



An
Bord
Pleanála

Inspector's Report

ABP-312189-21

Development

Construction of new link road, regional drainage facility, foul/surface water supply services and landscaping of open space areas

This application is accompanied by a Natura Impact Statement and Environmental Impact Assessment Report.

Location

Golf Links Road & Ballygossan Park, Hacketstown, in the townland of Milverton & Townparks, Skerries, Co Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F21A/0287

Applicant(s)

The Land Development Agency.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

First and Third Party

Appellant(s)	The Land Development Agency Ballygossan Park Residents Association Philip O' Connor
Observer(s)	None.
Date of Site Inspection	09 th of June 2022.
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site is a greenfield site and is located to the south of Skerries town, Co Dublin. The subject site is located to the south of a new housing estate, Ballygossan Park, west of the Golf Links Road and east of the Dublin- Belfast railway line. A drainage ditch runs through the centre of the site from the bridge to the west. The drainage ditch terminates at the bridge along the Golf Links Road.
- 1.2. The internal road network at the Ballygossan Estate has been designed to allow future connectivity into the site to the north of the subject site. The lands to the north and south of the subject site are zoned for residential, whilst this site is for public open space with road and pedestrian connections across.
- 1.3. A pedestrian walkway runs from the Golf Links Road, through the Ballygossan Park estate and towards and along the railway line. This pedestrian path connects back into the town to the north at Miller's Lane.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
 - Construction of a new link road (66m in length with a maximum width of 13.5m), crossing the Regional Drainage Facility and providing access to the future residential zoned land to the south from the existing Ballygossan Park to the north,
 - Construction of a Regional Drainage Facility (RDF) for the surface water management of the Hacketstown residentially zoned lands,
 - Foul, Surface water and Water supply services to facilitate the future development of lands to the south,
 - Planting and Landscaping of open spaces, including footpaths and viewing point, provision of public lighting on Link Road/Footpaths.
 - Diversion and undergrounding of existing overhead power lines,
 - Utilisation of existing field gate on Golf Links Road as a temporary access road for construction traffic.

2.2. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared and accompanied the application.

3.0 **Planning Authority Decision**

3.1. **Decision**

Decision to grant permission subject to 19 conditions of which the following are of note:

C2- The permission solely relates to that detailed in the public notices and does not refer to any other aspect of the development which may be indicated in the submitted drawings and plans.

C3- All construction traffic shall access and egress the subject site from the Golf Links Road only, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

C7- The mitigation measures as detailed in the revised Summary of the EIAR Mitigation and Monitoring Measures (Chapter 15 of the EIAR (as revised)) shall be implemented in full.

C8- The following requirements of the Planning Authority shall be carried out in full:

- i) The permitted two-way cycle track shall be increased to a minimum of 3 meters in width for a two-way including a 2-meter-wide footpath and a 1.8-meter-wide verge. Prior to commencement of development the applicant shall submit a revised drawing in this regard for the written agreement of the Planning Authority.
- ii) A Final Construction Management Plan and Traffic Management Plan shall be agreed in writing with the Planning Authority prior to commencement of construction.
- iii) Road Safety Audits shall be carried out as part of the permitted development at the relevant stages as outlines in current edition of Transport Infrastructure Ireland guidelines GE-STY-1027.
- iv) All roads, footpaths and finishes shall comply with the Council's Standards for Taking in Charge.

- v) No objects, structures or landscaping shall be placed or installed within the visibility triangle which would interfere or obstruct (or could obstruct over time) the required visibility envelopes at crossing points and junctions.
- vi) All works shall be carried out at the applicant's expense according to the specifications and conditions of Fingal County Council.

C17- The following requirements shall be complied with:

- i) Due to the proximity of the Dublin-Belfast railway line, a minimum 2.4meter high suitably designed, secure, solid masonry and/or secure acceptable metal boundary treatment shall be erected by the applicant on the applicant's side of the boundary. The maintenance of this boundary shall be the responsibility of the applicant. The exact location and details of this boundary treatment shall be agreed by Iarnród Éireann.
- ii) The boundary treatment shall be completed before any major development works commence on site.
- iii) No building shall be constructed within 4 metres of the boundary treatment on the applicant's side.
- iv) Access for Irish Rail staff to culverts/ bridges under the railway shall not be hindered.
- v) The developer shall not undermine the integrity of the embankment which runs adjacent to the railway track.
- vi) Any excavations which infringe upon the Track Support Zone shall require permission from Iarnród Éireann.
- vii) A minimum 2.75m clearance shall be kept from all Over Head Line Equipment (OHLE) Structures and wires. Prior to commencement of development the developer shall contact Iarnród Éireann to agree a safe system of work.
- viii) Should the permitted development require the use of a crane that could swing over the railway property, the developer shall enter into an agreement with Iarnród Éireann/ C.I.E in relation to this issue.

- ix) Any proposed services that are required to cross along, over or under the railway property shall be subject of a wayleave agreement with Iarnród Éireann.
- x) No overhang of any part of the development over the railway property is permitted.
- xi) No trees shall be planted directly along or adjacent to the railway boundary.
- xii) Lights from the permitted development, either during the construction phase or the operational phase shall not cause glare or in any way impair the vision of train drivers or personnel operating on track machines.
- xiii) Due to the size and nature of the proposal, the applicant/developer shall contact the Third-Party Co-Ordinator, Track and Signalling HQ, Inchicore, Dublin 8 to discuss the proposal and its impact on the railway.
- xiv) If it is intended to fell trees which are proximate to the railway line, such that if they were to fall towards the line they would block it, the applicant/ developer shall arrange with Iarnród Éireann for a safe system of work to be established to undertake the work.
- xv) A height restricted bridge (Bridge UBB50) under the railway is located to the north of the site on the R127 Skerries Road. No construction traffic and no over-height vehicles shall traverse under Bridge UBB50. The routes for all high vehicle movements shall be planned.

C18- Prior to commencement of development the applicant shall detail the implementation of specific on-site mitigation measures for the written agreement of the Planning Authority in order to protect the culvert under the railway track from increased flows and silting from the proposed development. The applicant shall consult Iarnród Éireann prior to submission to the Planning Authority of any details relating to the proposed mitigation measures in order to ascertain any additional requirements it may have in this regard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission, following the submission of additional information on issues as summarised below:

Additional Information

- Statement of Consistency with the sustainable residential guidelines.
- Additional details on the impact on the biodiversity and landscape (EIAR biodiversity chapter).
- Additional baseline information in the EIAR biodiversity chapter and submission of an updated ecological survey, mitigation measures and consultation with Inland Fisheries Ireland.

Applicant's Response to Additional Information

- A Statement of Consistency with the Sustainable Residential Development in Urban Areas, together with the Urban Design Manual- Best Practice 2009.
- A revised EIAR Biodiversity Chapter and Cover letter has been submitted in response to the PA concerns relating to the ecological impact. Inland Fisheries Ireland is satisfied that the stream has little or no significant fisheries value.
- A Tree Protection Plan, revised Landscape Plan and illustration on the level changes have been submitted.
- A series of cross sections also include the section of the site through the railway culvert.
- Submission of a SuDS layout drawing, Site Specific Flood Risk Assessment.

Area Planner's Report

The report of the area planner assessed the additional information and may be summarised as follows:

- Principle of development: The open space zoning in the development plan was derived from the riparian strip/ ecological corridor zoning in the LAP. This

LAP remains the relevant guidance (expired February 2019) in respect to access and road layout.

- Impact on visual and residential amenity of the adjoining area: The site is within a “Highly sensitive landscape”. The applicant has submitted visuals and photomontages. A final Construction Environmental Management Plan should be submitted in the event of a grant of permission.
- Green Infrastructure/ Landscaping Proposals: Permission was recommended subject to condition following the submission of additional information on the Tree Protection Plan and a raised landscape plan which clearly indicates the cut and fill on the site
- Environmental Impact Assessment Report (EIAR): Following the submission of additional information on the ecology and biodiversity chapter the content of the EAIR was considered acceptable
- Submission from Iarnród Éireann noted the additional information on the culvert along the railway line and the ground levels. Concern was raised in relation to the potential for increased run-off / siltation of the culvert and mitigation measures to prevent this should be undertaken.
- Transportation Issues: Additional engineering details on the road crossing the RDF and details of the connection into the indicative road layout for the LDA lands are acceptable. Permission should be subject to an increase of the two-way cycle path to 3 m with a 2m footpath and a 1.8m verge.
- Water & Drainage Issues: Additional details on the water course/ ditch on the site, further SuDS measures, overland flow measures and flood risk assessment are considered acceptable.

3.2.2. Other Technical Reports

Water Services Section: No objection subject to conditions

Transport Planning Section: No objection subject to conditions

Parks & Green Infrastructure Division: No objection subject to conditions

Environment Health Officer: No objection subject to conditions

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection subject to conditions

3.3.2. Iarnród Éireann

- Concerns in relation to the increase FFL on the site and the impact on the existing railway embankment drainage which runs along the edge of the site.
- Increase runoff from the site will lead to increased drainage flows in the railway culvert.
- The applicant should demonstrate that all mitigation measures will protect the culvert from increased flow and silting.

3.3.3. Department of Housing, Local Government and Heritage

- Archaeology: No objections subject to conditions.
- Nature Conservation: No objection subject to conditions.

