



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-312271-21

Strategic Housing Development

Demolition of an existing shed,
construction of 548 no. residential
units (401 no. houses, 147 no.
apartments), 2 no. creches and
associated site works.

Location

Lands at Hollystown-Kilmartin,
Townlands of Hollystown, Kilmartin,
Hollywoodrath, Cruiserath, Yellow
Walls, Powerstown, and Tyrrelstown,
Dublin 15. (www.hollystown2shd.ie)

Planning Authority

Fingal County Council

Applicant

Glenveagh Homes Limited

Prescribed Bodies

Dublin Airport Authority
Department of Housing, Local
Government and Heritage
(Development Applications Unit)
Inland Fisheries Ireland
National Transport Authority
Transport Infrastructure Ireland

Observers

1. Anthony and Barbara Stapleton
2. Dan and Clare Boyd
3. John Geraghty and Susan Duff
4. Mary McCamley
5. Paul Donnelly
6. Sean Sheehan
7. Siobhan Cooke
8. Tara Christopher
9. Todd Pocius (Mount Eustace
Residents Association)

Date of Site Inspection

7th November 2022

Inspector

Rónán O'Connor

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	9
5.0 Section 5 Pre Application Consultation	11
6.0 Relevant Planning Policy	18
7.0 Observer Submissions.....	29
8.0 Planning Authority Submission	33
9.0 Prescribed Bodies.....	38
10.0 Assessment.....	40
11.0 Environmental Impact Assessment (EIA)	76
12.0 Screening for Appropriate Assessment.....	114
13.0 Conclusion and Recommendation	136
14.0 Recommended Order.....	136
15.0 Conditions	146

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1.1. This application relates to the amalgamation of two separate Strategic Housing Development Pre-Application Consultation Requests (Kilmartin Local Centre Ref: TC06F.309783 and Kilmartin (Hollystown) Sites 2 & 3 Ref: TC06F.309926) to form a single Strategic Housing Development Application.
- 2.1.2. The subject lands have two distinct parts referred to as Hollystown Sites 2 & 3 to the north, and Kilmartin Local Centre to the south. The Hollystown Sites 2 & 3 lands are largely undeveloped with the eastern-most part of the lands being greenfield in nature and the western-most part of the lands currently in use as a construction compound, with part of the site forming part of the former Hollystown Golf Course lands. The Local Centre lands are undeveloped but accessible via previously constructed roadways. The Local Centre lands subject of this application, lie immediately to the west of the R121, and form the eastern part of the overall Local Centre lands as identified in the Kilmartin LAP, Fingal Development Plan, and in effect comprise the eastern portion of the landbank included in the Kilmartin Local Centre Pre-Application Consultation Request Ref: TC06F.309783. Two high voltage overhead power lines traverse the site: a 110kv line traverses the northern boundary across Hollystown Sites 2 & 3, and a 220kv line traverses the Local Centre site to the south. Development is restricted within 20m on either side of the 110kv lines, and 30m on either side of the 220kv lines. This means that a large portion of the site is unavailable for development, but can be provided for amenity purposes. The site is generally bound by the R121 to the east, and Glenveagh Homes lands at 'Site 1' subject of a recent grant of planning by Fingal County Council (Planning Reg. Ref. FW21A/0042), and residential areas of Hollywoodrath to the east beyond the R121; Fingal County Council lands to the south (incl. Tyrrelstown Park) and beyond this to the south and west by the educational facilities of Tyrrelstown, and further to the south (and west) by Tyrrelstown Local Centre and Kilmartin Local Centre lands (not

subject of this application); to the west by undeveloped lands within the ownership of Glenveagh Homes; and to the north by the former Hollystown Golf Course lands and further north-east by the Ratoath Road. The new residential area of 'Bellingsmore' (developed by Glenveagh Homes), lies to the south and south-east of Hollystown Sites 2 & 3 and to the north of the Kilmartin Local Centre lands subject of this application. The lands fall both within and outside the Kilmartin Local Area Plan 2013 (as extended) and wholly within the Fingal County Development Plan 2017-2023 area. The Hollystown Sites 2 & 3 lands are zoned RA 'New Residential', and the Kilmartin Local Centre lands are zoned LC 'Local Centre'. An area to the north of the Hollystown Sites 2 & 3 lands are zoned OS 'Open Space' and proposed for Class 1 open space only.

3.0 Proposed Strategic Housing Development

The proposed development will consist of the development of 548 no. residential units, consisting of 147 apartments/duplexes and 401 houses, ranging in height from 2 to 5 storeys and including retail/café unit, 2 no. crèches, 1 no. Montessori, 1 no. community hub, car and bicycle parking, open space and public realm, over a site area of c. 25.3 ha, as follows:

1. On lands to the north of the application site (referred to as Sites 2 & 3) the proposed development includes for 428 no. houses and apartments comprising 27 No. 1-bed apartments, 97 No. 2-bed houses, 267 No. 3-bed houses and 37 No. 4-bed houses set out in 401 no. houses (373 no. 2-storey and 28 no. 3-storey) and 9 no. 3-storey apartment buildings (27 no.). A total of 792 no. car parking spaces will be provided for this part of the scheme, of these, 761 no. spaces will be provided for residents with 30 no. spaces provided as visitor parking and 1 no. space for disabled parking.

In terms of bicycle parking, a total of 225 no. cycle parking spaces are provided, comprising 180 no. spaces for terraced units (located in 9 no. bike stores with 20 no. bikes in each) plus 45 no. spaces for the apartments.

2. On lands to the south of the application site and north of the Tyrrelstown Local Centre (referred to as Local Centre) the proposed development includes 120 no. apartment/duplex units in 4 no. blocks ranging in height from 3 to 5 storeys (32 no. 1

bedroom, 68 no. 2 bedroom and 20 no. 3 bedroom) all of which have balconies or terraces set out as follows:

Block A, is a 4 storey building, providing 12 no. units with proposed balconies, with a café/retail unit of 154sq.m and community hub of 144.5 sq.m proposed at ground floor.

Block B, is a 3-5 storey building, providing 34 no. units with proposed balconies and ground floor terraces.

Block C, is a 3-5 storey building, providing 44 no. units with proposed balconies and ground floor terraces.

Block D, is a 4 storey building, providing 30 no. units with proposed balconies and ground floor terraces, with a crèche of 500 sq.m with an external play space of 200 sq.m and a Montessori of 280.3 sq.m with an external play space of 185 sq.m proposed at ground floor.

External communal amenity space is provided at ground podium terrace levels throughout the scheme.

A standalone 2-storey crèche unit is also provided of 529.6 sq.m with an external play space of 243 sq.m, to the south of the site.

Car Parking is provided in a mix of undercroft in Blocks B & C and at surface level with 108 spaces for residential use and 5 no. creche/Montessori staff spaces, 10 no. creche/Montessori set down spaces, 6 no. visitor spaces and 9 no. public spaces on the Link Street. A total of 300 no. bicycle parking spaces are proposed as part of the development comprising 230 no. long stay spaces for residents and 70 no. short stay spaces for both visitors and the non-residential activity.

3. Vehicular access to Sites 2 & 3 to the north of the application site is through the construction of a new vehicular entrance off Hollywoodrath Road (R121), a new footpath and cycle path along the northern and western side of the R121 along the site frontage extending south to the existing Toucan crossing facility over the R121, and provision of 2 no. new Toucan crossings on the R121 (c.0.53 ha) as well as via an extension to Hollystown Avenue link road south of the permitted Bellingsmore development. Vehicular access to the Local Centre to the south of the application site is via the existing access point along Hollystown Avenue and the north-south link

route from the existing Tyrrelstown Local Centre which is partially completed and partially under construction.

Pedestrian and cycle access is also provided along the R121, through existing roads within the application site and through the creation of a new pedestrian/cycle route to the north at the existing entrance to the clubhouse of the former Hollystown Golf Course.

4. The development of proposed Class 1 public open space of 2.77ha and Class 2 public open space of 1.69ha including pedestrian/cycle routes, seating areas, kick about area, playgrounds, dog park, associated landscaping works including planting, changes in level and boundary treatments. In addition 3.21 ha of linear park under the existing power lines and 2.11ha of ancillary linear open space which includes for SUDS and hedgerow features is provided in the scheme. The proposed Class 1 open space is provided as a north south pedestrian and cycle connection to the north and connecting the site to the Ratoath Road and the future Dublin GAA facilities at this location.

5. The construction of a new foul outfall sewer, approx. 3km in length to connect to the existing 600mm diameter foul sewer to the south of Powerstown Road which will include decommissioning of the existing Pump House south of Hollystown Park.

6. The development will also provide for all associated ancillary site development infrastructure including landscaped areas and sustainable urban drainage systems under the existing ESB powerlines, and all associated ancillary site development infrastructure including: demolition of an existing shed, ESB sub-stations, public lighting, and foul and surface water drainage; internal roads & footpaths; landscaping; and all associated engineering and site works necessary to facilitate the development.

The proposed scheme is designed to integrate with the previously permitted development at Bellinsmore (Ref FW13A/0088/E1) which is currently under construction and recently permitted residential development on lands to the north east known as Site 1 (FCC Reg. Ref.: FW21A/0042).

Key Figures

Site Area	25.3 Ha (Gross Residential Area – 16.89 Ha/Net Site Developable Area of 13.67 Ha)
No. of units	548 residential units
Density	40.1 units/ha (overall site) [Sites 2&3 – 35.2 units/ha] [Local Centre Site – 80 units/ha]
Height	Local Centre Site – 2 to 5 storeys Sites 2 & 3 – 2 to 3 storeys
Communal Space	1,862 sq. m.
Part V	55 no. units
Vehicular Access	<u>Sites 2 & 3</u> - Construction of a new vehicular entrance off Hollywoodrath Road (R121) as well as via an extension to Hollystown Avenue link road south of the permitted Bellingsmore development. <u>Local Centre Site</u> Via the existing access point along Hollystown Avenue and the north-south link route from the existing Tyrrelstown Local Centre (partially completed and partially under construction)
Car Parking	930 no. car parking spaces
Bicycle Parking	525 no. cycle parking spaces
Other uses	Creche 500 sq. m Creche 529.6 sq. m

	Montessori 280.3 sq. m Community Hub 144.5 sq. m Retail/Café 154 sq. m.
--	---

3.1.1. The proposed development provides the following unit mix:

	Apartments		Houses		Total	
	Number	%	Number	%	Number	%
1 bed	59	40.1	0	0	59	10.8
2 bed	68	46.3	97	24.2	165	30.1
3 bed	20	13.6	267	66.6	287	52.4
4 bed	0	0	37	9.2	37	6.8
Total	147	100	401	100	548	100

4.0 Planning History

- 4.1.1. FCC Reg. Ref. FW21A/0042 (Hollystown Site 1) Glenveagh Homes applied for planning permission to Fingal County Council for 69 No. dwellings, including the construction of a new foul outfall sewer (c.0.97 ha), approx. 3km in length to connect to the existing 600mm meter foul sewer to the south of Powerstown Road which will include decommissioning of the existing Pump House south of Hollystown Park. A final grant was issued by Fingal County Council on 24th August 2021.
- 4.1.2. ABP Reg. Ref. 303956-19 (SHD) Glenveagh Homes applied for planning permission for 253 No. dwellings in March 2019, which included the eastern part of the subject lands. The application was refused by An Bord Pleanála (ABP) citing 2 No. reasons for refusal on the 25th June 2019. This application included the lands subject of this current application.

The reasons for refusal included:

1. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form, layout and elevational treatment; fails to provide high quality usable open spaces; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads and surface car parking, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area. Section 4.10 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), together with Criteria No. 2 (Connections) in the accompanying Design Manual, seeks in the creation of well-connected communities, to minimise the need for car journeys and encourage walking and cycling. Having regard to the lack of meaningful pedestrian and cycle facilities proposed along the site boundary with the R121, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. The lack of cyclepaths along the main access road through to the designated GAA lands is also considered unacceptable. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

FCC Reg. Ref FW13A/0088 (/E1) (ABP Reg. Ref 243395)

Twinlite Services Ltd applied for planning permission for 177 No. dwellings in August 2013. The application was subsequently granted by An Bord Pleanála on the 20th

October 2014. 19 No. conditions were attached to ABP's Order. The application was revised resulting in 172 No. units. The Applicant was granted an extension of duration of permission 13th August 2019 under FCC Reg. Ref. FW13A/0088/E1.

This site, now known as Bellingsmore, is located within the Applicant's landholding, to the south of Hollystown Sites 2 & 3 and to the north of the Kilmartin LC Lands, and is nearing completion, and is partly occupied (See Figure 1.2).

5.0 Section 5 Pre Application Consultation

- 5.1.1. Two Section 5 Consultation meetings took place via Microsoft Teams.
- 5.1.2. The first meeting took place via Microsoft Teams on the 30th August 2021 (ABP Ref 309783) in respect of the following development:
 - 274 no. residential units (212 apartments, 62 duplexes), creche, Montessori, community facilities, co- working hub and retail / commercial space.
- 5.1.3. In the Notice of Pre-Application Consultation Opinion dated 3rd September 2021 (ABP Ref. ABP-309783-21) the Board stated that it was of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.1.4. The applicant was also advised that the following specific information should be submitted with any application for permission:
 - 1. Seek to demonstrate how the proposed development ties in with the overall Tyrrellstown Area, with regard to delivery of pedestrian / cycle / vehicular accesses through the site, in particular, into the existing Tyrrellstown neighbourhood centre to the south, to the educational lands to the north west, to Bellingsmore to the north and to the Bus Stop to the east on the R121.
 - 2. Further clarity on possibility of rerouting the Bus network and provision of a Bus Stop within any future proposal for the Local Centre. Details of discussion with National Transport Authority and other relevant bodies.
 - 3. Justification of the car parking quantum proposed.
 - 4. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development

materially contravenes the statutory Plan and LAP for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

5. Further clarification with respect to the area of culverted lands (hatched on the submitted site layout plan) within the ownership of FCC and lands to the east between the subject site and the R121 also within the ownership of FCC and how/ if these lands are to be included or treated as part of any future application. Clear delineation of what lands are to be included within the red line boundary and appropriate consent for lands within FCC ownership included, if applicable, in any future application.
6. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.
7. Response to issues raised, in point 6.6.2 specifically, of the planning authority opinion, dated 26/04/2021 in particular, relation to the potential for unreasonable overlooking between habitable rooms in Blocks C and D. Also quantum of north facing single aspect apartments in Blocks C and H and justification for same.
8. Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems under public open space, as part of SuDS solution. A response to the contribution suggested by the planning authority in

accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.

9. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
10. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.
11. A Noise Impact Assessment of the proposed development, specifically with regard to location of the site within Noise Zone C associated with the airport and compliance with Objective DMS31 of the Fingal County Development Plan 2017.
12. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
13. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 26th April 2021.
14. Response to issues raised in the Water Services report dated 20th April 2021, the Transportation Department report dated 21st April 21, and the Parks and Green Infrastructure dated 21st April 2021 accompanying the PA Opinion submitted 26th April 2021.
15. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 22.04.2021
16. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (20120. The report should have regard to the long-term management and

maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

17. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, regard being had to public safety zone designation and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development and development of lands to the north within the PSZ within the applicant's ownership.

18. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

19. Site Specific Construction and Demolition Waste Management Plan.

5.1.5. The second meeting took place via Microsoft Teams on the 1st September 2021 (ABP Ref 309926) in respect of the following development:

- 428 no. residential units (401 no. houses, 27 no. apartments) and associated site works.

5.1.6. In the Notice of Pre-Application Consultation Opinion dated 3rd September 2021 (ABP Ref. ABP-309783-21) the Board stated that it was of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

5.1.7. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further justification/consideration and/or design modifications of the proposed courtyard house typology which, it is stated, seek to create dual frontage

houses to the public realm either side of the subject house. The applicant should seek to satisfy the Board that such housing can operate as dual frontages over the lifetime of those dwellings. Consideration should be given to, inter alia, implications of certain 'exempted development' allowed for under the Planning and Development Act and associated Regulations behind the front building line and to the rear of houses and the implications that such exemptions (if applied) could have to the design strategy/intent of these dual frontage houses. The prospective applicant may wish to submit at application stage examples of such typologies that have been successfully implemented. The prospective applicant should also seek to demonstrate that this typology complies with statutory plan requirements (see specific information request item 3 below).

2. Development and Phasing Strategy - The documentation at application stage requires further justification with regards to:

- (i) how the subject application forms part of a wider development strategy for the landholding
- (ii) how the childcare requirement to serve this development will be provided in tandem with housing. Given the Public Safety Zone (PSZ) and Noise Safety Zone (NSZ) designations associated with the airport and restrictions on provision of Childcare facilities with Noise Zone B and Dublin Airport Outer Public Safety.

5.1.8. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

- 1. A detailed statement demonstrating how the proposed development ties in with wider development strategy for the landholding and the overall Tyrrellstown Area, with regard to delivery of public open space, connectivity, way finding, pedestrian / cycle / vehicular accesses through the site, in particular, into the existing Bellingsmore development to the south, to the

recently granted planning permission under FW21A/0042 to the east, to the designated GAA playing pitches to the north and to the adjoining educational lands to the south.

2. Detailed cross sections demonstrating the relationship with Bellingsmore to the south, the permitted development under FW21A/0042 and any future proposed development.
3. Clarity that all housing typology proposed comply with Development Plan Standards in relation to accommodation size, garden size, car parking and separation distances and where not that it is clearly set out and justified. Regard should be had to, inter alia, Objective DMS 24, Objective PM37 Objective PM38 Objective PM41.
4. Clarity of compliance with Local Objective 72, the requirement for delivery of 2.5 ha of lands for GAA pitches.
5. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
6. Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard. A response to the contribution suggested by the planning authority in accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.
7. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

- Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.
9. A Noise Impact Assessment of the proposed development, specifically with regard to location of the site within Noise Zone B associated with the airport and compliance with Objective DMS31 of the Fingal County Development Plan 2017.
 10. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
 11. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 21st May 2021.
 12. Response to issues raised in the Water Services report dated 12th May 2021, the Transportation Department report dated 13th May 2021, the Environmental Health and Noise Report dated 30th April 2021 and the Parks and Green Infrastructure dated 14th May 2021 accompanying the PA Opinion submitted 21st May 2021.
 13. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 13th May 2021
 14. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

15. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

16. Site Specific Construction and Demolition Waste Management Plan.

5.2. Applicant's Statement

- 5.2.1. The application includes a statement of response to the pre-application consultation (Statement of Response to Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each of the issues raised in the opinion (in relation to 309926) and to item of specific information raised in the opinions (in relation to 309926 & 309783).

Material Contravention Statement

- 5.2.2. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Fingal County Development Plan 2017-2023 in respect of the following matters:

- Specific Local Objective 72 (relating to the provision of a recreational facility for the Dublin G.A.A. County Board).
- Parking Provision for Apartments

- 5.2.3. The Statement of Material Contravention also refers to a potential material contraventions of the Kilmartin LAP in respect of the following matter:

- Residential Density

- 5.2.4. I refer the Board to Section 10.13 of this report which summarises the contents of same and considers the issue of material contravention generally.

6.0 Relevant Planning Policy

National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Government's Housing for All Plan (2021) which identifies the need to increase housing supply as a critical action.

Project Ireland 2040 - National Planning Framework (2018)

The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

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

National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

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

National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management.

Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

5.2 Regional

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

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

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in "Smarter Travel – A Sustainable Transport Future".

5.3 Local

Fingal County Development Plan 2017-2023

The site is governed by the policy and provisions contained in the Fingal County Development Plan 2017-2023.

The application site is primarily zoned 'New Residential' (RA) which seeks to provide for new residential communities subject to the provision of the necessary social and physical infrastructure' and Local Centre (LC) which seeks to 'provide for and/or improve local centre facilities'. Other uses included within the LC zoned lands a community hub (144.5 sq. m) and a retail/café (154 sq. m).

The remainder of the lands are zoned Open Space (OS) 'Preserve and provide for open space and recreational amenities' and Rural (RU) 'Protect and promote in a

balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’.

Class 1 Open Space and pedestrian connections are proposed for the lands zoned Open Space and foul drainage infrastructure is proposed to connect through lands zoned Rural.

Airport Related Policy

Variation No. 1 of the Fingal Development Plan 2017-2023 was adopted on 9th December 2019. Variation No. 1 outlines revised Noise Zones and policy objectives in relation to aircraft noise from Dublin Airport.

Table 7.2 of Variation No. 1 outlines the four aircraft noise zones and the associated objective of each zone along with an indication of the potential noise exposure from operations at Dublin Airport. The zones are based on potential noise exposure levels due to the airport using either the new northern or existing southern runway for arrivals or departures.

The site is located within both Dublin Airport Noise Zones B and C.

For development within Noise Zone B it is a stated objective *‘to manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure noise insulation is incorporated within the development. Noise sensitive development in this zone is less suitable from a noise perspective than in Zone C. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. Appropriate well-designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines. An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the developments design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels’.*

For development within Noise Zone C it is a stated objective to: *‘To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure, where appropriate, noise insulation is incorporated within the development. Noise sensitive development in this zone is*

less suitable from a noise perspective than in Zone D. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. The noise assessment must demonstrate that relevant internal noise guidelines will be met. This may require noise insulation measures. An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the development's design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels'.

Objective DA07: 'Strictly control inappropriate development and require noise insulation where appropriate [in accordance with table 7.2] within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone'.

Objective DA13 - Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements

Core Strategy and Settlement Hierarchy

As per Variation No. 2 of the Fingal County Development Plan, Blanchardstown sits within the 'Dublin City and Suburbs Consolidation Area'. Tyrrelstown is identified as a residential area outside of the centre of Blanchardstown, although within its development boundary (Section 4.2 of Variation No. 2 refers).

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

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

Chapter 3 – Placemaking

Objective PM13 Prepare Local Area Plans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated; Objective PM14 Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated; Objective PM15 Implement Masterplans prepared in accordance with the Development Plan; Objective PM31 -Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009); Objective PM40 Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents; Objective PM41 Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised; Objective PM42 The Guidelines for Planning Authorities ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2015 issued by the then Minister for the Environment, Community and Local Government under Section 28 of the Planning and Development Act, 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions; Objective PM43 Have regard to ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2007) (or any update or revision of these standards) when assessing apartment developments; Objective PM52 Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or

more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms; Objective PM63 - Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development; Objective PM64 - Protect, preserve and ensure the effective management of trees and groups of trees; Objective PM70 - Ensure proposals for large scale residential developments include a community facility, unless it can be established that the needs of the new residents can be adequately served within existing or committed community facilities in the area; Objective PM76 Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority.

Chapter 4 – Urban Fingal

Objective BLANCHARDSTOWN 18

Prepare and/or implement the following Local Area Plans and Masterplans during the the lifetime of this Plan including Kilmartin Local Area Plan (see Map Sheet 12, LAP 12.B) Tyrrelstown Masterplan (see Maps Sheet 12, MP 12.B)

- Phoenix Park Masterplan (see Map Sheet 13: MP 13.A)
- Old School House Masterplan (Porterstown) (see Map Sheet 13, MP 13.B)

Objective TYRRELSTOWN 1; Provide for appropriate mixed use development which enhances local services and community facilities and which has a residential element; Objective TYRRELSTOWN 2 Create a network of pedestrian and cycle routes between Tyrrelstown, Kilmartin, Hollystown and Mulhuddart; Objective TYRRELSTOWN 3 Ensure the physical and visual integration of the centre with the newly developing residential areas to the north; Objective TYRRELSTOWN 4 Secure a safe and convenient road, pedestrian and cycle system and street network to accommodate the growth of Tyrrelstown.

Objective HOLLYSTOWN 1; Provide for an appropriate level of development to complement existing local services and promote the provision of community facilities at a scale commensurate with the level of existing and future residential development; Objective HOLLYSTOWN 2 Ensure the physical and visual integration of the centre with the newly developing residential areas and landscape setting;

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

Chapter 7 – Movement and Infrastructure

Objective NP02 Continue to promote appropriate land use patterns in the vicinity of Dublin Airport to minimise the amount of residents exposed to undesirable noise levels;

Chapter 9 – Natural Heritage

Objective NH24 - Protect rivers, streams and other watercourses and maintain them in an open state capable of providing suitable habitat for fauna and flora, including fish; Objective NH27 -Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management; Objective NH33 Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application; Objective NH34 -Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

Chapter 11 – Land Use Zoning Objectives

[see also zoning relevant to the site as set out above]

Section 11.3 refers to Masterplans. It is stated that a number of Masterplans will be prepared during the Plan period as indicated on the Development Plan maps. It is further stated that the Masterplans will be subject to a public consultation process and presentation to the Elected Members of the Planning Authority for agreement. It is further stated that these plans are subsidiary to their parent plan (i.e. Local Area Plan, County Development Plan) and their associated zoning strategies and objectives.

Objective Z03 – Prepare and Implement Masterplans where required.

Chapter 12 – Development Management Standards

Objective DMS03 - Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas.

Objective RF04 (Variation No. 2 of the Plan)

Submit a detailed statement for developments on land zoned residential or mixed use, in excess of 100 residential units outlining:

- Compliance with the sequential approach in relation to development of the area,
- Potential for sustainable compact growth
- The scale of employment provision and commuting flows
- Extent of local services provision i.e. administration, education- particularly third level, health,
- retail and amenities
- Transport accessibility
- Environmental sensitivities, resources and assets and
- Current and planned infrastructure capacity

Other relevant objectives include objectives relating to open space, dual aspect, floor to ceiling heights, lifts per core, minimum floor area, separation distances, daylight and sunlight standards, sound transmission; refuse areas, community facilities, trees and hedgerows, DMURS, cycle and car parking standards, biodiversity and ecological corridors,

Kilmartin Local Area Plan 2013 and extended to 2023

The subject site falls partially within the boundary of the LAP Area. Relevant objectives are as follows:

Section 4 – Development Strategy

This section sets out objectives relating to tree and hedgerow protection, residential amenity, archaeology, biodiversity and riparian corridors, provision of green links and cycle and pedestrian routes, provision of public open space and play facilities, detailed provisions for roads and junctions and the promotion of sustainable forms of transport including bus routes and walking/cycle infrastructure.

