environmental Impact Assessment

8.1. Introduction:

- 8.1.1. This application falls under Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (i.e. the 2014 EIA Directive) and has been accompanied by an Environmental Impact Assessment Report which the applicant has determined is necessary for the development in accordance with the provisions of Part X of the Planning and Development Act, 2000, as amended, and Schedule 5 of the Planning and Development Regulations 2001, as amended. Item 10(b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

- (i) the construction of more than 500 dwellings;
- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 8.1.2. The proposed development forms part of a larger scheme of planned development (known as Phase 3) which is to be subdivided into 4 No. sub-phases (Phases 3A, 3B, 3C & 3D) and will cumulatively provide for a total of 328 No. dwellings and 540m² of commercial floorspace as well as the extension of an area of Class 1 Open Space to the north and the upgrading (including the signalisation) of the junction of Boulevard Road with Clonard Road. The subject proposal encompasses 'Phase 3A'

of this development and includes for the construction of 99 No. residential units, associated site development works, and the provision of services & supporting infrastructure to serve future phases of development (i.e. Phases 3B, 3C & 3D), on a site of c. 5.14 hectares at the edge of a built-up area of northwest Balbriggan. The overall cumulative Phase 3 site extends to approximately 9.84 hectares (9.35 hectares excluding the road works to the south). Therefore, while the proposed development is of a Class listed in Part 2 of Schedule 5 of the Regulations, it is sub-threshold for the purposes of mandatory EIA as it comprises fewer than 500 dwellings and involves urban development of less than 10 hectares in the case of a built-up area.

- 8.1.3. However, it was noted that the subject development was located adjacent to a residential development currently under construction by the applicant (Phases 1: Taylor's Hill – Complete & Phase 2: Taylor's Hill – Nearing completion). Accordingly, having regard to the overall combined size of the subject proposal in combination with previous phases of development at 23.64 hectares, as well as the combined total of 713 No. dwelling units between Phases 1, 2 & 3, it was determined that the proposal would require EIA by reference to exceeding the relevant thresholds set by Item Nos. 10(b)(i) & (iv) of Part 2 of Schedule 5 of the Regulations. Therefore, an EIAR has been submitted with the application.
- 8.1.4. I have examined the information presented by the applicant, including the EIAR, and the submissions made during the course of the application and appeal.
- 8.1.5. The EIAR contains a Non-Technical Summary (Vol. 1), the EIAR (Vol. 2), and supporting appendices (Vol. 3). Chapters 1-2 inclusive set out an introduction and description of the proposed development as well as the consideration of 'Alternatives', while Chapters 3 to 15 describe and assess the likely significant direct, indirect and cumulative effects of the proposed development in accordance with the relevant headings listed in Article 3(1) of the 2014 EIA Directive, including the interactions between relevant effects. Chapter 16 provides a summary of the proposed mitigation and monitoring measures. These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation, including conditions.

8.1.6. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality; that the information contained in the EIAR and supplementary information provided by the developer adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with Article 94 of the Planning and Development Regulations, 2001, as amended, and the provisions of Article 5 of the EIA Directive 2014.

8.2. **Consideration of Alternatives:**

8.2.1. Paragraph 1(d) of Schedule 6 of the Planning and Development Regulations, 2001, as amended, requires an EIAR to include '*A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment*'. In this respect, I would refer the Board to Section 2.13 of Chapter 2 of the EIAR which sets out the alternatives studied by the developer and a rationale for the development.

8.2.2. Having regard to the fact that the zoning of the development site expressly provides for residential development (with such strategic or 'higher' matters of policy having been assessed during the preparation of the Fingal Development Plan, 2023-2029 and its associated Strategic Environmental Assessment), it was not deemed necessary to consider alternative locations in detail. In effect, an alternative location (i.e. a 'do-nothing' approach) would result in these zoned and serviced lands not being utilised for the purposes of meeting the demand for new housing in Balbriggan. In failing to ensure sequential development from the existing town footprint, it has been suggested that this would place unwarranted increased development pressures on unzoned or unserviced lands at a greater distance from the town centre thereby giving rise to a dispersed and unsustainable form of development. Such a 'do-nothing' scenario was thus considered to represent an inappropriate, unsustainable and inefficient use of strategically located zoned and serviced lands within northwest Balbriggan.

8.2.3. With respect to the consideration of alternative uses, although there are other land uses permitted in principle on the subject lands, it has been submitted that these

would not result in the best use of residentially zoned lands, particularly given the acknowledged need for additional housing. Cognisance has also been taken of the largely residential nature of the immediate site surrounds.

- 8.2.4. In terms of alternative designs, consideration was given to the development originally approved on site under PA Ref. No. F07A/1249 / ABP Ref. No. PL06F.231457 & PA Ref. No. F08A/1329, however, it was considered that layout as permitted encroached unduly into the riparian zone and did not satisfy the requirements of the Design Manual for Urban Roads and Streets in terms of permeability. Further concerns arose as regards the overall design of the open space provision. Alternative layouts for various built elements of the development were also considered at design stage, including the siting of 4 No. apartment blocks along the southern site boundary and the removal of prominent trees along the eastern boundary although that proposal did not integrate with the existing field patterns and green infrastructure as satisfactorily as the preferred layout. Other alternatives included a proposal for overground surface water attenuation, however, this was rejected given the changes in level through the site and the need for excessive retaining structures with the result that a combination of overground and underground attenuation was incorporated into the final design.
- 8.2.5. Having regard to the foregoing, and following a review of the available information, including the consideration of alternatives set out in the EIAR, in my opinion, the applicant has complied with the requirements of the Directive and the Regulations insofar as it has provided a satisfactory examination of the reasonable alternatives studied with regard to the project in addition to a reasonable and coherent explanation for the selection of the subject proposal.

8.3. **Assessment of the Likely Significant Direct and Indirect Effects:**

- 8.3.1. The likely significant effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU. Particular cognisance has been taken of the EIAR submitted with the initial application and the EIA Addendum Report received in response to the request for further information (as regards the revised proposals).

8.4. Population and Human Health:

- 8.4.1. In terms of assessing the potential impact of the proposed development on population and human health I would refer the Board to Chapter 3 of the EIAR (as supplemented by EIAR Addendum Report received by the Planning Authority on 14th July, 2021) which focuses attention on the issues of population growth, increased housing demand, land use and settlement patterns, health & safety, and other socio-economic considerations.
- 8.4.2. It is of particular note that CSO data shows that the population of Fingal County and Balbriggan Rural Electoral District (wherein the subject site is located) grew by 8% and 9% respectively between 2011 and 2016 when compared to 3.8% nationally. This increase in population also coincides with a recorded increase in the number of households with more persons than rooms in their dwellings and a rise in the average household size (reversing a long-running trend). Reference is also made to the number of residential units being completed annually with an emphasis being placed on the fact that the level of completions remains significantly less than the estimated equilibrium demand for housing in the State. In effect, the foregoing data (in addition to that set out in the Fingal Development Plan, 2023-2029 and the RSES) highlights the well-publicised shortfall in housing provision recognised by Government housing and planning policy and lends support to the proposed development of these zoned and serviced lands for residential purposes which will in turn enhance local spending power and support a wide range of additional local business, services, transport infrastructure and employment opportunities etc. In this regard, the proposed development is likely to have a significant positive impact in the context of the addressing the current demand for additional housing and open space in the area.
- 8.4.3. There is the potential for some short-term negative impacts on population and human health considerations during the construction phase of the development as a result of the generation of noise, dust, waste & construction traffic, in addition to the broader nuisance caused by construction activities. These are discussed in more detail in the relevant EIAR chapters and it is anticipated that, subject to the careful implementation of the remedial and mitigation measures proposed, including a Construction Management Plan (with traffic management), the likelihood of any significant adverse impacts will be avoided.

8.4.4. While I would generally concur with the findings of the EIAR as regards the likely impact of the proposed development on the foregoing aspects of population and human health, it is of relevance to note that there are various inter-relationships between effects on the human environment and effects on other aspects of the environment such as air and water quality. Accordingly, in order to avoid unnecessary repetition, I would refer the Board to my assessment of the specific implications of the proposal as regards soil, water and air quality etc. as set out elsewhere in this report.

8.4.5. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

8.5. **Biodiversity:**

8.5.1. Chapter 4 of the EIAR evaluates the biodiversity value of the application site and the potential impacts of the proposed development on the ecology of the surrounding area.

8.5.2. The proposed development site is not within or immediately adjacent to any site that has been designated as a Special Area of Conservation or a Special Protection Area under the EU Habitats or EU Birds Directives, or to any nationally designated NHA/pNHA. There are 6 No. SACs, 6 No. SPAs, 1 No. NHA & 12 pNHAs within a 15km radius of the site with the closest such designation being the Knock Lake Proposed Natural Heritage Area (Site Code: 001203), approximately 2.2km south of the site. A number of Natura 2000 sites are found off-shore and these may be indirectly linked to the development site via treated wastewater which is discharged under licence from the Balbriggan wastewater treatment plant to the Irish Sea (please refer to the 'Screening Report for Appropriate Assessment' which has accompanied the application).

8.5.3. A desk-top analysis of the records of legally protected species within a selected Ordnance Survey 10km² grid (Square O16) held by National Parks and Wildlife Service highlights two species of flowering plant (the Red Hemp-nettle *Gaelopsis*

angustifolia and the Rough Poppy *Papaver hybridum*), although there are no recent records of these species within this grid square. However, it is acknowledged that this list cannot be seen as exhaustive as suitable habitats may be available for other important and protected species.

- 8.5.4. There are no watercourses running through the site although a small tributary of the Bremore Stream (also known as Clonard Brook) adjoins the south-eastern site boundary. The Bremore Stream enters the Irish Sea further downstream and there are no EPA monitoring points along its length. It is not assessed under the Water Framework Directive reporting period 2013-2018.
- 8.5.5. The predominant habitat on site comprises Arable Crops (BC1) and fields which are no longer in production and so have reverted to Dry Meadow (GS2). There is also a small field of Improved Agricultural Grassland (GA1) to the south. A new road has been constructed along the eastern boundary and some of the adjacent land is Bare Soil (ED2). These habitats are stated to be of low or negligible biodiversity value. There are multiple examples of traditional Hedgerow (WL1) along the remaining field boundaries on site with the denser and more species-rich (which include tall trees and some very large Oak) towards the south having been assessed to be of 'higher significance' and of high local value to biodiversity. These hedgerows are accompanied by Drainage Ditches (FW4) which add structure and diversity. The drainage ditches themselves are not considered suitable for salmonid or migratory fish. The remaining hedgerows to the north of the site have few or no tall trees and are species poor with the result that they have been assessed as being of 'lower significance'.
- 8.5.6. There are no protected or threatened plants growing on site nor are there any habitats listed under Annex I of the Habitats Directive or habitats which are generally associated with species listed in Annex II. Furthermore, no alien / invasive plant species have been recorded on site.
- 8.5.7. In terms of fauna, the habitats on site are considered unsuitable and / or unavailable for Otter, Red Deer, Pine Marten or Red Squirrel. No evidence of badger activity or Irish Hare was recorded. However, it is accepted that small protected mammals such as Irish Stoat, Hedgehog and Pygmy Shrew are generally commonplace in the Irish

countryside and thus may be active on site. Other mammals such as fox, rat and field mouse are also likely to be present although these species are not protected.