3.3.4. Inland Fisheries Ireland (IFI)

- In response to the additional information request IFI submitted a response to the PA to state that the stream did not have significant fisheries value although all construction should be in line with a detailed Construction Environmental Management Plan (CEMP) to minimise sedimentation and silt.

3.4. Third Party Observations

A large number of submissions were received on the proposal, mostly from residents of the Ballygossan Park Estate (approx. 30). The issues raised in the submissions are similar and have been summarised as follows:

3.4.1. Principle of development

- The LAP has expired.
- The increase in units will have a strain on existing services.

3.4.2. Procedures

- There was an unacceptable delay in the uploading of supporting information on FCC website.

- The online system would not accept submissions.

3.4.3. Traffic & Transport

- The link road is not required
- A separate access will be available for the LDA lands onto the Gold Links Road “principal access road”
- The current access accommodates 150 cars (Phase 1) of Ballygossan and potentially additional 149 for Phase 2.
- Previous LAPs stated that a southern relief road was required before any development.

3.4.4. Open space

- There is little recreational space in the landscape area.
- The open space can not be used by those with disabilities.
- The open space can not be deemed as Class 1.
- No Class 1 open space has been provided for Phase 1 and a contribution in lieu was accepted by FCC.
- An audit of the open space facilities Skerries housing estates is provided.
- The current playground in the Ballygossan Park Estate cannot cater for more people.
- There are no facilities for older children

3.4.5. Health & Safety

- The link road will have a negative impact on the health and safety of children and elderly.
- The TTA does not address health & safety
- The stream will not be fenced off and with high water levels may cause drowning.

3.4.6. Environmental/ Visual Impact.

- The connecting road and embankment will bisect the existing stream/ valley & riparian strip.

4.0 Planning History

4.1.1. The subject site

ABP 308583-20

An SHD Pre Application Opinion issued for 149 residential units and creche for Phase 2 of Ballygossan Park. It was considered the documentation submitted formed a reasonable basis for an application.

ABP 313268-22

A Strategic Housing Development (SHD) application has been submitted to the Board by the Land Development Agency (LDA) along the south of the site for 345 no. residential units (39 no. houses, 306 no. apartments), creche and all associated site works. No decision has been made to date.

4.1.2. To the north of the site along Gold Links Road

ABP- 309409-21 (Reg Ref F20A/0324)

Permission granted to the LDA to reconstruct Miller's Lane/ Shenick Road/Golf Links Road junction to provide for a four-armed mini roundabout; Upgrading and extension of the two-lane flared approach to the junction on both the northern (Dublin Road) and south-eastern (Miller's Lane) arms of the existing three-arm roundabout junction; and the provision of Zebra Crossing facilities on all arms of both junctions.

5.0 Policy Context

5.1. EMRA- RSES

- Eastern & Midland Regional Assembly -Regional Spatial & Economic Strategy
- Skerries is a Level 3 centre (Key District Centre).

5.2. Fingal County Development Plan 2017-2023

5.2.1. Zoning

- The site is zoned as **OS, Open Space**, where it is an objective to: Preserve and provide for open space and recreational amenities.

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

- The site is also zoned as **RA, Residential Area**, where it is an objective to: Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.

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.

5.2.2. Local Area Plan 5.A

- The site forms part of an area identified as LAP 5.A
- Objective Skerries 14: Prepare and/or implement the following LAP during the lifetime of the plan: Hacketstown Local Area Plan (Map Sheet 5, LAP 5.A).

5.2.3. Transport

- Objective Skerries 10: Promote and ensure a safe and convenient road, pedestrian and cycle system highlighting accessibility and connectivity both within the town as well as between the town and surrounding towns and villages.
- Objective MT9: Design roads and promote the design of roads, including cycle infrastructure, in line with the Principles of Sustainable Safety in a manner consistent with the National Cycle Manual and the Design Manual for Urban Roads and Streets.

5.3. Hacketstown Local Area Plan 2009

- Adopted 2009 with an extension of duration for February 2019.
- Higher density housing on the site identified.

- LAP required a public plaza, road and pedestrian connectivity across the open space area.
- Open space lands were identified to preserve the riparian corridor.

5.4. **Natural Heritage Designations**

The site is located c. 1km to the west of Skerries Islands SPA (004122) and c. 2km to the west of Rockabill to Dalkey Island SAC (003000) and Rockabill SPA (004014).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted by both the applicant (first party) in relation to the imposition of two conditions and two third parties in relation to the grant of permission. I have summarised each of these below:

6.1.1. **Land Development Agency (LDA)**

A submission was received from an agent on behalf of the LDA in relation to both Conditions No 8 and Condition No. 17 of the permitted development as summarised separately below:

Condition No 8

- This condition requires an increase in the width of the cycle track to 3m a 2m wide footpath and a 1.m wide verge.
- It is considered that this is excessive given the likely level of use of the proposed cycle path and the 3 no planned north- south cycle and walkways linking the site to the existing and planned housing to the north.
- An attached engineering report indicates why the amended design is inappropriate.
- Condition No 8 should be either removed or amended to reduce the width of the two-way cycle track at 2.5m and increase the grass verge by 1.25m rather than 1.8m.

Condition No. 17

- The appeal relates to subsection (i) and (xi) of the permission.
- In relation to section (i) a 2.4m high solid masonry and/or secure metal boundary treatment is to be erected on the applicant's side of the boundary. The location of the boundary is to be agreed with Iarnród Éireann.
- In relation to section (xi) No trees are to be planted along or adjacent to the railway boundary.
- The applicant submitted a response to a further information request to include a Tree Protection Plan and a revised Landscape Masterplan to demonstrate the retention of the western ditch. The landscape plan also indicated the levels along the railway track/ erection of a 2.4m high boundary wall will be contradictory to the retention of the trees and boundary treatment. This condition is unnecessary and unreasonable.
- The inclusion of both these parts of the condition will lead to a no mans land between the applicant's land and the fence and boundary along the railway line.
- The parts of the condition will remove a biodiversity/ green corridor and will not be in keeping with the proposed walkway which will support a future housing application.
- The condition will be against the planning and guidance set out in the Hacketstown LAP which requires the creation of a rail side landscape buffer strip and rail side walkway.
- The applicant is amenable to a more appropriately scaled transparent boundary such as a post and chain link1. 4m high fence.

Engineering Report

- There is an existing 2.5m two-way track along the Ballygossan Park.
- The design of the proposed road considered the potential volume and flow of traffic and the existing infrastructure.
- The "Avenue" should be classified as a local road.
- In the context of the SHD application there should be no more than 100 cyclists per hr.

- The proposal complies with the National Cycle Manual and Scottish and English guidance.

6.1.2. **Ballygossan Park Residents Association**

A submission has been received from an agent on behalf of the resident's association in relation to the grant of permission as summarised below:

- The applications for the two SHD applications have not been made and the appellants have not had the opportunity to make submissions on these proposals.
- The Fingal County development plan requires the preparation of the Hacketstown LAP (LAP 5.A), this has not been made and the new plan is on draft display.
- All traffic from the south will choose the access at the north, at Phase 1, as the most appropriate link into Skerries.
- The southern relief road is not mentioned on the Inspector's Opinion for Phase 2 of the SHD.
- There are concerns in relation to the distribution of traffic between Phase 1 and Phase 2.
- Children play freely at the front of houses facing onto the road.
- The construction of the road conflicts with the OS-open space and retention of biodiversity and will interrupt connectivity.
- The County Development Plan requires Class1 open space to include play facilities. No such facilities are provided in the open space area.
- The road does not go anywhere and represents piecemeal development.
- As there is no permission for residential development the proposal is premature.
- The proposal is premature until such times as an LAP had been prepared.
- It is unknown what the Inspector's Opinion says as the pre app process is closed.

- The boundary wall required under Condition No 17 would not be welcome in respect of visual amenity, would attract graffiti and cause an eyesore. In addition, the proposed wall would prevent support of green infrastructure.

6.1.3. Philip O Connor.

A submission has been received from a resident of the housing estate to the north, Ballygossan Park as summarised below:

- A revision to the LAP is overdue and the residents of Phase 1 have not had the opportunity to participate in the process.
- It is unfair the application is submitted separate to the SHD applications.
- The southern relief road does not appear to be going ahead and unlikely to be constructed in the short to medium term.
- There are no meaningful long-term benefits to the future residents as a separate vehicle entrance onto the Golf Links Road.
- The linking of estates by pedestrian/ cycle access is sufficient.
- The combined use of the Ballygossan estate will be over 250 units, the largest estate in Skerries. This would have a risk to children in the estate.
- The connecting road will cause a negative impact on the stream and valley/ riparian corridor.
- The existing entrance onto Ballygossan is already unsafe.
- The open space design does not provide any facilities for recreation and the council accepted a Contribution in Lieu of providing Class 1 open space.
- The open space is not accessible by wheelchair users.

6.2. Applicant Response

An agent on behalf of the applicant submitted a response to the issues raised in the grounds of appeal by the Ballygossan Park Residents Association and Philip O' Connor as summarised below:

6.2.1. Status of the Hacketstown LAP

- The adopted LAP was the subject of public participation.
- The intention from the LAP was for those lands to the south of the riparian corridor would always be accessed via a bridge and roadway crossing.
- Although the LAP has now expired, the zoning has been included in the county development plan and is a plan led approach.
- Given the county development plan is current under review it is evident the LAP will not be brought forward.
- The PA considered the development appropriate in light of the LAP.