In relation to design and housing mix, it is set out that the 'RA' lands west of the R121 will support net densities of 35 units per hectare representing c. 866 units.

Higher densities are identified within the Local Centre and at appropriate adjacent locations.

The LAP advocates a mix of residential units, tenure mix, unit size and design to support the development of a balanced community. Residential development will comprise predominantly single house units, incorporating a mix of semi-detached, detached and terraced housing. Apartment type units are envisaged on the 'LC' zoning.

Section 4.4.2 Building Heights

Development at the Local Centre will be primarily 3/5 storeys in height, with potential for key punctuation buildings along the Main Street and at key junctions on adjoining streets. The height of dwellings across the residential lands will be mainly 2/3 storeys.

Objective BH01 - Building height will primarily range between 3-5 storeys within the Local Centre and between 2-3 storeys elsewhere on the LAP Lands.

Local Centre

Objective LC01 - Promote the clustering of retail, service, office, educational, healthcare, recreational and community facilities within the Local Centre zoning to meet the demands of the future residents of the area; Objective LC02 - Facilitate the development of the Local Centre having regard to the retail and service needs of its catchment population.

Urban Design

Map 10 sets out 18 No. Character Areas labelled A-R (Section 7 sets out Urban Design Guidelines). Each of the 18 Character Areas are assessed in terms of their specific role in the formation of the urban design strategy and the opportunities each area presents in developing Kilmartin as a sustainable and unique urban place.

Water and Infrastructure Services

In this Section, the LAP sets out objectives relating to water supply, water conservation, site services, flood risk, the Water Framework Directive and the protection of water quality, including groundwater.

Building Design and Efficiency/ Phasing and Implementation.

In this section the LAP sets out measures and provisions in relation to Building Design and Efficiency and Phasing and Implementation.

Urban Design Guidelines

This section sets out urban design guidelines related to Permeability and Ease of Movement; Green Infrastructure; Public Realm; Urban Design; Dwellings/Buildings; Apartments Living Design; Distinctiveness, Character, Legibility; Parking; Key Architectural Features; Views and Prospects and Local Centre Design.

7.0 Observer Submissions

- 7.1.1. 9 no. observer submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

Principle/LAP

- Masterplan would be welcome/Framework plan is not clear as to the future intentions for the golf course
- Lands act as an important lung for the wider community/would be detrimental to wildlife and for the entire population
- Welcome family homes in the area/comply with the LAP in most respects
- Welcome development of new homes in Dublin West
- Welcome provision for Tyrellstown GAA and Dublin GAA
- Opposed to the SHD process
- Concern over future developments on Hollystown Golf Course
- Area indicated in blue (Image 2) falls outside the scope of the current development.
- Weighting towards residential rather than true local centre mixed use development.

Design/Layout

- Proposed usage is too excessive in scale and intense in design
- Apartment block should not be allowed
- Move away from this type of apartment building
- Height and scale of the buildings are out of context in relation to the traditional 2 storey homes in Bellingsmore
- Proposed planting should be planted as soon as permission is granted
- 3 and 4 storey buildings are not in keeping in the area
- Layout of house type; 4Bed 7 Person 3 Storey Courtyard/ The proposed layout is not suitable for modern living in a house designed to accommodate 7 people, particularly where there is already a bedroom on the third floor.

Surrounding Residential Amenity

- Should include a greenbelt buffer between the development and the existing houses of Hollystown Park and Demense
- Cycle lane linking Tyrrelstown with the Ratoath Road should be gated at both ends/no access at night to prevent anti-social behaviour
- Will have a detrimental impact on the Hollystown community and estate

Residential Standards

- Little usable open space on the site
- Proposed playground and woodland area are at some remove from the planned homes
- Green spine to Hollystown is not shown in the Kilmartin LAP
- Proposed green spine route is piecemeal and premature pending future intentions for the golf course
- Parkland Area to the north of Tyrellstown Park in the LAP is not shown on the proposed layout
- Lack of community and social facilities in Hollystown/Hollywoodrath

- Lack of universal access to the proposed duplexes
- Lack of green space
- Roof terraces not appropriate for families
- Development is on the departure flight path/will impact people living in the upper stories
- Maintenance of the open spaces are a concern.

Transport

- Impact on traffic generally
- Local infrastructure will not cope with the dramatic increase of traffic this development would bring
- Objective MS4 in the LAP states:
- Cul De Sac the R121 – no variation though it was agreed at council that the road should stay open
- Cycle way should not be widened to allow for vehicular traffic
- Fencing should be put in place alongside cycle path to prevent trespassers and anti-social behaviour.
- Will add to traffic congestion/should not be built in Tyresstown Park/would cut off the Tyresstown cricket club
- Will increase traffic congestion
- Proposed size of the roads is a concern/dangerous parking on small roads/will lead to accidents
- No requirement for street access through the Golf Course, as golf course was still zoned as open space when LAP was approved.
- Missed opportunity following rezoning of the Golf Course to revisit the LAP
- Previous Inspector (for SHD ref 303956-19) noted deficiencies of the R121, from which access to Site 2 is proposed/some improvements are noted.
- LAP (MS4) proposed to “Cul de sac the R121 (church road) just south of the Hollystown Roundabout to through vehicular traffic”.

- Fingal Co. Co. have chosen not to proceed with this.
- Safety issue with accessing the R121 from currently occupied housing on Hollywoodrath Road.
- There will be three access points on this section of the R121 if this application is approved.
- Application has not addressed impact of the proposed junction on accessing properties No. 12 and No. 13 Hollywoodrath Road.

Site Services

- High number of detention basins shown in the proposed open space/may render it unsuitable under certain weather conditions

Other Issues

- Will result in loss of grassland, trees and hedgerow species/negative effect on the environment
- Land ownership map does not show the full extent of the applicant's land ownership
- School sites are completely inappropriate
- Will have a negative impact on the value of surrounding homes
- Anti-social behaviour in the area/illegal dumping on area between the proposed development and boundary of Lidl car park/this area should be included in the proposed development.
- Should be active plans in progress for school building rather than 'placeholder' sites only.
- Proposal does not address Development Plan Local Objective 389 – in relation to sites for schools.
- The available site for the primary school has been significant reduced as a result of (i) the foul sewer outfall (ii) an increased allocation of land to local centre development as per proposed phase 4 of the framework plan which is outside the scope of the current application/The developer should clarify whether the proposed school site (excluding foul sewer outfall) in the framework plan

corresponds to the Kilmartin LAP objective of a minimum 5 acre site at this location.

- An Bord Pleanála should give consideration to what community facilities the proposed SHD contributes beyond linear parks, cycleways and creche places.

8.0 Planning Authority Submission

8.1.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. I have summarised this submission below.

- Local objective 72 applies to the subject site which is to 'provide a recreational facility for the Dublin G.A.A. County Board through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking'.
- Applicant has indicated a proposal to deliver a GAA facility to the north of the residential scheme at the former Hollystown Golf Club (with the intention to connect back to the residential areas through the links proposed as part of this application and delivered through the Class 1 Public Open Space).
- However, no planning application has been lodged and there is currently no planning permission for same. As such Local Objective 72 is a site specific objective in the Fingal County Development Plan and consequently the proposed development is considered to be a material contravention of the Development Plan.
- In relation to density and height, it is considered that the sites have the capacity to cater for this scale of development, subject to quality of architectural design of the buildings themselves and consideration of impact on amenities.
- It is important that good permeability and connectivity is provided across the proposed development and that the development integrates with adjoining developments in order to ensure that easy access is available to retail, commercial and educational facilities for residents of the proposed development, particularly sites 2 & 3.
- Applicant's masterplan demonstrates connectivity and permeability within and through lands to adjoining amenities, facilities and educational services.

- Will integrate with the development permitted under FW21A/0042 (Site 1) and the Bellingsmore development to the south.
- Potential connections have been illustrated to the land to the west.
- More detailed phasing strategy is required which delivers the childcare facilities at an earlier stage in the development.
- Proposed mix of units is considered acceptable.
- A condition de-exempting the use of any of the dwellings on sites 2& 3 for childminding should be applied, having regard to the location of site in the Outer Safety Zone
- General design response considered acceptable including that related to the site layout of the local centre
- Design of the apartment block somewhat repetitious/little visual interest/requires some elevational treatments and alternative finishes
- Open space is provided as per county standards
- Lack of detail in relation to play and outdoor exercise equipment/detail plan for each play space should be provided
- Boundary treatment around the open space not suitable/alternative should be provided
- 4 no. pedestrian bridges have been provided/no details have been provided/specification of bridges would have to be agreed with the PA
- Parking for the apartment units is considered low considering lack of public transport in the area/staff parking for the crèche should be shown
- Transport – please refer to report from Transportation (see below)
- Water Services - please refer to report from Water Services

Conclusion

- Applicant has failed to comply with Objective 72 (as per summary above)/is a material contravention of the Development Plan/a refusal is recommended.
- Conditions are recommended in the event of a grant.

8.1.2. Section 3 of the Planning Authority's submission sets out that the Planning Authority recommends **REFUSAL** of the application for the following reason:

1. The applicant has failed to demonstrate compliance with Objective 72- a site specific objective in the Fingal County Development Plan 2017-2023 and consequently the proposed development is considered a material contravention of the Fingal Development Plan 2017-2023 and is not considered to be in accordance with the proper planning and sustainable development of the area.

8.1.3. Appendix D sets out recommended conditions in the event that the Board decides to grant permission. Conditions of note are as follows:

- Condition 4. Phasing Plan.
- Condition 5 (a) Omission/relocation of the proposed vehicle access road from Ratoath Road linking adjoining lands to the north/separate access to the north provided that does not cause conflict with the pedestrian and cycle shared space.
- Condition 7 (a)(b) Tree Hedgerow Bond
- Condition 8 – Revised landscape plan
- Condition 10 – Archaeological monitoring etc
- Condition 22 – Artwork
- Condition 25 – Part V
- Condition 26 – Details of waste streams
- Condition 27 – Restriction on occupation of house and duplex units
- Condition 28 – Financial contribution

Internal Reports

Parks and Green Infrastructure – providing open space as per Development Plan standards/lack of detail of play and exercise equipment/boundary treatment needs amendment/detention basis make grass cutting maintenance more arduous/gradient should be conditioned/recommend conditions

Transportation Planning

- Minimum of 1 space per apartment unit including visitor parking is recommended/staff parking demand would be significantly more than that which is provided/staff parking should be identified
- TTA appears to be robust and has included a cumulative assessment
- Cycle parking acceptable
- Development does not provide optimal pedestrian linkages to existing public transport
- Podium parking should be designed in accordance with the relevant design guidance
- Road hierarchy generally in accordance with the LAP and DMURS
- Proposed vehicular access onto Rathoath Road has an excessively wide crossover of the public footpath/preferable to have a direct access pedestrian and cycle connectivity that avoids crossing an internal access road/proposed vehicle access should not be constructed separately at this location/access to the proposed GAA ground should be provided separately
- Proposed connection to the western edge of the site should be a minimum of a 3m two-way cycle path and a 2m footpath/links should include public lighting and ducting for CCTV
- Proposed pedestrian and cycle connectivity are good/design maximises permeability and connectivity/future connection points should extend to the boundaries.
- Location of all new bus stops should be agreed with the Traffic Section
- Minimum of 10% EV charging points should be provided
- MMPs should be provided targeting the creches/commercial and community development
- Road safety audits should be carried out
- Recommends conditions

Water Services – Foul proposals, water supply proposal and surface water proposals are acceptable/Notes content of the SFRA

Archaeology – Heritage officer concurs with the approach as set out in the EIAR (Chapter 14)/conditions recommended

Elected Members

- One member stated they were in favour of the development. One member stated they could not support the application. Other members raised concerns/issues including:
- Objectives in the LAP regarding transport/schools
- Public Art/Civic development
- Cycleway between Hollystown and GAA lands/no permitted cycleways
- Boundary between site and Redwood
- No provision for healthcare facilities
- More playgrounds needed
- Objective MS4
- Welcome more apartments
- Noise issues
- Function of the community hub
- Infrastructure required
- Are there retail shops/nursing homes? What are local centre facilities?
- Development is out of context and overdevelopment
- Lack of public transport in the area.
- Will not meet climate goals
- The Green Line extension to this area is needed asap
- Facilities and sense of community is lacking in this application/no community facilities
- Cycle and permeability needs to be looked at.
- Not enough schools in the area.

- Childcare capacity
- No pedestrian crossings on R121/roundabouts

9.0 Prescribed Bodies

Dublin Airport Authority (DAA) – Recommend condition in relation to appropriate noise insulation.

Refer the Board to the ERM Report, Public Safety Zones/requests the Board have regard to the appropriate density recommendations therein.

Department of Housing, Local Government and Heritage (Development Applications Unit)

Archaeology - Recommended that the proposed archaeological mitigation measures for archaeological monitoring are carried out/Condition recommended in relation to same.

Nature Conservation – Recommend conditions in relation to (i) the appropriate timing of vegetation removal (ii) measures to minimise the impacts on bats as detailed in the Bat Survey Report and in the EIAR/Sign off on lighting scheme.

Transport Infrastructure Ireland

- No observations to make.

Irish Aviation Authority

Proposed development is located within the public safety zone at Dublin Airport/noted that the management of developments within the public safety zone for Dublin Airport are specific matters for the Planning Authority and the Aerodrome Operator to consider in the context of their suitability/Condition recommended in relation to notification of crane operations.

Inland Fisheries Ireland

- Proposed development is located in the catchment of The Pinkeen stream and Tolka River. The Tolka River supports Atlantic salmon, Lamprey (Habitats Directive Annex II species) and Brown trout populations in addition to other fish species/Salmonid waters constraints apply to any development in this area.

- Works to be completed in line with CEMP
- No direct pumping from the works to a watercourse/discharge licence may be required.
- Storage and removal/disposal of excavated material must be planned so as to minimise risk of pollution.
- Should be no entry of solids during the connection to the surface water system.
- Silt traps/oil interceptors must be regularly maintained/condition suggested in relation to same.
- Details of surface water outfalls and foul sewer crossing to be submitted to IFI for approval.
- Essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development.
- All discharges must be compliant with the relevant regulations.
- Reference should be made to IFI guidance.

National Transport Authority

- Policies of Section 5.6 and 5.7 of the NTA Transport Strategy for the Greater Dublin Area and the NTA National Cycle Manual are relevant to the development of this scheme.
- Full details of the cycle network are set out in the Greater Dublin Area Cycle Network Plan.
- Reference is made to pertinent planning principles and the relevant policies and provisions of the Fingal Development Plan 2017-2023 and the Kilmartin LAP 2013 (extended to 2023).
- 630m to the nearest bus stop/currently served by the 40D and 40E/40D serves Tyrrelstown, with 3 no. services per day continuing to Hollystown/40E provides roughly 2 no. services per hour/BusConnects proposals for this area include the B3 bus which proceeds up Church Road/R121 and then takes a right onto Hollystown Road to the south east of the proposed development/will have a frequency of every 15mins on weekdays/L62 is a local bus which provides a

connection to Blanchardstown Town Centre and Broombridge/expected to have a frequency of every 30mins, but will be every 15mins at peak times/nearest spine route bus stop may be further than 630m (either on the R121 south of the roundabout with The Avenue or on the Hollystown Road), depending on the location of the bus stops which has yet to be determined/currently no plans to run a bus service through the subject site lands.

- Indicative pedestrian and cycle connection near to Le Cheile Secondary School should be provided as part of this development.
- Provision of bus infrastructure on the Link Road is welcomed.
- Segregated facilities for pedestrians and cyclists should be provided along the main spine routes through the site including the northern east-west road (rather than shared surface as proposed on the northern east-west route).
- In relation to car parking, the applicant is proposing the maximum permitted for the 2bed+study townhouse units/This rate of car provision at an edge of urban location may result in high car usage which has the potential to affect climate change and transport objectives.
- NTA would welcome the preparation of a new LAP which would include site 2 and all surrounding zoned land.

Transport Infrastructure Ireland (TII)

- No observations to make.

10.0 Assessment

10.1.1. The main planning issues arising from the proposed development not dealt with in the EIAR (Section 11 of this report) can be addressed under the following headings-

- Principle of Development
- Design including Heights and Layout
- Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Planning Authority's Recommended Reason for Refusal

- Material Contravention

10.2. Principle of Development

Zoning

- 10.2.1. The site is primarily zoned 'New Residential' (RA) which seeks to provide for new residential communities subject to the provision of the necessary social and physical infrastructure' and Local Centre (LC) which seeks to 'provide for and/or improve local centre facilities'. Residential and childcare use are permitted in principle in both of these zonings. The proposed residential units are located in the RA zoned lands and within the LC zoned lands, with residential being a 'permitted in principle use' in both zonings. Further uses included within the LC zoned lands include 2 no. creches (one standalone, one within Block D), a Montessori School (within Block D), retail/café (154 sq. m within Block A) and a community hub (144.5 sq. m within Block A). These uses 'permitted in principle use' in the LC Zoning.
- 10.2.2. The remainder of the lands are zoned Open Space (OS) and Rural (RU). Class 1 Open Space and pedestrian connections are proposed for the lands zoned Open Space and foul drainage infrastructure is proposed to connect through lands zoned Rural.
- 10.2.3. There is no objection in principle to the proposed development, having regard to the zoning designations as described above.

Local Objective 72

- 10.2.4. The site is subject to Local Objective 72 which seeks to *'Provide a recreational facility for the Dublin G.A.A. County Board, through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking'*. This is a map based objective with the proposed location identified on Map 12 of the Development Plan, and is located on lands in the north-west of the application site.
- 10.2.5. The Planning Authority have noted that the applicant has indicated a proposal to deliver a GAA facility to the north of the residential scheme at the former Hollystown Golf Club (with the intention to connect back to the residential areas through the links proposed as part of this application and delivered through the Class 1 Public Open Space). The Planning Authority further note that no planning application has been

lodged and there is currently no planning permission for same. The Planning Authority are of the opinion that the proposal is consequently a material contravention of the Development Plan. The Planning Authority's sole recommended reason for refusal relates to same.

- 10.2.6. The applicant's Planning Report (and Material Contravention Statement) sets out how the applicants intend to comply with this objective. It is stated that the applicants have engaged with Dublin GAA in relation to this Local Objective. Following this engagement, it is now proposed to deliver a larger 24 acres/9.7 ha GAA/community playing fields and facility to the north of the residential scheme proposed, on the site of the former Hollystown Golf Club. This will be subject to a separate application for development. This will seek to make use of existing car access, parking and clubhouse facilities. As per the applicant's Planning Report, the relevant lands are now in the ownership of the GAA, and any future application will be made by the GAA to Fingal County Council. The Planning Report sets out that the proposed facility delivers significantly beyond the Local Objective requirements in land area and in terms of future facilities provided. It is set out therefore that the objective is met but at an alternative location proximate to the specific area which it is proposed in the Fingal Development Plan (as indicated on Map 12). It is set out that the proposals in the application are consistent with the objectives of the Development Plan but should the Board be of the opinion it is a material contravention of the plan, this issue is considered within the Material Contravention Statement submitted with the application (See Section 10.13 for further discussion of same).
- 10.2.7. Specifically in relation to the issue of Material Contravention, I am of the view that notwithstanding the applicants are providing the requisite GAA facilities, these are being provided in a different location than indicated on Map 12 (although the proposed location is somewhat proximate to same). As such, given this alternative proposed location of the proposed GAA facilities, I am of the view that this would constitute a material contravention of Local Objective 72. I have considered this issue in Section 10.13 of this report.
- 10.2.8. In terms of the planning merits of the alternative location and the specifics of the proposals, and having regard to the submission of the Planning Authority, I have the following comments. Local Objective 72 is a map based/location specific objective to allow the GAA to develop a facility on the site. The objective does not specify that

the applicant is required to deliver such a facility. I am of the view that the applicants are in fact delivering, over and above the requirements of the Development Plan, most notably in terms of the overall quantum of land provided. I am of the view that the larger landbank at a location which takes advantage of existing car parking facilities and existing clubhouses, will, in principle, allow for a facility that has the potential to provide a larger, more accessible facility than that which could be provided in the area specified on Map 12 of the Development Plan, subject to planning permission being sought and granted. I note also that these lands are also zoned 'Open Space' to preserve and provide for recreational amenities, which, in principle, allows for the development of such a facility, whereas I note Local Objective 72 is earmarked for an area that is zoned RA, and which to my mind, in a time of housing need, would be more appropriately developed for housing. Access is provided to the site of the proposed GAA facility from the proposed residential development under consideration here, as well as from the Rathoath Road, and as such the future occupiers of the development, as well as surrounding residential areas as existing, will still benefit from its development. In terms of the future guarantee that the lands will be developed for a GAA facility, the Planning Authority note that no planning permission has been sought for the facility and, as such, it would appear that the Planning Authority has concerns in relation to the risk of the facility not being developed. However, I am of the view that the same concerns would apply to an application which sought to transfer lands to the GAA at the location specified as per Local Objective 72. This would still have the same element of uncertainty as to the future development of the lands. I am of the view that the approach proposed by the applicant's is an acceptable one, in that it is providing much needed housing and supporting mixed use facilities, in the context of a severe housing shortage, and is also facilitating the future development of GAA facilities on a site that appears to be more suitable for the development of such facilities.

Local Objective 77

- 10.2.9. Local Objective 77 applies to the lands. This seeks to *'Facilitate improved parking and drop-off/collection on the approach road to and within Tyrrelstown school campus in conjunction with the Department of Education and Skills'*. Map No. 12 of the Development Plan indicates the location of same. The Planning Authority have not raised any concerns in relation to compliance, or otherwise, with same. The

applicants have set out that the proposed development will provide 9 no. on street car parking spaces on the new Link Street (to the immediate west of the Local Centre site), which will form part of the areas to be taken in charge by Fingal County Council, and which is generally at the location as specified on Map 12. I am therefore satisfied that this objective has been met.

MP 12.B/Objective Blanchardstown 18/Masterplans

10.2.10. Objective Blanchardstown 18, with reference to map based objective MP12.B., seeks to *‘Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan:*

Kilmartin Local Area Plan 2013-2018 (extended to 2023)

10.2.11. The boundary of the LAP area is indicated on Map 12 and within the LAP itself (Map 2 refers). The site lies partially within the LAP area. I note the LAP has been extended to 2023 and I have regard to the provisions of same within the relevant sections of this report.

Tyrrelstown Masterplan

10.2.12. With reference to Map 12 of the Fingal Development Plan, the boundary of the MP12.B lands is generally in the area of the Local Centre zoned lands, both east and west of the link road running north/south. Development Plan Objectives TYRRELSTOWN relate to the provision of mixed use development, enhancement of local services and community facilities, with a residential element (Objective 1); creation of pedestrian and cycle routes (Objective 2); integration with new residential areas to the north (Objective 3) and to secure a safe road, pedestrian and cycle network (Objective 4). I have considered compliance or otherwise with these objectives in the relevant sections of this report.

10.2.13. Other relevant objectives, relating to Masterplans, include the following:

- Objective SS02a which states that ‘Development will be permitted in principle on lands where there is a Local Area Plan or Masterplan in place and only when these lands are substantially developed will permission be granted for the development of lands without such a framework...’;
- Objective PM14 ‘Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the

implementation of these plans and the achievement of the specific objectives indicated’.

- Objective PM15 ‘Implement Masterplans prepared in accordance with the Development Plan.
- Objective Z03 states ‘Prepare and Implement Masterplans where required’.

10.2.14. Section 11.3 of the Development Plan also refers to Masterplans. It is stated that a number of Masterplans will be prepared during the Plan period as indicated on the Development Plan maps. It is further stated that the Masterplans will be subject to a public consultation process and presentation to the Elected Members of the Planning Authority for agreement. It is further stated that these plans are subsidiary to their parent plan (i.e. Local Area Plan, County Development Plan) and their associated zoning strategies and objectives.

10.2.15. The applicants have submitted a document entitled ‘Hollystown Kilmartin Framework Plan’. This encompasses the entirety of the applicant’s landholding in the wider area and includes an area that is larger than that outlined on Map 12. The Planning Authority have not raised any concerns in relation to the compliance, or otherwise, with any specific objectives as relates to Masterplans.

10.2.16. I note that the Development Plan does not state who is to prepare the Masterplan nor is there a specific objective in the Development Plan that requires public consultation of same and presentation to Elected Members for agreement, although such a mechanism is set out in the supporting text of the Development Plan. Notwithstanding, I note that this current application, and the accompanying ‘Hollystown Kilmartin Framework Plan’ has been subject to public consultation and, as such, there has been opportunity to comment on same. The application has also been presented to Elected Members who have also had the opportunity to comment on same. I would also note that there is no specific objective that states that a Masterplan is required to be formally adopted by Elected Members. I note also the non-statutory nature of such Masterplans.

10.2.17. In relation to specific observer comments, as relates to the Framework Plan or a Masterplan, I note an observer submission has stated that the submitted Framework Plan is not clear as to the future intentions for the golf course, and concern is raised over the future development of same.