- 8.5.8. An initial visual assessment of the site for bat activity was carried out in January, 2020 which determined that its features were largely sub-optimal for bat roosting although there were some old trees with cracks and crevices to the southeast which offered possible roosting opportunities. This was followed by a summer bat survey undertaken on 1st - 2nd June, 2020 to more accurately gauge the potential for bat roosting, commuting and feeding activities within the site and neighbouring budlings during the most active period of the year with a view to identifying the potential impacts for bats on site. This latter investigation included a full detector-based survey. While no bats were found roosting within the development site, three species (Common Pipistrelle, Soprano Pipistrelle & Leisler's Bat) were recorded foraging within the southernmost extent of the lands.
- 8.5.9. In relation to bird species, all those species recorded on site were listed as being of 'low conservation concern' (green list) as per BirdWatch Ireland, with the exception of Linnet and Yellowhammer which are of 'medium' (amber) and 'high' (red) conservation concern respectively. A further winter survey carried out in January 2020 did not record any wetland or wading birds (with the lands themselves being unsuitable for regularly occurring populations of wetland / wading / wintering birds) with the only species recorded on site considered to be typical of farmland / countryside birds. Of those 'red list' species of high conservation concern previously recorded as breeding in North Dublin during the 2007-2011 Bird Atlas project (Grey Partridge, Corncrake, Barn Owl and Yellowhammer), there is no suitable habitats for Barn Owl present on site while records for Corncrake and Grey Partridge pre-date 1972. With respect to Yellowhammer, it is acknowledged that this non-migratory species is known to stay close to its territories and that 2 No. singing males were noted in separate locations thereby indicating that the site holds two breeding pairs of Yellowhammer.
- 8.5.10. The drainage ditches were found to be suitable for breeding Common Frog while Common Lizard is considered widespread. There were no ponds on site suitable for Smooth Newt.

- 8.5.11. The development site is not within the catchment of any watercourse of fisheries significance while the Bremore Stream is unlikely to be of significance for salmonid fish due to its small size and the presence of numerous culverts along its length. There are no habitats within the development site suitable for migratory fish.
- 8.5.12. Although the site is likely to harbour a wide diversity of invertebrates, the only insect protected by law in Ireland (the Marsh Fritillary butterfly) is not found within the habitats present on site.
- 8.5.13. The construction works will inevitably result in the loss of certain habitats, flora and fauna from within the footprint of the proposed construction, while it is also likely that the levels of disturbance and fragmentation arising during the construction period will indirectly impact on fauna using the site. The removal of habitats such as bare soil, arable crops, dry meadow and improved agricultural grassland, is not considered to be of significance given the generally low or negligible biodiversity value of such areas, however, it is acknowledged that the removal of hedgerows will have a more significant and permanent negative impact as it will result in the loss of habitats for a range of common and widespread plants and animals of a higher local biodiversity value. More broadly, land clearance works and the removal of hedgerows etc. will disturb any fauna present and can particularly affect nesting birds (as well as small mammals) depending upon the timing of the works. Tree felling and tree surgery also gives rise to the potential loss of extant bat roosts and individual specimens.
- 8.5.14. With respect to the water environment, construction activities can negatively impact on watercourses through the ingress of silt, sediment, oils, hydrocarbons, and other toxic substances or cementitious materials. While the drainage ditches on site are not of any significant fisheries value (nor do they lead to any waterways of high fisheries value), in the absence of mitigation, it is acknowledged that the extensive land clearance works associated with the development would be likely to result in sediment runoff. Reference is also made to the proposal to culvert 225m of drainage ditch as part of the development. The unmitigated impacts on biodiversity within the water environment are thus considered to be likely, negative, slight and medium term.
- 8.5.15. Operational impacts consequent on the proposed development include the loss / disruption of ecological corridors used by wildlife as a result of the removal of

hedgerows. In particular, bats may be impacted through the loss of foraging territory and feeding opportunities. This loss of habitat will also reduce the extent of potential breeding grounds for certain species such as Hedgehog, Irish Stoat, Irish Hare and Pygmy Shrew as well as common birds, plants and invertebrates. With respect to the Yellowhammer, any such loss may contribute to a continued reduction in the species nationally. The loss of arable lands and hedgerows is likely to lead to the loss of Yellowhammer for the site and thus the effect of any such impact is considered to be negative, significant and permanent.

- 8.5.16. An increase in urban expansion can also lead to an increased risk of flooding and a deterioration in water quality attributable to the replacement of soil and natural vegetation with a higher proportion of impermeable hard surfaces. In this regard, surface water from the proposed development will drain to the Bremore Stream, however, the project design will incorporate Sustainable Drainage Systems (including permeable paving, swales, bioretention systems, petrol interceptors and a flow control device) to maintain runoff at a 'greenfield' rate. Accordingly, the effect of any such impact is unlikely, negative, imperceptible and permanent.
- 8.5.17. Foul wastewater will be directed to the Balbriggan Wastewater Treatment Plant which is licenced by the EPA to discharge treated effluent to sea. While this establishes a pathway to the waters of the Rockabill to Dalkey Island SAC and the Rockabill SPA, the WWTP is built to modern standards and has a capacity to treat a PE of 70,000. Furthermore, according to the EPA, the WWTP complies with the emissions set under the Wastewater Treatment Directive for 2019. In addition, the status of the coastal waters in the SAC has been assessed as 'good' while ambient monitoring indicates that '*the discharge from the wastewater treatment plant does not have an observable negative impact on the water quality status*'. Therefore, the effect of any such impact is deemed to be unlikely, negative, imperceptible and permanent.
- 8.5.18. The increase in human activity on completion and subsequent occupation of the development will likely result in the disturbance of species, although the species / habitats present on site are not considered to be sensitive to noise or general human activity. However, bats may be sensitive to additional artificial lighting used for access and security purposes. This may affect light-intolerant bat species during foraging and all bat species if directed at emergence points. While no species of

lower light tolerant bats were noted during the assessment, they are known to be present in the wider Fingal & Balbriggan areas and thus there is the potential for the occasional occurrence of these species. In the absence of mitigation, the impact is expected to be negative, significant and permanent, although the lighting plan is proposed to be reviewed by a bat ecologist in order to minimise the effect.

- 8.5.19. Operational impacts on conservation sites are not anticipated with the project site not overlapping with any such sites and the connection to such sites being indirect. While there will be a pathway to the Rockabill Island SAC and the Rockabill SPA from treated wastewater, the screening report for the purposes of appropriate assessment has concluded that wastewater for the proposal will not affect coastal water quality (noting its treatment under licence within the Balbriggan WWTP) and thus no effects are likely to arise to either the SAC or the SPA in light of their conservation objectives.
- 8.5.20. In terms of the cumulative impacts of permitted and proposed development, a number of the identified impacts can also act cumulatively with other impacts from similar developments in the Dublin and Balbriggan area, such as Phase 1 & 2 of Taylor's Hill. These primarily arise from the urbanisation of the surrounding area as provided for by the land use zoning and include the potential for pollution from surface water runoff and wastewater. A cumulative loss of wildlife value will be experienced as the land use changes, however, this will be offset somewhat as open spaces and green areas mature over time. In this regard, it has been submitted that those species already in the area will not suffer any significant cumulative long-term consequences arising from the land use change.
- 8.5.21. With a view to mitigating the severity of the 'significant' impacts identified on biodiversity considerations (noting that water pollution impacts during construction will be addressed by way of best practice mitigation), various actions are proposed which include the following:
- In response to a request for further information, an amended site layout was submitted which provided for the retention of a greater extent of the existing hedgerow present on site. The original proposal amounted to the loss of 370m of 'lower significance' hedgerow and 480m of 'higher significance' hedgerow (850m in total), however, the amendments will see the loss of 210m of 'lower

significance' and 70m of 'higher significance' hedgerow (280m in total) thereby providing for a substantially greater retention of hedgerow and reducing the significance of the proposed hedgerow loss.

The loss of habitat will be further offset to some degree by new planting proposed in the landscaping scheme for the development.

- The riparian corridor is seen as providing foraging opportunities for bat species identified as feeding on site. While no bat roosts were detected during the survey work, it is proposed to provide new roosting opportunities on site i.e. roosting boxes.
- All trees with roost potential will be checked by a bat specialist prior to felling or surgery while the works themselves will be carried out between September and November to ensure that bats are not breeding or hibernating within trees and to ensure that nesting birds are unaffected.
- The preparation of a Construction Method Statement which includes pollution prevention measures in accordance with best practice guidelines for Inland Fisheries Ireland. This will include the implementation of SuDS in line with best practice and surface water management measures during the construction phase.
- The retention and appropriate management of those hedgerows to be retained (as substantially increased in response to the request for further information) will provide appropriate nesting habitat for the Yellowhammer.

The landscaping plan for the development will incorporate seed-rich meadows and improvements to the riparian zone specifically with Yellowhammer in mind.

While there are no known examples of how these birds have successfully been accommodated in future housing developments of the nature proposed, the foregoing actions at least provide a possibility that the birds can be encouraged to remain on site. In response to this uncertainty, it is proposed to undertake annual bird monitoring on site for up to three years after construction which will allow the success (or otherwise) of the measures to be incorporated into county-wide efforts to conserve biodiversity.

- In order to mitigate the impact on bat species, lighting will be controlled to avoid light pollution and will be targeted to areas of human activity and for priority security areas. Motion-activated sensors lighting is preferable to reduce light pollution. Cowled and directional lighting will be used and no lighting should exceed 3 LUX along the treetops of the bordering remaining trees (and those trees to be planted when mature).

8.5.22. With the implementation of the mitigation measures set out in the EIAR (including Section 4.8 and Chapter 6: '*Water*'), no significant residual impacts on biodiversity are anticipated during either the construction or operation phases of the development.

8.5.23. Having regard to the available information, including the EIAR, I am satisfied that the impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. Therefore, I am satisfied that the proposed development will not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

8.6. **Land & Soil:**

8.6.1. Chapter 5 of the EIAR considers the issues of land and soils. It refers to the site location in an expanding area of northwest Balbriggan earmarked for new residential development and that the site itself comprises undeveloped (historically agricultural) greenfield lands that are zoned for residential development and characterised by hedgerows, shrubs and trees that define existing field patterns. There are no watercourses running through the site although a small tributary / drainage ditch adjoins the south-eastern site boundary which flows eastwards to the Bremore Stream with that watercourse ultimately entering the Irish Sea further downstream.