6.2.2. Development Context: Purpose and scope of application

- The SHD application has been submitted.
- The LDA are committed to developing the lands.
- The proposal is part of a wider development strategy.
- There was public participation during the application stage.

6.2.3. Traffic & Transport Concerns

- The rationale for the location of the road is established in the LAP.
- The road connects into Phase 1 of the Ballygossan Park.
- The road complies with DMURS, the National Cycle Manual and the NTA best practice on permeability guidance.
- The future residents of Ballygossan Phase 2 and LDA lands will be able to utilise two junctions
- The infrastructure is part of a wider development strategy for both Noonan Construction and the LDA.
- The accompanying engineers report indicates there are no safety issues.

6.2.4. Visual Impact

- The landscape and Visual Impact Character on the EAIR indicate some unavoidable negative landscape and visual impacts.
- The significance of the landscape effects would be slight and positive.

- The development is a relatively small scale and would contribute to the objectives of the LAP for residential development.
- The site is low lying with limited exposure to the surroundings.

6.2.5. Ecology

- The proposed development includes the removal of existing terrestrial animals, re-profiling, excavations etc.
- The road has been designed by ecologist and landscape architects.
- Mammal passes will be under the road to ensure biodiversity can pass through the biodiversity corridor.
- The landscape design will ensure as much vegetation is retained, where possible.
- New planting is in line with the national pollinators plan.

6.2.6. Landscape.

- Class 1 or 2 has not been provided as no residential units are proposed.
- The open space design can facilitate the surface water run off generated by future development.
- Due to the topography the space is not suitable for kickabout space, play areas and public open spaces.

6.2.7. Safety and Accessibility

- In relation to safety the slopes are a maximum ration of 1:5, gradual to ensure swale integration.
- A series of Risk Assessments form part of the CIRA checklist (SuDS Hierarchy requirement)- included as Appendix 1 of the FI response.

6.2.8. Other Items Arising

- The TTA reflects the requirement to protect the long-term objective of providing the Skerries Southern Relief Road- R128 to Railway Line.
- It is not believed that the inclusion of this relief road would alter the design as it is a long-term objective of the council.

6.2.9. Appendix 2: Engineers Technical Note

- A response to the traffic concerns raised by the appellants (Philip O Connor) is included as being, the rationale for the connecting road, the future estimated use of the connection road into Phase1, consistency with other development in Skerries, road safety concerns
- The response to the resident's association also reflects the rationale for the road, the design and use of Phase1 of Ballygossan Park and the integration of the relief road.

6.3. Planning Authority Response

A response from the Planning Authority was received in relation to the first and third-party appeal as summarised below:

6.3.1. Condition No 8

- A reduced width of 1.5m for two-way cycle tracks is only accepted by the PA where pinch points arise otherwise a minimum of 3 m is required.
- The proposed cycle track will form part of a greater cycle network linking the development to Skerries town centre and will provide connectivity to the Fingal Coastal Way (FCW).
- The cycle path in question will form part of a designated greater segregated cycle network (alternative route for cyclists and the FCW in the future).
- The existing cycle path has provided a minimum basic width and formed part of an earlier application.

6.3.2. Condition No. 17

- The submission received from Iarnród Éireann advised that the boundary treatment was appropriate given the proximity of the site to the railway line. The PA considers the boundary treatment appropriate in the interest of public safety.
- The submission received from Iarnród Éireann advised that trees can impair the vision of train drivers or their views of signals. The submission also notes falling leaves or leaf litter from trees can adversely affect wheel adhesion.

Third Party

- The comments generally relate to matters raised at the planning application stage and there are no further comments at this stage.

6.4. **Observations**

None submitted.

7.0 **Assessment**

7.1. The first party appeal on behalf of the LDA relates to Condition No 8 and Condition No. 17. It is requested that the appeal be dealt with under Section 139 of the Planning and Development Act (as amended). Two third party appeals have been received in relation to the proposed development. Having regard to the submission of two third party appeals I consider the appeal should be assessed in its entirety, *de novo*. I consider the main issues of this appeal include:

- Principle of Development
- Access, Permeability and Connectivity
- Impact on Residential Amenity
- Condition No. 8
- Condition No.17

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development, as detailed in Sections 8.0 and 9.0 below.

7.2. **Principle of Development**

7.2.1. The proposed development includes the provision of advance infrastructure works, including public open space, roads, paths and cycle connections and the treatment of surface water. It is stated that these works are to support two future housing developments, north and south of the site. The northern residential area is in the ownership of Noonan Construction and part of the site is located on lands zoned for residential development. An SHD pre application consultation (ABP 308583-20) was completed in relation to Phase 2, of the existing Ballygossan Park estate to the north

(Phase 1). The southern portion of the site is in the control of the LDA and a SHD application is before the Board (ABP 313268-22) and is currently undecided.

- 7.2.2. The site forms part of lands currently designated for the preparation of a Local Area Plan (LAP 5.A). Objective Skerries 14 of the Fingal County Development Plan 2017-2023 requires the preparation and/or implementation of the Hacketstown Local Area Plan during the lifetime of the plan: Hacketstown Local Area Plan. The Hacketstown Local Area Plan 2009 was extended until February 2019 and provided a framework for the roll out of residential development on the surrounding lands. The intended development of the subject site included a 15m riparian strip/ecological corridor with pedestrian and vehicular access across the stream linking the north and south residential areas.
- 7.2.3. The grounds of appeal from the third parties notes the date of expiry of this LAP and consider, in the absence of an up-to-date plan, the proposed development is premature and not acceptable on the site. The Chief Executive's report noted the Hacketstown LAP, the expiration date and considered it remained relevant as a guidance document for the subject lands.
- 7.2.4. I note the information contained in the Hacketsotwn LAP and the guidance for the site and surrounding residential lands to the north, including the existing developed Phase 1 at Ballygossan Park. The proposal submitted is generally in line with the objectives stated in the LAP. The access road connects into Phase 1, crosses the riparian corridor and includes pedestrian connectivity between the northern and the southern section.
- 7.2.5. In terms of the date of expiry of the LAP, I note Objective Skerries 14 of the county plan required the preparation and/or implementation of the Hacketstown Local Area Plan and whilst no updated LAP has been produced since 2019, the current county plan is under review, Draft Fingal Development Plan 2023-2029 on public display. The land use zonings from the LAP, OS, Open Space and RA, Residential, remain the same in the current county development plan (2017-2023) and the draft county development plan (2023-2029).
- 7.2.6. Having regard to the objectives of the current development plan, I consider the delivery of residential development around the subject site is in the keeping with the proper planning and sustainable development of both the site and the wider Skerries

area. The delivery of advanced infrastructure works will aid the delivery of these residential lands. In this regard, I consider the design of the infrastructural works provides an adequate design solution for the roll out of the residential lands to ensure the northern site and southern site are not severed, further discussed below. Aside from the guidance in the LAP, I consider the proposal will allow the sustainable development of the residential lands through the delivery of integrated infrastructural works.

- 7.2.7. Therefore, having regard to the land use zoning and, the guidance in the Hacketstown LAP and the appropriate development of both the northern and southern residential lands adjoining the subject site, I consider the principle of development is acceptable subject to those planning considerations further discussed below.

7.3. Access, Permeability and Connectivity

- 7.3.1. The proposed road connection across the watercourse provides a vehicular, cyclist and pedestrian link between the existing Phase 1 of Ballygossan Park, other residential zoned lands along the north of the subject site (Noonan Construction) and the LDA lands to the south (ABP 313268-22) currently before the board as an SHD application. As stated above the principle of this connection was established within context of the Hacketstown LAP.
- 7.3.2. The grounds of appeal do not consider this connection is reasonable or required as additional vehicular access onto the Gold Links Road is required for the LDA lands to the south. In this regard they consider the use of the Golf Links access will remove unnecessary traffic movements through the existing Ballygossan Park estate. In addition, as stated above, they consider the guidance in the LAP is outdated and should be subject to further public consultation.

Vehicular access

- 7.3.3. The proposed development will provide vehicular access between two parcels of residential lands. An embankment will be used for the access to allow for the protection of the watercourse currently on the site and ensure the retention of the riparian corridor, in line with the guidance of the Hacketstown LAP. Construction traffic will be directed through an existing agricultural access off the Gold Links Road

and not through the current residential estate, Ballygossan Park as per elaborated on in the EIA below.

- 7.3.4. The proposed SHD application (www.hacketstownshd.com) proposes to link into this infrastructure proposed and includes an additional vehicular access south along the Gold Links Road, in line with the Hacketstown LAP guidance. Both of these access routes have been considered in the submitted TTA. Having regard to the proposed housing in Phase 2 of Ballygossan and the LDA lands a 127.5% increase in traffic at AM peak is predicted at the existing junction at Ballygossan Park, an increase in c. 197 new trips. The Transport Section of the Council raised no objection to the information contained in the TTA or the proposed development. The existing road access has been designed to accommodate the residential growth and associated increase in traffic.
- 7.3.5. In response to the PA additional information request, the applicant submitted a “Statement of Consistency with Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)”. This statement refers to the requirements for connected neighbourhoods, enhanced mobility and permeability. I note the 12 criteria listed in the Urban Design Manual and I consider this link road across the riparian corridor a key consideration for good urban design.
- 7.3.6. Therefore, having regard to the information submitted in the TTA and the compliance with the national guidance on urban design, I consider the location of the link road is appropriate and I do not consider the movement and flow of traffic will have a significant negative impact on the surrounding area.