- 10.2.18. The Planning Authority has stated that the applicant's masterplan demonstrates connectivity and permeability though to surrounding lands. Elected Members have not raised any specific issue in relation to the masterplan process nor in relation to the applicant's Framework Plan specifically.
- 10.2.19. In relation to the submitted Framework Plan, I note the extent of same is greater than that indicated on Map 12 of the Development Plan. This affords the opportunity to consider the overall development of the applicant's landholdings and I am satisfied that it fulfils the essential requirements of a masterplan, in that it gives an overall strategic overview of the how this current development will tie into future proposals for the overall landholding, indicating layouts and future connections to same. I concur that the future development of the lands marked 'Former Golf Course' is not indicatively set out, however the Framework Plan focuses on those lands within the LAP boundary, and covers a greater extent of land than that required under MP12.B.

Density

- 10.2.20. In relation to national policy on residential density, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 10.2.21. In relation to regional policy, the site lies within the Dublin Metropolitan Area Strategic Plan (MASP) as defined in the Regional Spatial & Economic Strategy (RSES) 2013-2031 for the Eastern & Midland Region. A key objective of the RSES is to achieve compact growth targets of 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs. Within Dublin City and Suburbs, the RSES supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area and ensure that the development of future development areas is co-ordinated with the delivery of key water and public transport infrastructure.
- 10.2.22. In relation to Section 28 Guidelines, I note the provisions of the Apartment Guidelines (2020) which state, with respect to location, that apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core

urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.

10.2.23. The proposed density for the overall site is 40.1 units per ha. The density proposed for the northern portion of the site is 35.2 units/ha and for the Local Centre Lands the density proposed is 80 units/ha.

10.2.24. In relation to density and height, the Planning Authority are of the view that the sites have the capacity to cater for this scale of development, subject to quality of architectural design of the buildings themselves and consideration of impact on amenities. Observer submissions have stated that the proposal is excessive in scale.

10.2.25. In relation to Sites 2 & 3, I noted that Map 12 of the Development Plan (as varied) sets out that this area of the overall site is located within the Outer Public Safety Zone (Outer PSZ) associated with Dublin Airport. Within this zone there is an upper limit to the population or employment density allowable, which is set out in the ERM Public Safety Zones Report (2005) and which is reflected in the Fingal Development Plan (Objective DA14 refers). The report sets out a limit of 60 persons per single half hectare for housing. No development of Institutional accommodation uses which includes *inter alia* schools should take place within the Outer PSZ (Table 6.1 of the ERM Public Safety Zones Report refers).¹

10.2.26. Objective DA13 of the Fingal Development Plan seeks to promote appropriate land use patterns in the vicinity of flight paths serving the airport. Objective DA14 seeks to *‘Review Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones’*. As such I am of the view that those limits on development as specified within Table 6.1 of the ERM Public Safety Zones Report are reflected in the objectives of the Fingal Development Plan. This limit effectively sets a limit on the achievable density on this element of the application site.

10.2.27. Section 3.5.5 of the applicant’s Design Statement (Sites 2 & 3) sets out how the proposal complies with this restriction on population density. It is stated that a density of 35.6 units/Ha has been achieved on the site whilst still being compliant

¹ As referenced within Section 5.1.9 of the Applicant’s Planning Report.

with the population density requirement. I note that this figure differs slightly from the 35.2 units/ha as quoted in the applicant's Planning Report, but I am not of the view that the difference is material. I am satisfied that the details therein satisfactorily demonstrates that the Objective DA 13 has been complied with.

10.2.28. Section 4.4.1 of the LAP which states that '*The RA lands west of the R121 will support net densities of 35 units per hectare representing c. 866 units.*' The proposed density of 35.6 units/ha on the RA zoned lands are broadly in line with the above density provision.

10.2.29. At the Local Centre Lands the density proposed is 80 units/ha. The LAP outlines sustainable locations for higher densities at the Local Centre and at appropriate adjacent locations. The Local Centre Site is generally in Character Area J within which high density development is advocated, with buildings heights ranging from 3 to 5 storeys (Section 4 of the LAP refers). Specific densities are not specified in the LAP nor within the Development Plan.

10.2.30. Specifically in relation to the Local Centre Site, I am of the view that it can be considered an 'Intermediate Urban Location', as defined within the Apartment Guidelines (2020). While I am not of the view the criteria in relation to the bus frequency has been met (see detailed discussion of bus services in Section 11 of this report), given the sites location adjacent to the existing town centre of Tyrellstown, with a range of shops and services therein, I am satisfied the site can be defined as such. As noted in the applicant's Planning Report, the site is also proximate to employment locations including the North-west Business Park to the south east and Damastown Industrial Park to the south-west, which includes many large scale employers. The density of 80 units/ha is not excessive in my view, and is appropriate having regard to the provisions of the Apartment Guidelines, and having regard to the provisions of the LAP, which state that higher densities are appropriate for this Local Centre site.

10.2.31. In relation to the Sustainable Residential Development in Urban Areas (2009), I am of the view that the site as a whole can be defined as an 'Outer Suburban/'Greenfield' site, as defined in the Guidelines. These are defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial

facilities, schools, shops, employment and community facilities. A density range of 35-50 is encouraged on such lands. The overall density of 40 units/ha is within these range, albeit the density at the local centre is above this.

10.3. Design including Heights and Layout/Visual Impact

- 10.3.1. In relation to height, the proposed heights range from 2 to 5 storeys. On lands to the north of the application site (referred to as Hollystown Sites 2 & 3) the proposed housing typology is mainly 2 and 3 storey dwelling houses (401 no. units) with a minority of duplex units (27 no. apartments over 9 no. 3 storey blocks). At the Local Centre Site, the proposed development includes 120 no. apartment/duplex units in 4 no. blocks ranging in height from 3 to 5 storeys. The local centre includes 2 no. crèches (including 1 standalone 2 storey crèche), 1 no. Montessori, a retail/café unit, and 1 no. community hub.
- 10.3.2. The Planning Authority have stated that the general design response is considered acceptable including that related to the site layout of the local centre. It is stated however that the detailed design of the apartment block somewhat repetitious with little visual interest and this element requires some elevational treatments and alternative finishes.
- 10.3.3. Observer submissions have stated that the proposal is excessive in scale and state that 3 and 4 storey buildings are not in keeping with the area.
- 10.3.4. In relation to Development Plan and LAP policy objectives on height, Section 4.4.2 'Building Heights' of the LAP states that development at the Local Centre will be primarily 3/5 storeys in height, with potential for key punctuation buildings along the Main Street and at key junctions on adjoining streets. The height of dwellings across the residential lands will be mainly 2/3 storeys. This is supported by Objective BH01 of same. The proposed heights, therefore, over both Sites 2& 3 and the Local Centre Site are in keeping with the height provisions of the LAP.
- 10.3.5. Objective PM31 of the Development Plan states 'Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009)'.

- 10.3.6. The applicant has submitted a number of documents relating to the design, layout and visual appearance of the development including an Architectural Design Statement for each of the sites (Sites 2&3 and the Local Centre Site), which is required by Objective DMS03 of the Development Plan. Both Design Statements evaluate each aspect of the proposal against the criteria in context of the 12 design criteria set out in s.28 Urban Design Manual – A Best Practice Guide. A ‘Universal Design Statement’ has also been submitted with the application. In relation to the criteria set out the Urban Design Manual, I have evaluated the proposal in relation to same below.

Criteria 1 Context – How does the development respond to its surroundings?

The overall site is situated in a developing area with new build residential estates in the immediate area. In terms of Sites 2 and 3, the layout of the proposal is generally in keeping with the surrounding development style, and in keeping with the layouts of housing estates generally. As such I am of the view that sufficient reference has been had to the immediate context of the site. In relation to the Local Centre site, the density of development within this portion of the site is higher, with corresponding buildings of up to 5 storeys in height (although the majority of the heights are 3 and 4 storey and not significantly higher than the existing prevailing height of the local centre, which is generally 3 storeys). As a local centre site this higher density of development is acceptable and is generally in keeping with the scale of development within the existing Local Centre.

Criteria 2 Connections - How well connected is the new neighbourhood?

- 10.3.7. I note the contents of the ‘DMURS Design Statement’ submitted with the application which sets out how DMURS principles have been applied to the development. Sites 2 and 3 includes a primary link street ‘The Avenue’ which provides for east-west access into the development, which is as set out in the Kilmartin Local Area Plan, and is a continuation of the existing link road serving the Bellingsmore development. A secondary link street connects to the primary link street to form a loop. The layout also incorporates a series of local street and shared surface streets, with a hierarchy that is broadly in line with DMURS principles. An off-road pedestrian / cycle link is providing to connect Sites 2 & 3 to the Ratoath Road, providing a north-south link,

and will also provide a connection to the proposed Dublin GAA recreational/sporting facilities (which are subject to a separate application).

- 10.3.8. In relation to the Local Centre, the site is already well connected in terms of road connections, with a Link Road proposed to the western boundary of the site. The proposed development has incorporated pedestrian and cycle routes through the development, linking the R121 with the Link Road and the Educate Together school.

Criteria 3 Inclusivity - How easily can people use and access the development?/

Criteria 9 Adaptability How will the buildings cope with change?

- 10.3.9. The proposal provides a wide range of dwelling types facilitating a wide range of potential occupiers. The proposed housing mix is as per the table below.

	Apartments		Houses		Total	
	Number	%	Number	%	Number	%
1 bed	59	40.1	0	0	59	10.8
2 bed	68	46.3	97	24.2	165	30.1
3 bed	20	13.6	267	66.6	287	52.4
4 bed	0	0	37	9.2	37	6.8
Total	147	100	401	100	548	100

- 10.3.10. The development has been designed to be compliant with Part M of the Building Regulations and 'Building for Everyone: A Universal Design Approach' with regard to accessibility. I note the also contents of the 'Universal Design Statement' which sets out how the development has been designed in accordance with the principles of universal design.

- 10.3.11. In terms of adaptability, the broad range of units within the site allows for upsizing and downsizing while retaining community links. In terms of adaptability, the housing units have adaptable roof spaces to allow for individuals and families to extend their homes if required, subject to planning, which will allow for additional space, including space for home offices, and there is also scope to extend to the rear of these properties, subject to planning. I note the applicant has submitted a document entitled 'Flexibility, Adaptability and Arrangement' which considers the adaptability of

each of the various house types on Sites 2&3, which demonstrates how the units can be adapted and/or extended to suit changing circumstances of occupiers.

Criteria 4 Variety - How does the development promote a good mix of activities?

10.3.12. Given the nature of the proposal as a Strategic Housing Development, the proposal is, by definition, limited in terms of the mix of uses that can be provided. However, within the Local Centre 2 no. crèches (including 1 standalone 2 storey crèche), 1 no. Montessori, a retail/café unit, and 1 no. community hub have been provided.

Criteria 5 Efficiency - How does the development make appropriate use of resources, including land?

10.3.13. I have considered the issue of the quantum of development, in terms of density, in Section 10.2 above, and have concluded that overall the quantum of development is appropriate for the site context, and makes efficient use of the residential zoned land. As set out in the submitted EIAR, the proposed buildings include a range of energy efficiency features, including targeting of high BER ratings, lower U-values, improved air tightness and efficient white goods. All curtilage car parking spaces will be equipped with necessary infrastructure to facilitate use as EV charging points (Chapter 3 of the EIAR refers). Houses within Sites 2&3 will be equipped with air source heat pumps, as set out the applicant's Design Statement.

Criteria 6 Distinctiveness - How do the proposals create a sense of place?/Criteria 12 Detailed Design - How well thought through is the building and landscape design?

10.3.14. Sites 2 and 3 seeks to provide a wide variety of dwelling types, with 3 no. character areas proposed, which provide differing architectural treatments and landscaping. The Local Centre provides a different form of development, in that the majority of the units are provided in apartment blocks with greater heights, set around a courtyard space, with a variety of green spaces to the south. Both elements of the site have been developed by a different architectural firm, which itself allows for a variety of approaches that lends visual interest to the overall scheme.

10.3.15. In relation to the materials proposed, the Local Centre site makes use of render and red brick finishes with metallic canopies. The residential units within Sites 2&3 utilise a grey/white brick contrasting with a dark grey brick, as well as the use of cement panels, rough and smooth render and timber entrance surroundings providing a variety of materials. I have no objection to the materials proposed, and I consider

that there are of sufficient quality and draw sufficient reference to the prevailing materials in the surrounding developments.

Criteria 7 Layout - How does the proposal create people friendly streets and spaces?/Criteria 8 Public Realm - How safe, secure and enjoyable are the public areas?

10.3.16. Within Sites 2 & 3 a wide variety of public open spaces will be delivered, including four number pocket parks, 2 no larger parks as a central green spaces within site, a further park area that provides a link to the proposed GAA grounds to the north (subject to a separate application). These open spaces incorporate play areas, seating areas and areas for outdoor exercise. Shared surface spaces (or homezones) are also provided, with these spaces incorporating small pocket parks with seating, play equipment and planting.

10.3.17. The Local Centre site also provides for a variety of open spaces. A courtyard area is provided between Blocks B and C (as communal spaces), with a smaller communal garden provided for Block D. Larger areas of formally laid out public open spaces is provided generally to the south of the apartment blocks, and to the north and north-east of the crèche area, with seating and play areas incorporated within.

10.3.18. A network of green links which allow for safe pedestrian and cycle movements is also proposed.

Criteria 10 Privacy and Amenity – How does the scheme provide a decent standard of amenity?

10.3.19. I have discussed compliance with this criteria in detail in Sections 10.6 (in terms of neighbouring amenity) and 10.5 (in terms of residential standards) and I have concluded that the amenity space provided for each unit is sufficient in quality and quantity. The proposed scheme is in compliance with the requirements of Section 3.17 and SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) by providing for 100% of dual aspect units on Sites 2 & 3 and 53% dual aspect units on the Local Centre lands with no single aspect north facing units.

Criteria 11 Parking - How will the parking be secure and attractive?

10.3.20. The quantum of parking is discussed in Section 11 of this report. In terms of compliance with Criteria 11, I note that the proposed car parking will be easily accessible to residents and that the spaces are overlooked by residents and pedestrians. Quality materials are used for parking areas and secure cycle parking facilities are provided.

Height

10.3.21. Specifically in relation to the heights proposed, I note that national policy on heights, the National Planning Framework supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height, such as that set out here, is supported by the NPF therefore, subject to compliance with the relevant performance criteria.

10.3.22. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers). Furthermore, I note the provisions of Section 1.9 of the guidelines which state that 'the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels'.

10.3.23. Section 3.2 of the Guidelines set out development management criteria to be applied when assessing development proposals for buildings taller than prevailing building heights. SPPR 3 of the Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. However, in this instance, there is no restriction within the Development Plan in relation to the heights proposed here and the Planning Authority have not objected to the heights proposed. However, given that the 4 and 5 storey elements of the proposal proposed

are taller than the prevailing building height which is generally up to 3 storeys (although there are exceptions to this, an example being the Carlton Hotel located to the west of the existing Local Centre which is 6 storeys in height), the criteria contained with Section 3.2 of the guidelines are an appropriate framework within which to address the issue of height.

10.3.24. At the scale of the town, I have considered the accessibility of the site above and I note that, where heights are up to 5 storeys, at the Local Centre Site, this is located adjacent to the existing Tyrellstown Local Centre. There are also existing public transport links to Blanchardstown, Broombridge and Dublin City Centre (as detailed in Section 11 of this report). I am satisfied that the site is relatively accessible. In relation to Cultural Heritage, Archaeology & Architectural Heritage, Section 11 of this report considers same, and I am satisfied, subject to those mitigation measures as set out in the EIAR, that no significant impacts on cultural heritage, archaeology & architectural heritage will occur as a result of the proposed development. In relation to landscape and visual impacts, I refer the Board to Section 11 of this report for a consideration of same.

10.3.25. At the scale of the district/neighbourhood/street, and in relation to Sites 2 & 3, I am of the view that this element of the proposal responds well to the context of the site. The proposal generally responds to, and extends, the form of the existing Bellingsmore development, with defined built form along the main Link Road 'The Avenue', with courtyard and edge houses deliberately positioned here to form new streetscapes. Corner triplex buildings also proposed at junctions along the secondary/local street network. In relation to the Local Centre site, the context of this element is defined by the existing local centre, although the layout and positioning of the blocks is determined to a large degree by the overhead ESB cables which traverse the site. Notwithstanding, where built form can be provided, the proposed blocks provide a defined street edge, with Blocks B and C to the north providing edges along the proposed link road to the west, 'The Avenue' to the north and along the proposed Park and the R121 to the east. Proposed Block D continues this defined frontage along the proposed park. Internally within the site, the block arrangement allows for an east-west link, which forms a new street within the development. .

10.3.26. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies, I have considered the mix and building typologies below in section 10.5, and I have concluded the proposal complies with this criteria.

10.3.27. While the principle of the proposed heights are acceptable, further criteria to be considered within Section 3.2 include the need to ensure that the massing and height of the proposed development is carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light, with appropriate and reasonable regard taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 10.5 below, and I am satisfied that a sufficient standard of daylight and sunlight would be provided to the units, and where minor shortfalls in achieving BRE targets have been highlighted, sufficient compensatory measures have been set out. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.5 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.6 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

10.3.28. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I am not of the view that the height is such that any specific technical assessments such as wind study or telecommunications study is required nor are the heights, at a maximum of 5 storeys, such that at a specific bat or bird collision study/assessment is required.

10.4. Residential Amenities/Residential Standards

- 10.4.1. The Planning Authority have stated that there is lack of detail in relation to play and outdoor exercise equipment and a detailed plan for each play space should be provided. In addition it is stated that the boundary treatment around the open space not suitable and that an alternative should be provided.
- 10.4.2. Observer submissions on the application have stated that there is little usable open space on the site and that the proposed playground and woodland area are at some remove from the planned homes. It is stated that the proposed roof terraces are not appropriate for families. It is stated that proposed green spine route is piecemeal and premature pending future intentions for the golf course. It is also stated that the LAP sets out a parkland area to the north of Tyrellstown Park which is not reflected in the proposed layout. It is contended that there is a lack of universal access to the proposed duplexes. Maintenance of the open spaces is raised as a concern.

Daylight, Sunlight and Overshadowing

- 10.4.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. I also note that the Fingal Development Plan includes Objective DMS30 'Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Good Practice Guide (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.'
- 10.4.4. A 'Daylight and Sunlight Analysis' has been submitted with the application and describes the performance of the proposed apartment units (in the Kilmartin Area/Local Centre Site) against BRE guidelines in relation to daylight and sunlight. In relation to daylight, the BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens form part of living areas the applicant has applied an ADF of 2% to these areas. A total of 349 rooms were considered over 120 apartment units within Blocks A, B, C. and D, with a compliance rate of 97% demonstrated (338 rooms). The median ADF for the KDLs was 2.6%, and it is concluded that the daylighting performance throughout the development was determined to be very good with 50%

of the apartments having daylight performance at least 30% above the minimum targets. In the 11 no. rooms where ADF compliance could not be demonstrated, compensatory measures are set out and these include larger apartment unit sizes and dual lit apartments. For those KDLs which do not meet the 2% target, daylighting improvement measures were implemented to ensure that each KDL achieves a minimum of 1.5% ADF.

- 10.4.5. The triplex units (each containing 3 no. 1 bed apartment) in the Hollystown area (Sites 2 &3) with the least access to daylight were also assessed for daylighting and 100% of the rooms tested met BRE targets. I am satisfied that all of the other triplex units will have similar levels daylight, as a result of their location relative to other built form (they are located at corner locations) and given that the layout of these triplex units are generally the same.

Sunlighting

- 10.4.6. I note that no analysis of internal sunlight performance of the units is set out in the report. In relation to same I note that there are there are no overarching requirements (as contained with the Building Height Guidelines and the Apartment Guidelines) to demonstrate compliance with BRE sunlighting guidelines (the requirement is for daylight). While Objective DMS30 requires compliance with BRE Daylight and Sunlight Guidelines, Objective PM42 requires the application of the Apartment Guidelines and Objective PM43 states that regard should be had to the Apartment Guidelines. The Apartment Guidelines refer to daylight standards, and not sunlighting standards. Notwithstanding, I note the general orientation of the apartments blocks at the Local Centre, which allow for the units to achieve high levels of daylight either from an easterly or westerly direction, and 53% of these units are dual aspect. There are no north-facing single aspect units. As such I am satisfied that it is likely that good levels of sunlighting will be achieved in the apartment units at the Local Centre. The one bed units with the 3 storey blocks on Sites 2&3 (triplex units) are all dual aspect with windows on both the flank and front or back elevations, which is likely to allow good levels of sunlighting within these units.

Overshadowing

- 10.4.7. The BRE Guidelines (2nd Edition) recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st.
- 10.4.8. In relation to the proposed development, the report has assessed the podium space between Kilmartin Blocks B and C, with 99% of this space receiving at least 2 hours of direct sunlight on 21st March. The analysis also considered the ground level area, which includes the communal residential amenity area and crèche play areas, and it was determined that 96% of this area was capable of receiving 2 hours of sunlight. In relation to the Hollystown Area, it was determined that at least 2 hours of sunlight could be achieved across the entire public realm area.

Compensatory Measures

- 10.4.9. Both the Building Height and Apartment Guidelines state that where a proposed development cannot demonstrate that it meets the BRE daylight provisions, compensatory measures should be described:
- “Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.” (page 14 section 3.2 criteria Building Height Guidelines).
- 10.4.10. Section 5.3 of the Daylight and Sunlight Analysis has considered each individual unit where the recommended daylight levels has not been achieved, and has highlighted compensatory measures that have been provided to each unit, which includes some or other of the following measures – larger overall floor areas, additional external private amenity space, own door access, duplex unit, dual aspect unit or increased balcony sizes.
- 10.4.11. In terms of other compensatory features within the scheme, I note that the proposed public and communal spaces benefit from good sunlight provision, and this will ensure that sun-lit areas are available to all residents of the proposed development.

An excess provision of public open space (at 18% of the site area over and above the Development Plan requirement of 10%) has also been provided.

- 10.4.12. Overall, I am satisfied that the applicant has demonstrated adequate daylight and overshadowing levels within the proposed development.

Dual Aspect

- 10.4.13. The Apartment Guidelines state that in SPPR 4 that a minimum of 50% dual aspect apartments is required in suburban or intermediate locations, such as where the subject site is located. Objective DMS20 - Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.

- 10.5. The proposed scheme is in compliance with the requirements of SPPR 4, and Objective DMS20 by providing for 100% of dual aspect units on Sites 2 & 3 and 53% dual aspect units on the Local Centre lands with no single aspect north facing units

Open Space

- 10.5.1. Relevant Development Plan Objectives include Objective PM52 'Require a minimum public open space provision of 2.5 hectares per 1000 population; Objective PM60 – 'Ensure public open space is accessible, and designed so that passive surveillance is provided'; Objective PM61 'Ensure permeability and connections between public open spaces including connections between new and existing spaces, in consultation to include residents'; Objective PM62 - Provide multifunctional open spaces at locations deemed appropriate providing for both passive and active uses'; Objective PM63 – 'Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development' and 'Objective PM65 - Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements; Objective DMS89 - Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6 [of the Development Plan]; Objective DMS90 - Require balconies, ground floor private open space, roof terraces or winter gardens be suitably screened in a manner complimenting the design of the building so as to provide an adequate level of privacy and shelter for residents; Objective DMS91 - Require communal amenity space within apartment developments, in the form of semi- private zones such as secluded retreats and sitting out areas, complies with or

exceeds the minimum standards set out in Table 12.6 [of the Development Plan]; Objective DMS92 - Permit in appropriate layouts (e.g. courtyard layouts) the provision of a combination of private and semi-private open spaces; Objective DMS117 - Require new developments to be designed in accordance with DMURS.

Public Open Space

- 10.5.2. Objective DMS57 requires a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.
- 10.5.3. Objective DMS57A requires a minimum of 10% of the development site area to be provided as public open space. A total of 2.77 ha of public open space has been provided as part of this development. This equates to 18% of the overall site area.
- 10.5.4. Objective DMS59 seeks to ensure every home within a new residential scheme is located within 150 metres walking distance of a pocket park, small park, local park, urban neighbourhood park or regional park. I am satisfied that this has been achieved in this instance, given the quantum and location of the open spaces over the application site as a whole.
- 10.5.5. I note objectives DMS73 and DMS74 of the Development Plan in relation to SuDS and open space, and that underground tanks and storage systems will not be accepted under public open space. In relation to the Local Centre, a landscaped detention basin and attenuating tree pits are proposed in the area of public open space and no underground tanks or storage systems are proposed under the public open space areas. In relation to Sites 2 & 3, a proposed detention basin is proposed in the Linear Park proposed under the power lines but this area has not been included in the calculation of the public open space.
- 10.5.6. Objective DMS75 seeks to 'provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units'. In relation to Sites 2&3, play areas have been provided with

smaller play areas within the residential areas, and larger play areas within the open space to the north. These are widely dispersed throughout the site, and while the quantum of the area is not explicitly set out, I am satisfied that the overall provision is appropriate. In relation to the Local Centre, 3 no. play areas are to be provided, one within the communal open space, and 2 no within the area of public open space. The total play provision is 509 sq. m, over and above the total play area required for 120 units which equates to 480 sq. m.

- 10.5.7. Overall, I am satisfied that the proposed development satisfies Development Plan standards with respect to the quality and quantity of public open space and play provision.

Communal Open Space

- 10.5.8. Communal amenity space is provided for apartment blocks and duplex units complying with the minimum requirements as set out in the Apartment Guidelines. For the Local Centre site, the total communal open space requirement is 826 sq. m. A total of 1,862 sq. m. has been provided, in the form of a podium courtyard between Blocks B and C, to serve the residents of Blocks A, B and C, and a communal open space at ground level to the east of Block D. For Sites 2 & 3, I note that a total of 27 no. apartments are provided, over 9 no. 3 storey corner blocks. There is a small area of communal space in each of these blocks, which also accommodates a communal bike store. While these areas are somewhat small, and most likely limited in amenity value, I note that these building typologies are set adjacent to areas of open spaces or plazas, which allows for easy access for residents of these units, and I am satisfied that such spaces can function as communal open spaces for the occupiers of these units.