8.6.2. There are no active quarries, mineral localities or borehole locations verified or unverified within 1km of the site. Similarly, there are no waste site boundaries or waste facilities on or near the site, with the exception of Thorntons Waste Disposal Ltd. c. 1.4km to the southeast. The likelihood of contaminated land being present on site is low as it has been in agricultural use for the last 100 years of public records,

8.6.3. The relevant bedrock mapping from the Geological Survey of Ireland indicates that the site is underlain by Belcamp Formation which is described as andesite, pillow

breccia, mudstone and tuff to an approximate thickness of 1,600mm. Furthermore, there is a fault trending northeast to southwest through the site. There are no areas of karst shown on the mapping while the absence of any karst features on site is consistent with the type of solid geology identified.

- 8.6.4. The GSI Quaternary Sediments Mapping characterises the subsoils beneath the site as Till derived from Low Palaeozoic sandstones and shales while a strip of Alluvium deposits trending from east to west possibly follows the course of a previously recorded watercourse located further southeast.
- 8.6.5. Ground investigations carried out at the site in 2020, including trial pits, boreholes and groundwater monitoring, found made-ground at a number of locations to a maximum depth of 0.7m below ground level. Cohesive deposits were generally encountered from ground level or beneath the made-ground to a maximum depth of 3.0m and typically comprised brown, grey brown or reddish brown sandy gravelly CLAY with occasional cobbles and boulders. Granular deposits were generally encountered within the cohesive deposits and were typically described as a brown / grey clayey gravelly fine to coarse SAND. Weathered bedrock was encountered in Trial Pit Nos. TP01 & TP02 at respective depths of 2.4m and 0.2 BGL. The rotary borehole (RC04) recovered weak to medium strong grey thinly laminated fine-grained SILTSTONE which was partially weathered from 2.0m BGL and recovered core to a depth of 8.0m BGL. An analysis of soil samples taken from the site yielded results that were generally at or below the limit of detection for most parameters which was generally below the relevant generic assessment criteria. The exception to this was metals, however, Table 5.3 of the EIAR details that the levels recorded all fell below the general assessment criteria. Therefore, the generic risk assessment undertaken demonstrates that the concentrations of soil contaminants on site pose no risk of harm to human health.
- 8.6.6. The results of groundwater monitoring are recorded in Table 5.2 of the EIAR and show that as the seasonal groundwater temperature rose, the groundwater levels beneath the site lowered (such a trend would be expected during the monitoring period). GSI mapping shows the flow of groundwater is to the east and this has been confirmed by the groundwater monitoring stations. Groundwater samples were taken from the site and sent for laboratory analysis. A generic quantitative risk assessment was then carried out of the samples which determined that the total coliform count

was not acceptable for drinking, although it was emphasised that groundwater at the site will not be consumed by future residents. Concentrations of iron and aluminium were recorded in Borehole No. BHRC04 as were slightly elevated concentrations of polycyclic aromatic hydrocarbons. Given the absence of similar elevated levels of iron and aluminium elsewhere on site, Borehole BHRC04 appears to be an outlier in terms of groundwater quality which does not derive from the underlying geology. Furthermore, as the soil sampling did not identify any elevated concentrations of PAHs, iron or aluminium, the presence of these contaminants may be indicative of geological background concentrations for the metals and an indicator of degraded urban surface water in relation to the PAH contaminants.

- 8.6.7. Downstream and upstream surface water samples were recovered from the drainage ditch that flows alongside the site and sent for laboratory analysis. These recorded several exceedances (with surface water quality addressed in more detail in Chapter 6 of the EIAR), however, the baseline surface water quality is considered to be good. The exceedances in the levels of PAHs and barium are unlikely to be related to the soils on site. The barium may be reflective of a geological background concentration while the PAHs must be of an anthropogenic source and thus are an indicator of a degraded surface water due to human factors. The EIAR recommends that construction phase monitoring be carried out.
- 8.6.8. By way of broader classification, the proposed development site is considered to comprise a passive geological / hydrogeological environment in which low permeability subsoil overlies a locally important aquifer.
- 8.6.9. The construction phase of the proposed development may have a number of potential impacts on land and soil considerations, including the excavation and / or reuse of material (including the excavation of c. 10,428m² of material on site and importation of a further 6,048m² of material to address a fill deficit), the contamination of soils by on-site activities, the dewatering of excavations, increased groundwater vulnerability, and land take (please refer to Section 5.10.1 of the EIAR).
- 8.6.10. Operational impacts will be more limited and include the potential for the contamination of soils arising from the failure of sewer pipes during the lifetime of the development or the release of hydrocarbons from areas used for car parking. By extension, the shallow cover of subsoil over the bedrock and the likelihood that

construction will reduce this depth and / or excavate into weathered bedrock also increases the vulnerability of groundwater to any such pollution events. In the absence of mitigation, these impacts are likely to be significant, adverse and long-term.

- 8.6.11. The primary potential cumulative impact is the localised increase in hardstanding and subsequent decrease in groundwater recharge attributable to the development of the area. In response, the design of the proposed development includes features such as bio-retention areas, swales, tree pits and permeable paving with a view to promoting groundwater recharge. Given these features and the underlying geological and hydrogeological environments, the potential cumulative impact to the lands, soils, geology and hydrogeology of the local and surrounding areas is deemed to be insignificant. Other projects either permitted or currently under construction have been subjected to EIA and / or include planning conditions that require the implementation of appropriate mitigation measures to minimise impacts on the receiving lands and the geological & hydrogeological environments. The broader loss of permeable area and its implications for flood risk management are assessed elsewhere in this report.
- 8.6.12. Section 5.12.1 of the EIAR sets out the construction stage avoidance / remedial / mitigation measures proposed. These include the preparation and implementation of a Construction and Environmental Management Plan that will adhere to best practice and consider site specific issues such as the management of earthworks operations, the maintenance of plant and machinery, suitable waste management procedures, the secure storage of fuels & chemicals etc., and measures to minimise fuel spills and water pollution. It is also proposed to undertake pressure-testing and a CCTV survey of the new drainage system prior to its being made operational. Monitoring will also be undertaken during the construction phase in order to ensure adherence to the Construction and Environmental Management Plan etc. It is also proposed to undertake monthly upstream and downstream sampling of the drainage ditch bounding the site and to maintain the groundwater installations for monitoring purposes for as long as possible during the construction works.
- 8.6.13. Mitigation measures for the operational phase of the development (Section 5.12.2 of the EIAR) generally comprise component parts of the design such as the surface water management system which will provide for bioremediation, settlement

treatment and interpretation of surface water. Further treatment will include the use of oil / petrol interceptors before final discharge to soil or ground / surface waters. Detention basins will be lined to prevent the infiltration of untreated water to ground. The regular maintenance of the proposed SuDS features and limited pesticide / chemical usage as part of future landscaping works will be the only mitigation measures required for the operational phase of the development.

- 8.6.14. No significant residual construction or operational impacts are identified, subject to the implementation of the mitigation proposed.
- 8.6.15. On consideration of the available information, I am satisfied that the impacts predicted to arise in relation to land & soil would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of the receiving land & soil environment.

8.7. Water (Hydrology and Hydrogeology):

- 8.7.1. Chapter 6 of the EIAR examines the baseline hydrological & hydrogeological environment, including surface and ground water quality, the underlying hydrogeology, local drainage, and flooding considerations. Much of the data provided with regard to water quality has also informed the EIAR in terms of its impact assessment on land & soil conditions.
- 8.7.2. The development site is located within the Eastern River Basin District and lies within Hydrometric Area 08 which covers the Nanny-Delvin catchment. An open drainage ditch that forms a small tributary of the Bremore Stream / Clonard Brook runs west to east along the southern boundary with the watercourse ultimately discharging to the coast just north of Tankardstown Lifeboat House and Martello Tower. Given that the site is currently undeveloped and in agricultural use as tillage, there is little or no drainage infrastructure present except for hedgerow ditches with drainage runs. The closest river to the site is the River Bremore 500m to the northwest and the Clogheder Stream 400m to the north (a tributary to the River Bremore) and neither of these is afforded national or international protection. Surface water analysis was undertaken of samples recovered from points upstream and downstream of the drainage ditch that flows alongside the site. While the laboratory analysis recorded

several exceedances (please refer to Section 6.4.1 of the EIAR), the baseline surface water quality was considered good. The elevated levels of PAHs and Barium recorded are unlikely to be related to the site's soils and it has been suggested that the Barium may be reflective of a geological background concentration while the PAHs are of an anthropogenic source and thus are an indicator of a degraded surface water due to human factors. Generally, the surface water quality is good but construction phase monitoring is recommended.

8.7.3. The Groundwater Body associated with the site is the "Balbriggan GWB" which is described as comprising productive fissured bedrock while the GSI aquifer classification categorises the entirety of the site as being underlain by a locally important aquifer i.e. bedrock which is generally moderately productive. Under the requirements of the Water Framework Directive, the Balbriggan GWB is classified as having an overall good status for water quality for 2010-2015 (although this is presently under review). Groundwater flow is generally northeast towards the coast and the River Delvin while pumping tests within the Ordovician volcanic rock at Balbriggan (Belcamp Formation) have shown this formation to have higher transmissivity than the surrounding Lower Paleozoic rocks. It is also possible that deformed bedrock along the fault identified on site may cause an increase in permeability. The GSI has characterised the northern and central sections of the site as having a low groundwater vulnerability whereas the more southern & southeastern areas are of a moderate vulnerability. More generally, groundwater vulnerability increases to the south of the site and it would be reasonable to assume that the riparian area along the drainage ditch that flows to the Bremore Stream / Clonard Brook is potentially in an area of high groundwater vulnerability. The groundwater recharge co-efficient in the north and centre of the site is 7.5% while it is 15% to the south.

8.7.4. In terms of hydrogeology, the GSI data has described the permeability of the underlying subsoils as low (as subsequently confirmed through the excavation of trial pits for the purposes of soakaway testing). On site investigations included groundwater monitoring with laboratory analysis of samples taken. While the total coliform count was not acceptable for drinking water, groundwater at the site will not be consumed by future residents. The groundwater analysis (as previously referenced in Chapter 5: 'Land & Soils' of the EIAR) recorded concentrations of iron

and aluminium in Borehole No. BHRC04 as well as slightly elevated concentrations of polycyclic aromatic hydrocarbons. In this regard, it is reiterated that given the absence of similar elevated levels of iron and aluminium elsewhere on site, Borehole BHRC04 appears to be an outlier in terms of groundwater quality which does not derive from the underlying geology. Furthermore, as the soil sampling did not identify any elevated concentrations of PAHs, iron or aluminium, the presence of these contaminants may be indicative of geological background concentrations for the metals and an indicator of degraded urban surface water in relation to the PAH contaminants.