Pedestrian/ cycle connectivity

- 7.3.7. Additional pedestrian links are proposed across and along each side of the open space and north towards an existing pedestrian route which radiates west from Phase 1 of Ballygossan Park. As stated above, the applicant’s statement of consistency refers to compliance with the 12 criteria in the Urban Design Manual. The creation of high levels of connectivity is also highlighted in the Design Manual for Urban Roads and Streets, (DMURS), with a plan led approach to future connection advocated. I note the pedestrian connections are generally in line with those envisaged in the LAP. I consider the proposal includes adequate details in

relation to compliance with the provisions of DMURS and also connects with the existing pedestrian connections and the future residential developments.

7.4. Impact on Residential Amenity

Introduction

- 7.4.1. The third-party submissions, received from residents of Ballygossan Park to the north of the site, are mostly concerned with the impact on their residential amenity. The use of the existing entrance through Phase 1, the disturbance from the construction activity and the design and layout of the open space, including the safety of the watercourse features, are all raised as concerns. The PA response to the grounds of appeal does not elaborate on these issues raised. An agent on behalf of the applicant responded to the third-party concerns.

Regional Drainage Facility

- 7.4.2. The Regional Drainage Facility (RDF) is essentially a large swale along the existing drain with a high-level outflow, described in the planning documentation as a “mini-retention basin” and has been provided in accordance with the GDSDS. Access to the watercourse and the safety concerns around this access is raised in the grounds of appeal.
- 7.4.3. The applicant has submitted a Risk Assessment in response to the additional information request by the PA. The Risk Assessment included compliance with the CIRIA (Construction Industry Research and Information Association) checklist for SuDS design and addressed the risk and hazard rating to children having regard to the use of swales within the public open space area. The assessment included illustrations that all slopes which would be gradual at a rate of 1:5 to ensure integration with the overall scheme. The PA noted a slope rate of 1:7 along the swale and was satisfied with the applicant’s response to the additional information.
- 7.4.4. I note the design of the swales includes reinforced grass which supports the use as an ecological feature rather than any active play feature. The pedestrian routes throughout the open space indicate that this area is for passive rather than active play and not intended for use for younger children.

Open Space

- 7.4.5. Concern is raised by third parties in relation to the design and layout of the open space area. As stated above, the open space includes the swale which supports the delivery of SuDS on the site. These features are to be enhanced to create a biodiversity feature and support ecology on the site. Pedestrian routes run along the boundaries of the open space, to the north and south, and connect into the wider pedestrian network. The delivery of these features will enhance the recreational use of the open space for the wider public rather than just those future residents of the immediate surrounding area. Objective NH02 of the county development plan requires the integrated provision for biodiversity with public open space provision and sustainable water management measures (including SuDS) where possible and appropriate. I consider the design of the open space appropriate for a riparian corridor and in compliance with the policies and objectives of the development plan.
- 7.4.6. The absence of any Class 1 open space has been highlighted in the submissions. Section 12.7 of the county development plan provides guidance on the appropriate open space within future development sites. Objective DMS57, DMS57A and DMS57B details the required quantum of open space necessary to support the future occupants of residential developments. The requirement is generally a minimum of 10% which increases relative to any population increase. I consider the future residential developments to the north and south of the site will be required to comply with these standards and prove that Class 1 facilities will be made available. It is my opinion that these requirements are separate to the delivery of this public open space within the proposed development.

Conclusion

- 7.4.7. Having regard to the design and layout of the proposed development which includes advanced infrastructure works to facilitate future residential developments, it is considered that the proposal will not have a significant negative impact on the residential amenity of the current occupants in Ballygossan Park or the future occupants of any residential development.

Condition No 8

- 7.4.8. The proposed link road includes a two-lane cycle track along the west of the road, in addition to a grass verge and footpath. Condition No 8 relates to the requirements of

the Transport Section for the design of the cycle tracks, the Construction Management Plan, Road Safety Audit and finishes of roads and footpaths. The first part of the condition requires the design of the link road to be altered to increase the width of the cycle track and associated footpath and verge, as detailed below:

- i. The permitted two-way cycle track shall be increased to a minimum of 3 meters in width for a two-way including a 2-meter-wide footpath and a 1.8-meter-wide verge. Prior to commencement of development the applicant shall submit a revised drawing in this regard for the written agreement of the Planning Authority.

7.4.9. The first party grounds of appeal relate to the imposition of this part of Condition No. 8 and the increase in the width of the cycle track. The applicant has requested that the 2.5m wide two-way cycle track is retained (rather than 3.0m) and a 1.25m grass verge (rather than 1.m). The appeal is accompanied by an engineer's report which states that the design is in line with the existing 2.5m cycle track and 2.0m wide footpath. In addition, the engineers report states that the design is appropriate to a local road as per Section 3.2 of DMURS. The grounds of appeal provide reference to Section 1.5.2 of the National Cycle Manual (width calculator) where guidance is provided for the width of a cycle lane or track. The maximum width for a cycle lane with overtaking should be 2.5m and any wider than 3.0m should be a designated cycle track.

7.4.10. The Transport Section recommended the inclusion of the condition although I note no further details on the necessity are included in the Transport Section report. The request for additional information did not include any alterations to the design and layout of the proposed link road. The response of the PA to the first party grounds of appeal notes time lapse since the existing link road at Ballygossan Park and the importance of the route which will form part of a greater cycle network linking the development to Skerries town centre and will provide connectivity to the Fingal Coastal Way (FCW).

7.4.11. I note Section 4.3.4 of the National Cycle Manual provides design details for a range of cycle tracks. A key consideration for the design of these two-way cycle tracks relate to the physical separation from the carriageway, the continuous flow for cyclists and the ability to overtake on a wider cycle lane. The illustration provided as

guidance for the appropriate development of the two-way cycle track included a 2m width cycle track for each direction (i.e., 4.0m in total). The applicant considers these widths are only applicable for a “distributor road”. I note the guidance also provides reference to “collector roads with infrequent crossing points”, therefore I consider the reference in Section 4.3.4 is not solely for “distributor roads”. Having regard to the potential development of an additional c.500 dwellings in the surrounding lands, I consider the road may be classified as a “collector road”.

- 7.4.12. In relation to the applicant’s reference to Section 1.5.2 (and widths of a max of 2.5m) I consider there may be confusion in relation to the requirements for the design. It is my opinion that these measurements (2.5m) relate to a single lane cycle lane/track rather than a two-way cycle track. I consider my interpretation is supported by the guidance provided for in Section 4.3 of the National Cycle Manual where the design details for a range of cycle lanes/ tracks are included as 2.0m for each lane.
- 7.4.13. In relation to the connection to the existing cycle lane, I note the design of the road is such that the cycle lane stops before a shared pedestrian/cyclist platform. In this regard due to the absence of any direct connectivity, I do not consider there is a necessity to use the lessor widths to align with the existing cycle track (2.5m).
- 7.4.14. Overall, I consider the Transport Section requirements for the increased cycle track width is reasonable and in line with the national guidance. In relation to the grass verge, I have no evidence before me to suggest an increase width is a necessity to accommodate the infrastructure, rather it is my opinion this verge provides a “green buffer’ between the carriageway and the cycle track. I consider a reduction of the verge from 1.8m to 1,25m in appropriate to ensure a “green buffer”.
- 7.4.15. Therefore, it is my opinion that the alteration to Condition No. 8 is only acceptable in to allow a reduction in the width of the grass verge at the lessor width (1.25m), as proposed by the applicant. I consider the PA requirements for the increased cycle width at 3.0m is acceptable. In addition, I consider the proposed link road and cycle track should be developed in line with the full requirements of the National Cycle Manual including, inter alia, junction layouts. I consider a condition to comply with these national standards is reasonable.

Condition No 17

7.4.16. Condition No. 17 relates to requirements associated with the development along the edge of the railway line. This condition is in line with the recommendations from Iarnród Éireann.

7.4.17. The first party grounds of appeal relate to the imposition of Condition No. 17 part i) and xi) as detailed below:

i) Due to the proximity of the Dublin-Belfast railway line, a minimum 2.4m high suitably designed, secure, solid masonry and/or secure acceptable metal boundary treatment shall be erected by the applicant on the applicant's side of the boundary. The maintenance of this boundary shall be the responsibility of the applicant. The exact location and details of this boundary treatment shall be agreed by Iarnród Éireann.

xi) No trees shall be planted directly along or adjacent to the railway boundary.

7.4.18. The grounds of appeal consider the erection of the boundary wall and restriction on tree planting is a direct contradiction to the additional information request during the application process. The additional information requested the submission of a Tree Protection Plan, boundary protection along the pedestrian link and the retention of landscape features. The grounds of appeal state that the erection of the wall, as required in Condition No. 17 will destroy a biodiversity corridor create a "no-man's land" between the railway line and the applicant's site and will be visually intrusive. It is also considered that the erection of the wall is not justified as there is already a landscape strip along the railway line. The applicant notes a security fence already along the railway line and considers a post and chain link fence (1.4m in height) more appropriate. In the absence of the exact location of the boundary, the applicant considers the inclusion of the condition unreasonable.