Private Amenity Space

- 10.5.9. All apartment and duplex/triplex units within the proposed development have access to private amenity space in the form of a balcony or terrace and all of these amenity spaces meet minimum space standards described in the Apartment Guidelines and the Development Plan.
- 10.5.10. In relation to houses, Objective DMS87 describes the minimum garden size for 3 bedroom houses or less at 60sqm and for 4 bedroom houses at 75sqm. All houses in the proposed development meet or exceed this standard.

Mix

10.5.11. SPPR 1 of the Apartment Guidelines state that developments may include up to 50% one bedroom units, with no minimum requirement for apartments with 3 or more bedrooms.

10.5.12. The proposed development provides the following unit mix:

	Apartments		Houses		Total	
	Number	%	Number	%	Number	%
1 bed	59	40.1	0	0	59	10.8
2 bed	68	46.3	97	24.2	165	30.1
3 bed	20	13.6	267	66.6	287	52.4
4 bed	0	0	37	9.2	37	6.8
Total	147	100	401	100	548	100

10.5.13. The proposed development is formed of apartments, duplexes and houses. In relation to the total apartment units proposed 40.1% are 1 bed. The proposed development therefore complies with SPPR 1.

Floor Area

10.5.14. Objective DMS24 requires that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3 of the Development Plan. Objective DMS25 requires that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

10.5.15. The individual floor area for apartments meets the standards outlined in the Apartment Guidelines and 50% are greater than 10% larger than minimum standards, also complying with minimum standards in the guidelines.

10.5.16. In relation to the proposed houses, all units comply with the minimum standards described in Table 12.1 of the Development Plan.

Floor to Ceiling Height

10.5.17. The proposed development provides for acceptable ground to ceiling heights of a minimum 2.7m at ground floor as described in SPPR 5 Apartment Guidelines. Objective DMS22 of the Development Plan requires a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.

Number of Apartments to a Core

10.5.18. The proposed apartment blocks at the Local Centre do not have more than 12 apartments per core and as such are in accordance with SPPR 6 of the Apartment Guidelines. I note Objective DMS23 in the Development Plan refers to a maximum of 8 apartments per core. However I also note the provisions of Objective PM42 of Variation 2 of the Development Plan which states that, in relation to apartment development, it is intended to *'Implement the policies and objectives of the Minister in respect of Urban Development and Building Heights Guidelines (December 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued under section 28 of the Planning and Development Act, as amended'*. As such, I am satisfied that while the proposed development does not conform with this standard for up to 8 apartments per core, no material contravention arises.

Privacy

10.5.19. I note Objective DMS28 in relation to a separation distance of at least 22m between directly opposing rear first floor windows. The proposed housing units, on Sites 2 & 3, meet this standard.

Storage

10.5.20. The minimum storage space area requirements are set out as an appendix to the Apartment Guidelines as follows:

- Studio – 3 sq.m; 1 Bed Apartment – 3 sq.m; 2 Bed Apartment (3 persons) – 5 sq.m; 2 Bed Apartment (4 persons) – 6 sq.m; 3 Bed Apartment – 9 sq.m

10.5.21. The proposed development meets or exceeds the above standard.

Communal Uses/Community Facility

10.5.22. Objective PM70 of the Development Plan states 'Ensure proposals for large scale residential developments include a community facility, unless it can be established that the needs of the new residents can be adequately served within existing or committed community facilities in the area'. Objective DMS34 seeks to provide

facilities for the communal use of residents as deemed appropriate by the Council. Objective DMS35 require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate. The proposals include a community hub of 144.5 sq. m. at ground floor of Block A. As such I am satisfied that the requirements of Objective PM70 and Objective DMS34 have been meet. In relation to communal laundry rooms, I am not of the view that this is necessary or appropriate in an apartment scheme of this size (at the Local Centre site), and I note the Planning Authority has not requested the inclusion of such facilities within this scheme. I note that a communal store area of 13.5 sq. m has been provide at ground level of Block C, and communal bike storage has been provided within the scheme also.

Childcare

10.5.23. Objective PM76 of the Development Plan requires as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority. The Guidelines for Planning Authorities on Childcare Facilities (2001) indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations, and set out a general requirement based on the size of the proposal. The more recent Apartment Guidelines (2020) however, allow for studio and one bedroom units to be discounted from the overall calculation of childcare demands. As the overall requirement in this instance is calculated as between 74 to 130 no. spaces. A total provision 266 no. spaces has been made in this instance. Further to this the Childcare Facilities Assessment (contained with the Schools Demand and Childcare Facilities Assessment Report) highlights a number of crèches operating in the area, as well as others that have been permitted. I am satisfied therefore that sufficient childcare facilities will be provided to serve the proposed development.

Other Community Facilities/Schools

10.5.24. A 'Community and Social Infrastructure Overview' has been submitted with the application. This gives an overview of the existing provision of community, healthcare, open space, recreation and religious facilities. I note there is a wide range of such uses in the area, with the site located close to the existing Tyrellstown

Centre, within 4 km of Blanchardsown Centre and Connolly Hospital, and with 2 large public parks in the locality, including Tyrrelstown Park (17 ha in size) located adjacent to the site.

10.5.25. In relation to schools, I note that two no. schools are located directly to the south of Sites 2& 3 and to the west of the Local Centre site. The 'Schools Demand and Childcare Facilities Assessment Report' sets out that within 5km of the subject site, there are 21 no. primary schools, with a total capacity of 7,645 and the proposed development represents 1.64% of the potential capacity of these schools. Within 5km of the site, there are 7 no. post primary schools, with a capacity of 4774 no. pupils, with proposed development the representing 1.05% of the potential capacity of these schools.

10.5.26. I note that the LAP has set out objectives in relation to school sites, and in this regard a site for a primary school is located to the west of the Local Centre site, and I note that this has now been delivered.

Refuse Arrangements

10.5.27. Objective DMS36 and DMS37 relate to appropriate provision of refuse facilities. The Outline Operational Waste Management Plan (Appendix 17.2 of the EIAR) sets out details of proposed refuse arrangements and the locations of the communal bin storage areas are set out on the submitted drawings. I am satisfied that appropriate refuse arrangements have been put in place serve the development.

Management Company

10.5.28. Objective DMS33 relates to the need for a management company in apartment schemes. This can be ensured by way of condition, should the Board be minded to grant permission.

Building Lifecycle Report

10.5.29. A Building Lifecycle Report has been submitted, in compliance with Section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020), which considers long-term management and maintenance of the proposed development, with reference to the materials proposed for the elevations and for the public realm, and I am satisfied as to the contents of same.

10.6. Surrounding Residential Amenity

- 10.6.1. The nearest residential dwellings are located at the recently completed Bellingsmore Residential development, which is located to east and south of Sites 2 &3, and to the north of the Local Centre Site. To the east of the site, on the opposite side of the R121, is the Hollywoodrath Residential development. A permitted development (originally permitted under FCC Reg. Ref. FW14A/0108) is being constructed to the east and north-east of Sites 2&3. The Hollystown Park residential development is located approximately 315m to the north-west of the Sites 2&3, and the Redwood residential development is located approximately 160m to the north of Sites 2&3.
- 10.6.2. An observer submission has stated that a greenbelt buffer should be maintained between the development and the existing houses of Hollystown Park and Demense, while further submission states that the proposal will have a detrimental impact on the Hollystown community and estate.
- 10.6.3. Generally speaking, potential impacts on surrounding residential developments resulting from a proposal such as this one include impacts on the levels of daylight and sunlight experienced by surroundings residential dwellings, impacts on overlooking and privacy, noise impacts, as well visual impacts. The potential impacts of noise on surrounding residential properties is considered within the EIAR as a consideration of the landscape and visual impacts, and I refer the Board to Section 11 of this report for my consideration of same.

Daylight and Sunlight

- 10.6.4. In relation to daylight and sunlight impacts on surrounding properties, Chapter 15 of the EIAR, with reference to the submitted Daylight and Sunlight Analysis, has considered same and impacts on daylight and sunlight to neighbouring buildings are ruled out as there are no immediately adjoining buildings to the site. In relation to the Local Centre site, the nearest built form to existing development at Bellingsmore is 31.1m (from the 5 storey element of Block B to the closest dwelling at No. 9 Bellingsmore Drive). In relation to Sites 2&3, the closest existing properties are located at least 40m to the south of the proposed units, which are two storey units. In relation to daylight, I note that no analysis has been carried out in relation to same, as noted above. Notwithstanding the BRE Guidelines (2011) (and the updated 3rd edition) set out that tests that assist in assessing this potential impact on daylight,

which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected).

10.6.5. In relation to the Local Centre, and the potential impact of Block B on the daylight levels to the nearest residential property I note the following. Block B has a maximum height of 16.7m. Applying test (i) it can be seen that the separation distance to the nearest dwelling is not greater than 50.1m. Applying test (ii) then, it is likely that Block B does not subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room, having regard to dwg. No. 9072C-OMP-ZZ-ZZ-DR-A-3000 (Site Sections A-A & B-B), and while the position and height of the housing at Bellingsmore are not shown on this drawing, this can be estimated with reasonable accuracy, allowing for a conclusion to be made in relation to test (ii) above.

10.6.6. In relation to Sites 2 & 3, the maximum height of unit type 2F (the closest proposed unit to existing residential units to the south) is 8.76 m to ridge level. The separation distance to the closest residential properties greater is therefore more than three times the height of the new building above the centre of the main window and I am satisfied that test (i) has been passed.

10.6.7. As such, having regard to the considerations above, I am satisfied that daylight impacts on the nearest residential properties will not be material and in line with BRE Guidance.

Sunlight/Overshadowing

10.6.8. In relation to sunlight impacts, I note that the analysis sets out that there will be no impacts in relation to same and this is demonstrated by way of a shadow analysis set out in Appendix B of the Daylight and Sunlight Assessment. In relation to Sites 2& 3, I am satisfied that dwellings that have the potential to be impacted by loss of sunlight, i.e. those existing dwellings to the north of the proposed residential properties are a sufficient distance so as to ensure that there will no loss of sunlight, or overshadowing of amenity spaces. In relation to the Local Centre Site, as noted above the nearest dwelling (located to the north of the site) is at least 31.1m from the 5 storey Block B and I am satisfied that this distance is sufficient to ensure that no material impact on sunlight levels to the existing residential properties will result from this proposed development.

Overlooking

10.6.9. Having regard to the separation distances as set out above I am satisfied that no material overlooking of surrounding residential properties would occur as a result of the proposed development.

10.7. **Other Issues**

Part V

10.7.1. The proposal provides 55 no. Part V residential units within the scheme and I note the submission of a standalone document entitled Part 'V' Allocation. This sets out indicative Part V proposals. I am satisfied that the final details of the Part V agreement can be agreed with the Planning Authority and should be Board be minded to grant permission, this can be ensured by way of condition.

Objective RF04 (Variation 2) of the Fingal Development Plan 2017-2023 (as varied)

10.7.2. I note firstly there is in fact two objectives with the title 'Objective RF04'. Notwithstanding, RF04 of relevance in this instance is set out in Adopted Variation No. 2 of the Fingal Development Plan and the requirements of same are as follows:
Submit a detailed statement for developments on land zoned residential or mixed use, in excess of 100 residential units outlining:

- Compliance with the sequential approach in relation to development of the area
- Potential for sustainable compact growth

- The scale of employment provision and commuting flows
- Extent of local services provision i.e. administration, education- particularly third level, health, retail and amenities
- Transport accessibility
- Environmental sensitivities, resources and assets and
- Current and planned infrastructure capacity

10.7.3. It is not stated if the applicant is required to submit the statement but it is likely that this is the case. In any case, I note that no standalone statement has been submitted in relation to this objective. However I am of the view that the information required by the objective is set out within other documentation as submitted with the application and in this regard I note the following:

10.7.4. The EIAR, the Planning Report, the Statement of Consistency and Statement of Response to Opinion from An Bord Pleanála, the Architectural Design Statements, the Traffic and Transport Assessment, the Mobility Management Plan and the Community and Social Infrastructure Overview address the issues of sequential development, compact growth, the scale of employment provision and commuting flows, the extent of local services provision and transport accessibility. The EIAR, including the relevant appendices, and the AA Screening Report consider the issue of environmental sensitivities, resources and assets. The EIAR, the Traffic and Transport Assessment and the Infrastructure Design Report consider the issue of current and planned infrastructure capacity. I have set out a detailed consideration of all of the above issues within the relevant sections of this report. I am satisfied that Objective RF04 of Variation No. 2 of the Plan has been complied with.

10.8. **Planning Authority's Recommended Reason for Refusal**

10.8.1. The Planning Authority recommend that the proposed development is refused permission for 1 no. reason as set out below.

1. *The applicant has failed to demonstrate compliance with Objective 72- a site specific objective in the Fingal County Development Plan 2017-2023 and consequently the proposed development is considered a material contravention of the Fingal Development Plan 2017-2023 and is not*

considered to be in accordance with the proper planning and sustainable development of the area.

10.8.2. I have considered all of the issues raised above within Section 10.2 (Principle of Development and within Section 10.13 (Material Contravention) of this report.

10.9. Material Contravention

10.9.1. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Fingal County Development Plan 2017-2023 in respect of the following matters:

- Specific Local Objective 72 (relating to the provision of a recreational facility for the Dublin G.A.A. County Board).
- Parking Provision for Apartments

10.9.2. The Statement of Material Contravention also refers to a potential material contraventions of the Kilmartin LAP in respect of the following matter:

- Residential Density

10.9.3. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (c) of same states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'. As noted in Section 10.2, I do not consider that the proposal materially contravenes the zoning objectives that pertain to the site.

10.9.4. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or

the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Specific Local Objective 72 (relating to the provision of a recreational facility for the Dublin G.A.A. County Board).

- 10.9.5. The site is subject to Local Objective 72 which seeks to *‘Provide a recreational facility for the Dublin G.A.A. County Board, through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking’*. This is a map based objective with the proposed location identified on Map 12 of the Development Plan, and is located on lands in the north-west of the application site.
- 10.9.6. The Planning Authority have noted that the applicant has indicated a proposal to deliver a GAA facility to the north of the residential scheme at the former Hollystown Golf Club (with the intention to connect back to the residential areas through the links proposed as part of this application and delivered through the Class 1 Public Open Space). The Planning Authority further note that no planning application has been lodged and there is currently no planning permission for same. The Planning Authority are of the opinion that the proposal is consequently a material contravention of the Development Plan. The Planning Authority’s sole recommended reason for refusal relates to same.
- 10.9.7. The applicant’s Material Contravention Statement sets out how the applicants intend to comply with this objective. It is stated that the applicants have engaged with Dublin GAA in relation to this Local Objective. Following this engagement, it is now proposed to deliver a larger 24 acres/9.7 ha GAA/community playing fields and facility to the north of the residential scheme proposed, on the site of the former Hollystown Golf Club. This will be subject to a separate application for development. This will seek to make use of existing car access, parking and clubhouse facilities. It

is noted that the current proposed location within open space zoned lands allows for the re-use and re-purposing of the former Hollystown Golf Club clubhouse and car park, and continues the established use of leisure amenity at this location.

- 10.9.8. As per the applicant's Material Contravention Statement (and Planning Report) the relevant lands are now in the ownership of the GAA, and any future application will be made by the GAA to Fingal County Council. The Planning Report sets out that the proposed facility delivers significantly beyond the Local Objective requirements in land area and in terms of future facilities provided. It is set out therefore that the objective is met but at an alternative location proximate to the specific area which it is proposed in the Fingal Development Plan (as indicated on Map 12). It is set out that the proposals in the application are consistent with the objectives of the Development Plan but should the Board be of the opinion it is a material contravention of the plan, this issue is considered within the Material Contravention Statement submitted with the application.
- 10.9.9. Specifically in relation to the issue of material contravention, I am of the view that notwithstanding the applicants are providing the requisite GAA facilities, these are being provided in a different location than indicated on Map 12 (although the proposed location is somewhat proximate to same). As such, given this alternative proposed location of the proposed GAA facilities, I am of the view that this would constitute a material contravention of Specific Local Objective 72 of the Fingal Development Plan 2017-2023.
- 10.9.10. I have set out my considerations of the proposal, as relates to the relevant criteria of 37(2)(b) of the Planning and Development Act, below.
- 10.9.11. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature, in that it is part of a cumulative response to a strategic issue of national importance (i.e. the provision of housing and compact urban growth). I note the proposal would make significant contribution to the housing stock, of some 548 no. residential units, and therefore seeks to address a fundamental objective of the Housing Action Plan, and as such addresses a matter of national importance, that of housing delivery.

10.9.12. With reference to section 37(2)(b)(iii) of the Act, I note the contents of 'Housing for All, a New Housing Plan for Ireland' which has four overarching objectives to meet the housing needs of the country, one of which is to increase new housing supply, on serviced land. I note also the contents of Project Ireland 2040: National Planning Framework (NPF), which seeks to deliver on compact urban growth, and National Policy Objective 27 of same seeks to prioritise the provision of new homes at locations that can support sustainable development, and at an appropriate scale of provision relative to location. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs, with a view to delivering the national target of at least 25,000 new homes annually. In relation to relevant Section 28 Guidelines, the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020) refer to the need to sustainably increase housing supply, in suitable locations. The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)' also espouses the efficient use of resources when delivering housing, including the efficient use of land, with increased densities encouraged on residentially zoned lands, at appropriate locations.

10.9.13. Having regard to those documents referred to above, I am of the view that the provision of residential units, on residentially zoned serviced land, at a scale that is appropriate, having regard to its locational characteristics (as discussed in various sections of this report), in lieu of a GAA facility that is more appropriately provided on more accessible open space zoned land, is in line with the overarching objectives of National and Regional Policy on housing.

10.9.14. Therefore, having regard to the considerations above, should the Board be minded to materially contravene the provisions of the Fingal County Development Plan 2017-2023, in relation to Specific Local Objective 72, in principle, it can do so having regard the criteria of 37(2)(b)(i) and (iii) of the PDA 2000, as amended.

Car Parking Provision

10.9.15. The Material Contravention Statement set out that the appropriate level of car parking has been determined with reference to Table 12.8 of the Development Plan.

Reference has also been made to Chapter 4 of the Sustainable Urban Housing: Design Standards for New Apartments which seek to minimise car parking in accessible locations. In relation to car parking standards as set out in the Plan, a total of 1,057 no. spaces are required for this quantum of residential development. A total of 928 no. car parking spaces are provided, with a total of 869 no. spaces allocated to residential units, which equates to an overall car parking ratio of 1.6 spaces per unit.

10.9.16. In relation to Sites 2&3, a total of 790 no. car parking spaces will be provided with 761 no. spaces allocated to residents while the remaining 29 no. spaces will be provided as visitor car parking spaces. This equates to a residential parking provision of 1.9 spaces per unit. The Material Contravention Statement sets out that this provision is compliant with Development Plan standards.

10.9.17. Within the Local Centre, a total of 128 no. spaces will be provided, with the breakdown as follows:

- 108 no. residential spaces;
- 5 no. staff parking spaces at the crèche/Montessori;
- 10 no. set down spaces at the crèche/Montessori;
- 6 no. visitor spaces and 9 no. public spaces on the Link Street.

10.9.18. Residential parking is provided at a rate of 0.9 spaces per unit and it is set out in the Material Contravention Statement that this provision may be considered to materially contravene Development Plan standards.

10.9.19. The Planning Authority are not of the view that the proposal materially contravenes the Development Plan, having regard to car parking standards, and the report of the Transportation Planning Department indicates that, in relation to Sites 2&3 the requirement for parking is between 737 and 834 spaces, with 792 spaces provided here, in line with standards. As noted in Section 11 of this report, the Transportation Planning Department state that, for the Local Centre, Development Plan Standards equate to 159-227 no. spaces, with 114 no. spaces provided. The Transportation Planning Department recommend a total of 120 no. residential spaces be provided (although I note that the submission from the Planning Authority do not suggest condition in relation to same).

10.9.20. In relation to the proposed car parking, I have assessed this against planning policy requirements in Section 11 of my report. I am satisfied that as the standards are described as a 'guide' in the Development Plan, and that this indicates some flexibility. Indeed this flexibility is demonstrated by the submission from the Planning Authority which recommends a provision at the Local Centre that is below the standard set out in Table 12.8. In addition, I note that the proposed development complies with the most up to date standard set out in the Apartment Guidelines. Objective PM43 of the Development Plan states that in relation to apartment development, regard should be had to the Apartment Guidelines or any update or revision of those standards, and Objective PM42 of Variation 2 of the Development Plan reconfirms this and specifically states that in relation to apartment development 'Implement the policies and objectives of the Minister in respect of Urban Development and Building Heights Guidelines (December 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued under section 28 of the Planning and Development Act, as amended'. As such, a material contravention does not arise in this instance.

Residential Density

10.9.21. The Material Contravention Statement refers to Section 4.4.1 of the Kilmartin LAP which states, *inter alia* that 'The RA Lands west of the R121 will support net densities of 35 units per hectare, representing c866 units.' Sites 2&3 are RA zoned lands located to the west of the R121, and are partially within the LAP, and therefore this provision is relevant to this element of the proposal. A density of 35.2 units per hectare is provided here. To my mind this is an immaterial exceedance of the 35 units per hectare as set out in the LAP, and I am satisfied that the density as proposed does not represent a material contravention of the LAP, having regard to density.

11.0 Environmental Impact Assessment (EIA)

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. A full development description is set out in Section 3 of this report. In summary, the proposed development will consist of the development of 548 no. residential units, consisting of 147 apartments/duplexes and 401 houses, ranging in

height from 2 to 5 storeys and including retail/café unit, 2 no. crèches, 1 no. Montessori, 1 no. community hub, car and bicycle parking, open space and public realm, over a site area of c. 25.3 ha. The site is located within the area of Fingal County Council.

11.1.2. Paragraph 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- i) *Construction of more than 500 dwelling units;*
- iv) *Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere.*

11.1.3. The proposed development provides for some 548 residential units on an application site of some 25.3 ha and therefore exceeds the statutory thresholds under paragraph 10(b), triggering the mandatory requirement for EIA. Accordingly, an Environmental Impact Assessment Report (EIAR) has been submitted with the application.

11.1.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 21 of the main volume provides a summary of the mitigation measures & monitoring described throughout the EIAR. Each chapter describes the expertise of those involved in the preparation of the EIAR.

11.1.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

11.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of

Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, prescribed bodies and members of the public which are summarised in Sections 7, 8 and 9 of this report above.

11.2. Vulnerability of Project to Major Accidents and/or Disaster

- 11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.
- 11.2.2. Section 2.5.1 of the EIAR deals with this issue directly and it is concluded that, considering the nature of the proposed development and its receiving environment, it there is no source-pathway-receptor linkage of a hazard that could trigger an event constituting a Major Accident and Disasters (MAD). As such, an assessment of impacts specifically in relation to MADs has been scoped out of the EIAR but the risks of accidents and natural events are addressed, where relevant, in the various specialist chapters of the EIAR.
- 11.2.3. I am satisfied that the proposed uses, i.e. primarily residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. Alternatives

- 11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

- 11.3.2. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an

indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.3.3. Chapter 4 of the EIAR provides a description of the main alternatives considered. As per the EPA Guidelines, the alternatives considered included:

- Do –Nothing Alternative; Alternative Locations; Alternative Layouts; Alternative Designs; Alternative Processes; Alternative Mitigation Measures

11.3.4. The Do-Nothing alternative was considered to represent an inefficient, uneconomical and socially sub-optimal use of the lands. Alternative locations were not considered relevant in this instance given that the site has been zoned for a development of this nature. Alternative designs and iterations of the project are set out in the report, which includes a consideration of the previously refused SHD application on this site (ABP Ref 303596 – See Section 4 of this report for additional details on this refusal). The applicant has subsequently developed a Framework Plan to guide development on their overall landholdings, and this has informed the final design of the current application. Consideration is also given to the proposed relocation of the GAA facility and justification is set out for the proposed alternative location of same, noting that this element is not proposed to be delivered under this application and is earmarked for delivery by GAA at a later date.

11.3.5. Overall, I am satisfied that, the Directive requirements in relation to the consideration of alternatives have been satisfied.

11.4. Consultations

11.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

11.5. Likely Significant Direct and Indirect Effects

11.5.1. The likely significant indirect effects of the development are considered below and reflect the factors set out in Article 3 of the EIA Directive 2014/52/EU.

11.6. Population and Human Health

11.6.1. Population and Human Health is considered in Chapter 7 of the submitted EIAR. This chapter uses census population data, economic activity data and the identification of SEVESO III sites in the vicinity of the development in order to inform

the potential impacts of the proposed development upon population and human health. In relation to SEVESO III sites it is noted that two (2 no.) of these establishments – Chemco (Ireland) Ltd. and Barclay Chemicals Manufacturing Ltd. – are within consultation distance of the site of the proposed foul water outfall sewer component of the proposed development (which was permitted previously under the scope of a separate application: FCC reg. ref. FW21A/0042). The locations of other elements of the proposed development, including the residential and commercial elements, are at least 1km beyond the limit of the consultation distance for the nearest SEVESO III site, and no homes or buildings proposed will fall within the consultation radius of any SEVESO III site.