- 8.7.5. A flood risk assessment of the site has determined that it is not subject to coastal, fluvial or pluvial flooding and lies within Flood Zone 'C' as per '*The Planning System and Flood Risk Management, Guidelines for Planning Authorities*'.
- 8.7.6. Surface water drainage in the area includes the drainage ditch to the south of the site that flows to Bremore Stream / Clonard Brook as well as the independent surface water network serving surrounding residential development to the east of the site. Foul drainage services are available via connection to the public mains with foul water being directed to the Balbriggan Wastewater Treatment Plant which is licenced by the EPA to discharge treated effluent to sea. The WWTP is built to modern standards, complies with the emissions set under the Wastewater Treatment Directive, and has a capacity to treat a PE of 70,000.
- 8.7.7. Potential impacts on the water (hydrological and / or hydrogeological) environment during the construction phase of the development relate to contamination and include the stripping of topsoil & subsoil that may expose shallow weathered bedrock thereby increasing the vulnerability of the groundwater body to pollution, increased sediment loading in surface water runoff entering drainage ditches / watercourses, poor site management practices, and the contamination of ground / surface waters through the accidental release of pollutants such as oils, fuels, chemicals, and cementitious materials.
- 8.7.8. During the operational phase of the development the following potential risks have been identified:
- Increased impermeable surface area reducing local groundwater recharge and potentially increasing surface water runoff volumes (if not attenuated).

- The accidental release of hydrocarbons with subsequent discharge to the piped surface water drainage network e.g. along roads and in driveway areas.
- Foul waste and surface water discharging to ground through leaks in the drainage systems.
- Contamination risks arising from development use / leaking pipes / contaminated surface water runoff.

8.7.9. By way of mitigation during the construction stage, it is proposed to implement a site-specific Construction & Environmental Management Plan that will manage all polluting activities likely to occur on site and include emergency response plans for environmental incidents e.g. hydrocarbon spillages. This CEMP will adhere to best practice and include for the management of earthworks operations, the maintenance of plant and machinery, appropriate waste management procedures, the bunded storage of fuels & chemicals etc., and measures to minimise fuel / oil spills etc. In addition, a buffer exclusion zone (of 20m minimum) will be maintained to exclude all construction activities from that area alongside the drainage ditch to the south while it is also proposed to undertake monthly upstream and downstream surface water sampling of that receptor with a view to identifying and assessing any negative impacts on its water quality. Phased stripping of topsoil etc. is to be considered to reduce the vulnerability of the groundwater body to pollution while excavations are to take account of weather conditions.

8.7.10. With respect to the operational stage of the development, the scheme largely aims to provide for mitigation by design. For example, the site levels have been carried out as to replicate existing overland flow paths thereby avoiding the concentration of additional surface water flow at a particular location. Moreover, surface water runoff will be attenuated to greenfield rates as outlined in the Greater Dublin Strategic Drainage Study by way of a surface water management plan that incorporates SuDS and a hydrobrake control device in conjunction with detention storage. The broader surface water treatment train approach includes for permeable paving in driveway areas; attenuation of 100-year return event storms (plus 20% for climate change); tree pits, swales & bioretention areas; detention basins; and stormtech chambers. Features such as swales etc. will alleviate the loss in filtration area due to the increase in hardstanding. Fuel interceptors will also be included in the drainage

system as standard practice to ensure that hydrocarbons are not discharged to ground or surface waters. All new drainage on site will be pressure-tested and surveyed prior to being made operational while the continued maintenance of the wider sewerage network by Irish Water and others should minimise the potential for contamination through leaks etc. The regular maintenance of the proposed SuDS features and limited pesticide / chemical usage as part of future landscaping works will be the only mitigation measures required for the operational phase of the development.

8.7.11. Having regard to the foregoing, I am satisfied that impacts predicted to arise would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water and hydrology / hydrogeology.

8.8. Air & Climate:

8.8.1. Chapter 7 of the EIAR relates to air quality and climate change. It sets out a description of the baseline climatic conditions prevailing in the area as derived from the nearest synoptic meteorological monitoring station at Dublin Airport (c. 20km away). Existing air quality at and in the vicinity of the site is considered typical of an urbanised rural location while the most recent report on air quality nationally (based on annual air quality monitoring programs undertaken in recent years by the EPA and local authorities) provides for Balbriggan to be categorised as 'Zone C' on a comparative basis (the various Zone C monitoring stations provide a comprehensive range of datasets which can be used to describe the existing ambient air quality at the subject site. All of the selected datasets recorded a measurement below the applicable limit value). Short-term air quality monitoring was also undertaken on site in August, 2019 to establish a baseline for certain pollutants and while this recorded the various concentrations and dust deposition levels to be within the relevant limit values, the results are indicative only. However, from the available data it may be concluded that the existing baseline air quality at the site is 'good' with no exceedances of the National Air Quality Standards Regulations,, 2011 limit values for individual pollutants. In turn, it has been suggested that there is sufficient

atmospheric budget to accommodate the proposed development without adversely impacting on existing ambient air quality.

- 8.8.2. During construction of the proposed development the principal impact on air quality will most likely arise from a combination of fugitive dust emissions emanating from the on-site construction activity, with particular reference to site clearance and excavation works, the movement of traffic and materials both within the site and along designated haul routes, and exhaust fumes from construction traffic and machinery. In this regard, sensitive receptors include nearby housing and schools.
- 8.8.3. In order to ensure that adverse air quality impacts are minimised during the construction phase, Section 7.6.1 of the EIAR outlines a series of air quality mitigation measures. These include the dampening down of heavily trafficked routes (on and off site) during periods of dry weather, the avoidance of unnecessary vehicle movements, the limitation of traffic speeds, and the covering of loads delivered to the site. It is also proposed to implement a dust-monitoring programme at the site boundaries for the duration of the construction works (please refer to Section 7.9.1 of the EIAR for details of the dust deposition monitoring methodology).
- 8.8.4. While the construction of the proposed development will invariably result in the emission of some greenhouse gases, this can be mitigated by adherence to best practice site management including the shutting off of equipment during periods of inactivity and the implementation of certain traffic management measures e.g. speed limits. Accordingly, in my opinion, the impact of any such emissions on air quality and climatic considerations will be minimal.
- 8.8.5. The occupation (i.e. operation) of the development will have a slight impact on local air quality primarily as a result of the heating requirements of new buildings and increased traffic movements while adverse impacts on broader climatic considerations will be negligible.
- 8.8.6. Having reviewed the foregoing, given the inherent temporary duration and impact of the proposed construction works, coupled with the implementation of suitable measures to ensure best practice site management and dust minimisation, I am satisfied that the construction of the proposed development will not result in any significant impact on air quality in the surrounding area. Similarly, given the nature of

the development proposed, I would not anticipate any significant detrimental impact on air quality or the climate during the operational phase.

8.9. Noise and Vibration:

- 8.9.1. Chapter 8.0 of the EIAR assesses the potential noise and vibration impacts in the context of current relevant standards and guidance. It includes the results of noise & vibration monitoring surveys carried out at identified receptors both on and in the vicinity of the proposed development site. In this respect it should be noted that whilst there are multiple individual properties / dwelling houses with the potential to be impacted by the proposed development within the surrounds of the application site, monitoring has been undertaken at a total of 4 No. locations drawn from these properties in order to establish baseline noise conditions (please refer to Figure 8.1 of the EIAR). Having reviewed the positions of these Noise Monitoring Locations, I am generally satisfied that they are reasonably representative of those groupings of properties likely be impacted by noise emissions associated with the proposed development.
- 8.9.2. In order to further establish existing background noise levels (with the dominant noise source identified as road traffic), the EPA's noise mapping was researched to verify the accuracy of the measured noise indicators. It has been concluded that the impact of road traffic noise on the proposed development will be below the daytime and night-time unacceptable noise limit criteria specified in the Dublin Agglomeration Environmental Noise Plan, 2018-2023 and that the proposed development will not be subjected to unacceptable or adverse road traffic noise. Furthermore, neither rail nor aircraft noise will adversely impact the site.
- 8.9.3. Potential impacts are mainly associated with the construction phase of the proposed development, arising from site preparation works, foundations, and general construction works etc. Indeed, it must be acknowledged that due to the nature of the construction activity to be conducted on site there is an inherent potential for the generation of increased levels of noise. Similarly, the flow of traffic transporting material to and from the site is also likely to be a potential source of increased noise. In this respect, the applicant has submitted that noise prediction modelling for the likely construction equipment required has established that, in general, at distances greater than 10m from the works site, and provided all mitigation measures including

site hoarding are implemented, the daytime construction noise limit of $75\text{dB}_{\text{LAeq, 10hr}}$ (as set out in Table 8.1: '*BS5228-2014: Construction Phase Noise Limit Criteria*') can typically be complied with during both enabling and construction works. It has also been emphasised that construction activities are transient in nature and that the noise predictions provided represent a 'worst-case' scenario when all items of plant are operating simultaneously without mitigation in place.

- 8.9.4. With respect to the potential impact of noise attributable to construction traffic, it has been calculated on the basis of 'worst-case' scenario with no attenuation (i.e. a maximum of 6 No. truck movements per hour based on a 10-hour working day with a maximum Sound Exposure Level of 77dBA for each truck and a minimum 10m distance between the local road passing by each of the nearest noise sensitive receptors) that the maximum predicted noise level at the nearest noise sensitive receptor will be $44\text{dB}_{\text{LAeq, period}}$. It has been suggested that the predicted short-term increase in HGV movements associated with the construction phase will not have any adverse impact on the receiving noise environment of local receptors or the wider area.
- 8.9.5. In relation to the potential for vibrational impacts, and noting that the nearest off-site receptors will be c. 10m from the construction works, it is acknowledged that there is the possibility of construction-related vibration impacts on human beings as a result of ground preparation and concrete foundation activities (depending on the methods of construction), however, any such impacts will be temporary and intermittent. Furthermore, from experience of similar construction projects, it is considered highly unlikely that any construction-generated vibrations at buildings 10m or more from the proposed development would result in cosmetic damage to those structures.
- 8.9.6. Upon occupation of the proposed development, the main potential for altering the noise environment, and thus impacting on neighbouring residential receptors, will be from road traffic noise. In this regard, having established the existing and predicted traffic flow patterns for road junctions in the vicinity of the development site by reference to the Traffic and Transportation Assessment Report, and noting that the UK Design Manual for Roads and Bridges states that a 25% increase or a 20% decrease in traffic flows will equate to a 1dBA change in traffic noise levels, it has been estimated that the 75.18% traffic increase at Junction 4 (Clonard Road / Boulevard Road) associated with the fully completed development will result in an

increase of 3.3dBA over the existing ambient noise levels which would represent a perceptible but slight impact. At all other junctions the predicted increase in noise levels attributable to the increased traffic volumes will be imperceptible.