7.4.19. The submission from the PA in relation to the applicant's appeal notes the requirements from Iarnród Éireann which relate to the proximity of the site to the railway line and the need for public safety. In relation to the tree planting, the PA note the submission received from Iarnród Éireann advised that trees can impair the vision of train drivers or their views of signals and that falling leaves or leaf litter from trees can adversely affect wheel adhesion.

- 7.4.20. I note the location of the site along the railway line which mostly relates to the pedestrian connection between the riparian corridor and the pedestrian link in Phase 1, Ballygossan Park. The existing pedestrian route is bounded by green anti climb fencing. This fence prevents access onto the railway line and/or other lands adjoining the pedestrian route, not accessible to the public.
- 7.4.21. I note the applicant's response to the additional information detailed the existing and proposed vegetation along the western boundary of the site. An open drained ditch and existing hedgerow were identified. The response to the additional information from Iarnród Éireann noted the submitted information, in particular the level changes and cross section of the railway culvert. No specific response to the landscaping details were included by Iarnród Éireann other than initial requirement to prevent tree planting.
- 7.4.22. Tree Protection Plan and landscaping details submitted by landscape architects to the additional information note the retention of a mature hedge along the western boundary of the applicant's site, between the pedestrian walkway and the railway line. Condition No. 4 requires that the retained vegetation and the proposed tree planting are carried out under the supervision of an appointed arboricultural consultation as part of the proposed development. No significant tree planting along the boundary is proposed and a "new fence line" is proposed adjacent to the southern section of the pedestrian walkway (Drwg No: BSLA_LDA_AIA_RFI_Landscapae Masterplan).
- 7.4.23. Overall, I consider the information submitted in the application and the requirements of Condition No 4 contradict the required for a boundary wall/ fence along the applicant side of the boundary. I also have serious concerns in relation to the erection of a solid masonry wall along a section of walkway which is to provide an attractive environment for pedestrians both into Skerries town to access services and also as a recreational activity. In this regard I do not consider it reasonable that the applicant is required to erect a block wall.
- 7.4.24. In regard to the inclusion of other boundary treatment along the existing walkways to the north of the site which solely relates to the railway security fencing and/or natural landscaping between both sites. I consider these reasonable treatments and the protection of the railway line remains evident. There are no such block walls along

the existing pathways or other fencing at similar locations. I also note the applicant does not propose any tree planting along the west of the walkway and as such the proposed development should not lead to any negative impact on the movement and activity of the trains along this section of the railway line.

- 7.4.25. Therefore, having regard to the design of the existing pedestrian routes along the north of the site which adjoin residential developments, the existing security fence along the railway line, the requirements of Condition No. 4 to ensure the retention of a biodiversity corridor and the need to ensure an attractive pedestrian environment along the connecting route, I consider part i) and part xi) of Condition No. 17 should be removed.

8.0 Environmental Impact Assessment

8.1. Introduction

- 8.1.1. This application was submitted to the Board after 1st September 2018 i.e., after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 8.1.2. The application includes an Environmental Impact Assessment Report (EIAR). The proposed construction of the road and associated infrastructure on a 2.5 ha site do not exceed the thresholds for mandatory EIA (i.e., 500 dwellings or 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) as per Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). However, having regard to the cumulative impact of the future development which the road and infrastructure is intended to serve, including Noonan Construction lands to the north and the LDA lands to the south which is likely to exceed 500 units on the entire site, the criteria for sub-threshold development set out in Schedule 7 of the Regulations, and the characteristics of the site and the size of the proposed development the applicant has prepared an EIAR to accompany the application.
- 8.1.3. The EIAR contains a Non-Technical Summary. Chapters 1-4 inclusive set out an introduction, project description and alternatives. Chapters 3 to 14 consider the likely significant direct, indirect and cumulative effects of the proposed development under

the relevant headings listed in Article 3(1) of the 2014 EIA Directive and include an assessment of the cumulative impacts and summary of mitigation and monitoring.

- 8.1.4. This section of my report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of relevant legislation. This section of the report deals with the potential environmental impacts of the proposed development during the construction and operational phases of the development. It is not envisaged the road or associated infrastructural works will be removed.
- 8.1.5. In carrying out an independent assessment, I have examined the information submitted by the applicant, including the EIAR, as well as the written submissions made to the Board including the PA, the prescribed bodies and members of the public. This section should be read in conjunction with the planning assessment, above and the Appropriate Assessment within Section 9.0, below.
- 8.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts to ensure its completeness and quality; that the information contained in the EIAR and supplementary information 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).

8.2. **Project Description**

The infrastructural works include:

1. Construction of 66m of new link road crossing the Regional Drainage Facility and providing access to residential lands,
2. Construction of Regional Drainage Facility (RDF) for the surface water management of the Hacketstown LAP lands with surface water pipelines and 2 no mammal passes.
3. Services to Ballygossan Park Phase 2 including 2 new surface water outlet structures, new foul pipeline and associated works, new watermain pipeline and associated works.

4. Services to the LDA SHD scheme including 3 new surface water outlet structures, new foul pipeline and associated works, new watermain pipeline and associated works.
5. Landscaping including pathways, planting and construction of a viewing deck.
6. Public Lighting
7. ESB Overhead power lines including diversion and undergrounding of existing.
8. Utilisation of existing field gate on Gold Links Road as a temporary access road for construction traffic.

8.3. Examination of Alternatives

Chapter 3 deals with the examination of alternatives. Having regard to the environmental and practical solutions, such as the need to deliver housing, the “*do nothing*’ scenario is not considered appropriate. Alternatives for use and design are examined.

8.3.1. Alternative uses

The site is zoned for open space and other parts zoned for residential while the LAP has expired the document indicates the intended housing on the lands. Other land uses on the site is not considered to accord with planning policy.

8.3.2. Alternative Designs

The first design includes compliance with the Hacketstown LAP as presented in the proposed development. This is considered the most appropriate to support the delivery of housing although since the LAP adoption the emphasis is on the delivery of a greater number of dwellings.

The second alternative reflects the design submitted with the SHD pre application on the 21st of October 2022.

The preferred route reflects the scheme submitted, the single vehicular access and alignment with the link road and protection of the riparian strip. It is considered this alternative has the least environmental effects and supports the residential development.

8.3.3. Conclusion

In consideration of the alternative designs the Hacketstown LAP was taken into consideration. I consider the EIAR provides adequate alternative designs on the basis of the open space and residential zoning and requirement for the delivery of housing. It is considered that the issue of alternatives has been adequately addressed in the application documentation and the approach to the delivery of advanced supporting infrastructure.

8.4. **Population and Human Health**

Chapter 3 deals with population and human health with a background on the receiving environment, the objective of the county development plan and the need for planned housing to support a growing population.

Potential impacts may occur during the construction and operation and this is associated with other environmental factors also discussed throughout the EIAR including air quality (chapter 9), noise and vibration (chapter 10) and landscape and visual impact (chapter 6). The main impacts arise from construction activity for the movement of earth and from construction traffic.

Mitigation measures are included in a preliminary Construction and Environmental Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP) to minimise disruption on the surrounding traffic and residential amenity during the construction phase.

The use of best practice methods will reduce significant negative impacts from construction and any associated environmental impacts from the operational phase and I do not consider the proposed development alone or in combination with any other plans or projects have any major risk for accident or disaster.

8.5. **Archaeology and Cultural Heritage**

Chapter 4 deals with archaeology and cultural heritage and notes three archaeological sites within 500m of the proposed development, the closest and enclosure (DU005-151) located c. 276m northwest of the site boundary. One of these sites is currently protected as an RMP and two of the sites are proposed for inclusion in the next revision of the RMP. These sites will not be altered during the construction or operation.

A geophysical and archaeological testing was previously carried out on the site. Potential impacts may occur if any archaeological features are discovered outside the site.

Mitigation measures proposed include the monitoring of works by a suitably qualified archaeologist during the topsoil stripping to ensure no further features of archaeological potential are discovered.

I am satisfied those issues relating to archaeology and cultural heritage are appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on archaeology and cultural heritage.

8.6. Biodiversity

Chapter 5 deals with Biodiversity. The site is a greenfield site with a stream and mature trees and hedgerows. During the course of the application the PA referred the proposed development to an external environmental consultancy/ ecologist for their advice. Additional information was sought on the presence of habitats or species on the site or within the Zone of Influence, the likely impact of the proposal on these has and all mitigation and residual impacts. The applicant was advised to consult with Inland Fisheries Ireland (IFI) on any potential impact on the received waters. IFI noted no significant fish present in the stream although also noted the ecological value of the riparian corridor. The additional surveys identified the stream as a drainage ditch and associated as wet and dry grasslands. Appendix 1 of the additional information included a Bat Fauna assessment. The report of the PA noted the submission of the additional information (peer reviewed by an external consultant) and was satisfied that the assessment of potential residual impacts on sensitive biodiversity receptors.

The report from the National Parks and Wildlife Service stated no objection to the proposed development although noted the frog spawn or tadpoles present in the drainage could be damaged. Condition No 11 of the permission included a requirement for the protection and temporary transfer of the frog spawn during construction. I consider this condition reasonable and will support the ecology on the site.