- 11.6.2. I noted that the DAA have made a submission on this application and have recommended conditions in relation to noise insulation for the proposed units.
- 11.6.3. The EIAR notes that, during the construction phases, there is potential for short term negative impacts relation to noise and dust impacts, with the potential for significant negative short-term impacts on landscape and visual amenity. In the absence of mitigation, significant negative impacts on human health could result from the removal of asbestos from structures on the site. Predicted positive impacts result from employment generation and demand for shops and services. During construction phase, mitigation measures are identified in 7.6.1 of the EIAR and largely relate to good practice construction management to limit noise, pollution and disturbance, and appropriate procedures to be followed as relates to asbestos removal. Residual impacts are described in the EIAR and relate to noise pollution, with the potential for short-term, significant, negative, residual impacts to occur at construction phase, within 25m of the proposed site. However any other likely significant environmental impacts will be avoided through the implementation of mitigation measures.
- 11.6.4. No potential significant negative impacts at operational phase upon population and human health are identified in the EIAR. However, noise from aircraft has the potential to result in negative, up to moderate long-term permanent negative impacts. Positive socio-economic impacts and positive impacts in relation to access are predicted at operational stage. Mitigation measures relate to the adherence to design noise criteria, which will serve to reduce any potential impact resulting from aircraft noise.

11.6.5. In relation to those conclusions of the report, I concur with same. Impacts of note at construction stage relate to significant noise impacts within 25m of the site. While any significant noise impacts on sensitive receptors are undesirable, these impacts represent the 'worst-case' scenario, which would occur when all of the noisiest plant is operating at the same time. The impacts are also short-term, and would only result during certain time periods during the build. I am of the view that the applicant has set out sufficient mitigation to reduce residual impacts, but I share the view it is not possible to eliminate noise impact entirely, at construction stage. In relation to aircraft noise, at operational stage, design measures such as acoustic glazing (see also consideration of this issue within the 'Noise and Vibration' section of this report) can reduce noise to acceptable levels. On balance, therefore, and having regard to the need to facilitate construction to deliver housing, I am of the view that the overall impacts on population and human health are acceptable.

11.7. Biodiversity

11.7.1. Chapter 8 of the submitted EIAR addresses biodiversity. It describes a desktop study and on-site surveys of habitats, invasive species, rare and/or protected plants, bat activity surveys and assessment of bat roosts, large mammal surveys (badger, otter), suitability for breeding and wintering birds and amphibian and common lizard surveys.

11.7.2. I note that the Department of Housing, Local Government and Heritage (Development Applications Unit) have, in a submission on this application, recommended general conditions relating to appropriate timing of vegetation clearance and details of a finalised lighting scheme.

11.7.3. In assessing impacts on Biodiversity, I have also had regard to the Bat Survey Report (as contained in Appendix 8.1 of the EIAR), the Outline Biosecurity Plan (as contained in Appendix 8.2 of the EIAR, the Tree Survey Report (December 2021 – submitted under separate cover) and supporting tree survey drawings, the Landscape Design Reports (2 no. documents for Sites 2 & 3 and the Local Centre Site) and the Site Lighting Report (November 2021 – submitted under separate cover).

11.7.4. The EIAR notes that there are no designated conservation areas occurring within or in the immediate vicinity of the site of the proposed development. Impacts on

European Sites are considered in a separate Appropriate Assessment Screening Report (See Section 12 of this report). The Royal Canal proposed Natural Heritage Area (pNHA) (site code 002103), approximately 5km to the south is the nearest non-European Site designated for conservation.

- 11.7.5. The EIAR describes the existing habitats on the site. In relation to Hollystown Sites 2 & 3, the main habitat present in the former golf club lands is unmanaged grassland (former amenity grassland (GA2)), with more diverse habitat occurring given the land is no longer managed, including dry meadows and grassy verges. Other habitats include woodland plantation (WS2), open tree lines (WL2) on this part of the site, and drainage ditches (FW4). The habitats on this area of the site are concluded to be of Local Importance (Higher Value). To the west of the golf course, a former agricultural field is now in use as a construction site compound and includes a tree line in poor condition, with the majority of the trees affected by ash dieback disease. It is recommended that these are felled. The habitats on this area of the site and that of the Local Centre site, and for the remainder of the proposed development site are concluded to be of Local Importance (Lower Value).
- 11.7.6. In relation to the area of the proposed foul sewer outfall, located to the west of the proposed development site itself the line of the proposed outfall sewer (Figure 8.13) crosses the western-boundary tree line and passes through various habitats including arable fields, the Moortown Stream, grasslands and a willow plantation.
- 11.7.7. In relation to birds, the EIAR describes the bird surveys undertaken and all of the bird species recorded within the proposed development site are very common in Ireland and on the green list of Birds of Conservation Concern in Ireland. Small numbers of starling and swallow were recorded, both of which are amber-listed listed.
- 11.7.8. In relation to bats, the EIAR makes reference to the Bat Survey Report (as contained in the Appendix 8.1 of the EIAR). It is noted that a Leisler's bat was observed on an ash tree on the site, during the August 2021 survey. The Bat Survey report notes that this is a mating perch and is protected as a resting place of a protected species. No other bat roosts were identified during the 2020 and 2021 surveys, although as noted in the Bat Report (Appendix 8.1 of the EIAR) there are a number of potential bat roosts sites on the development site. The Bat Survey Report notes that bat

activity was high on the western perimeter of the northern section of the site at trees along the edge of the existing construction site. A total of four species of bat were recorded feeding within Sites 2 & 3, with bat activity on the Local Centre Site also, with the majority of bat activity along the western trees.

11.7.9. In relation to mammals, while previous surveys, undertaken prior to 2019, recorded evidence of badger activity on the western side of the golf course, no badger activity was recorded since 2019 on any part of the site, including along the route of the proposed foul sewer outfall. There was no evidence of otter on the site or within any of the drainage ditches in the area. Foxes and rabbits were recorded on site, although the EIAR notes that these are not protected under wildlife legislation.

11.7.10. In relation to other species, it is noted the drainage ditches provide suitable habitat for newts and frog, and it is possible that lizards may occur on the site. Some common species of butterfly were recorded on site but no evidence of the only protected insect in Ireland, the marsh fritillary butterfly, or its flood plant were recorded on the site.

11.7.11. It is concluded that the overall development site contains no features of any ecological significance and is of Lower (Lower Value) importance.

11.7.12. I note the contents of the Tree Survey Report also, which states that while the development will require that a considerable number of trees to be removed, the vast bulk of these trees are of low value, and the removal of same will be mitigated by new planting as set out in the Landscape Design reports. Tree protection measures are set out in the Tree Survey to ensure the protection of those trees to be retained. I note also the contents of the Site Lighting Report, which notes that the proposed lighting scheme for the proposed development has been designed to achieve the requirements of various standards, including those set out in 'Bats and Lighting – Guidance Notes for Planners, Engineers, Architects and Developers (Bat Conservation Ireland, 2010)' and 'Bats and Lighting in the UK – Bats and the Built Environment Series (Institute of Lighting Professionals, September 2018). The Site Lighting Report notes that there will be no light spill into biodiversity areas, in particular no light spill from the development over tree lines, open space and habitat corridors.

11.7.13. Predicted impacts on biodiversity during the construction phase, in the absence of mitigation, includes the loss of grassland, trees and hedgerow species within the development site, which is considered to be a permanent, minor to moderate impact at site level (it is not stated if such an impact is negative although I have assumed that it is). It is stated that extensive landscaping and planting proposed over time will reduce this impact to neutral or slight positive. In addition it is stated that the line of the foul outfall sewer, in the absence of mitigation, may result in a short-term slight to moderate impact (again it is not stated if such an impact is negative although I have assumed that it is), with the reinstatement of any removed shrubs and trees over time reducing this impact to neutral. Long term to permanent moderate negative impacts on bats are predicted, in the absence of mitigation, as a result of loss of trees (roosts and habitats) and lighting impacts. A long term to permanent moderate negative impact as a result of loss of shrub is predicted, in the absence of mitigation. No impacts on existing watercourses are predicted.

11.7.14. No significant impacts are predicted impacts at operational stage, although I note that possible impacts of lighting on bats is identified although there is no conclusion as to the significance, duration or magnitude of these impacts.

11.7.15. Mitigation measures are set out in Section 8.5 of the report. At construction stage, reference is made to the incorporated design mitigation which includes landscape design which will enhance habitats on site. Other measures include appropriate timing of scrub and vegetation clearance, and where vegetation clearance is required between March and August, bird nesting surveys will be undertaken by suitably qualified ecologists, with appropriate procedures followed should active nests be discovered. In relation to bats, give a single roost was identified in the site, a derogation licence was granted on 2nd December 2021 to allow for its removal, subject to the terms of the licence, which include the installation of bat boxes. Should bats be noted during further evaluation prior to felling, additional derogation shall be required from NPWS. The Bat Survey describes in greater detail other proposed mitigation measures, which include the planting of suitable tree species for future roosting opportunities (Oak, Beech, Poplar and Sweet Chestnut), exclusion of bats by a bat specialist, should bats be found, and released back within the immediate area, examination of trees and buildings for bats prior to felling or demolition and retention of a number of mature broadleaf trees within the former golf course. In

relation to the foul outfall sewer, all works will be carried out in accordance with Irish Water requirements and in accordance with Inland Fisheries Ireland 'Guidelines on the Protection of Fisheries During Construction Works in and adjacent to Watercourses, as well as with consultation with IFI, with the area being reinstated to grassland and hedges and tree lines replaced with new hawthorn planting.

11.7.16. In terms of residual impacts, the EIAR concludes that, while the proposed development may have temporary negative impacts on biodiversity at site level, these impacts will be fully mitigated, and the impacts will be mitigated over time to be rendered negligible. No residual negative impacts on bat species are expected, following the implementation of the mitigation measures as set out in the EIAR, and this conclusion is supported by the conclusions of the Bat Survey. In relation to monitoring, it is stated that a project Ecologist will be appointed for the duration of the construction phase as well as monitoring of the bat and bird boxes on an annual basis. Cumulative impacts are ruled out. It is concluded that there will be no long-term residual impact on ecological receptors.

11.7.17. I concur with the conclusions described in the EIAR and consider there to be no negative residual impact upon internationally or nationally significant receptors, with mitigation in place. While there will be removal of some habitat areas, including significant tree removal, as well as related disturbance as described above, the provision of areas of planted open spaces provide substantial benefit. I note also the conclusions of the Tree Survey Report, which I have referred to above. I am satisfied that the proposed replacement planting and landscaping will be adequate in terms of compensatory value for any negative impact arising from the development. I also note that the site is zoned for residential and thus this zoning supports redevelopment of the lands which in any form, will invariably lead to some disturbance and clearance of habitats on the site. Specifically in relation to bats, the EIAR notes that bat boxes are to be installed, and at operational stage the proposed lighting scheme for the development has had regard to the relevant guidelines, as relates to appropriate lighting to reduce impacts on bats, and as set out in the Site Lighting Report as discussed above. I am satisfied that, with these measures in place, that no significant residual impacts on bats will result, either at construction stage, nor at operational phase. In conclusion therefore, with the mitigation measures as outlined above, and within the EIAR, I am satisfied that, while there

may be temporary negative impacts on biodiversity at the initial phases of development, as a result of removal of some habitats, I am satisfied that these impacts will not be significant, and I am also satisfied that as the proposed landscaping matures, these impacts will be rendered negligible.

11.8. Land, Soils, Geology & Hydrogeology

- 11.8.1. Chapter 9 of the EIAR considers Land, Soils, Geology & Hydrogeology. The topography of the site is described, with the northern portion of the site (Sites 2 and 3) sloping generally in a north-westerly direction. The southern portion of the site (Local Centre Site) slopes upwards west to east between 74m OD and 77m OD. The nearest recorded Geological Heritage Site is Huntstown Quarry (Site DF002), which is located c. 2.6 km to the east of the site and the EIAR concludes that, due to the distance from the proposed development, there is a negligible risk to this heritage site. Historical maps from the OSI show that there were no historical activities at the proposed development site that would impact on the quality of the underlying soil or bedrock aquifer, and there is no record of any landfills or licenced waste facilities in the vicinity of the site.
- 11.8.2. Soil samples collected on the site were classified as inert. The site is underlain by a Locally Important Bedrock Aquifer (LI) which is 'moderately productive only in local zones'. Bedrock depth from on-site investigation confirms the GSI vulnerability categorisation as 'Low' at Sites 2 & 3, and 'Medium to High' at the Local Centre Site.
- 11.8.3. In terms of groundwater, the groundwater body in the region of the site, the Dublin GWB, is classified as being 'under review' (having regard to the WFD Risk Score System). This waterbody achieved 'Good Status' in the 2013-2018 WFD cycle. While no groundwater samples were taken, it is inferred that groundwater has not been impacted in the vicinity of the site, given the relatively clean nature of the overlying strata and the lack of historical industrial activities on the site. There is no record of any wells in the vicinity. In terms of flow direction, it is noted that no monitoring has taken place, but that the regional groundwater gradient is most likely north to south towards the Tolka.
- 11.8.4. A Conceptual Site Model (CSM) was developed in order to identify any likely source-pathway-receptor linkages relating to the site and the proposed development. No source pathway linkage to North Dublin Bay SAC or South Dublin Bay and River

Tolka SPA via groundwater was identified. A hydraulic connection to the North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA via stormwater drainage to the Tolka is identified. It is stated that due to the distance to these receptors there will be a negligible impact on same (See also discussion in Section 12 'Screening for Appropriate Assessment) and discussion on 'Hydrology – Chapter 10 of the EIAR' and 'Biodiversity – Chapter 8 of the EIAR'.

- 11.8.5. Based on the NRA methodology criteria for rating site importance of geological features (refer to Appendix 9.4 in Volume 3), the importance of the bedrock and soil features at this site is rated as 'medium' importance. The importance of the hydrogeological features at this site is rated as 'medium'.
- 11.8.6. Predicted impacts of the proposed development, at construction phase, in the absence of mitigation, relate to excavation and stripping of soil, impacts on water quality as a result of run-off with a high suspended solid content, impacts on human beings from incorrectly managed soils exports, pollution of rainwater or groundwater and a local loss of agricultural soil. It is stated that due to the depth of the overlying low permeability tills (between 1.8 and 10m), there will be no likely impact to the underlying low to high vulnerability locally important aquifer. At operational phase potential impacts, in the absence of mitigation, include leaks and spillages from vehicles and reduced discharge to local aquifers. In relation to the latter issue, it is stated that with appropriate surface water management design, including SuDS measures, any reduction in local recharge will not have a significant change on the natural hydrogeological regime.
- 11.8.7. Mitigation measures set out in the EIAR include measures at construction phase, primarily via the implementation of measures as contained in the preliminary Construction & Environmental Management Plan (as submitted with the application under separate cover), which will be finalised in advance of the works commencing. This will include emergency response procedures in the event of a spill, leak, fire or other environmental incident related to construction. Other measures relate to control of soil excavation, export of material from the site, sourcing of fill and aggregates, fuel and chemical handling and water control measures. No impacts are predicted at operational phase.

- 11.8.8. Residual impacts at construction stage, following the implementation of mitigation measures, are negligible. In relation to monitoring, inspection and maintenance of surface water run-off and sediment control measures will be carried out during construction phase. Cumulative impacts were concluded to be imperceptible.
- 11.8.9. In relation to the conclusions of the conclusions of the report I concur with same, and I am satisfied that with the implementation of mitigation measures as set out in the EIAR, and as set out in the CEMP, residual impacts will be as described in the EIAR (negligible) and there is no evidence, either within the documentation submitted with the application, nor from observers on the application, to warrant a different conclusion.

11.9. Hydrology

- 11.9.1. Chapter 10 of the EIAR relates to Hydrology. In assessing same, I have also had regard to the Site Specific Flood Risk Assessment (December 2021 – submitted under separate cover) and the Infrastructure Design Report (December 2021 – submitted under separate cover). In terms of the baseline environment, the EIAR sets out that the proposed development site is located within the River Liffey and Dublin Bay Catchment area, and Tolka sub-catchment area. The Mooretown and Hollywood Streams (EPA designations) which are partially culverted flow east to west to the Pinkeen East (EPA Designation – Powerstown) before flowing north to south to the Tolka. The current WFD risk score for the Pinkeen West, Pinkeen East and Tolka River is 1a ‘At risk of not achieving good status’. The Tolka Estuary is currently listed as ‘At Risk’. The Liffey Estuary Lower and North Bull Island WFD status is currently ‘under review’. The Dublin Bay Coastal Waterbody is listed as ‘Not at Risk’ by the EPA.
- 11.9.2. I note that the Inland Fisheries Ireland (IFI) in their submission recommend water pollution prevention measure, including that works are to be completed in line with CEMP and reference should be made to IFI guidance. It is further set out that it is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development.
- 11.9.3. The local network of open drains is described within the EIAR, with eventual connections west to the Pinkeen East Stream, located approximately 1.2km to the west. The existing drainage network accommodates attenuated surface water run-off

from the existing Hollywoodrath Estate to the east and the existing detention basin for the Bellingsmore residential development (which appears to be recently completed) is located in Site 3 of this proposed development. At the local centre, the existing drainage ditch appears to take road drainage from the R121 with eventual discharge to the Pinkeen River. As part of this proposed development, it is proposed to culvert an additional section of the ditch to provide for a surface water discharge point for this portion of the proposed development.

- 11.9.4. In terms of surface water flooding and flood risk, the EIAR notes the contents of the Site Specific Flood Risk Assessment (SSFRA), which has been submitted under separate cover and I have had regard to same in this assessment. In order to identify potential flood risk to the site, the SSFRA utilises OPW CFRAMS Flood Mapping, (although it is noted that the CFRAMS Flood Mapping does not extend to the residential area of the site), mapping from the Strategic Flood Risk Assessment for the Fingal County Development Plan 201-2023, mapping from the SFRA for the Kilmartin Local Area Plan 2012-2018. No flooding is identified within the site on this mapping. No historical flooding has been reported on this site. The SSFRA concludes that flood risk from tidal, fluvial and groundwater flooding is low, with moderate risk emanating from surface water drainage (pluvial) and from human or mechanical error (pluvial), due to potential flooding from the surcharging of the drainage systems or blockages occurring at operational stage. The SSFRA concludes the site is within Flood Zone 'C' as defined within the Flood Risk Guidelines. It is also concluded that the moderate risk arising from surface water network at operational stage can be mitigated by designing the surface water network in accordance with the Greater Dublin Strategic Drainage Study (GDSDS), including the attenuation of the 1% AEP Storm Event, as well as other measures, including but not limited to, incorporation of SuDS measures and proper operation and maintenance of the surface water drainage system, which are described also in the submitted Infrastructure Design Report. In terms of off-site flood risk, the SSFRA notes that the proposed surface water runoff will be limited to Q_{bar} (greenfield runoff rate) and as a result will not result in increased risk of flood elsewhere.
- 11.9.5. The EIAR rates the hydrological features on the site as 'medium' importance due to a poor biotic index (Q2-3) and the lack of use a potable water source. Potential impacts as a result of the proposed development include increased run-off and

sediment loading and contaminated surface water drainage, at construction stage. At operational stage, there is potential increased flood risk as a result of increased quantities of surface water (see discussion above). In relation to same, it is noted that the Infrastructure Design Report (submitted under separate cover) outlines a number of design features to manage the quantity and quality of surface water from the proposed development. In summary, in terms of surface water design, it is proposed to re-route the existing open channel golf course drain within the ESB sterilisation zone. Sections of this re-routed drain will be piped and culverted to facilitate crossing points. The existing open drains, which is the boundary between Sites 2 & 3, will be maintained, with a buffer of 10m on both sides. It is proposed to retain the existing open drain along the northern boundaries of Site 3, with a similar 10m buffer maintained. The proposed surface water design seeks to incorporate the surface water drainage requirements for the adjacent Bellingsmore residential development and it is proposed to have two interlinked detention basins to the south-east boundary of Site 3. The existing detention basin will be removed, with the storage volume accommodated in the relocated basins. A surface water outfall will be constructed to the same receiving drain, to the north-eastern boundary of Site 3. In relation to the Local Centre Site, three distinct catchment areas are identified, and it is proposed to discharge attenuated surface water run-off from each catchment to the surface water ditch traversing the site from east to west.

- 11.9.6. In relation to wastewater proposals, it is proposed to construct a new foul outfall sewer to the west of the site, approximately 3km in length to connect to the existing 750mm diameter foul sewer to the south of Powerstown Road (this has been previously permitted under FCC Ref FW21A/0042). This foul connection is designed to facilitate the proposed development, future development on zoned lands to the west, the Bellingsmore development and from the permitted Hollystown Site 1 residential development to the north-east. A future connection from the Hollystown Park foul pumping station is also facilitated for. In relation to the Local Centre site, the proposed foul drainage system will connect to the existing 225mm foul sewer to the west of the site. The EIAR notes that confirmation of feasibility for these proposals was obtained from Irish Water (and is included within Appendix 6 of the Infrastructure Design Report).

- 11.9.7. In relation to water supply, it is proposed to connect to the existing 300mm diameter watermain on Hollywoodrath Road, designed to Irish Water's requirements.
- 11.9.8. I note the submission from Irish Water which notes the water and wastewater connections are feasible subject to local infrastructure upgrades by Irish Water. It is also set out that the initial Confirmation of Feasibility issued by Irish Water in January 2021 noted that the proposed wastewater connection is subject to the completion of the 'Blanchardstown Sewerage Scheme: Duplication of 9C Sewer and storage project'. The submission from Irish Water states that these works were completed in August 2022.
- 11.9.9. In relation to predicted impacts of the proposed development, at construction phase, in the impacts of mitigation, potential impacts are similar to those on 'Lands, Soils, Geology and Hydrogeology', given the interrelationship between these elements. They include increased run-off and sediment loading and contaminated surface water drainage. At operational phase, contaminated surface water run-off could impact the surface water network, and poorly managed surface water from the development could result in increased flood risk. The EIAR also cites the potential for leaks and spillages from vehicles, and noted that such spillages could cause water contamination.
- 11.9.10. Mitigation measures are set out in Section 10.5 of the report and, at construction phase, such measures generally relate to the adherence to a Construction & Environmental Management Plan (CEMP), which in turn sets out measures relating to surface water run-off, fuel and chemical handling, accidental releases and soil removal and compaction. At operational stage it is noted that SuDS features will be integrated in to the surface water drainage network which aim to reduce the quantity of surface water run-off and improve the quality of same, as well as providing for amenity and biodiversity. Such features are described in detail in the submitted Infrastructure Design Report, and are as described above.
- 11.9.11. No significant residual impacts on the natural surface water are expected either at construction or operational stages, following mitigation measures. Cumulative impacts were considered to be imperceptible.
- 11.9.12. In relation to the conclusions of the conclusions of the report I concur with same, and I am satisfied that with the implementation of mitigation measures as set out in the

EIAR, and as set out in the CEMP, the SSFRA and the Infrastructure Design Report, residual impacts will be as described in the EIAR. The moderate flood risk identified in the SSFRA, relating to the risk from surface water drainage at operational stage, can be managed with an appropriately designed surface water drainage system, the implementation of SuDS measures as well as proper operation and maintenance of same.

11.10. Air Quality and Climate

- 11.10.1. Chapter 11 of the EIAR considers 'Air Quality and Climate'. Existing Air Quality was determined by way of a site specific short-term monitoring study which was conducted at the site for nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and benzene, during August 2021 and by reference to data obtained from the EPA's 2019 Annual Report 'Air Quality in Ireland' (2019). The short-term monitoring data indicated that concentrations of pollutants were significantly below their respective annual limit values and comparable with levels reported by the EPA, and the EPA data obtained from the annual report indicated that the long term average concentration of pollutants are below their respective daily/hourly/annual average limits or other relevant target value.
- 11.10.2. Predicted Impacts of the proposed development are set out in Section 11.5 of the EIAR. Impacts at construction phase include dust emissions, additional hydrocarbons and particulates from construction vehicle movements, a net increase in CO₂ emissions over the baseline scenario for the site, as a result of concrete production and the loss of an undeveloped greenfield site. Impacts on climate were not considered to be significant. In relation to climate impacts, while a net increase in CO₂ emissions, over the baseline scenario is predicted, this is somewhat negated by the removal of livestock herds and the cessation of fertiliser use, both of which release CO₂ and Methane. Reference is made to the Institute of Air Quality Management (IAQM) document, *Guidance on the Assessment of Dust from Demolition and Construction (2014)* which states that site traffic and plant is unlikely to make a significant impact on climate.
- 11.10.3. At operational stage, the operation of the new buildings is expected to result in a neutral impact is expected as a result of the energy efficiency requirements for new buildings. In this regard I note also the contents of the 'Energy Analysis Report'

(December 2021 – submitted under separate cover). This sets out how the proposed buildings comply with Building Regulations Technical Guidance Document (TGD) Part L 2019 and with the EU Energy Performance of Buildings Directive. Of note is the inclusion of air source heat pumps which, when combined with other energy efficient measures and materials, should allow for each of the housing units to achieve an A2/A3 BER rating.

11.10.4. The impact of additional traffic movements was expected to generate NO₂ values within air quality standards, and the impact of same was considered to be imperceptible. Impacts on climate were considered to be imperceptible and no likely significant effects on human health were expected, at operational phase.

11.10.5. Mitigation Measures are set out in Section 11.6 of the EIAR and, at construction stage, relate to measures as set out in the Construction Air Quality Management and Monitoring Plan (Appendix 11.1 of the EIAR), which seek to minimise dust from the site and from construction vehicle movements, as well as seeking to minimise emissions from construction vehicles. At operational stage buildings will be designed to at least building regulations standards. No significant residual impacts at construction stage are expected, with impacts on air quality and climate being negative, slight (for air) and imperceptible (for climate) and short-term. At operational stage impacts on air quality and climate are concluded to be negative, imperceptible and short-term, with the construction of built form and hardstanding a potential effect of marginally raising local air temperatures. Cumulative impacts on air quality and climate are concluded to be negative, not significant and short-term.