- 8.9.7. With regard to other on-site noise sources upon occupation of the development, normal domestic activities, such as internal residential vehicle movements, children playing, pedestrians, bin collections and delivery movements, are a part of everyday living and are not considered “noise’ in the sense of a potential nuisance.
- 8.9.8. Inward noise impacts are also considered in the EIAR and are to be mitigated through good acoustic design.
- 8.9.9. No significant vibrational impacts are likely to arise during the operational phase with any vibrations attributed to sources such as normal traffic movements unlikely to cause any perceptible, cosmetic or structural impact to property.
- 8.9.10. Section 8.7 of the EIAR sets out the mitigation measures proposed. These include the appointment of an independent acoustic specialist to prepare a site-specific Construction Phase Noise Management Plan and ensure the implementation of all noise mitigation measures set out in the EIAR. Other measures include the adoption of a noise complaints procedure, management in the operation of certain types of equipment, the use of acoustic screening to attenuate noise at source, the appointment of a person to liaise with local residents as regards noise nuisance, and noise monitoring during the construction works (Section 8.9 of the EIAR). Vibration during construction is also to be mitigated through a series of measures including, the use of lower impact / low vibration tools, the sequencing of operations to avoid vibration-causing activities occurring simultaneously, the isolation of equipment on vibration mounts, and vibration monitoring with alerts capability to be conducted at properties adjacent at or within 50m of the site as required. Operationally, mitigation of noise will be achieved by design through adherence to acoustic standards in terms of material use and construction methodology.
- 8.9.11. Having regard to the foregoing, I am satisfied that the impacts predicted to arise would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

8.10. Landscape & Visual Impact:

- 8.10.1. A landscape / townscape visual impact assessment of the proposed development is set out in Chapter 9.0 of the EIAR. This sets out the baseline of the receiving environment and the applicable policy context, however, I would advise the Board that with the adoption of the Fingal Development Plan, 2023-2029 some of the provisions referenced within the EIAR are now outdated. Nevertheless, the site continues to be located within the 'Coastal' Landscape Character Type (to the east of the transition between the 'Coastal' and 'High Lying Agricultural' LCTs) which has been classified as a landscape of 'exceptional' value with a 'high' sensitivity. The lands are also situated outside of any mapped area of 'high sensitivity', with the exception of a portion of the northernmost extent of the development site wherein part of the proposed Class 1 Public Open Space will fall within a designated 'high sensitivity' landscape. The proposed development also remains within Balbriggan's Historic Landscape Character Boundary (HLS Study Area: Balbriggan), which requires consideration in the context of developing the wider green infrastructure network envisaged by the Development Plan, while no further views listed for preservation have been designated that are pertinent to the assessment of the subject proposal.
- 8.10.2. The Landscape / Townscape Visual Impact Assessment subsequently identifies 10 No. Viewshed Reference Points (VRPs) representative of a range of different receptor types, distances and angles in order to study the visual impact of the proposal in detail.
- 8.10.3. Section 9.10 of the EIAR considers the predicted landscape impacts of the proposed development and states that while the site is located within the highly sensitive coastal landscape character type, cognisance must be taken of the broad scale of this designation given that the development site at a local level is situated in a robust area on the urban fringe of an expanding commuter town of substantial scale. The robust nature of this landscape setting is further evidenced by the decision to zone the subject site and neighbouring lands as 'RA: Residential Area' with the stated objective to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. The case has thus been put forward that while the settlement of Balbriggan itself has some localised scenic and heritage value, most notably along the coastline, the site and its immediate surrounds do not

hold any overt naturalistic, scenic or recreational landscape / townscape value and are instead typical of a transitional zone between urban and rural lands where development such as that proposed would normally be considered acceptable. On balance, it has been submitted that the landscape / townscape sensitivity of the area in question is medium-low.

- 8.10.4. Section 9.11 of the EIAR details the visual impact of the proposed development from the identified VRPs and has determined that the significance of the impacts arising will all range from '*Imperceptible*' to '*Slight-Imperceptible*' with the exception of VP8 from which the significance of the impact has been held to be '*Moderate-Slight*'. Generally speaking, the visual impact of the proposal diminishes with distance while the extent of screening afforded by intervening features such as vegetation and existing construction serves to further mitigate the impacts arising. With respect to VP8 specifically, this is a locally elevated view from a minor roadway on the western outskirts of Balbriggan, and while the proposal will result in an intensity of built development that will feature prominently in views eastwards from this position towards the town, there must be an acknowledgement that this would not be unexpected given the directionality of the viewpoint nor would the proposed development appear out of place in this peri-urban context.
- 8.10.5. During the construction phase, the principle visual and landscape impacts arising will be attributable to the physical nature of the works involved and the associated alteration of the receiving environment. This will include the use of construction plant and machinery on site (which may rise above intervening vegetation and buildings), HGVs etc. transporting material to and from the site, clearance works and the regrading of terrain within the site, the stockpiling of stripped topsoil and construction materials awaiting use, the erection of security fencing / hoarding and site lighting, and the gradual emergence of the proposed residential development. It is anticipated that the construction phase will last for 4 No. years depending on market demand and thus the impacts arising are considered to be short-term and of a 'moderate-slight' significance.
- 8.10.6. Once the development is completed, the visual appearance of the site will have been fundamentally changed from its previous agricultural usage, however, the significance of this impact must be taken in context given the site location at the

urban / rural interface of Balbriggan town and the fact the lands have been earmarked for development by way of the relevant land use zoning.

- 8.10.7. Mitigation of the impacts arising during the construction phase revolve around the implementation of appropriate site management procedures and good housekeeping practices so as to ensure that the site is kept in an orderly and tidy condition. These will include the control of lighting, storage of materials, placement of compounds, delivery of materials, and car parking etc. Efforts will also be employed to keep dust to a minimum while public areas are to be maintained free from building materials and site rubbish. It is also proposed to ensure that site hoarding is appropriately scaled, finished and maintained for the period of construction of each section of the works as appropriate.
- 8.10.8. The overall design and layout of the scheme has sought to mitigate the visual and landscape impact of the finished development through its incorporation of a comprehensive programme of hard and soft landscaping that includes for the provision of open space, the bolstering of the riparian corridor along the southeastern site boundary, the retention of existing trees and hedgerows where possible (noting that the amended site layout submitted in response to the request for further information includes for the retention of a substantially greater extent of existing hedgerow than was originally proposed), and extensive new planting.
- 8.10.9. On balance, I would concur with the assessment set out in the EIAR that the principal impact will be that attributable to the post-construction effect of the development on the prevailing landscape character i.e. the change from an agricultural landscape to that of a housing development. However, I would consider the significance of this residual impact on the landscape to be within acceptable limits given that the development will appear as a legible and appropriately scaled expansion of the urban settlement of Balbriggan.

8.11. **Material Assets:**

8.11.1. *Traffic and Transportation:*

Chapter 10.0 of the EIAR assesses the likely impact of the proposed development on traffic and transport considerations and has been informed in large part by the Traffic and Transport Assessment Report included at Appendix 10.1 of the EIAR. The analysis has established the baseline traffic conditions in the area by combining

the results of a series of traffic surveys carried out at junctions on the surrounding road network (between the hours of 07:00-19:00 in November, 2018) with additional traffic data obtained from previous studies undertaken at 7 No. further junctions in Balbriggan. Capacity assessments were then carried out for the junctions surveyed in 2018 with the AM and PM peak hour traffic flows being used to model their baseline operational performance:

- Junction 1: Trimleston / The Rise (Barons Hall Rise)
- Junction 2: The Park / Moylaragh Road
- Junction 3: Castlemill Link Road / Unnamed Road / Hampton Gardens Drive
- Junction 4: Boulevard Road / Clonard Road
- Junction 5: Castlemill Link Road / Clonard Road / Unnamed Road
- Junction 6: Westbrook Park / Clonard Road / Millfield Shopping Centre / Chapel Street

8.11.2. This baseline modelling has concluded that Junctions 1, 3, 5 & 6 all operate well below their practical capacity and that Junction 2 also operates in a satisfactory manner but with less spare capacity. However, it has been found that while Junction 5 is presently operating satisfactorily, it is likely that the addition of traffic flows from committed development in the area will result in excess queuing and delays.

8.11.3. In its assessment of the traffic impacts arising during the construction phase of the proposed development, the EIAR has included an Outline Construction Traffic Management Plan which provides for an estimation of the likely construction traffic levels. An analysis of the available data indicates that the Boulevard Junction carries in the order of 13,700 vehicles on a typical day and thus the anticipated 240 No. additional construction vehicle movements generated by the proposed development will equate to an increase of approximately 1.8% over that normally experienced. Given that any such increase would not be considered material by reference to Transport Infrastructure Ireland's 'Traffic and Transport Assessment Guidelines', it has been concluded that the surrounding road network can comfortably accommodate the relatively modest and temporary increase in traffic levels during the construction phase. Mitigation measures intended to further minimise the impact of construction traffic are set out in Section 10.6.1 of the EIAR and include the

preparation of a detailed Construction Management Plan that will ensure that suitable temporary traffic management and road safety measures are put in place for the duration of the works.

8.11.4. Before the operational traffic impact of the subject development can be assessed, it is necessary to account for the trips associated with other committed development in the area i.e. existing schools and the permitted residential development within Taylor's Hill Phases 1 & 2. These are set out in Tables 10.8 & 10.9 of the EIAR. The traffic impact of the proposed development is dependent on the background traffic on the local road network, the capacity of the existing junctions, and the amount of additional traffic generated as a consequence of the subject proposal and other committed developments. Accordingly, the assessment has calculated the additional trip generation attributable to both the proposed and committed developments by reference to the TRICS database and has assigned these to the road network. This has allowed the development of an area-wide traffic model to identify the percentage impact of the proposed development at each of the identified junctions.

8.11.5. In accordance with Transport Infrastructure Ireland's '*Traffic & Transport Assessment Guidelines*', the proportional increase in traffic levels at junctions along the R122 corridor has been assessed using the Area-Wide Traffic Model with Table 10.2 showing the percentage increase in traffic flows at 6 No. identified junctions along the Clonard Road / Naul Road following completion of the entirety of the third phase of the development planned at 'Ladywell' i.e. Phases 3A, 3B, 3C & 3D inclusive. Four of these junctions have been calculated as showing a percentage increase in excess of 10% and have therefore been assessed in further detail using computer modelling in line with the Traffic & Transport Assessment Guidelines. The remaining two junctions have not been subjected to further analysis for the following reasons:

- Junction 7 (Bridgefoot Road / White Hart Lane)

The increase in traffic volumes at this junction occurs on the R122 and does not involve any turning movements. Therefore, the junction is considered unlikely to experience any adverse effects. Furthermore, as this junction will only serve existing properties at the southern end of Bridgefoot Road upon completion of the Flemingstown Link Road (FLR), the road will be for local access only. Accordingly, the increase in traffic volumes will only be

experienced for a limited time as the FLR is expected to be delivered after 2023.