Potential Impact on watercourse, birds, mammals and bats are mostly during the construction phase from the removal of trees and excavation associated with the ground works. These impacts have been identified as short term, during the construction phase.

Mitigation measures to prevent any residual or cumulative impact include the use of onsite drainage ditches (silt fences), use of a project ecologist on site during works, the use of best practice construction methods to prevent any water pollution and the landscaping proposal to ensure foraging for bats is retained. Animal passes through the embankment retain the potential movement of terrestrial species.

There are no habitats of conservation significance within the site. The main natural habitat of conservation concern is the stream and associated riparian corridor habitats, and I am satisfied with the proposal in this regard. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

8.7. Landscape and Visual Impact

Chapter 6 deal with Landscape and Visual Impact. The site is in an area identified on Sheet No. 14 of the Fingal County Development Plan 2017-2023 “Green Infrastructure” as a “Highly Sensitive Landscape”. The objectives for the development of the “Central Stream Valley” from the LAP include the retention of the ecological corridor with pedestrian routes along the perimeters. Trees are to be retained where possible. A landscape and visual impact assessment did not identify any sensitive visual receptors on the site.

Potential impacts during construction include the re-shaping of the valley to accommodate the RDF for the surface management of adjoining residential development. This impact during construction considered to be negative although this is short term and the long-term impacts are considered slight and positive.

No mitigation measures are considered necessary, having regard to positive impact on the landscape. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on landscape or visual impact are likely to arise.

8.8. Lands and Soils

Chapter 7 deals with Lands and Soils. Infiltration tests were carried out at five locations and reflected low permeability in the soil. Groundwater levels were generally high along the northern portion of the site. The works require the excavation of topsoil (7,440 m³) and reuse for regrading of the site. No material will be imported into the site.

Potential impacts arise during the construction phase from potential leaks and silt. No impacts are envisaged during the operational phase.

Mitigation measures included in the CEMP include the use of vehicle wash, settlement ponds, bunding and other best practice construction methods to prevent contamination of soils and waters.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on lands or soils are likely to arise.

8.9. Hydrogeology and Hydrology

Chapter 8 deals with hydrogeology and hydrology. The GSI Aquifer Map¹ indicates no groundwater protection zone, the area is classified as a Local Important Aquifer (Lk), ground water vulnerability on the site is classified as high (H). The proposal includes the provision of infrastructure to connect to the public water main, therefore no water abstraction will be undertaken. Additional information on the SuDS features were requested by the PA. The applicant confirmed how the features would integrate with existing and proposed SuDS features, the SuDS hierarchy and an illustration of the land drain traversing the site which will service the RDF on the land. Water Services of the council were satisfied with the submitted information. A Site-Specific Flood Risk Assessment (SSFRA) notes the location of lands in Flood Zone C.

Potential impacts on subsoils and human health may occur during the construction phase and will be short-term.

¹ [Groundwater Data Viewer \(arcgis.com\)](http://arcgis.com)

Mitigation measures used during the construction phase and implemented by the preliminary CEMP will prevent contamination of waters through polluted run-off and siltation from the movement of soils.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on hydrogeology and hydrology are likely to arise.

8.10. Air Quality and Climate

Chapter 9 deals with air quality and climate. The site is located directly adjacent to Ballygossan Park estate.

The potential impact of dust emissions and receptor sensitive from construction is low aside from excavations. This impact is temporary, and the significance is determined by the weather conditions.

Mitigation measures include the use of specific construction methods during dry and/or windy weather e.g., spraying, use of tarpaulins, restriction of stockpiling and other best practice construction methods.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on air and climate are likely to arise.

8.11. Noise and Vibration

Chapter 10 deals with Noise and Vibration. Noise Sensitive Receptor (NSR) where identified as those residential properties closest to the site at three locations, Ballygossan Park, detached dwellings along Gold Links Road Hillside to the north. Monitoring locations for baseline noise were recorded during sound surveys at the chosen NSR locations.

Potential Impacts are temporary and significant from the noise and vibration of mobile and non-mobile heavy machinery and equipment during construction. The movement of HGVs is not expected to exceed 2-3 per hours and will therefore not be significant.

Mitigation measures for noise and vibration are to be included in the preliminary CEMP. The hours of construction will be restricted to daytime working hours and

temporary acoustic screening will be used during construction. The use of noisy materials will be restricted.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on noise and vibration are likely to arise.

8.12. Material Assets- Traffic

Chapter 11 deals with Material Assets- Traffic. The application was also accompanied by a Traffic and Transport Assessment (TTA). A site audit, pre planning discussions, traffic county and assessment were undertaken by the applicant. An assessment of the pedestrian and cycle facilities, the GDA cycle network plan, BusConnects and the DART expansion programme were included. The traffic generated from both the Phase 2 Ballygossan (Noonan Construction) and LDA lands to the south are included in the TRICS generated data for trip rates. 2019 baseline data was used and 4 junctions were assessed for impacts up to 2036, future design year. On site employees will arrive before peak times and HGV vehicle movements should not exceed 2-3 per hr. Construction traffic will temporarily access the existing field gate on Golf Links Road and not through the Ballygossan Park estate.

The grounds of appeal have raised the impact of the traffic generated from the proposal and the future residential development. These concerns mostly relate to the impact on the access through Phase 1 and the residential amenity of those occupants of Ballygossan Park rather than the local roads network in the vicinity of the site. Reference is also made to the absence of the southern relief road within the overall proposal.

I note the location of the southern relief road further south of the site. An indicative layout is included in the Hacketstown LAP. The applicant's TTA considers the delivery of this relief road and notes the long-term aspirations of Fingal County Council to deliver this road (Local Objective No. 10). It is noted that those off-site upgrades granted by the LDA along the Golf Links Road (ABP 309409-21) are sufficient to address any impact of the proposal on the local network.

Potential Impacts from construction traffic will be minimal and short term.

Mitigation measures include a Mobility Management Plan (MMP) co-ordinated for each of the residential schemes, off-junction enhancements along Millers Junction (recently granted ABP- 309409-21 (Reg Ref F20A/0324) and the implementation of a final Construction Traffic Management Plan (CTMP).

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative on traffic are likely to arise.

8.13. Material Assets- Waste Management

Chapter 12 deals with Waste Management. It is not envisaged there will be any significant waste generated from the proposed development. Excavated topsoil will be reused for regrading throughout the landscaping whilst excavated soils will be recycled at a mixed C & D waste recovery facility.

Potential Impacts associated with waste management are not expected.

The EIAR notes that an Operational Waste Management Plan (OWMP) will be prepared separately for any SHD scheme.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative on waste management are likely to arise.

8.14. Material Assets- Utilities

Chapter 13 deals with utilities. The material assets associated with the proposed development relate to water supply, surface water, fould drainage and public lighting. Underground re routing of overhead line will be undertaken to place them underground.

Potential impacts are positive and long term as the proposal will provide infrastructure to service residential lands and the re routing of overhead lines will have a significant positive visual impact.

Mitigation measures in the provision of these utilises are to be included in a final detailed CEMP.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative on utilities are likely to arise.

8.15. **Cumulative and Interactive Effects**

Table 14.1 of the EIAR identifies the possible interactions between the environmental factors. These interactions have also been assessed throughout each section of the EIAR which I have noted within each assessment. The interactions identified include:

- Population & Human Health: Landscape & Visual, Air Quality & Climate, Noise & Vibration, Waste
- Biodiversity: Landscape & Visual, Air Quality & Climate, Noise & Vibration, Waste
- Landscape & Visual: Population & Human Health, Biodiversity, Water, Noise & Vibration, Waste
- Land & Soils: Biodiversity, Water, Noise & Vibration, Waste, Traffic
- Water: Landscape & Visual
- Air Quality & Climate: Population & Human Health, Biodiversity, Traffic
- Noise & Vibration: Population & Human Health, Land & Soils
- Waste: Population & Human Health, Biodiversity, Land & Soils
- Traffic: Land & Soils, Air Quality & Climate, Noise & Vibration

8.16. **Reasoned Conclusion on Significant Effects.**

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, the report of the area planner and to the submissions from the prescribed bodies and observers in the course of the application and as part of the grounds of appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and Human Health: The provision of advanced infrastructure to service residential lands will be a long-term positive impact on the delivery of

housing. Mitigation measures proposed during construction will ensure no significant negative impact on the amenity of residents in the vicinity of the site from construction activities.

- Biodiversity: The ecological/riparian strip is retained in the most part and any potential long-term impact from the regarding of the drainage banks is mitigated by a significant amount of planting. Animal passes through the embankment retain the potential movement of terrestrial species.
- Landscape and Visual Impact: The development plan defines the site and surrounding area as a highly sensitive landscape location. The proposed works and associated planting will not significantly alter the landscape or have a negative visual impact on the surrounding area.
- Lands and Soils: The regrading of the site entails the excavation of topsoil (7,440 m³) which will be reused within the site. Mitigation measures in the CEMP include measures to prevent contamination of the soils and siltation of watercourses.
- Hydrogeology and Hydrology: The SuDS measures and use of the land drain in the proposed development will have a long-term positive impact. Mitigation measures during construction will prevent contamination of the soils and siltation of watercourses.
- Air Quality and Climate: Short term negative impacts on the air quality from construction will be mitigated by the use of good practice construction methods and the implementation of a CEMP.
- Noise and Vibration during the construction phase will be negative and short term and mitigated by compliance with all best practice construction methods such as noise restricting plan and the restriction on construction hours.
- Traffic & Transport: The development will give rise to short-term construction traffic impacts, mitigated by traffic management and other environmental considerations in the CEMP. The upgrade of pedestrian and cycle routes through the site will provide a long-term positive impact for the wider community.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. I note that most of the impacts occur during construction and will be short term and not significant. Reference to the potential for additional housing to the north and south of the site has been integrated into the EIAR where appropriate.