11.10.6. In relation to the conclusions of the conclusions of the report I concur with same, and I am satisfied that with the implementation of mitigation measures as set out in the EIAR, including those set out in the Construction Air Quality Management and Monitoring Plan, residual impacts will be as described in the EIAR and there is no evidence, either within the documentation submitted with the application, nor from observers on the application, to warrant a different conclusion

11.11. Noise and Vibration

11.11.1. Chapter 12 of the EIAR considers noise and vibration impacts resulting from the proposed development. Noise and vibration from the proposed development is considered as well as impact of existing noise and vibration sources on the

development. In assessing same, I have also had regard to the 'Aircraft and Road Noise Impact Assessment' (December 2021 – submitted under separate cover).

11.11.2. The baseline environment, including sensitive receptors, is described in the EIAR. It is noted there are number of residential housing estates in proximity to the site, as well as schools, and Tyrrelstown Local Centre. The existing noise and vibration environment is dominated by air and road traffic as the site lies beneath a Dublin Airport flight path and near the R121 Hollywoodrath Road. The operation of the North Runway at Dublin Airport was expected to change the baseline noise environment. I note this is now operational (as of August 2022).

11.11.3. Predicted impacts of the proposed development are set out in Section 12.4 of the EIAR. At construction stage noise from plant and vehicular movements are predicted. It is noted that for those residential NSLs within 10m to 25m of the boundary of Sites 2& 3, the construction noise impact will be negative, significant to very significant, and temporary. At the Local Centre Site, those NSLs within 20m of the boundary of, the construction noise impact will be negative, significant to very significant, and temporary. No significant vibration impacts are predicted and no significant increase in traffic noise is predicted. At operational phase, potential impacts considered included that from additional traffic noise, from plant, crèche playground, and noise breakout from entertainment. No significant noise impacts are predicted to result from any of these sources.

11.11.4. Mitigation measures relative mainly to the alleviation of the significant to very significant noise impacts identified at construction phase. Appropriate construction noise threshold levels are proposed at the nearest residential (65 dB(A)) and at the nearest commercial (70 dB LAeq1hr) noise sensitive locations. Vibration threshold levels are set out and are in line with best practice vibration control measures. Other best practice noise and vibration measures include, but are not limited to, selection of quiet plant, noise control at source; screening and liaison with the public, as well as site screening and a limitation on the hours of work. At operational phase, measures relating to a reduction of plant noise are set out with appropriate noise thresholds for same are set out (40 dB LAeq,15min during daytime periods and 35dB LAeq,15min at night at the façades of the nearest noise sensitive locations).

11.11.5. Following the implementation of the proposed mitigation, residual noise impacts, during the construction phase will be negative, moderate to significant and temporary at distances within 25m of the closest NSLs. It is noted within the EIAR that these impacts can be considered 'worst case' and it is unlikely that all items of plant assessed will be in operational simultaneously. Additionally, the predictions only indicate a potential significant effect (based on a worst-case scenario) when working at the closest location to the NSLs, with lesser impacts predicted at all other locations across site. At operational stage, no significant residual impacts are expected. In relation to monitoring, noise monitoring will be carried out at construction stage, at the nearest NSLs, to ensure the noise thresholds as set out above are not exceeded.

11.11.6. Section 12.8 of the EIAR sets out an 'Operational Phase – Acoustic Design Statement' and is presented separately, as it relates to impacts on the proposed development from external noise sources, rather than impacts of noise from the proposed development itself. This utilises noise maps produced by Fingal County Council and Dublin Airport Authority (daa). The future noise environment is characterised utilising the noise contour zone produced by Fingal County Council for the future operation of Dublin Airport, including the North Runway. It is noted that Site 2/3 section of the site lies completely within Noise Zone B of the airport, while the Local Centre section of the site lies completely within Noise Zone C. The assessment determines that Sites 2 & 3 as having 'medium' noise risk and the Kilmartin Local Centre as having a 'low' to 'medium' noise risk. In order to reduce expected internal noise levels with the residential units, upgraded constructed materials are proposed, including acoustic doubled glazed glazing, with the results that when windows are closed but vents are opened, a good internal acoustic environment is achieved. With the windows open, given the external noise environment, it is not possible to achieve good internal noise levels. However, it is proposed to provide passive vents to ensure rooms are adequately ventilated with windows closed. In relation to the proposed external amenity areas, it is noted that the external amenity areas located within Zone B, on Sites 2& 3, the noise levels would be in excess of the desirable level of 55 dB LAeq, 16hr,. Given the noise source is dominated by aircraft noise, it is not possible to reduce this noise level, nor it is possible to reduce the noise level on external spaces (balconies) within the Local

Centre Site. In order to reduce other sources of noise, it is set out within the EIAR, that where possible, the location of private gardens in Site 2 &3 and the public spaces in the Kilmartin Local Centre sections of the site have building layouts designed to provide screening from road traffic noise emanating from the R121. The assessment and conclusions of the 'Operational Phase – Acoustic Design Statement' tally with that of the 'Aircraft and Road Noise Impact Assessment' which concludes that, due to external aircraft noise, it will be necessary to provide enhanced acoustic glazing and vents to the proposed residential units as described above.

- 11.11.7. I note that Objective DMS31 of the Development Plan requires that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards and evidence will need to be provided by a qualified sound engineer that these levels have been met. The 'Aircraft and Road Noise Impact Assessment' provides a commentary on same, and it is noted that the measures as set out in the above technical guidance will be considered as part of the detailed design of the scheme, and that the evidence of compliance with same will be submitted to the relevant building control authority in the form of pre completion testing that is a requirement of this technical guidance. It is noted the technical guidance does not outline any requirements in relation to intrusive noise.
- 11.11.8. In relation to cumulative impacts, the EIAR notes that, should other construction sites begin work simultaneously such impacts are expected to be negative, significant and short-term. At operational phase, such impacts potentially could arise due to a cumulative increase in traffic noise. However, given the proposed development results in an insignificant impact on noise, it is not expected that any significant cumulative noise impacts will result at operational stage.
- 11.11.9. In relation to the conclusions of the EIAR, I am satisfied that residual impacts will be as described in the EIAR, and no significant, long-term impacts will result as a result of noise or vibration impacts. Significant, negative, short-term impacts are predicted at receptors in close proximity to the site. However this is a worst-case' scenario, which would occur when all of the noisiest plant is operating at the same time. In relation to the proposed units design measures such as acoustic glazing can reduce noise to acceptable levels, with the use of passive ventilation to ensure adequate

ventilation when windows are closed. While good noise levels are not achieved with the windows open, I share the view that this is not possible to achieve on these sites, where the external noise levels are as set out in the EIAR. However, residential development on these sites has been deemed acceptable in principle by the Planning Authority, and the sites lie within a noise zone where residential development is deemed acceptable, subject to mitigation measures such as those set out in the EIAR. On balance, therefore, and having regard to the to deliver housing, in the time of a housing crisis, I am of the view that the overall impacts resulting from noise and vibration as a result of the development, and the impacts of external noise on the development, are acceptable.

11.12. Landscape and Visual

- 11.12.1. Chapter 13 considers the likely effects of the proposed development on the landscape and visual aspects of the environment. It is noted that the lands are located within the 'Low Lying Character Type' landscape as defined with the Fingal Development Plan 201-2023. This area is characterised as having a modest value and low sensitivity. The EIAR notes that the landscape context has seen substantial change over the past few decades from a rural area to a peri-urban landscape/townscape to a mix of land-uses, and this trend of change is continuing with a number of development areas currently under construction or completed.
- 11.12.2. Predicted impacts at construction stage are associated with earthworks and stockpiling of soils and materials, removal of trees and hedgerows, general construction activity and visual effects from dust, dirt and noise. In the absence of mitigation, impacts are assessed as being significant, negative and short-term. At operational stage, impacts are associated with the buildings themselves, the open spaces and the overall design quality. In the absence of mitigation, impacts at operational stage are considered moderate to significant, negative and long-term.
- 11.12.3. Mitigation measures, at construction phase, include adherence to measures as set out in the CEMP and avoidance of root protection areas where trees and hedgerows are to be retained, as well as visual screening of the works. At operational phase, mitigation includes high quality design and finish of buildings and open spaces, retention of trees and hedgerows and maintenance of landscaped areas. Residual landscape impacts from the construction phase are assessed as slight to moderate,

negative and short-term with effects resulting from the construction phase assessed as moderate, negative and short-term. At construction phase, it is noted that a substantial number of trees will be removed from the site, most notably from the former golf course site. While a short-term, negative impact on trees and vegetation will result, over time with replacement planting an overall long-term, positive impact is concluded, both on Site 2 & 3 and the Local Centre site.

11.12.4. In terms of visual impacts, it is noted that the construction of the apartment buildings on the southern portion of the site has the potential for some of the most significant visual effects but are concluded to be visually appropriate for the Local Centre location. The visual impact of the operational phase of the development is assessed as being moderate, neutral and short-term, becoming positive in the long-term as the landscape matures.

11.12.5. The EIAR refers to the submitted photomontage document, submitted under separate cover, which refers to a total of 8 no. 'as existing' and 'as proposed' views. At operational stage it is concluded that the landscape impact from View 7 (looking west along Hollywood Rise and past new development at Bellingsmore) and from View 8 (looking northwest from Hollywoodrath Road towards the boundaries of the site) would be negative on features of landscape value and on the visual environment as a result of the removal of trees, but such effects would be reduced over time by the maturation of proposed vegetation. No significant cumulative impacts on landscape or visual effects are expected.

11.12.6. I refer the Board also to my detailed assessment of design in Section 10.3 of this report. I have concluded in this section that the proposed development has had sufficient regard to its context, with appropriate heights at the Local Centre and at Sites 2&3, and I am satisfied that the proposed design of the development is of high quality, and therefore having regard to the considerations as set out in the EIAR, as well as my assessment in Section 10.3, I am of the view that the visual impact of the development will be acceptable at operational stage. While I accept that there will be some negative impacts on the landscape and negative visual impacts as a result of the removal of trees (most notably from Views 7 & 8), I concur with the conclusions within the EIAR that this impact will be mitigated over time by the maturing of the landscaping proposed.

Cultural Heritage, Archaeology & Architectural Heritage

- 11.12.7. Chapter 14 considers Cultural Heritage, Archaeology & Architectural Heritage. It is noted that there are eight archaeological sites within 500m of the proposed development area, four of which are recorded monuments and four of which are scheduled for inclusion in the next revision of the RMP. The proposed development area is partially within the zone of notification for DU013-032, an enclosure, where the pipeline extends through the townland of Kilmartin. The closest Protected Structure is St. Thomas' Church (RPS 0664) which is located c217m to the north of the proposed development area, fronting onto an existing road. This is also the closest structure included within the NIAH survey. There are two further Protected Structures within a 500m radius of the site, Hollywoodrath House and Tyrellstown House, both of which are included in the NIAH survey. Hollywoodrath Gate Lodge, located 416 m to the north-east of the site is included within the NIAH survey, but is not a Protected Structure. There are no ACA's within the development area or in proximity to the site. In relation to archaeology, the EIAR sets out that there has been a number of previous investigations within the proposed site and surrounding areas, with the only finding of note being a single charcoal production pit. Both portions of the site are general disturbed, both as a result of the former golf course use and other activities, with the only areas remaining undisturbed are the fields crossed by the proposed pipeline.
- 11.12.8. In relation to predicted impacts, at construction stage, it is set out that, notwithstanding the previous archaeological investigations on the site, and the ground disturbance as noted above, it is still possible that works may have a negative impact on unknown archaeology, with possible impacts ranging from moderate to very significant negative. No likely significant impacts are predicted during the operational phase. In relation to mitigation, topsoil stripping in areas other than Sites 2 & 3 (which is currently used as a construction compound) will be subject to archaeological monitoring, with further mitigation required should features of archaeological potential be found. Following mitigation no significant residual impacts are predicted.
- 11.12.9. I note the submission from the DAU, which recommend that the proposed archaeological mitigation measures for archaeological monitoring are carried out and a condition recommended in relation to same.

11.12.10. In relation to the conclusions of the EIAR, in relation to Cultural Heritage, Archaeology & Architectural Heritage, I am satisfied, subject to those mitigation measures as set out in the report that no significant impacts on cultural heritage, archaeology & architectural heritage will occur as a result of the proposed development. There will be little to no impact on the Protected Structures in the vicinity, nor will there be an impact on those structures which are listed on the NIAH survey, as these are set back some distance from the proposed development, as set out above, and will not be viewed in the same setting as the proposed development.

11.13. Microclimate – Daylight & Sunlight

11.13.1. Chapter 15 considers Microclimate – Daylight & Sunlight. Impacts on daylight and sunlight to neighbouring building are ruled out as there are no immediately adjoining buildings to the site. I have considered this issue in further detail in Section 10.5 of this report and I refer the Board to same. In relation to daylight and sunlight performance of the development, the EIAR summarises the results of the Daylight and Sunlight Analysis (December 2021 – submitted under separate cover).

11.13.2. No predicted negative impacts were expected in relation to daylight and sunlight and no mitigation was therefore required. I have considered further the issue of daylight and sunlight, and compliance or otherwise, with the criteria of Section 3.2 of the Building Height Guidelines, in Section 10.3 of this report, and have provided commentary on the conclusions of this section of the EIAR therein and I refer the Board to same.

11.14. Traffic & Transportation

11.14.1. Chapter 16 of the submitted EIAR considers transportation impacts associated with the proposed development. This chapter is underpinned by the Traffic and Transportation Assessment (TTA) and Mobility Management Plan (MMP) which has been submitted as part of the overall application, and I have regard to same in my assessment.

11.14.2. In relation to transport issues, the Planning Authority is of the view that the proposed parking provision for the apartment units at the Local Centre is low considering the lack of public transport in the area. The report of the Transportation Planning Department sets out that a minimum of 1 no. space per apartment is recommended and states that staff parking demand would be significantly more than that which is

provided. In relation to the detailed design the report states that the proposed vehicular access onto Rathoath Road has an excessively wide crossover of the public footpath and it would be preferable to have a direct access pedestrian and cycle connectivity that avoids crossing an internal access road. It is stated that the proposed vehicle access should not be constructed separately at this location and that the access to the proposed GAA ground should also be provided separately.

- 11.14.3. Observer submissions have raised concerns in relation to impact on traffic generally and it is stated that the road infrastructure will not cope with the dramatic increase of traffic this development would bring and the proposal would result in increased traffic congestion. Further concern is raised in relation to safety issues on the R121 and it is noted there will be three access points on this section of the R121 if this application is approved. Concerns in relation to road safety at this point were raised by the previous Inspector. Reference is made to Objective MS4 of the LAP which proposes to 'Cul de sac the R121 (church road) just south of the Hollystown Roundabout'. Observers note that it would appear the council has decided the road should stay open although no variation of the LAP has been adopted. It is also stated that the proposed size of the roads is a concern and that dangerous parking on small roads will lead to accidents. Other concerns include access to Tyrrellstown Cricket Club being compromised. Lack of street access through the Golf Course lands is cited as missed opportunity.

Existing Transport Infrastructure

- 11.14.4. The nature of the existing road network is set out and it is noted that the R121 forms the eastern boundary of the proposed development site and provides links to the M50, the N2 and N3. The site can currently be accessed via either the R121 at the north-easternmost boundary or via the partially constructed link street, Hollystown Road. Cycle and pedestrian infrastructure links are also detailed in the EIAR. In terms of public transport, I note that Table 16.1 of the EIAR sets out the existing bus services serving Tyrrelstown local centre and environs, including the 40d, which connects Tyrrelstown with Dublin City Centre and the 40e which connects to Broombridge. It is stated that the 40d runs with a 15 min frequency Monday to Fri, with the 40e running with a 30 min frequency Monday to Fri. I have had regard to the timetables as set out on Dublin Bus Website and this indicates a frequency that is less than that set out in the applicant's EIAR (approximately of every two hours

Monday to Friday for the 40e route and approximately every hour at peak times
Monday to Friday for the 40d route, with frequencies less than this at off-peak times).

² However real time bus stop information indicates that frequencies for the 40d route are closer to every 30 mins, and this is the frequency that is cited in the submission from the NTA. Other routes referred to include the 236/a runs between Damastown IBM and Blanchardstown, Monday to Friday only, every hour, with the 238 running between Tyrrelstown and Blanchardstown every hour, Monday to Sunday.

Information on the Go-Ahead website indicates that the 236/236a service is limited to the morning and evening hours only, with a frequency similar to that set out in the EIAR.³

- 11.14.5. The closest bus stop to the Local Centre site is approximately 212m south of the southern boundary of the site, (BusStop 1546) which is served by the 40d, 236. Approximately 200m to the north of the local centre site, bus stop 7866 is served by route 40e.

Proposed Transport Infrastructure

- 11.14.6. In relation to future bus proposals, the BusConnects proposals include Routes B3 and L62, which operate adjacent the subject site on the R121. The B3 will have a frequency of 15 mins Monday to Fri and connects Tyrrelstown Town Centre to Dun Laoghaire via the City Centre. The L62 will have a frequency of every 15 minutes at peak times and will operate a similar route to the existing 40e route. The submission from the NTA notes that the BusConnects proposals for this area includes the B3 bus which proceeds up Church Road/R121 and then takes a right onto Hollystown Road to the south east of the proposed development. This will have a frequency of every 15mins on weekdays. It is noted that the L62 is a local bus which provides a connection to Blanchardstown Town Centre and Broombridge and is expected to have a frequency of every 30mins, but will be every 15mins at peak times.

- 11.14.7. In relation to road proposals, the EIAR makes reference to the Kilmartin Local Area Plan (LAP) which sets out road proposals in the area. A new 'avenue' is proposed extending westwards from the R121/Cherryhound-Tyrrelstown Link Road, which will be the main access route through the lands. As noted above, this is already partially

² Operative Date for the 40d timetable is 16/10/2022 and for the 40e timetable it is 02/12/2018.

³ Operative date for the 436/436a timetable is 13/03/2022

constructed and forms the southern boundary of the Bellingsmore development currently under construction. Other road proposals include the 'Urban Street' which is also partially constructed.

- 11.14.8. In terms of proposed cycle infrastructure, it is set out within the EIAR that there are a number of cycle infrastructure projects either recently built (Cherryhound-Tyrrelstown Link Road cycle way and the 5E on Church Road) or planned as part of the GDA Cycle Network Proposals (including the River Tolka Greenway, from Drumcondra to Tolka Valley Park).

Proposed Access

- 11.14.9. There are three proposed new vehicle access points to serve the proposed development. Access to the Hollystown Site 2 will be from the R121. The second site access is via an extension to the existing Primary Link Street from the Avenue. This primary link street is proposed to extend through Hollystown Site 3 to the western boundary. Access to the Local Centre will be via 'The Avenue' with the vehicle connection from the existing Tyrrelstown Local Centre being retained also.

Car Parking

- 11.14.10. A total of 930 no car parking spaces are provided at the proposed development, with 870 of these spaces proposed for the residential element, equating to an overall car parking ratio of 1.6 space per residential unit. At Hollystown Sites 2 and 3, a total of 792 no. car park spaces will be provided with 762 no. spaces allocated to residents whilst the remaining 30 no. spaces will be provided as visitor car parking spaces. At the Local Centre Site, a total of 138 no. spaces will be provided which includes 108 no. residential spaces with the remainder allocated for staff and set-down parking for the crèche, visitor spaces and on-street parking along the Link Street.
- 11.14.11. I note the requirements of the Development Plan, as relates to car parking provision and Table 12.8 of the Fingal County Development Plan outlines 'norm' and 'maximum' parking rates. As set out in the report of the Transportation Planning Department, the overall parking provision for the houses and apartments within Sites 2 & 3 is in line with Development Plan standards (Development Plan standards are in the range of 737-834 spaces and 792 no. spaces are proposed). In relation to the Local Centre Site, Development Plan standards are in the range of 159 to 227

spaces, with 114 no. spaces proposed. The Transportation Planning Report recommends a total of 1 space per unit which includes visitor parking. This would equate to 120 no. spaces.

- 11.14.12. In relation to commercial parking requirements, the Transportation Planning Report notes a requirement for a total of 27 no. spaces to serve the café/retail unit, the Montessori and the 2 no. crèches. A total of 24 no. spaces have been provided. Transportation Planning is of the view that additional staff parking is required.

Cycle Parking

- 11.14.13. For the 27 apartments units within Sites 2 & 3, there is a total of 45 no cycle parking spaces to serve these units, including 5 no. cycle spaces for each triplex unit. A further 9 covered cycle racks have been provided across the site, accommodating 20 cycles each, providing an additional 180 cycle spaces across the site. For the Local Centre site, a total of 300 spaces are proposed (230 residential and 70 visitor). The overall provision exceeds that required by the Apartment Guidelines (which would require a total of 331 spaces – 257 long stay/resident and 60 short stay/visitor) and exceed that required by the Development Plan (which would require a total of 185 no. spaces). The Planning Authority are satisfied with the quantum of cycle parking provided.

Predicted Impacts

- 11.14.14. In terms of predicted impacts of the proposed development, the EIAR notes that, at construction stage, all activities on site will be governed by the traffic management measures as set out in the CEMP, and the mitigation measures set out therein will be implemented by way of a Construction Traffic Management Plan (CTMP). A four year construction timeline is estimated, over four phases (which includes a period for the construction of the permitted Hollystown Site 1 development). It is not expected that HGV movements would exceed 7 to 8 movements per hour during the busiest period of the construction works. Excavated topsoil and subsoil is to be re-used as part of the landscaping works. Imported material will require truck movements of up to 75 vehicles per day, for 48 no. days. Construction access will be via the partially constructed link street (The Avenue) for Site's 2 & 3. For the Local Centre site, Access will be via the new link street extension

connecting to The Avenue. The EIAR concludes that Construction Traffic will not give rise to any significant traffic impacts.

11.14.15. In terms of the operational phase, the EIAR references the TTA, which has estimated the potential impact of the proposed development. I note the contents of the TTA and within this document, estimated trip generation rates are set out, utilising the TRICS database. Trips generated for 2023 (opening year) and for 2028 (future design year) are set out. The impacts of existing developments are also considered, which will account for a percentage of uses already on the road network. Impacts of permitted developments in the immediate area are also considered, as well as the potential impacts of educational facilities planned under the scope of the Kilmartin Local Area Plan (LAP).

11.14.16. Traffic Survey data was obtained in May 2019 to determine baseline traffic characteristics at 3 no. junctions as follows:

- Junction 1: R121 / Cherryhound-Tyrrelstown Link Road / The Avenue Roundabout;
- Junction 2: Boulevard / R121 / Cruiserath Drive Roundabout; and
- Junction 3: Boulevard Roundabout (West of Tyrrelstown Town Centre)

11.14.17. Seven no. junctions were considered for the network analysis as follows:

Junction 1: Hollystown Site 2/R121 Access

Junction 2: Kilmartin Local Centre Link Street Access

Junction 3: Schools Access Road/Link Street Roundabout

Junction 4: The Avenue/New Link Street Junction

Junction 5: R121/Cherryhound-Tyrrelstown Link Road/The Avenue Roundabout

Junction 6: Boulevard/Park Boulevard Roundabout

Junction 7: R121/Boulevard/Cruiserath Drive Roundabout

11.14.18. Central growth factors were utilised to determined network flows. The majority of impacts on each junction were seen to exceed the 10% increase, which determines that a more detailed assessment of that particular junction should be carried out, in line with NRA/TII Guidelines (Traffic and Transport Assessment

Guidelines, 2014). An operational assessment of each junction was then considered using the junction computer package ARCADY and PICADY. It was shown that all of the junctions operate within capacity in the 2023 design year. In the 2038 Future design year, it is shown that Junction 5 (R121/Cherryhound-Tyrrelstown Link Road/The Avenue Roundabout) is slightly over capacity in the AM peak (maximum RFC value of 1.06). I note that the junction is close to capacity in the 'Do-Nothing' scenario, with a maximum RFC value of 0.93 observed on the north arm. Sensitivity analysis was carried out applying 'house trip' rates to determine the impact on Junctions 1 to 4, which showed an increase in the level of impact, but all junctions were shown to be operating within capacity.

11.14.19. Cumulative impacts, at construction phases, that result from impacts of permitted developments in the immediate area are also considered, as well as the potential impacts of educational facilities planned under the scope of the Kilmartin Local Area Plan (LAP), as well as a proposed GAA facility off the Rathoath Road (planning application was being prepared at the time of writing the EIAR) in conjunction with that from the proposed development. The resulting cumulative impact is expected to have a negative but low impact on the key off-site road network junction although it set out in the EIAR that there is no indicative timelines for planning applications, nor construction timelines, for the educational facilities planned in the LAP. In terms of the operational phase. The results of the ARCADY and PICADY analysis have demonstrated that Junctions 1, 2, 3, 4, 6 & 7 will operate within capacity in both the AM and PM peak hours during the 2038 Future Design Year. Junction 5 is shown to reach capacity during the AM peak hour, on the northern R121 arm, but operates within capacity in the PM peak.

11.14.20. In relation to mitigation measures, as noted at construction stage, all activities on site will be governed by the traffic management measures as set out in the CEMP, and the mitigation measure set out therein will be implemented by way of a Construction Traffic Management Plan (CTMP). At operational stage, it is noted that aspects of the design that promote sustainable transport use, such as secure cycle parking, high quality pedestrian and cycle infrastructure will serve to reduce impacts on the surrounding road networks. In addition, other measures to offset demand for private vehicles include the implementation of a Mobility Management Plan (MMP). In this regard, I note the contents of the Mobility Management Plan (December 2021 –

submitted under separate cover) which aims to reduce the reliance on the private car (which it is noted is currently utilised as the preferred mode of transport by 61% of people in the area). The target within the MMP is to reduce this by 15%, which is seen as a realistic and achievable reduction. The MMP sets out various measures to achieve this, including mode specific measures such as the provision of discounted cycle purchases, discounted public transport tickets and the use of car sharing and car clubs.