- Junction 13 (Harry Reynolds Road): This junction is remote from the development site and appears to operate well at present. The trips associated with the proposed development have been assigned to the R122 corridor as a 'worst-case' to provide a robust assessment of the junctions along this route. In actuality, it is expected that some of this traffic will turn north or south between Boulevard Road and Junction 13 meaning that the percentage impact will be less than 10%.

8.11.6. The four junctions assessed in detail using industry standard junction modelling software are as follows:

- Junction 4: Boulevard Road / Clonard Road
- Junction 5: Clonard Road / Castlemill Link Road
- Junction 6: Clonard Road / Millfield Shopping Centre
- Junction 8: Naul Road / L1390 Roundabout

8.11.7. These junctions have been assessed in the following scenarios (having regard to the applicant's likely programme of construction):

- 2020 Base Flow + Committed Development;
- 2023 Base Flow + Committed Development + Ladywell Phase 3A & 3B; and
- 2025 Base Flow + Committed Development + Ladywell Phases 3A-3D and Local Centre

8.11.8. Traffic growth has been calculated using the growth factors contained in Transport Infrastructure Ireland's '*Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projections PE-PAG-02017*' (May, 2019). A traffic modelling exercise up to fifteen years (2040) after the opening year has not been included as part of the TTA as the planned development will be in place by 2025 while the subsequent completion of the FLR and further development of the North-West Balbriggan lands would render any assessment of the existing network in 2040 to be unrealistic.

8.11.9. With regard to Junction 4 (Clonard Road / Boulevard Road), a detailed PICADY analysis of the existing priority junction has concluded that while it will continue to

operate within capacity in 2020 with the committed development in place, the Ratio of Flow to Capacity (RFC) on Boulevard Road (from which the proposed development will be accessed) in the AM peak hour will be at 70% resulting in a Level of Service (LOS) E. Furthermore, it has been shown that the additional traffic from Phases 3A & 3B will result in increased queuing and delays in the AM peak although the junction will operate within capacity in the PM peak. Therefore, the recommendation is that the existing priority junction be improved through traffic signalisation after Phase 3A is completed (and before the completion of Phase 3B) and this has been incorporated into the submitted proposal. Accordingly, on the basis that the Clonard Road / Boulevard Road junction will be signalised prior to the completion of Phase 3B, a LINSIG analysis has established that the junction will operate within capacity in all scenarios. The signalisation of this junction as an inherent part of the proposed development will thus enable all of the traffic associated with Phases 3A-3D to be satisfactorily accommodated in advance of the delivery of the FLR.

- 8.11.10. A detailed traffic appraisal of the signalised junction of the Clonard Road / Castlemill Link Road (Junction 5) has concluded that it will continue to operate within practical capacity for all the scenarios assessed.
- 8.11.11. Similarly, it has been determined that the roundabout at Junction 6 (Clonard Road / Millfield Shopping Centre) will operate well within capacity (in the 2025 Base Flow + Committed Development + Ladywell Phases 3A-3D + Malincross: a development planned on lands to the north of the Ladywell scheme) with negligible levels of queuing and delays in 2025, with all of the development traffic added.
- 8.11.12. In relation to Junction 8 (the Naul Road / L1390 Roundabout), the assessment has also found that the roundabout will operate within capacity with a LOS A in all scenarios.
- 8.11.13. Therefore, on the basis of the available information, and subject to the signalisation of Junction 4 (Clonard Road / Boulevard Road) as part of the proposed development, it would appear that the surrounding road network can satisfactorily accommodate the additional traffic consequent on the completion of the entirety of the Phase 3 Ladywell development (of which the subject proposal forms part i.e. Phase '3A'). In this regard, I would also advise the Board that the slight reduction in

the overall number of units planned in later stages of the overall Phase 3 'Ladywell' development (from 328 No. to 311 No. units as per the applicant's response to the request for further information) will result in a corresponding reduction in the trip generation which has informed the conclusions contained in Chapter 10.0 of the EIAR thereby lessening the anticipated impact further. Therefore, while the operational phase of the proposal will result in increased traffic volumes on the local road network, the traffic and transport assessment, including the junction analysis, has demonstrated that the impact of the proposed development will not be of such significance as to warrant a refusal of permission.

8.11.14. Having regard to the foregoing, I am satisfied that the impacts predicted to arise in relation to traffic and transportation would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of traffic and transportation.

8.11.15. Waste Management:

Chapter 11 of the EIAR outlines the potential waste generation and proposed waste management measures for the construction and operational stages of the development. These will include the preparation of Construction and Operational Waste Management Plans designed to ensure that both phases of the development are managed in such a manner as to reduce the generation of unsegregated wastes, to maximise the potential for recycling, recovery and re-use, and to demonstrate how the development will operate in a sustainable manner in terms of waste management. It is anticipated that provided construction is completed in accordance with the Construction Waste Management Plan, the impacts of this phase will be temporary and slight. The predicted impact of operational waste will be long-term, moderate and negative, however, key aspects of the Operational Waste Management Plan include the segregation of waste at source (with the apartment units to be provided with a three-bin system together with communal waste storage areas) and the appointment of a Waste Services Manager, while it is expected that there will be significant capacity available with the existing Irish waste management infrastructure to manage the levels of operational waste generated by the development.

8.11.16. Having regard to the foregoing, I am satisfied that the impacts relating to waste can be satisfactorily avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in respect of waste.

8.11.17. Utilities:

Chapter 12.0 of EIAR assesses the impact of the proposal on specified material assets including urban settlements, ownership and access, and built services & utilities / infrastructure. It identifies potential impacts as including the loss of agricultural land; the temporary disruption / disturbance to the surrounding area during the construction phase; an increase in the local population following occupation of the development; increased traffic volumes, and the further demands placed on utilities such as sewerage infrastructure, the power/electrical supply and ICT / telecommunications services. The EIAR concludes that the residual impacts arising will be negligible.

8.11.18. Having regard to the submitted details, I am satisfied that the impacts relating to material assets would be minor in terms of their significance and would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in respect of material assets.

8.11.19. Archaeology, Architecture and Cultural Heritage:

Chapter 13.0 of the EIAR has sought, as far as reasonably possible from existing records, to detail the archaeological, architectural, and cultural heritage context of the development site and its immediate surrounds based on an analysis of existing written, graphic, photographic and electronic information, including the Record of Monuments of Places, the County Development Plan, the National Inventory of Architectural Heritage, and other cartographic and documentary records, as well as a field inspection of the proposed development area.

8.11.20. There are 19 No archaeological sites within a 500m radius of the proposed development with 16 No. of these classified as recorded monuments. The mapping for the Sites and Monuments Record identifies two recorded monuments within the

confines of the development site i.e. a pit (Ref. No. DU001-29) and an enclosure (DU001-025), however, a review of previous archaeological investigations in the area has revealed that the latter enclosure (DU001-25) is actually situated c. 35m west of the northern extent of the site area. Both features were exposed during previous testing under licence and the majority of the remaining sites were all identified during the course of archaeological investigations carried out between 2005 and 2008.

8.11.21. In 2005 a geophysical survey was carried out in the lands to the south of Flemington Lane which included a portion of the proposed development site. This identified a number of anomalies within the surrounding landscape that included several enclosures and a field system. This was followed by a detailed programme of archaeological testing in 2007 which identified 38 No. varied archaeological sites, including enclosures, pits, linear features, and burnt spreads. A total of 7 No. sites of archaeological potential were identified within the larger southernmost parcel of the development area which consisted of a number of pits, one containing a flint blade suggesting prehistoric date for the feature (Ref. No. DU001-029), a linear boundary feature, and an area of burning. Test excavations of the complex of archaeological features to the west of the northern part of the development site confirmed the presence of a cluster of pits and related linear and curvilinear features (Ref. No. DU001-025). Further testing conducted in 2008 failed to identify any archaeological features within the northerly portion of the site (i.e. the proposed Class 1 Open Space) or to the immediate northeast of the southernmost development lands.

8.11.22. More broadly, a large number of archaeological investigations have been carried out within the surrounding landscape as part of previous developments which have recorded significant archaeological remains dating from the Mesolithic period through to the Medieval period e.g. testing and excavation in advance of a school development to the east of the southerly development site uncovered various prehistoric features, several of which are in close proximity to the site including the remains of a Mesolithic pathway, a Neolithic pit, an Early Bronze Age barrow, and an Iron Age charcoal production pit. This serves to illustrate that the area as a whole has been seen as a desirable settlement location for multiple centuries.

8.11.23. An inspection of cartographic sources has revealed that the development site formed part of a larger agricultural landscape throughout the post-medieval period. Analysis

of aerial photography has failed to identify any previously unrecorded sites within the development area. Similarly, no previously unrecorded areas of archaeological potential were noted during the field inspection.

- 8.11.24. There are no recorded built heritage features on site or within the study area while the site itself is not located within an Architectural Conservation Area.
- 8.11.25. With the exception of the townland boundary between Clonard or Folkstown Great and Clogheder which forms the southeastern limit of the development site, as well as the archaeological and architectural features referenced in the EIAR, there are no other cultural heritage assets within the study area.
- 8.11.26. During the construction phase, the only potential impact identifiable on cultural heritage assets relates to the possible disturbance of features of archaeological interest. In this regard, reference has been made to the 7 No. sites of archaeological potential previously identified during the archaeological testing conducted on site in 2007 as well as the further potential for the presence of other unrecorded subsurface archaeological features outside of the footprint of previous test trenching. Depending on the nature, extent and significance of any such remains, and the extent etc. of any groundworks, impacts from range from moderate to significant.
- 8.11.27. By way of mitigation, Section 13.7.1 of the EIAR details that the 7 No. archaeological sites identified during testing in 2007 will be excavated and preserved by record in advance of construction works. Full provision is to be made available by the developer within the construction programme to accommodate these excavations and any required resolution of additional archaeological features / deposits that may be encountered. In addition, archaeological monitoring of topsoil stripping associated with the construction phase will be carried out in all areas outside the footprint of previously tested areas. If any features of archaeological potential are discovered during the course of the works, further archaeological mitigation may be required, such as preservation in-situ or by record, and approval will be sought from the National Monuments Service in this regard.
- 8.11.28. At this point, it should be noted that the submission received from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media notes the contents of the EIAR and the proposed mitigation detailed therein before recommending the

inclusion of a condition concerning archaeological excavation, testing and monitoring in any decision to grant permission.