The assessments provided in the EIAR chapters are satisfactory, I am satisfied with the information provided allows an assessment of the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

9.0 Appropriate Assessment

9.1. Introduction

- 9.1.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. An Appropriate Assessment Screening and Natura Impact Statement (NIS) was submitted with the application.

9.2. Proposed Development

- 9.2.1. The proposed development is for the delivery of advanced infrastructure works associated with residential development in the vicinity of the site. A Pre-Application Opinion for Phase 2 residential development has been issued by the Board on lands to the immediate north of the site (ABP 308583-20) to Noonan Construction Ltd. An SHD application has been lodged with the Board for lands to the south by LDA (ABP 313286-22). The subject site consists of a land drain which runs from west (at the railway line) to east at the Golf Links Road.
- 9.2.2. The infrastructural works include the construction of a Regional Drainage Facility (RDF) along the centre for the surface water management of the residential zoned lands, the construction of a new link road crossing the RDF, foul, surface water and water supply, landscaping of open space areas along with pedestrian paths and the diversion and rerouting of existing overhead power lines.

9.3. Appropriate Assessment (AA) Screening

9.3.1. The site is not located within any designated European sites. The application was accompanied by an AA screening report which identified 10 no European Sites within a 15km radius as listed below. The screening report provides an analysis of the potential significant effects on each European site on a case-by case basis using the Source-Pathway-Receptor framework, *inter alia*, nature and scale of works, possible impacts, potential pathways and sensitivity and location of ecological features.

9.3.2. Summary of European Sites within 15km radius.

Site Name and Code and distance from site	Qualifying Interest and Conservation Objectives
Special Areas of Conservation (SAC)	
Rockabill to Dalkey Island SAC (03000) c. 2.8km	QI: Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351] CO: To maintain the favourable conservation condition of the habitats and species for which the SAC has been selected.
Rogerstown Estuary SAC (00208) c. 5.6km	QI: Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330], Mediterranean salt meadows (Juncetalia maritimi) [1410], Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] CO: To maintain or restore the favourable conservation condition of the habitats or species which the SAC has been selected.
Lambay Island SAC (000204) c. 9.3km	QI: Reefs [1170], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], Halichoerus grypus (Grey Seal) [1364], Phoca vitulina (Harbour Seal) [1365] CO: To maintain or restore the favourable conservation condition of the habitats which the SAC has been selected.
Malahide Estuary SAC (00205) c. 9.9km	QI: Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]

	<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>CO: To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide.</p>
Special Protection Areas (SPA)	
<p>Skerries Island SPA (004122) c.1.0km</p>	<p>QI's: Cormorant (<i>Phalacrocorax carbo</i>) [A017], Shag (<i>Phalacrocorax aristotelis</i>) [A018], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Purple Sandpiper (<i>Calidris maritima</i>) [A148], Turnstone (<i>Arenaria interpres</i>) [A169], Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
<p>Rockabill Island SPA (004014) c.3.3km</p>	<p>QI's: Purple Sandpiper (<i>Calidris maritima</i>) [A148], Roseate Tern (<i>Sterna dougallii</i>) [A192], Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>CO: To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA.</p>
<p>Rogerstown Estuary SPA (004015) c.5.5km</p>	<p>QI: Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]</p> <p>CO: To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
<p>Lambay Island SPA (004069) c.8.9km</p>	<p>QI: Fulmar (<i>Fulmarus glacialis</i>) [A009], Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot</p>

	<p>(Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>
<p>Malahide Estuary SPA (004025)</p> <p>c.10.5km</p>	<p>QI: Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Pintail (Anas acuta) [A054] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]</p> <p>CO: To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
<p>River Nanny and Shore SPA (004158)</p> <p>c. 11.2km</p>	<p>QI: Oystercatcher (Haematopus ostralegus) [A130] 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]</p> <p>CO: To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>

Assessment of likely Significant effects

- 9.3.3. The proposal will connect to an existing public foul and water supply. No foul wastewater will be generated during the construction and operation of the infrastructure works as this is only associated with the adjoining residential development. This aside the AA screening notes the foul effluent will discharge to municipal pumping station from where it will be pumped to the Barnageeragh Wastewater Treatment Works. The Irish Water submission notes no objection to the proposal with no capacity issues raised.
- 9.3.4. The drainage ditch will be utilised as part of the regional drainage for the adjoining residential lands with SuDS measures used to service the site and adjoining

residential lands. This ditch drains eastward, eventually discharging at the Irish Sea. The AA screening report notes the distance of the ditch to Irish Sea and the qualifying criteria of those European Sites and considered there is a potential indirect pathway between the site and the marine habitats. Having regard to the distance it is considered any pollutants and/or sedimentation will already have been dispersed before entering the Sea. This aside construction methods will be controlled to prevent any water pollution having regard to best practice, not associated with the European Sites. In addition to the flow of water to the east, the AA screening notes the possibility for surface water to flow west, under the railway embankment, towards the Mill Stream, entering the marine at Skerries. The Skerries Island SPA has an intertidal location, and the report considers a potential pathway can not be excluded when there is a low tide. A stage 2 assessment was undertaken in relation to the potential impact on the Skerries Island SPA.

- 9.3.5. Chapter 5 of the EIAR includes information of the biodiversity on the subject site. The objective information in the EIAR note the absence of any species or habitats of special interest. No species of interest were surveyed on the site.
- 9.3.6. In Combination effects of two permitted residential developments in the vicinity and those proposed SHD developments immediately to the north and south of the site. are considered. Having regard to the current development and the proposal to undertake a separate EIAR and AA of those adjoining residential developments, no in combination effects are envisaged. The AA screening report concludes that no significant effects on the European Site will be seen as a result of the proposed developmetn along or in combination with other projects.
- 9.3.7. Following the exclusion of any significant effects on the conservation objectives of ten of the sites the screening report includes a detailed assessment of the impact of the one site which could initially not be excluded. The stage one screening conclusion notes that applying the precautionary principle, it is not possible to exclude the following sites:
- Skerries Island SPA (004122)
- 9.3.8. I agree with the conclusions of the Screening Assessment. In applying the 'source-pathway-receptor' model in respect of potential indirect effects and having regard to the potential impacts listed above, specifically the distances from European sites, the

absence of hydrological pathways and the lack of suitable habitat for wintering bird species it can be concluded that the proposed development would have no potential for likely significant effect on the following European Sites:

- Rockabill to Dalkey Island SAC (03000)
- Rogerstown Estuary SAC (00208)
- Lambay Island SAC (000204)
- Malahide Estuary SAC (00205)
- Rockabill Island SPA (004014)
- Rogerstown Estuary SPA (004015)
- Lambay Island SPA (004069)
- Malahide Estuary SPA (site code 000205),
- River Nanny and Shore SPA (004158)

9.3.9. 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) could have a significant effect on one European Site in view of the Conservation Objectives of those sites, and Appropriate Assessment is therefore required for the following:

- Skerries Island SPA (004122)

9.3.10. 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 give rise to significant effects on the following:

- Rockabill to Dalkey Island SAC (03000)
- Rogerstown Estuary SAC (00208)
- Lambay Island SAC (000204)
- Malahide Estuary SAC (00205)
- Rockabill Island SPA (004014)

- Rogerstown Estuary SPA (004015)
- Lambay Island SPA (004069)
- Malahide Estuary SPA (site code 000205),
- River Nanny and Shore SPA (004158)

or any European site in view of the sites conservation objectives and Appropriate Assessment is therefore not required.

9.3.11. This determination is based on the following:

- Consideration of objective and best available scientific information provided in the AA Screening Report and EIAR prepared as part of the application.
- The conservation objectives and qualifying interests in all the European Sites and the absence of any identified source-pathway-receptor.
- The distance of the proposed development from European sites in the wider area (within 15km) and a demonstrated lack of any meaningful ecological connections to those sites.

9.3.12. Measures intended to reduce or avoid significant effects on these European sites have not been considered in the screening process.

9.4. **Stage 2- Appropriate Assessment**

9.4.1. The application included a NIS for the proposed Strategic Housing Development at Hacketstown, Skerries, Co. Dublin. The NIS provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on the Skerries Islands SPA (004122).

Potential Impact on identified European Sites at risk of effects

9.4.2. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS. The following potential impacts have been identified:

Potential Impacts during construction

- Water pollution and contamination of the watercourse

- Increase of suspended solids in the watercourse from uncontrolled sediment run-off

9.4.3. The NIS notes that potential impacts can be ruled out having regard to the design of the surface water management plan during the operational phase. Indirect impacts from unmitigated leakage, run-off from cement and high concentrations of suspended solids from dewatering, demolition or excavation in the construction phase.