11.14.21. It is concluded within the EIAR that, at construction and operation phase, no significant impacts will occur on the surrounding road network.

11.14.22. Overall, I concur with the conclusions of the EIAR with respect to anticipated impact of the development during construction and upon the vehicular highway network during operation. In relation to the impact on Junction 5, where it is shown the capacity of this junction is exceeded in the 2038 Design Year AM peak, I note that exceedance is not substantial, and I further note the 'Do-Nothing' scenario results in this junction nearing capacity in any case. I am of the view that the mitigation measures set out in the MMP, which aim to reduce reliance on private car and to promote sustainable transport options, should serve to reduce future impacts on this, and other junctions. In addition, the provision of high quality pedestrian and cycle links, as well as safe and convenient cycle parking, as proposed under this application, should also reduce the demand for private car use. I note also the Planning Authority have not raised any fundamental objections to the application, as regards to the impact on the road network.

11.14.23. In relation to the level of parking provision, I am satisfied with the quantum of same. For sites 2&3 the residential car parking provision is in line with Development Plan Policy. For the Local Centre Site, the level of residential car parking provision (114 no. residential spaces) is below that as set out in the Development Plan (which would require 140), and is slightly below that recommended by the Transportation Planning Division (120 spaces). I have had regard to the locational characteristics of the Local Centre Site, which is directly adjacent to the existing Tyrellstown Local Centre, with a wide range of shops and services therein, with a new Lidl store nearing completion also. This element of the site is also relatively close to bus services (as detailed above) and, as such, a slightly lower provision than set out in the Development Plan is justified in my view, and is line with the Apartment

Guidelines, which recommend a reduced car parking rate in such locations. In relation to commercial parking requirements, I note the concerns of the Transportation Division in relation to the level of staff parking provision for the crèche/Montessori units. However, the report of the Transport Division acknowledges national policy to reduce reliance on private vehicle ownership and does not suggest a condition requiring additional spaces. In relation to the quantum of same, I note the Development Plan would require a total of 7.5 no. spaces whereas 5 no. spaces are proposed, as well as 10 no. set down spaces for the crèche. I do not consider that shortfall is material and echo the comments of the Transportation Division in relation to the need to reduce reliance on the private car. I am satisfied with the overall proposed commercial car parking provision at the Local Centre site.

- 11.14.24. Observer submissions on the application have raised issues in relation to transport issues, and where I have not addressed these above, I have considered these below:

Objective MS4 of the LAP

- 11.14.25. Objective MS4 of the Kilmartin LAP states 'Cul-de-sac the R121 (Church Road) just south of Hollystown Roundabout to through vehicular traffic'. Observers note that this has not occurred and stated that the Council has decided not to go ahead with this, although no variation of the LAP was adopted. The submission from the Planning Authority has provided no commentary on same. I note this has not occurred. Notwithstanding it is not within the applicant's gift to deliver this objective and is a matter for the Planning Authority.

Traffic/Road Safety Issues

- 11.14.26. I note the concerns set out in the report of the Transportation Department, in relation to the proposed internal access road, from Rathoath Road, to the future GAA facilitates, to the north of Sites 2&3, which crosses the shared pedestrian/cycle path access route to the Rathoath Road, and suggest that this should be omitted by way of condition. I concur that this internal road should be omitted and provided at an alternative location or in a manner than does not involve comprising pedestrian and cycle safety.

11.14.27. Observer submissions have raised concerns in relation to the access off the R121 and it is stated that there will be three access points on this section of the R121 (two from existing dwelling houses, and the TTA has not considered this in the junction analysis. In relation to same, I note that the proposed access to the development is sufficient in relation to the required sightlines and I am not of the view that the existing accesses to the dwelling houses will compromise same, as the visibility towards same is sufficient and the volume of traffic entering and accessing two no. dwelling houses is minimal, and is not required to be considered individually in the capacity analysis as set out in the TTA (rather the baseline analysis has captured overall traffic volumes in the area).

Access to Tyrellstown Cricket Club/Lack of Street access though Golf Course Lands

11.14.28. The proposed development does not compromise access to the Tyrellstown Cricket Club, located in Tyrellstown Park. In relation to street access through the Golf Course Lands, the proposed development has provided a link street and pedestrian and cycle pathways on this element of the site, allowing for sufficient permeability through the site.

11.15. Waste

11.15.1. Chapter 17 of the EIAR potential impacts that construction and operational wastes associated which the proposed development may have on the receiving environment. It is set out that the 'Resource and Construction Waste Management Plan' (as contained in outline form in Appendix 17.1 of the EIAR) and the 'Operational Waste Management Plan', prepared in outline form as part of the application and to be finalised by the appointed contractor, shall be implemented throughout the construction and operational phases of the proposed development. No significant impacts are predicated at construction or operational stages, although slight negative impacts are determined, in the absence of mitigation. At construction stage, mitigation is proposed in the form of adherence to the 'Resource and Construction Waste Management Plan' as well as other measures. At operational phase, measures include, but are not limited to, adherence to a Site-Specific Operational Waste Management Plan (as contained in outline form in Appendix 17.2 of the EIAR). No significant residual impacts are identified, either at construction phase or operational phase. I concur with the conclusions as set out in the EIAR.

11.16. Services

11.16.1. Chapter 18 of the EIAR considers the potential impacts of the proposed development on ownership, access and utilities infrastructure. In relation to ownership it is stated that the majority of the proposed site is under the ownership of the applicant, with some small areas (roadway and public realm) under the ownership of Fingal County Council. There are also two ESB wayleaves associated with overhead power lines traversing Sites 2 & 3, and the Local Centre site. There is also a wayleave associated with the existing road infrastructure running north-south through the Local Centre Site. Access to the site is via a number of different locations on the R121 and L3080. Existing utility provision in the area is described in the EIAR, and this is also set out in the Utilities Report (December 2021 – submitted under separate cover). In terms of impacts, no significant impacts on ownership, access and services are expected during the construction phase. At operational phase, it is expected that the majority of the public realm/open spaces within Sites 2 & 3 will be taken in charge, with the ESB substations to be taken in charge by ESB Networks. At the Local Centre site, this will be managed by a management company. No significant impacts in relation to landownership are predicted. Access points will be altered at operational phase with new road, cycle and pedestrian infrastructure proposed, and also allowing for future connections. The internal street network has been designed in accordance with DMURS. It is expected that the proposed development will improve permeability through the site and for the wider area, resulting in moderate, positive long term impacts. No significant impacts on services are noted.

11.17. Interactions

- 11.17.1. A specific section on interactions between the topic areas under the EIAR is included within each individual topic chapter. Chapter 19 of the submitted EIAR is entitled 'Interactions' and highlights those interactions which are considered to potentially be of a significant nature. I am satisfied that any notable interactions have been highlighted and have been addressed adequately in each individual chapter.
- 11.17.2. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures contained in the EIAR, I

am satisfied that residual impact resulting from interaction between all factors is minimised.

11.18. Cumulative impacts

- 11.18.1. Each topic chapter in the submitted EIAR has considered cumulative impacts and Chapter 20 addresses such cumulative impacts as a stand alone topic. Within this chapter a list of relevant existing, planned and permitted development in the vicinity of the site is set out, and Figure 20.1 maps these developments in relation to the proposed development site. It is concluded within the EIAR, that with the full and proper implementation of the mitigation measures as set out in the EIAR, no significant negative cumulative impacts are likely to arise during the construction or operational phases of the proposed development.
- 11.18.2. In relation to same, I note that the land uses proposed under this application are in keeping with the zoning objectives relation to the site, and the proposed development is generally within the provisions of the relevant plans, the Fingal Development Plan 2017-2023 and the Kilmartin LAP 2013-208 (extended to 2023). It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

11.19. Reasoned Conclusion on the Significant Effects

- 11.19.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, 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 - positive impacts in relation to the provision of new homes, increased economic activity and with the provision of new public open space. Mitigation has been incorporated into the design, which includes measures to reduce noise impacts on existing noise sensitive locations, including the application of measures in a Construction and Environmental Management Plan during construction will also reduce impact upon human health. Measures to reduce external noise impacts on future occupiers such as acoustic glazing and passive

vents are also proposed which will also reduce impact upon human health. I am satisfied therefore that residual impacts on population and human health will not be significant.

Biodiversity –there may be temporary negative impacts on biodiversity at the initial phases of development, as a result of removal of some habitats, although these impacts will not be significant. I am also satisfied that as the proposed landscaping matures and with mitigation in place, including the retention of trees and hedgerows and the provision of large areas landscaping, as well as the provision of bat and bird boxes, and appropriate lighting design, these impacts will be rendered negligible.

Land, Soils, Geology & Hydrogeology/Hydrology - with the implementation of mitigation through management measures in the Construction & Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters (as set out in the Site Specific Flood Risk Assessment and the Infrastructure Design Report) no significant negative impacts are envisaged.

Air Quality and Climate - with the implementation of mitigation through management measures in the Construction & Environmental Management Plan and the Construction Air Quality Management and Monitoring Plan, no significant negative impacts are envisaged.

Noise and vibration – during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impacts will not be significant.

Landscape and Visual - during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan as well as avoidance of root protection areas where trees and hedgerows are to be retained and visual screening of the works. During operational phase, proposed landscaping, including replacement tree planting, and the use of high quality material and the overall design quality of the proposed development will serve to mitigate any negative impacts on features of landscape value and on the visual environment.

Cultural Heritage, Archaeology & Architectural Heritage - no significant permanent adverse impacts upon Cultural Heritage, Archaeology & Architectural Heritage are anticipated, with the application of mitigation measures.

Microclimate – Daylight & Sunlight - No predicted negative impacts were expected in relation to daylight and sunlight and no mitigation was therefore required.

Traffic & Transportation - Mitigation measures described in the Construction & Environmental Management Plan are intended to prevent significant impacts during construction. During the operational phase, it is indicated that Junction 5 – the ‘R121/Cherryhound-Tyrrelstown Link Road/The Avenue Roundabout’ is slightly over capacity during the 2038 Design Year AM Peak. However, this impact is not significant, and in the ‘no development scenario’ this junction is close to capacity in any case. With the mitigation measures set out in the MMP, which aim to reduce reliance on private car and to promote sustainable transport options, should serve to reduce future impacts on this, and other junctions. In addition the provision of high quality pedestrian and cycle links, as well as safe and convenient cycle parking, as proposed under this application, should also reduce the demand for private car use. I am satisfied therefore that no significant residual impacts on the road network will result at operational stage of the development.

Waste - At construction stage, mitigation is proposed in the form of adherence to the ‘Resource and Construction Waste Management Plan’ as well as other measures. At operational phase, measures include, but are not limited to, adherence to a Site-Specific Operational Waste Management Plan (as contained in outline form in Appendix 17.2 of the EIAR). I am satisfied that no significant residual impacts will result from waste generated by the development, either at construction phase or operational phase.

Services – I concur with the view as expressed in the EIAR that that the proposed development will improve permeability through the site and for the wider area, resulting in moderate, positive long term impacts. No significant impacts on services will result from the development, either at construction or operational phases and no mitigation is required.

11.19.2. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been identified, described and assessed in this EIA.

12.0 Screening for Appropriate Assessment

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

Compliance with Article 6(3) of the Habitats Directive

- 12.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 12.1.3. The applicant has submitted an Appropriate Assessment Screening Report (December 2021). The Screening Report has been prepared by Brady Shipman Martin.
- 12.1.4. The Screening Report is underpinned by desk-based assessments as well as ecological surveys carried out in December 2019, March, June (2 X visits) and July 2020 as well as February, July, September and October 2021, with a final site walkover carried out in November 2021. The surveys undertaken covered the entire site, including along the line of the proposed sewer outfall. Bat surveys were undertaken in October 2020, and June and August 2021.

Description of Development

- 12.1.5. A detailed description of the development is set out in Section 4 of the AA Screening Report. This is as set out in Section 2 of this report, and as described in the relevant sections of this report. Of particular note, for the purposes of AA Screening, are details of the proposed site services, which are as set out in other relevant sections

of this report, but repeated here in the interest of comprehensiveness and completeness.

- 12.1.6. In terms of surface water management, the application documentation (including the EIAR and the AA Screening Report) notes there is an existing network of open drains on the Hollystown Sites 2 & 3 portion of the proposed development site, ultimately draining to the Pinkeen River. It is proposed to maintain and / or re-route this existing network as part of the surface water management strategy. Attenuated surface water run-off from Site 2 will discharge to the re-routed golf course drain along the northern boundary of Site 2. Attenuated surface water run-off from Site 3 will discharge to the existing open drain along the northern boundary of Site 3. Surface water storage requirements will be provided through two interlinked detention basins in the Site 3 area. The detention basin permitted under the scope of the Bellingsmore residential development will be removed to facilitate the proposed arrangement, with the existing storage volume accommodated in the proposed basins. A new surface water outfall will be constructed to the same receiving open drain.
- 12.1.7. At the Local Centre, the application documents set out that there is an existing surface water ditch traversing this portion of the site from east to west, which ultimately drains to the Pinkeen River. It is proposed to discharge attenuated surface water run-off from each catchment to this existing surface water ditch.
- 12.1.8. Sustainable drainage systems (SuDS) measures will be integrated into the proposed surface water drainage network. Surface water run-off from the site of the proposed development will be attenuated to flow rates equal to greenfield run-off (Q_{bar}), with run-off exceeding the allowable outflow to be stored on-site for up to a 1% annual exceedance probability (AEP) event, plus 20% for climate change. The surface water drainage design for the proposed development is in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy, Fingal County Council and the applicable design standards, including EN752 and BS8301:1985.
- 12.1.9. In relation to foul water, it is proposed to construct a new c. 3 km foul outfall sewer from the Hollystown Sites 2 & 3 portion of the site of the proposed development, connecting to an existing 750 mm diameter foul sewer to the south of the Powerstown Road. This was previously permitted under the scope of the planning

application for Hollystown Site 1 (FCC reg. ref. FW21A/0042), and has been designed to accommodate the foul flows from the proposed development, the future development of residential zoned lands to the west, the Bellingsmore residential development (planning refs. FW13A/0088(E1); PL06F.243395), and Hollystown Site 1. It also will facilitate a future connection from the Hollystown Park Foul Pumping Station.

12.1.10. The proposed foul drainage system for the Kilmartin Local Centre portion of the site will connect to an existing 225 mm diameter foul sewer to the west of the site.

12.1.11. The proposed foul water drainage design is in accordance with the requirements of the Building Regulations, Greater Dublin Strategic Drainage Strategy, Irish Water's Code of Practice for Wastewater Connections, Department of Environment and Local Government's Recommendations for Site Development Works for Housing Areas; and applicable design standards, including IS EN752 (2008), BS8301: 1985, IS EN12056: Part 2 (2000).

Existing Habitats on Site

12.1.12. In terms of the existing habitats on site, the AA Screening Report notes that the overall area of Hollystown Sites 2 & 3 is bounded to the south and west by mature treelines/hedgerow with a tree line separating the proposed site into two parts – with Site 2 to the east and Site 3 to the west. The former golf club itself now primarily comprises unmanaged grassland (former amenity grassland now occasionally mown) and groups of trees.

12.1.13. The Kilmartin Local Centre site comprises amenity grassland to the west of an internal access road, with an unmanaged field to the east. A hedgerow runs through the eastern part of the site, from north to south. There are shorter sections of treelines/hedgerows, in the south eastern corner and along the western boundary. Scrub is developing in the eastern field. The line of the proposed foul outfall sewer, which will cross through agricultural fields.

12.1.14. As set out in the applicant's AA Screening Report, the proposed development site is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species are known to occur within the site. In relation to Sites 2 & 3, the habitats within this area of the site are described within the AA Screening Report (and also within the EIAR– See Section 12) and comprise small

blocks of plantation woodland, as well as groups of trees and areas of now unmanaged grassland (the former golf course) and it is concluded that the that make up the former golf club are of Local Importance (Higher Value). The proposed foul sewer pipe will traverse open agricultural fields as well as a section of immature woodland/scrub, with mature hedgerows and tree lines and these features were concluded to be of Local Importance (Higher Value). On the Local Centre Site, there is a section of hedgerow in the eastern part of same. While this does not form part of the wider network of habitat corridors, it is of some local biodiversity value, for breeding birds. No features of any other ecological significance are present on the proposed development site. There was no evidence of any protected large mammals, such as badger, on this site. The Local Centre site was deemed to be of Local Importance (Lower Value).

12.1.15. Bat surveys undertaken in 2020 and 2021 recorded bat activity on the development site and measures are set out to reduce impact on same.

12.1.16. No evidence of any habitats or species with links to European sites was recorded during either the field survey or desk study undertaken and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

Zone of Influence

12.1.17. The potential zone of influence is considered in Section 3.2 of the AA Screening Report. It is noted that the proposed development is located within the River Liffey and Dublin Bay Catchment area, and Tolka sub-catchment area. Drainage ditches on the golf course eventually discharge to the Pinkeen East River which in turn joins the River Tolka at Mulhuddart. The Tolka flows into Dublin Bay, approximately 12.6 km to the east. A partly culverted stream/ditch (the Mooretown Stream) passes through the Kilmartin Local Centre site from east to west. This also discharges to the Pinkeen East River. A potential surface water link between the proposed development site and the European sites associated with Dublin Bay is therefore identified. There is also a potential link to the European sites associated with Dublin Bay, via foul water via the Ringsend Wastewater Treatment Plant, which outfalls to Dublin Bay via at the Liffey Estuary.

12.1.18. It is noted that there are 5 no. European sites within a 15km radius of the site, with a further 17 no. sites which may be within the zone of Influence. These are as follows:

- Rye Water Valley/Cartron SAC (site code 001398), c. 9.4 km to the south west;
- Malahide Estuary SAC (site code 000205), c. 12.6 km to the north east;
- Rogerstown Estuary SAC (site code 000208), c. 15.0 km to the north east;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 12.6 km to the south east;
- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c. 12.7 km to the north east;
- South Dublin Bay SAC (site code 000210), c. 15.1 km to the south east;
- North Dublin Bay SAC (site code 000206), c. 15.2 km to the south east;
- Baldoyle Bay SAC (site code 000199), c. 16.0 km to the east;
- Glenasmole Valley SAC (site code 001209), c. 18.5 km to the south;
- Howth Head SAC (site code 000202), c. 19.9 km to the east;
- Rockabill to Dalkey Island SAC (site code 003000), c. 20.6 km to the east;
- Wicklow Mountains SAC (site code 002122), c. 21.0 km to the south;
- Ireland's Eye SAC (site code 002193), c. 21.0 km to the east;
- Lambay Island SAC (site code 000204), c. 24.0 km to the north east;
- Hollystown Sites 2 and 3 & Kilmartin Local Centre SHD
- North Bull Island SPA (site code 004006), c. 15.2 km to the south east;
- Rogerstown Estuary SPA (site codes 004015), c. 15.8 km to the north east;
- Baldoyle Bay SPA (site code 004016), c. 16.0 km to the east;
- Ireland's Eye SPA (site code 004117), c. 20.7 km to the east;
- Wicklow Mountains SPA (site code 004040), c. 21.5 km to the south;
- Howth Head Coast SPA (site code 004113), c. 22.1 km to the east;
- Lambay Island SPA (site code 004069), c. 24.2 km to the north east

12.1.19. The AA Screening Report sets out an assessment of effects on European Sites and it is concluded within the AA Screening Report that the application, whether individually or in combination with other plans and projects, will have no impacts on any of the other Natura 2000 sites identified within the Zone of Influence, or any other European Site. It is inferred then, but not stated directly, that the application does not need to proceed to Stage 2 of the Appropriate Assessment process.

12.1.20. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Need for Stage 1 AA Screening

12.1.21. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Submissions and Observations

12.1.22. The Planning Authority have not raised any issues as relates to Appropriate Assessment, nor have objections being raised in relation to surface water proposals. Irish Water have not raised any issues in relation to foul water proposals, nor have Irish Water cited capacity constraints as relates to foul water drainage or treatment.

12.1.23. The Department of Housing, Local Government and Heritage (Development Applications Unit) have not raised any issues specifically in relation to Appropriate Assessment although recommend general conditions relating to appropriate timing of vegetation clearance and details of a finalised lighting scheme.

12.1.24. Inland Fisheries Ireland (IFI), while not raising specific concerns in relation to impacts on Natura 2000 sites, note that the proposed development is located in the catchment of The Pinkeen stream and Tolka River, and note that the Tolka River supports Atlantic salmon, Lamprey (Habitats Directive Annex II species) and Brown trout populations in addition to other fish species. General pollution prevention

measures are recommended, including that works are to be completed in line with CEMP and reference should be made to IFI guidance. It is further set out that it is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development

- 12.1.25. Observer submissions have not raised any concerns explicitly in relation to Appropriate Assessment but have raised general concerns in relation to ecology, including the loss of loss of grassland, trees and hedgerow species with a subsequent negative effect on the environment.

Zone of Influence

- 12.2. The submitted AA Screening Report seeks to determine a 'Zone of Influence' by identifying any source-pathway-receptor connections, where existing, between the proposed development and European sites. The European sites within the vicinity of the proposed development (a 15km buffer) and beyond this 15 km, those European Sites off the East Coast from Skerries to Dalkey are illustrated in in Figure 2 of the AA Screening Report. Further details of those sites within 15km of the site and those sites associated with Dublin Bay are set out in Table 1 of the AA Screening Report, with details of the relevant source-pathway-receptor link (if any) included within the table. I have set out a summary of these European Sites (within 15km and within Dublin Bay) below.

Table 1

Site (site code)	Distance from site	Qualifying Interests	Conservation Objectives;
Rye Water Valley/Carton SAC (001398)	c. 9.4 km south-west	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	To maintain or to restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which

			the SAC has been selected.
Malahide Estuary SAC (000205)		<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	To maintain or to restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Rogerstown Estuary SAC (000208)	15km north-east	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p>	To maintain or to restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

		<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	
South Dublin Bay SAC (000210)	15.1 km south-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>To maintain the favourable conservation condition of the Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document:</p> <p>[1210] Annual vegetation of drift lines</p>

			<p>[1310] Salicornia and other annuals colonising mud and sand</p> <p>[2110] Embryonic shifting dunes</p>
North Dublin Bay SAC (000206)	15.2 km south-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p>	To maintain or to restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

		Petalophyllum ralfsii (Petalwort) [1395]	
South Dublin Bay and River Tolka Estuary SPA (004024)	12.6 km south- east	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p>	<p>To maintain the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA save for the Grey Plover. According to the Conservation Objectives for South Dublin Bay and River Tolka Estuary (NPWS, 09/03/2015) Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA. As a result, a site- specific conservation objective has not been set for this species.</p>

		Wetland and Waterbirds [A999]	
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (004025)	12.7 km north-east	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p>	To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.

		Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	
North Bull Island SPA (004006)	15.2km south east	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	To maintain the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.

		Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	
--	--	---	--

12.2.10. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including the AA Screening Report and the Ecological Impact Assessment (EclA), observations on the application made by prescribed bodies and observers, and I have also visited the site.

12.2.11. In terms of determining the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. In identifying potential impact sources and pathways connecting the development to Natura 2000 site, I am of the view that the arbitrary use of the 15km radius is not necessary to determine a Zone of Influence, but rather identification of possible impact pathways should determine same and I have set out my consideration of same below.

Habitat Loss and Fragmentation

12.2.12. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. Having regard to the entirety of information on file, including that in the AA Screening Report and within the EIAR, I am satisfied the proposed site does not support populations of any fauna species

that are qualifying interests or special conservation interests of any European Site. I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

12.2.13. There are no other evident impact pathways, noting in particular the lack of suitable habitats on the site for any species of conservation interest associated with any European Site and the lack of habitat suitable for any birds of special conservation interest associated with any European Site. There is no evidence the site lies in a sensitive location as regards to birds nor that the height of the buildings at a maximum of 5 storeys (at the Local Centre) would pose a danger in relation to bird strike. I also note that the site itself, as existing, is not deemed to represent suitable *ex-situ* feeding/roosting habitat for any species associated with a Natura 2000 site, and it is set out in the EIAR, the site is not of significant value for those birds that favour open farmland or rough pasture, such as lapwing or curlew or pale-bellied Brent Goose (Section 8.3.6.1 of the EIAR refers), and the site is not utilised by any wintering bird species, including those species listed as SCI species in any European sites (Section 8.3.7 of the EIAR refers). I also note that the site is some 12.6km from the nearest SPA (South Dublin Bay and River Tolka SPA).

Habitat degradation as a result of hydrological impacts

12.2.14. At construction phase, I share the view as set out in the applicant's AA Screening Report that indirect pathways to the Dublin Bay site exist at construction stage via potential contaminated run off entering the surface water drainage network and eventually outfalling subsequently into Dublin Bay via the surface water drainage ditches on site, the Pinkeen East River and via the River Tolka. At operational stage, surface water outfalls to drainage ditches on both sites, eventually reaching the Pinkeen East River and the River Tolka.

12.2.15. The foul water discharge from the site is treated at Ringsend WWTP which discharges into Dublin Bay (at the point of the River Liffey Estuary).