8.11.29. There are no predicted impacts on other aspects of the cultural heritage resource and thus no further mitigation is proposed.

8.11.30. Having regard to the foregoing, I am satisfied that the impacts predicted to arise would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of archaeological, architectural, and cultural heritage.

8.12. Risk Management for Major Accidents and / or Disasters:

8.12.1. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. EIAR Chapter 14 deals with the risk of major accidents and disasters. The surrounding site context consists of a mix of residential and agricultural land uses. It is not in an area prone to natural disasters. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations (SEVESO) either at or in the vicinity of the development site (the separation distances from the closest such facilities at Dublin Airport, Huntstown Power Station and Mulhuddart are considerably in excess of the required consultation distances). There are no significant risks of major accidents or sources of pollution associated with the development while matters pertaining to issues such as health and safety during construction works, fire safety, and compliance with the Building Regulations are governed by normal protocols and statutory requirements. Chapter 6 of the EIAR addresses the issue of flooding with a flood risk assessment having determined that the site is not at risk of flooding and lies within Flood Zone 'C' as per '*The Planning System and Flood Risk Management, Guidelines for Planning Authorities*'. Accordingly, it is my opinion that the proposed use i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving major accidents and / or disasters.

8.13. Interactions of the Foregoing

8.13.1. EIAR Chapter 15.0 examines interactions between the above factors. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

8.14. Cumulative Impact:

8.14.1. It is my opinion that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, the proposed mitigation measures, and the attachment of suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impact.

8.15. Mitigation and Monitoring Measures

8.15.1. Each chapter of the EIAR has set out the mitigation and monitoring measures for each environmental factor that are considered necessary to protect the environment for the construction and operation phases of the proposed development. A summary of these measures is contained in Chapter 16.0 of the EIAR.

8.16. Reasoned Conclusion on the Significant Effects:

8.16.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and the supplementary information provided by the applicant (including the EIAR Addendum Report submitted by way of additional information), the reports from the planning authority, and submissions by prescribed bodies and observers in the course of the application and appeal, I am satisfied that the potential effects of the proposed development have been adequately identified, described and assessed and that there will be no other likely significant environmental effects arising from the proposed development. It is considered that the main significant direct and indirect effects of the proposed development on the environment, including mitigation measures, are as follows:

Population and Human Health: Positive impacts in relation to the provision of additional housing, increased economic activity, and new public open space within the Balbriggan area. Constructional impacts on population and human health considerations as a result of the generation of noise, dust, waste & construction traffic, in addition to the broader nuisance caused by construction activities, will be mitigated through the application of various measures, including a Construction Management Plan and best practice site management.

Biodiversity: Potential effects arising from the change of agricultural lands to an urban development with a loss of habitats relating to birds, mammals and bat species. Residual impacts upon biodiversity will be localised with suitable mitigation in place to reduce the impact on higher value receptors. Mitigation will include the retention of trees and hedgerow by design; measures to protect surface water quality during construction and operation; bat mitigation measures; the provision of new landscaping; measures to avoid the disturbance to animals during construction; and lighting control measures.

Land and Soils: Direct effects on land and soil due to the change in the land use from agricultural to residential with associated open space and landscaped areas. With the implementation of construction management measures, including adherence to a Construction and Environmental Management Plan, as well as surface water management, no significant effects arise in relation to land & soils. Operational impacts are generally to be mitigated through design (e.g. the surface water management system).

Water: Direct and indirect effects on water at construction and operational stages as a result of the potential for increased surface water run-off and the contamination of water. These potential impacts will be mitigated by construction management measures, surface water attenuation and management, and the drainage of foul effluent to the municipal foul sewerage system.

Air Quality and Climate: During the construction phase, negative impacts are anticipated from fugitive dust emissions and exhaust fumes from construction plant and machinery. These impacts will be short-term and temporary and will be mitigated through best practice and measures to be contained in the Construction Management Plan

Noise and Vibration: During the construction phase, negative impacts are anticipated. These impacts will be short-term and temporary and will be mitigated through best practice, the implementation of a site-specific Construction Phase Noise Management Plan, and measures to be contained in the Construction Management Plan.

Landscape & Visual Impact: During construction, negative visual impacts will be short-term and mitigated through construction management measures. The operational phase of the development will alter the character of area, however, the significance of this residual impact on the landscape is acceptable given that the development will appear as a legible and appropriately scaled expansion of Balbriggan.

Material Assets - Traffic and Transportation: Temporary impacts during the construction phase arising from increased traffic with mitigation in the form of a construction traffic management plan and no significant long term effects. During the operational phase there will be an increase in traffic associated with the proposed development, however, the impact will not be significant with the development operating within the capacity of the local road network and providing for the upgrading & signalisation of the junction of Boulevard Road / Clonard Road.

Material Assets – Waste: With the implementation of mitigation measures including waste management plans during the construction and operation phases, the proposal would not be likely to have significant effects in relation to waste.

Material Assets – Utilities: Impacts will include the loss of agricultural land; the temporary disruption / disturbance to the surrounding area during the construction phase; an increase in the local population following occupation of the development; increased traffic volumes; and the further demands placed on utilities. However, these can be suitably mitigated with the residual impacts arising being negligible.

Material Assets – Cultural Heritage: A potentially significant negative effect on the cultural heritage of the area arises from the possible disturbance of archaeological material on site, however, this can be mitigated by plans for preservation by record and archaeological monitoring leading to no significant effects.

8.16.2. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified,

described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

8.17. Appropriate Assessment:

8.17.1. Compliance with Article 6(3) of the Habitats Directive:

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.

8.17.2. Background on the Application:

The applicant has submitted a screening exercise for Appropriate Assessment with the planning application (please refer to the '*Screening Report for Appropriate Assessment of Residential Development Project in Balbriggan, Co. Dublin Phase 3*' dated January, 2021 and prepared by OpenField Ecological Services).

8.17.3. This Stage 1 AA screening exercise provides a description of the proposed development and identifies those European Sites within a 15km zone of influence of the development. It has concluded upon examination, analysis and evaluation of the relevant information that significant effects are not likely to arise, either alone or in combination with other plans or projects, to any site within the Natura 2000 network, It further states that significant effects to these areas can be ruled out on the basis of the best available scientific evidence and that no mitigation measures have been relied upon in the assessment.

8.17.4. Having reviewed the documents & submissions provided, I am satisfied that there is adequate information to allow 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.

8.17.5. Screening for Appropriate Assessment - Test of likely significant effects:

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

8.17.6. The proposed development is examined in relation to any possible interaction with European Sites designated Special Conservation Areas (SAC) and Special

Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

8.17.7. Brief Description of the Development:

The applicant provides a description of the proposed development on Page No. 5 of the AA report. In summary, the proposed development consists of the construction of 99 No. residential units (described as comprising Phase '3A' of a larger residential development planned on the remainder of the applicant's landholding), the roads, services and public space relating to the overall Phase 3 Ladywell Masterplan (which comprises Phases 3A, 3B, 3C & 3D and will cumulatively provide for a total of 328 No. dwellings and a local centre), the provision of Class 1 Open Space, the signalisation of the junction of Boulevard Road with Clonard Road, and associated site development works, including car parking, landscaping, boundary treatment, and connection to mains services. The proposal has been accompanied by assorted supporting information including a Construction Environmental Management Plan, construction and operational waste management plans, a report on engineering services which details that the proposed surface water management system has been designed to incorporate SuDS and will provide for the attenuation of runoff to greenfield rates in accordance with the recommendations of the Greater Dublin Strategic Drainage Study. It also details the proposal to connect to the public mains foul water sewerage network.

8.17.8. The development site is described on Page Nos. 5-7 of the AA report with a field study detailing that the habitat types found on site comprise Arable Crops (BC1), Dry Meadow (GS2), Improved Agricultural Grassland (GA1), Bare Soil (ED2), Hedgerow (WL1) and Drainage Ditches (FW4).

8.17.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water / silt / construction related pollution
- Habitat loss / fragmentation
- Habitat disturbance / species disturbance

- Operational use

8.17.10. Submissions and Observations:

All submissions and observations received from interested parties are set out in Section 3.0 of this report while Section 6.0 details the grounds of appeal and the responses to same received from the applicant and the Planning Authority.

8.17.11. European Sites:

The development site is not located in or immediately adjacent to a European site. The closest European site is the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), approximately 4.2km north of the site. A summary of European Sites that occur within a possible 15km zone of influence of the proposed development is presented in the table below.

8.17.12. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site	Qualifying Interest / Special Conservation Interest	Distance from the proposed development	Connections (source-pathway-receptor)	Considered Further in Screening
River Boyne And River Blackwater SAC 002299	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	c. 13.6km north-northwest of the site.	None.	No.
Rogerstown Estuary SAC 000208	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140]	c. 11.7km southeast of the site.	Hydrological - surface runoff / discharge	Yes

	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>			
<p>Malahide Estuary SAC 000205</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>c. 15km southeast of the site.</p>	<p>Hydrological - surface runoff / discharge</p>	<p>Yes</p>

Rockabill to Dalkey Island SAC 003000	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	c. 9.5km east of the site.	Hydrological - surface runoff / discharge	Yes
Boyne Coast and Estuary SAC 001957	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	c. 10.2km north of the site.	Hydrological - surface runoff / discharge	Yes
Rockabill SPA 004014	Purple Sandpiper (Calidris maritima) [A148] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194]	c. 10km east of the site	Hydrological - surface runoff / discharge	Yes

<p>Rogerstown Estuary SPA 004015</p>	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	<p>c. 11.7km southeast of the site.</p>	<p>Hydrological - surface runoff / discharge</p>	<p>Yes</p>
<p>Malahide Estuary SPA 004025</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>	<p>c. 15km south of the site.</p>	<p>Hydrological - surface runoff / discharge</p>	<p>Yes</p>

	<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Boyne Estuary SPA 004080</p>	<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>	<p>c. 12.3km north of the site.</p>	<p>Hydrological - surface runoff / discharge</p>	<p>Yes</p>

	<p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Skerries Islands SPA 004122</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Purple Sandpiper (<i>Calidris maritima</i>) [A148]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p>	<p>c. 8.0km east-southeast of the site.</p>	<p>Hydrological - surface runoff / discharge</p>	<p>Yes</p>
<p>River Nanny Estuary and Shore SPA 004158</p>	<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p>	<p>c. 4.2km to the north.</p>	<p>Hydrological - surface runoff / discharge</p>	<p>Yes</p>

	Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Herring Gull (Larus argentatus) [A184] Wetland and Waterbirds [A999]			
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Specific conservation objectives have been included for the SACs and the SPAs to maintain or restore the various qualifying interests by reference to a list of specified attributes and targets.