9.4.4. Mitigation measures to control the water pollution are listed in the preliminary Construction Environmental Management Plan (CEMP) and include the use of best practice methods to control run-off or accidental spill. The NIS notes many of these mitigation measures are preventative measures for pollution control/best practice construction. I note those mitigation measures have been specifically tailored to prevent any impact on the water quality, which I have assessed and consider reasonable.

9.4.5. In conclusion following an examination, analysis and evaluation of the potential impacts of the proposed development on the conservation objectives of the Skerries Island SPA, I conclude that considering the best scientific evidence the proposed development does not pose a risk of adversely affecting the integrity of this European Site. I am of the opinion that the risk of contamination of any watercourse is extremely low and the use of the site for the proposed development does not pose a risk of adversely affecting the integrity of the Skerries Island SPA.

Conclusion of Appropriate Assessment

9.4.6. The development of advanced infrastructural works has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that having regard to best scientific evidence, it may have a significant effect on the Skerries Islands SPA (004122).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of this European Site or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

10.0 Recommendation

10.1. I recommend permission is **granted** based on the reasons and considerations under and subject to the conditions set out below.

11.0 Reasons and Considerations

11.1.1. Having regard to the following:

- (a) the location of the site on lands with a zoning objective for open space and residential development in the Fingal County Development Plan 2017-2023,
- (b) the nature, scale and design of the proposed development and those issues relating to the delivery of infrastructure for the surrounding residential lands,
- (c) the Eastern & Midland Regional Assembly RSES 2019-2031.
- (d) the Design Manual for Urban Roads and Streets (DMURS),
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas,
- (f) the National Cycle Manual,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices),
- (i) the pattern of existing and permitted development in the area,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable proposal at this location, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of design and layout and would be acceptable in terms of

pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.1.2. Environmental Impact Assessment

I have completed 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 planning application;
- c) The report of the Chief Executive and submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and

I consider that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I consider the reasoned conclusions for 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: The provision of advanced infrastructure to service residential lands will be a long-term positive impact on the delivery of housing. Mitigation measures proposed during construction will ensure no significant negative impact on the amenity of residents in the vicinity of the site from construction activities.
- Biodiversity: The ecological/riparian strip is retained in the most part and any potential long-term impact from the regarding of the drainage banks is mitigated by a significant amount of planting.
- Landscape and Visual Impact: The development plan defines the site and surrounding area as a highly sensitive landscape location. The proposed works and associated planting will not significantly alter the landscape or have a negative visual impact on the surrounding area.

- **Lands and Soils:** The regrading of the site entails the excavation of topsoil (7,440 m³) which will be reused within the site. Mitigation measures in the CEMP include measures to prevent contamination of the soils and siltation of watercourses.
- **Hydrogeology and Hydrology:** The SuDS measures and use of the land drain in the proposed development will have a long-term positive impact. Mitigation measures during construction will prevent contamination of the soils and siltation of watercourses.
- **Air Quality and Climate:** Short term negative impacts on the air quality from construction will be mitigated by the use of good practice construction methods and the implementation of a CEMP.
- **Noise and Vibration** during the construction phase will be negative and short term and mitigated by compliance with all best practice construction methods such as noise restricting plan and the restriction on construction hours.
- **Traffic & Transport:** The development will give rise to short-term construction traffic impacts, mitigated by traffic management and other environmental considerations in the CEMP. The upgrade of pedestrian and cycle routes through the site will provide a long-term positive impact for the wider community.

I have completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.

11.1.3. **Appropriate Assessment**

I carried out a screening assessment in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. I am satisfied that the proposed development, either

individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites:

- Rockabill to Dalkey Island Special Area of Conservation (site code 03000)
- Rogerstown Estuary Special Area of Conservation (site code 00208)
- Lambay Island Special Area of Conservation (site code 000204)
- Malahide Estuary Special Area of Conservation (site code 00205)
- Rockabill Island Special Area of Conservation (site code 004014)
- Rogerstown Estuary Special Area of Conservation (site code 004015)
- Lambay Island Special Area of Conservation (site code 004069)
- Malahide Estuary Special Area of Conservation (site code 000205),
- River Nanny and Shore Special Area of Conservation (site code 004158)

in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Appropriate Assessment

I completed an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement submitted with the application, and the Inspector's report and submissions on file. In completing the Appropriate Assessment, I have concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura Impact Statement, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European sites:

- Skerries Island Special Protection Area (site code 004122)

or any other European site, in view of the site's conservation objectives.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanala for determination.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Environmental Impact Assessment (EIA) Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report (EIAR) submitted with this application as set out in Chapter 15 of the EIAR, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>The following requirements of the Planning Authority shall be carried out in full:</p> <ul style="list-style-type: none"> <li data-bbox="339 1406 1377 1664">i. The permitted two-way cycle track shall be increased to a minimum of 3 meters in width for a two-way including a 2-meter-wide footpath and a 1.25-meter-wide verge. Prior to commencement of development the applicant shall submit a revised drawing in this regard for the written agreement of the Planning Authority. <li data-bbox="339 1697 1377 1843">ii. A Final Construction Management Plan and Traffic Management Plan shall be agreed in writing with the Planning Authority prior to commencement of construction.

	<ul style="list-style-type: none"> iii. Road Safety Audits shall be carried out as part of the permitted development at the relevant stages as outlines in current edition of Transport Infrastructure Ireland guidelines GE-STY-1027. iv. All roads, footpaths and finishes shall comply with the Council's Standards for Taking in Charge. v. No objects, structures or landscaping shall be placed or installed within the visibility triangle which would interfere or obstruct (or could obstruct over time) the required visibility envelopes at crossing points and junctions. vi. All works shall be carried out at the applicant's expense according to the specifications and conditions of Fingal County Council. <p>Reason: In the interest of road traffic and cyclist safety and the proper planning and sustainable development of the area.</p>
4.	<p>Prior to commencement of development the applicant shall submit a Statement of Compliance with the National Cycle Manual clearly demonstrating the design and layout of the cycle lanes etc.</p> <p>Reason: In the interest of road traffic and cyclist safety and the proper planning and sustainable development of the area.</p>
5.	<p>Prior to commencement of development all boundary treatment shall be agreed with the PA completed before any major development works commence on site.</p> <p>Reason: In the interest of residential amenity and public safety.</p>
6.	<p>The following requirements shall be complied with:</p> <ul style="list-style-type: none"> i. Access for Irish Rail staff to culverts/ bridges under the railway shall not be hindered. ii. The developer shall not undermine the integrity of the embankment which runs adjacent to the railway track.

	<ul style="list-style-type: none"> iii. Any excavations which infringe upon the Track Support Zone shall require permission from Iarnród Éireann. iv. A minimum 2.75m clearance shall be kept from all Over Head Line Equipment (OHLE) Structures and wires. Prior to commencement of development the developer shall contact Iarnród Éireann to agree a safe system of work. v. Should the permitted development require the use of a crane that could swing over the railway property, the developer shall enter into an agreement with Iarnród Éireann/ C.I.E in relation to this issue. vi. Any proposed services that are required to cross along, over or under the railway property shall be subject of a wayleave agreement with Iarnród Éireann. vii. No overhang of any part of the development over the railway property is permitted. viii. Lights from the permitted development, either during the construction phase or the operational phase shall not cause glare or in any way impair the vision of train drivers or personnel operating on track machines. ix. Due to the size and nature of the proposal, the applicant/developer shall contact the Third Party Co-Ordinator, Track and Signalling HQ, Inchicore, Dublin 8 to discuss the proposal and its impact on the railway. x. If it is intended to fell trees which are proximate to the railway line, such that if they were to fall towards the line they would block it, the applicant/ developer shall arrange with Iarnród Éireann for a safe system of work to be established to undertake the work. xi. A height restricted bridge (Bridge UBB50) under the railway is located to the north of the site on the R127 Skerries Road. No construction traffic and no over-height vehicles shall traverse under
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	<p>Bridge UBB50. The routes for all high vehicle movements shall be planned.</p> <p>Reason: In the interest of amenities and public safety.</p>
7.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
9.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. d) Agree in writing the archaeological method statements for mitigation with the Department of Culture, Heritage and the Gaeltacht, prior to commencement of any works on site <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction and 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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety</p>
13.	<p>The route of the permitted transmission line shall not be altered where such alteration would result in the realigned line being located within 50 metres of any habitable house, notwithstanding the provisions of Class 28 of Part 1</p>

	<p>of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
14.	<p>The landscaping scheme, as submitted to the planning authority on the 09th of September 2021 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>The Tree Protection Plan shall be implemented in full under the submission of the appointed arboricultural consultant.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
15.	<p>Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
16.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
17.	<p>Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority an Amphibian Conservation Plan to include the result of a resurvey of the site for amphibian species,</p>

	<p>particularly the frog at all stages of its lifecycle, and details of measures to protect spawn and tadpoles during the construction phase of the permitted development, if necessary, by their transfer under licence from the NPWS to a temporary holding pond.</p> <p>Reason: To avoid injury to and destruction of amphibian species, particularly the frog protected under the Wildlife Act Acts 1976-2021, during the construction of the permitted development.</p>
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Karen Hamilton
Senior Planning Inspector

22nd of June 2022