12.2.16. As such, at construction stage and at operational stage, surface water provides indirect hydrological connections from the site to Dublin Bay Natura 2000 sites. At operational stage, foul water discharge provides a further indirect hydrological connection from the site to Dublin Bay. Therefore the indirect hydrological

connection of key relevance is that relating to the Natura 2000 Sites in the vicinity of Dublin Bay (that is North Bull Island SPA (004006), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210)). In relation to other European Sites, it is reasonable to assume that, where the water quality and the conservation objectives of the European sites immediately proximate to Dublin Bay (i.e. North Bull Island SPA (004006), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210)) are unaffected by the proposed development, having regard to the source pathway model, the conservation objectives of those European sites at a greater distance would also be unaffected.

Habitat degradation as a result of hydrogeological impacts

12.2.17. I note that the applicant's AA Screening Report rules out a pathway between the proposed development site and the Rye Water Valley Carton SAC (Section 5.1.1 of the AA Screening report refers) although the report states that, at construction phase, there is a potential groundwater pathway between the proposed development site and those European sites associated with Dublin Bay, should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water, although this risk was considered to be extremely low due to the distance between the site and the Dublin Bay Sites referred to above, and the dilution factor, with no possibility of long-term impacts due to the relatively short duration of construction works.

12.2.18. While not discussed with the AA Screening Report, the EIAR notes that the groundwater body in the region of the site, the Dublin GWB, is classified as being 'under review' (having regard to the WFD Risk Score System). This waterbody achieved 'Good Status' in the 2013-2018 WFD cycle. In terms of flow direction, it is noted that no monitoring has taken place, but that the regional groundwater gradient is most likely north to south towards the Tolka (Section 9.3.7 of the EIAR refers). The EIAR refers to a 'Conceptual Site Model (CSM)' which was developed in order to identify any likely source-pathway-receptor linkages relating to the site and the proposed development. No source pathway linkage to North Dublin Bay SAC or South Dublin Bay and River Tolka SPA via groundwater was identified, with the limestone aquifer being characterised by discontinuous fracturing.

12.2.19. Further to the above discussion, I note that the only European site within the Dublin Groundwater Body (GWB) that is designated for groundwater dependent habitats and/or species is the Rye Water Valley/Carton SAC, located c 9.4km to the south-west of the proposed development. As this is within the same groundwater body as the site, I am of the view that it lies within the zone of influence of the proposed development.

Other Possible Effects

12.2.20. Other possible effects, including that relating to invasive species, are also ruled out in the AA Screening Report and I concur with the reasoning and conclusions reached therein in relation to same.

Conclusion on the extent of the Zone of Influence

12.2.21. I am of the view that the only sites that are within the 'Zone of Influence' of the proposed development are those sites in or associated with Dublin Bay, due to indirect connections via the surface water network, and foul water discharge via the Ringsend WWTP, and those sites which are within the same groundwater body as the site with qualifying interests that are groundwater dependant, which is limited to a single site, the Rye Water/Carton SAC.

12.2.22. In relation to other sites, I am satisfied that the potential for impacts on the other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

12.2.23. Those sites which I have concluded lie within the 'Zone of Influence' of the proposed development are set out below:

- **North Bull Island SPA (004006), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210)** - Potential impacts have been identified from surface water run-off during construction and operation and from operational wastewater discharges.
- **Rye Water Valley/Carton SAC (001398)** - Potential impacts have been identified from contaminated discharge to groundwater during construction and operational stages.

12.2.24. The species of qualifying interest/special conservation interest, and the conservation objectives of the above sites are set out in Table 1 above.

Assessment of Likely Significant Effects

Habitat degradation as a result of hydrological impacts

12.2.25. I note that standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Construction Environmental Management Plan, would prevent polluted surface water from entering the surface water drainage network. However, even in the absence of the above measures, I note that the site is at least 15 km from the Ringsend WWTP (direct line distance) to eventual discharge into the Lower River Liffey Estuary. As such the ecological connection is somewhat weak, in my view, and I share the view as expressed in the AA Screening Report, that any contaminants (i.e. such as oils, hydrocarbons, silt etc) would be sufficiently dispersed and diluted by the point of entry into Dublin Bay, so as to be undetectable. In addition to same I concur with the view expressed in the AA Screening Report that significant dilution and mixing of surface water and sea water would occur. As such I am satisfied that likely significant effects, as a result of hydrological impacts at construction phase, on the Dublin Bay Natura sites referred to above can be ruled out.

12.2.26. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the AA Screening Report, within the Infrastructure Design Report, the EIAR and the 'Site Specific Flood Risk Assessment' will serve to limit the quantity and improve the quality of surface water runoff. These include interception storage measures with on site-attenuation during heavy rainfall events. It is also proposed to restrict outflows from the site. These SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any brownfield site in order to the protect the receiving local environment and the amenities of the

occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission. As such, I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on any Natura 2000 within Dublin Bay, or any other Natura 2000 sites, having regard to the sites' conservation objectives. Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Dublin Bay indirectly via the surface water network, I concur with the view, as expressed in the applicant's AA Screening Report, that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the estuarine/marine environment of Dublin Bay, such that likely significant effects on those Natura 2000 sites within and adjacent to Dublin Bay can be ruled out.

12.2.27. In conclusion therefore, while there is an indirect connection to Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC and North Bull Island SPA, via the surface water network, I am of the view that any particulates or pollutants will be diluted within the surface water network and the marine /estuarine environment of Dublin Bay and would not be seen to be at levels that would cause significant effects on the Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary SPA, the North Dublin Bay SAC or North Bull Island SPA. As such likely significant effects on the Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC and North Bull Island SPA can be ruled out.

Foul Water

12.2.28. With regard to wastewater, this will discharge to Ringsend WWTP. Information on the Irish Water website indicates that the Ringsend WWTP plant is operating above its capacity of 1.64 million P.E. with the average daily load received at Ringsend Wastewater Treatment Plant in 2019 being 1.98 million population equivalent with peaks well in excess of this. I note that Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. In this regard, upgrade works have been permitted and are underway on the WWTP

which will eventually cater for a 2.4 million population equivalent when completed in 2025, with phased upgrades allowing for 2.1 million population equivalent by 2023⁴. However, notwithstanding the proposed upgrading works, I am of the view that the effluent volumes from the proposed development would be insignificant given the overall scale of the Ringsend facility and would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay.

Habitat degradation as a result of hydrogeological impacts

12.2.29. I note that the applicant's AA Screening Report rules out a pathway between the proposed development site and the Rye Water Valley Carton SAC (Section 5.1.1 of the AA Screening report refers) although the report states that, at construction phase, there is a potential groundwater pathway between the proposed development site and those European sites associated with Dublin Bay, should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water, although this risk was considered to be extremely low due to the distance between the site and the Dublin Bay Sites referred to above, and the dilution factor, with no possibility of long-term impacts due to the relatively short duration of construction works.

12.2.30. While not discussed with the AA Screening Report, the EIAR notes that the groundwater body in the region of the site, the Dublin GWB, is classified as being 'under review' (having regard to the WFD Risk Score System). This waterbody achieved 'Good Status' in the 2013-2018 WFD cycle. In terms of flow direction, it is noted that no monitoring has taken place, but that the regional groundwater gradient is most likely north to south towards the Tolka (Section 9.3.7 of the EIAR refers). The EIAR refers to a 'Conceptual Site Model (CSM)' which was developed in order to

⁴ <https://www.water.ie/projects/local-projects/ringsend/>

identify any likely source-pathway-receptor linkages relating to the site and the proposed development. No source pathway linkage to North Dublin Bay SAC or South Dublin Bay and River Tolka SPA via groundwater was identified, with the limestone aquifer being characterised by discontinuous fracturing.

12.2.31. Further to the above discussion I note that the only European site within the Dublin Groundwater Body (GWB) that is designated for groundwater dependent habitats and/or species is the Rye Water Valley/Carton SAC, located c. 9.4 km to the south-west of the proposed development. As this is within the same groundwater body as the site, I am of the view that it lies within the zone of influence of the proposed development. I note the flow path referred to above which would indicate that the groundwater flow is not in a south-westerly direction, rather it is north-south towards the River Tolka. In addition, information on the GSI website states that the general groundwater flow in this aquifer is generally towards the coast and also towards the River Liffey Dublin City⁵. As such this is further evidence that it is unlikely that groundwater flow is from the site to the Rye Water Valley/Carton SAC, which is located to the south-east of the site, and I am satisfied that there no source pathway linkage from the site to the Rye Water Valley/Carton SAC, as relates to groundwater. Even if there were a pathway via Groundwater, significant effects are unlikely in my view, given the distance between the site and Rye Water Valley Carton SAC, and having regard to the dilution effect.

In-Combination Impacts

12.2.32. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in Dublin Bay.

Cumulative impacts with other proposed/existing developments

⁵ <https://gsi.geodata.gov.ie/downloads/Groundwater/Reports/GWB/DublinGWB.pdf>

12.2.33. I note that project is taking place within the context of greater levels of built development and associated increases in residential density in the Fingal Administrative Area, and the wider Dublin Areas as a whole. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. I noted that development within Fingal and the wider Dublin Area is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Fingal Development Plan 2017-2023. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note site is on serviced lands in an urban area and relative to the overall capacity of the surface water and foul water network, the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, as noted above, upgrade works have commenced on the Ringsend Wastewater Treatment works permitted under ABP PL.29N.YA0010 and this facility is subject to EPA licencing and associated Appropriate Assessment Screening.

12.2.34. Having regard to the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

AA Screening Conclusion

12.2.35. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), North Bull Island SPA (Site Code 004006) and Rye Water Valley/Cartron SAC (site code 001398), or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

13.0 Conclusion and Recommendation

- 13.1.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th Day of December 2021 by Glenveagh Homes Limited care of Brady Shipman Martin, Mountpleasant Business Centre, Ranelagh, Dublin 6.

Proposed Development:

The proposed development will consist of the development of 548 no. residential units, consisting of 147 apartments/duplexes and 401 houses, ranging in height from 2 to 5 storeys and including retail/café unit, 2 no. crèches, 1 no. Montessori, 1 no. community hub, car and bicycle parking, open space and public realm, over a site area of c. 25.3 ha, as follows:

1. On lands to the north of the application site (referred to as Sites 2 & 3) the proposed development includes for 428 no. houses and apartments comprising 27 No. 1-bed apartments, 97 No. 2-bed houses, 267 No. 3-bed houses and 37 No. 4-bed houses set out in 401 no. houses (373 no. 2-storey and 28 no. 3-storey) and 9 no. 3-storey apartment buildings (27 no.). A total of 792 no. car parking spaces will be provided for this part of the scheme, of these, 761 no. spaces will be provided for residents with 30 no. spaces provided as visitor parking and 1 no. space for disabled parking.

In terms of bicycle parking, a total of 225 no. cycle parking spaces are provided, comprising 180 no. spaces for terraced units (located in 9 no. bike stores with 20 no. bikes in each) plus 45 no. spaces for the apartments.

2. On lands to the south of the application site and north of the Tyrrelstown Local Centre (referred to as Local Centre) the proposed development includes 120 no. apartment/duplex units in 4 no. blocks ranging in height from 3 to 5 storeys (32 no. 1 bedroom, 68 no. 2 bedroom and 20 no. 3 bedroom) all of which have balconies or terraces set out as follows:

Block A, is a 4 storey building, providing 12 no. units with proposed balconies, with a café/retail unit of 154sq.m and community hub of 144.5 sq.m proposed at ground floor.

Block B, is a 3-5 storey building, providing 34 no. units with proposed balconies and ground floor terraces.

Block C, is a 3-5 storey building, providing 44 no. units with proposed balconies and ground floor terraces.

Block D, is a 4 storey building, providing 30 no. units with proposed balconies and ground floor terraces, with a crèche of 500 sq.m with an external play space of 200 sq.m and a Montessori of 280.3 sq.m with an external play space of 185 sq.m proposed at ground floor.

External communal amenity space is provided at ground podium terrace levels throughout the scheme.

A standalone 2-storey crèche unit is also provided of 529.6 sq.m with an external play space of 243 sq.m, to the south of the site.

Car Parking is provided in a mix of undercroft in Blocks B & C and at surface level with 108 spaces for residential use and 5 no. creche/Montessori staff spaces, 10 no. creche/Montessori set down spaces, 6 no. visitor spaces and 9 no. public spaces on the Link Street. A total of 300 no. bicycle parking spaces are proposed as part of the development comprising 230 no. long stay spaces for residents and 70 no. short stay spaces for both visitors and the non-residential activity.

3. Vehicular access to Sites 2 & 3 to the north of the application site is through the construction of a new vehicular entrance off Hollywoodrath Road (R121), a new

footpath and cycle path along the northern and western side of the R121 along the site frontage extending south to the existing Toucan crossing facility over the R121, and provision of 2 no. new Toucan crossings on the R121 (c.0.53 ha) as well as via an extension to Hollystown Avenue link road south of the permitted Bellingsmore development. Vehicular access to the Local Centre to the south of the application site is via the existing access point along Hollystown Avenue and the north-south link route from the existing Tyrrelstown Local Centre which is partially completed and partially under construction.

Pedestrian and cycle access is also provided along the R121, through existing roads within the application site and through the creation of a new pedestrian/cycle route to the north at the existing entrance to the clubhouse of the former Hollystown Golf Course.

4. The development of proposed Class 1 public open space of 2.77ha and Class 2 public open space of 1.69ha including pedestrian/cycle routes, seating areas, kick about area, playgrounds, dog park, associated landscaping works including planting, changes in level and boundary treatments. In addition 3.21 ha of linear park under the existing power lines and 2.11ha of ancillary linear open space which includes for SUDS and hedgerow features is provided in the scheme. The proposed Class 1 open space is provided as a north south pedestrian and cycle connection to the north and connecting the site to the Ratoath Road and the future Dublin GAA facilities at this location.

5. The construction of a new foul outfall sewer, approx. 3km in length to connect to the existing 600mm diameter foul sewer to the south of Powerstown Road which will include decommissioning of the existing Pump House south of Hollystown Park.

6. The development will also provide for all associated ancillary site development infrastructure including landscaped areas and sustainable urban drainage systems under the existing ESB powerlines, and all associated ancillary site development infrastructure including: demolition of an existing shed, ESB sub-stations, public lighting, and foul and surface water drainage; internal roads & footpaths; landscaping; and all associated engineering and site works necessary to facilitate the development.

The proposed scheme is designed to integrate with the previously permitted development at Bellinismore (Ref FW13A/0088/E1) which is currently under construction and recently permitted residential development on lands to the north east known as Site 1 (FCC Reg. Ref.: FW21A/0042).

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the location of the site in an established urban area, with the zoning objectives for the site allowing for residential development;
- (b) the policies and objectives of the Fingal Development Plan 2017-2023, including variations;
- (c) Housing for All - a New Housing Plan for Ireland 2021;
- (d) the National Planning Framework which identifies the importance of compact growth;
- (e) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (i) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (l) The pattern of existing and permitted development in the area;
- (m) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan or a Local Area Plan;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority; and
- (p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment,

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

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the

applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have effects on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

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

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the

significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and human health - positive impacts in relation to the provision of new homes, increased economic activity and with the provision of new public open space. Mitigation has been incorporated into the design, which includes measures to reduce noise impacts on existing noise sensitive locations, including the application of measures in a Construction and Environmental Management Plan during construction, will also reduce impact upon human health. Measures to reduce external noise impacts on future occupiers, including acoustic glazing and passive vents, are also proposed which will reduce impacts upon human health. The Board is satisfied, therefore, that residual impacts on population and human health will not be significant.

Biodiversity – there may be temporary negative impacts on biodiversity at the initial phases of development, as a result of removal of some habitats, although these impacts will not be significant. The Board is satisfied that, as the proposed landscaping matures, and with mitigation in place, including the retention of trees and hedgerows and the provision of large areas landscaping, as well as the provision of bat and bird boxes, and appropriate lighting design, these impacts will be rendered negligible.

Land, Soils, Geology & Hydrogeology/Hydrology - with the implementation of mitigation through management measures in the Construction & Environmental Management Plan, as well as surface water management, attenuation and drainage

of foul waters (as set out in the Site Specific Flood Risk Assessment and the Infrastructure Design Report), no significant negative impacts are envisaged.

Air Quality and Climate - with the implementation of mitigation through management measures in the Construction & Environmental Management Plan and the Construction Air Quality Management and Monitoring Plan, no significant negative impacts are envisaged.

Noise and vibration – during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impacts will not be significant.

Landscape and Visual - during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan including avoidance of root protection areas where trees and hedgerows are to be retained, and visual screening of the works. During operational phase, proposed landscaping, including replacement tree planting, and the use of high quality materials and the overall design quality of the proposed development will serve to mitigate any negative impacts on features of landscape value and on the visual environment.

Cultural Heritage, Archaeology & Architectural Heritage - no significant permanent adverse impacts upon Cultural Heritage, Archaeology & Architectural Heritage are anticipated, with the application of mitigation measures.

Microclimate – Daylight & Sunlight - No predicted negative impacts were expected in relation to daylight and sunlight and no mitigation was therefore required.

Traffic & Transportation - Mitigation measures described in the Construction & Environmental Management Plan are intended to prevent significant impacts during construction. During the operational phase, it is indicated that Junction 5 – the ‘R121/Cherryhound-Tyrrelstown Link Road/The Avenue Roundabout’ is slightly over capacity during the 2038 Design Year AM Peak. However, this impact is not significant, and in the ‘no development scenario’ this junction is close to capacity in any case. The mitigation measures set out in the MMP, which aim to reduce reliance on private car and to promote sustainable transport options, should serve to reduce future impacts on this, and other junctions. In addition, the provision of high quality

pedestrian and cycle links, as well as safe and convenient cycle parking, as proposed under this application, should also reduce the demand for private car use. The Board is therefore satisfied that no significant residual impacts on the road network will result at operational stage of the development.

Waste - At construction stage, mitigation is proposed in the form of adherence to the 'Resource and Construction Waste Management Plan' as well as other measures. At operational phase, measures include, but are not limited to, adherence to a Site-Specific Operational Waste Management Plan (as contained in outline form in Appendix 17.2 of the EIAR). The Board is therefore satisfied that no significant residual impacts will result from waste generated by the development, either at construction phase or operational phase.

Services –The proposed development will improvement permeability through the site and for the wider area, resulting in moderate, positive long term impacts. No significant impacts on services will result from the development, either at construction or operational phases and no mitigation is required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development, appropriate for its location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority in particular, the recommended reason for refusal, which relates to non-compliance with Specific Local Objective 72 of the Fingal Development Plan (relating to the provision of a recreational facility for the Dublin G.A.A. County Board). In relation to same, the Board was of the view that the provision of GAA facilities, at an alternative location than that specified on Map 12 of the Fingal County Development Plan 2017-2023, was acceptable having regard to the quantum of land provided by the applicant, the location and accessibility of the proposed alternative location, the facilities which exist at this alternative location, as well having regard to open space zoning of this alternative location. The Board was of the view that the height, scale

and mass of the development would not have an unacceptable impact, at a maximum of 5 storeys in height on the Local Centre Site. The Board concluded that the development would not result in undue overlooking of adjacent sites or within the proposed development itself and would represent an acceptable standard of quality for the proposed accommodation, with a height, scale and mass that would have an acceptable visual and landscape impact. The Board also concluded that the proposed development was acceptable in all other respects.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission would materially contravene Specific Local Objective 72 of the Fingal County Development Plan 2017-2023 (relating to the provision of a recreational facility for the Dublin G.A.A. County Board at a specific location identified of Map No. 12 of the Development Plan).

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Fingal County Development Plan 2017-2023 would be justified for the following reasons and considerations.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature, in that it is part of a cumulative response to a strategic issue of national importance (i.e. the provision of housing and compact urban growth). The proposed development makes a significant contribution to the housing stock, of some 548 no. residential units, and, as such, addresses a matter of national importance, that of housing delivery.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

The Board has had regard to national policy on housing, as expressed in 'Housing for All, a New Housing Plan for Ireland'. This document sets out four overarching objectives to meet the housing needs of the country, one of which is to increase new housing supply, on serviced land. The Board has also had regard to Project Ireland 2040: National Planning Framework (NPF), which seeks to deliver on compact urban growth, and National Policy Objective 27 of same seeks to prioritise the provision of

new homes at locations that can support sustainable development, and at an appropriate scale of provision relative to location. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs, with a view to delivering the national target of at least 25,000 new homes annually. In relation to relevant Section 28 Guidelines, the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (Updated December 2020) refer to the need to sustainably increase housing supply, in suitable locations. The ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)’ also espouses the efficient use of resources when delivering housing, including the efficient use of land, with increased densities encouraged on residentially zoned lands, at appropriate locations.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.
2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

3. Prior to the commencement of any duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and

duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

4. Each of the residential units on Sites 2 & 3 shall be used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, included development specified in Article 10(5) of the Planning and Development Regulations 2001 (as amended) in respect of childminding, except where otherwise permitted by way of a separate grant of planning permission.

Reason: In the interest of clarity and to ensure proper planning and sustainable development and in the interest of public safety.

5. Each apartment unit on the land subject to the Local Centre zoning objective in the Fingal County Development Plan 2017-2023 shall be used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by a separate grant of planning permission.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

6. Prior to commencement of the development a phasing plan shall be submitted for the written agreement of the Planning Authority in which the childcare facilities, open space and permeability links to adjoining lands are delivered in conjunction with housing.

Reason: In the interest of residential amenity and proper planning and sustainable development.

7. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 21 of the EIAR 'Mitigation Measures and

Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

8. The following requirements in terms of traffic, transportation and mobility, and DMURS, shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
 - (a) The proposed vehicle access road from Ratoath Road linking the adjoining lands to the north shall be relocated or omitted and a separate access to the lands to the north provided from the Ratoath Road that does not cause conflict with the pedestrian and cycle shared space.
 - (b) The internal road, pedestrian, cycle network serving the proposed development, including the toucan and zebra crossings, turning bays, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
 - (c) The pedestrian and cycle link to the west of the development shall be a minimum 3.0m wide two-way cycle track and 2.0m footpath.
 - (d) Where pedestrian and cycle facilities cross entrances and junctions on The Avenue and the Local Centre Link Road, they shall be designed so that the pedestrian and cycle paths continue through the junctions with priority, in accordance with the designs of the NTA Cycle Manual.
 - (e) All locations where pedestrian and cycle connections interface with roads and the back of footpaths shall have stainless steel bollards placed to prevent vehicles from entering the pedestrian and cycle networks at these points. Provision for access for maintenance vehicles shall be accommodated in the design and construction of the links.

- (f) All transport infrastructure and finishes shall comply with Fingal County Council's Standards for Taking in Charge.
- (g) The existing stone entrance pier to The Green shall be either set-back or cut back to avoid the kink in the pedestrian and cycle facilities on Church Road (R121).
- (h) Road Safety Audits shall be carried out as part of the proposed development at the relevant stages as outlined in the current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027.

Reason: In the interest of orderly development, traffic safety and to provide a satisfactory standard of development.

- 9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development).

- 10. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

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

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

12. The management and maintenance of the proposed apartment development on the Local Centre Site, following its completion, shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

13. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. A piece of public art or sculpture or architectural feature should also be incorporated, the location of which shall be agreed with the Planning Authority in writing. This

work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. The following shall be complied within in relation to the existing trees and hedgerows:

- (a) As per Section 8.1 Tree Work Operations of the Tree Survey Report all tree/hedgerow felling and pruning work throughout the site shall be carried out by a qualified and experienced tree surgery contractor in accordance with *BS3998 (2010) Tree Work – Recommendations* before commencement of any other site operations including the erection of protective barriers.
- (b) Prior to the commencement of construction works on site, a meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and the Parks Officer from the Parks & Green Infrastructure Division shall take place on-site to inspect that (a) all tree pruning & tree felling has been carried out appropriately and (b) that the protective fencing has been erected as per the Tree Protection Plan Drawing 21064_TPP. This fencing is to remain in place for the duration of the project.
- (c) All measures outlined in the Arboricultural Method Statement shall be adhered to.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

16. (a) A tree & hedgerow bond of €200,000 is to be lodged with the Council prior to the commencement of development in order to ensure that the trees and hedgerows noted for protection in the submitted Tree Protection Plan Drawing 21064_TPP are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of two years post construction which may be extended in the event of construction related defects.

(b) For the tree and hedgerow bond to be released, a post construction report on the condition of the trees and hedgerows to be retained shall be undertaken by the project Arborist and all recommendations made within this report shall be carried out. On completion of this, the report and Certificate of Effective Completion signed by the project Arborist shall be provided to the Planning Authority.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

17. Prior to the commencement of works on site the applicant shall submitted a revised landscape plan and associated drawings to be agreed in writing with the Planning Authority. The plan shall be prepared by a suitably qualified landscape architect and shall include:

- (a) 1.5 m high buff top railing, 20mm diameter solid bar, hot dipped galvanised and powder coated black, with anti-vandal fixings around the perimeter of the class 1 open space.
- (b) 1.5m treated timber post and rail fence with 3 horizontal rails and panel mesh along the western boundary.
- (c) Details and specification of 4 x new pedestrian bridges.
- (d) Plant densities, numbers, form, size and specification.
- (e) All detention basins with a 1:5 gradient.
- (f) Details of play equipment in accordance with the requirements of Fingal County Council

The revised landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

18. 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 dwelling.

Reason: In the interests of amenity and public safety.

19. Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

20. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

21. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

22. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

23. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

24. The construction of the development shall be managed in accordance with a Final 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 inter alia: details of proposals as relates to soil importation and exportation to and from the site; details and location of proposed construction compounds, details of intended construction practice for the development, including noise and vibration management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity.

25. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

26. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interests of visual and residential amenity.

28. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

Reason: To comply with the Councils taking in charge standards.

29. 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 -

- (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 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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

31. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Rónán O'Connor

Senior Planning Inspector

25th November 2022