Identification of Likely Effects:

Construction related pollution: The construction phase of the proposed development will involve earthworks and the disturbance of soil as well as the culverting of a section of the open drainage ditch that passes along the southern site boundary. This could potentially result in some loss of sediment to the Bremore Stream / Clonard Brook which ultimately discharges to the Irish Sea just north of Tankardstown Lifeboat House and Martello Tower. However, given the separation distances involved and the considerable dilution effect of the Irish Sea, it is not considered possible for hydrological effects to occur at marine or coastal Natura 2000 sites.

Habitat loss / fragmentation: Given the separation distances involved, it is not considered that there is any pathway for the direct loss or fragmentation of habitats listed as qualifying interests within the Natura 200 sites.

Habitat disturbance / species disturbance: Given the separation distances involved, it is not considered that there is any pathway for the disturbance of habitats or species listed as qualifying interests within the Natura 2000 sites.

Operational use: While the proposed development will result in increased levels of traffic, lighting and human activity on site, given the site context within an expanding urban area and the established use of neighbouring lands for residential purposes, the impact of these activities is not considered to be so significant as to affect the conservation objectives of the Natura 2000 sites. Furthermore, surface water runoff will be attenuated and disposed on site while wastewater from the proposed development will be disposed of to the public sewerage network.

It is not envisaged that the proposed development will give rise to any in-combination / cumulative effects.

Screening Determination:

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 individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, in view of their Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following:

- The nature and scale of the proposed development.
- The nature of the receiving environment, particularly its location in a serviced settlement.
- The separation distance of the proposed development from the European Sites and the demonstrated lack of any ecological connections.
- The considerable downstream dilution effect attributable to the Irish Sea.

9.0 Recommendation

- 9.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed

development for the reasons and considerations, and subject to the conditions, set out below:

10.0 Recommended Draft Order

Proposed development comprises of the following:

The development will consist of Phase 3A as well as roads, services and public space relating to the overall Phase 3 Ladywell Masterplan lands as follows:

- A. 99 no. dwellings comprising 73 no. 2-storey houses consisting of 24 no. 2 bedroom dwellings [House Types E1, E2, E3, E4), 44 no. 3 bedroom dwellings (House Types B1, B2,B3, D1, D3, F1, F2, F3, F4, F5] & 5 no. 4 bedroom dwellings [House Types M1 & M2]), all with private open space; 16 no. duplex apartments (8 no. 2 bedroom [Types X1, X3] and 8 no. 3 bedroom units [Types X2, X4) in a 3 storey duplex building (including terraces at first floor level, single storey refuse storage building and cycle parking); 6 no. 1 bedroom 'triplex' apartments [Types T1, T2, T3] with balconies at first and second storey levels in 2 no. 3 storey buildings along with a single storey bicycle store & 4 no. 1 bedroom 'maisonette' apartments in 2 no. 2 storey buildings (Types P1 & P2) & bin stores as well as 172 no. car parking spaces;
- B. Public Open Space of c. 1 hectare, (with additional 0.27 hectares of open space along riparian corridor) as well as communal and private open space; all associated landscaping and drainage works (including attenuation) with public lighting, planting and boundary treatments, including regrading/re-profiling of site (and ditches] where required;
- C. Provision of Class 1 Public Open Space (c.0.65 hectares), with play equipment (accessed from Hamlet Lane) located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane, (proposal includes alterations to part of the Class 1 public park and associated works approved under Reg. Ref. F15A/0550);
- D. Provision of roads and services infrastructure (surface water, foul and water supply) to facilitate the future development of Phase 3 lands (Phases 3B-3D) including public lighting, Suds drainage and services infrastructure, as well as

vehicular and pedestrian connections to the 'Boulevard Road' and all associated landscaping and ancillary site development works;

- E. Signalised upgrade of the junction of Boulevard Road and the Clonard Road (R122) as well as pedestrian crossings along Boulevard Road.

on lands of c. 5.79 ha relating to: 'Phase 3' to be known as 'Ladywell', within the townlands of Clonard or Folkstown Great, Clogheder & Flemington, Balbriggan, Co. Dublin.

Decision

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

Reasons and Considerations

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

- a) the site location on lands with the zoning objectives 'RA: Residential Area' and 'OS: Open Space' as per the Fingal County Development Plan, 2023-2029;
- b) the nature, scale and design of the proposed development which is consistent with the policies and objectives of the Fingal County Development Plan, 2023-2029;
- c) the pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- d) the planning history of the area;
- e) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f) the provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- g) the provisions of Project Ireland 2040 – National Planning Framework;

- h) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018, as amended;
- i) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020;
- k) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019; and
- l) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy, 2019-2031

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the information submitted as part of the applicant's Appropriate Assessment Screening documentation, and the Inspector's Report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other developments, plans and projects in the vicinity, the proposed development would

not be likely to have significant effects on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed, in accordance with section 172 of the Planning and Development Act, 2000, as amended, an environmental impact assessment of the proposed development, taking into account:

- a) the nature, scale and extent of the proposed development,
- b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- c) the submissions from the applicant, planning authority, observers and prescribed bodies in the course of the application,
- d) the Inspector's Report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's Report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board is satisfied that the Inspector's Report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects:

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

Population and Human Health: Positive impacts in relation to the provision of additional housing, increased economic activity, and new public open space within the Balbriggan area. Constructional impacts on population and human health considerations as a result of the generation of noise, dust, waste & construction traffic, in addition to the broader nuisance caused by construction activities, will be mitigated through the application of various measures, including a Construction Management Plan and best practice site management.

Biodiversity: Potential effects arising from the change of agricultural lands to an urban development with a loss of habitats relating to birds, mammals and bat species. Residual impacts upon biodiversity will be localised with suitable mitigation in place to reduce the impact on higher value receptors. Mitigation will include the retention of trees and hedgerow by design; measures to protect surface water quality during construction and operation; bat mitigation measures; the provision of new landscaping; measures to avoid the disturbance to animals during construction; and lighting control measures.

Land and Soils: Direct effects on land and soil due to the change in the land use from agricultural to residential with associated open space and landscaped areas. With the implementation of construction management measures, including adherence to a Construction and Environmental Management Plan, as well as surface water management, no significant effects arise in relation to land & soils. Operational impacts are generally to be mitigated through design (e.g. the surface water management system).

Water: Direct and indirect effects on water at construction and operational stages as a result of the potential for increased surface water run-off and the contamination of water. These potential impacts will be mitigated by construction management measures, surface water attenuation and management, and the drainage of foul effluent to the municipal foul sewerage system.

Air Quality and Climate: During the construction phase, negative impacts are anticipated from fugitive dust emissions and exhaust fumes from construction plant and machinery. These impacts will be short-term and temporary and will be mitigated

through best practice and measures to be contained in the Construction Management Plan.

Noise and Vibration: During the construction phase, negative impacts are anticipated. These impacts will be short-term and temporary and will be mitigated through best practice, the implementation of a site-specific Construction Phase Noise Management Plan, and measures to be contained in the Construction Management Plan.

Landscape & Visual Impact: During construction, negative visual impacts will be short-term and mitigated through construction management measures. The operational phase of the development will alter the character of area, however, the significance of this residual impact on the landscape is acceptable given that the development will appear as a legible and appropriately scaled expansion of Balbriggan.

Material Assets - Traffic and Transportation: Temporary impacts during the construction phase arising from increased traffic with mitigation in the form of a construction traffic management plan and no significant long term effects. During the operational phase there will be an increase in traffic associated with the proposed development, however, the impact will not be significant with the development operating within the capacity of the local road network and providing for the upgrading & signalisation of the junction of Boulevard Road / Clonard Road.

Material Assets – Waste: With the implementation of mitigation measures including waste management plans during the construction and operation phases, the proposal would not be likely to have significant effects in relation to waste.

Material Assets – Utilities: Impacts will include the loss of agricultural land; the temporary disruption / disturbance to the surrounding area during the construction phase; an increase in the local population following occupation of the development; increased traffic volumes; and the further demands placed on utilities. However, these can be suitably mitigated with the residual impacts arising being negligible.

Material Assets – Cultural Heritage: A potentially significant negative effect on the cultural heritage of the area arises from the possible disturbance of archaeological material on site, however, this can be mitigated by plans for preservation by record and archaeological monitoring leading to no significant effects.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, or the cultural heritage, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. The Board considered that the proposed development is broadly compliant with the current Fingal County Development Plan, 2023-2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of July, 2021 and the 6th day of October, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permission shall be for a period of ten years from the date of this Order.

Reason: In the interest of clarity.

3. All of the environmental, construction and ecological mitigation measures set out in the Environmental Impact Assessment Report and the other particulars submitted with the application, as amended by the further plans and particulars submitted on the 14th day of July, 2021 and the 6th day of October, 2021, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. All of the mitigation measures contained in the 'Summer Bat Assessment of Phase 3 Development for Glenveagh Properties at Clonard Cross, Balbriggan, Fingal' and Chapter 4.0: 'Biodiversity' of the Environmental Impact Assessment Report submitted with the application, shall be incorporated into the development and carried out on the site to the written satisfaction of the planning authority, unless otherwise agreed in writing with the planning authority.

Reason: To ensure the protection of the natural heritage on the site.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other

external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

11. No works are to be carried out on the construction of any dwelling unit within Phases 3B-3D of the overall Phase 3 Ladywell Masterplan lands until such time as the upgrading and traffic signalisation of the junction of Boulevard Road with Clonard Road has been completed to the written satisfaction of the planning authority.

Reason: In the interest of traffic safety.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and access roads, shall be in accordance with the detailed construction standards of the planning authority for such works and the design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Plenanla for determination.

Reason: In the interests of amenity, traffic and pedestrian safety and sustainable transport.

13. A minimum of 20% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals

relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

14. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

15. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping which accompanied the application, as amended by the further plans and particulars submitted on the 14th day of July, 2021, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

16.

- a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the

planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1300

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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

21. The developer shall facilitate the preservation, recording and protection of archaeological remains or features that may exist within the site. In this regard, the developer shall:

- a) engage the services of a suitability qualified archaeologist to co-ordinate the mitigation proposals contained in Chapter 13.0 of the Environmental Impact Assessment Report for archaeological excavations (preservation by record), further archaeological testing and archaeological monitoring of groundworks. The archaeologist will be prepared to excavate sites and features already identified and other features that may be identified in further archaeological testing and to monitor under licence all groundworks associated with the development.
- b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- c) The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

22. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and / or by persons who are eligible for the occupation of social or affordable housing, including cost rental

housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.

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.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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 for the area.

24. 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, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. 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.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Robert Speer
Planning Inspector

15th June, 2023