



An
Bord
Pleanála

Inspector's Report ABP-312529-22

Development

Infrastructure works to facilitate future community facilities & residential development. An Environmental Impact Assessment Report has been prepared in respect of the proposed development and accompanies this application.

Location

Castlelands, in the townlands of Balbriggan, Hampton Demesne and Kilsough North, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F21A/0576

Applicant(s)

The Land Development Agency

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Kevin Tolan

Date of Site Inspection

06th June 2022

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.57 hectares, is located to the south east of Balbriggan. The appeal site is piece of undeveloped land located between the housing development of Hamilton Avenue (three-storey apartment blocks) located to the north of the site and Castleland Park View (two-storey terraced dwellings) to the south of the site. Adjoining the western boundary of the site is a roundabout junction at the eastern end of Hamilton Avenue. The levels on site increase moving south east away from the roundabout and the area is currently a grassed area. Adjoining lands to the west are agricultural lands with a number of fields making up the extent of the lands contained in the Castlelands masterplan.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of the first section of the proposed Castlelands Link Street, from the existing Castlelands roundabout to the west for c. 420m to its junction with a north south neighbourhood street providing access to the FCC masterplan proposed school and swimming pool and to the local park and to future Neighbourhood 5 in the proposed future residential development. This street is to include dedicated footpaths and cycle lanes.
- 2.2. From its junction with Castlelands Link Street, construction c. 130m of a north-south neighbourhood street providing access to the FCC masterplan proposed swimming pool car park, and to the proposed local park and Neighbourhood 5 in the proposed future residential development.
- 2.3. Foul, Surface water and Water Supply Service to facilitate future community facilities and residential development within the Castlelands Masterplan Area.
- 2.4. Planting & landscaping of open space areas immediately adjoining proposed streets. Provision of Public Lighting along both Link Street and neighbourhood street.
- 2.5. All associated and ancillary work.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 16 conditions. Of note are the following conditions...

Condition 3: The development shall be completed as part of Phase 1 development or in tandem with Castlelands Masterplan area.

Condition 7(1): Agreement in writing of pedestrian crossing points, priority layout and final cross section details for link road.

Condition 8: Revised street tree planting scheme to be submitted and agreed in writing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposal is consistent with Development Plan policy and the Castlelands Masterplan 2021. The proposal was deemed to be satisfactory in the context of its scale, adjoining amenity and will facilitate future planned residential development on adjoining lands. The proposed development was considered acceptable in the context of the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Water Services (10/11/21): No objection subject to conditions.

Environment (16/11/21): No objection subject to condition.

Irish Water (23/11/21): No objection.

Archaeological report (25/11/21): Archaeological monitoring required.

Green Infrastructure (30/11/21): Further information requiring including revised street planting proposals.

Transportation Planning (No date): No support for residential development until the new link street is in place. In the event of grant of permission, conditions are recommended.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage (24/11/21):

No objection subject to conditions including archaeological mitigation measures contained in the EIAR.

3.4. **Third Party Observations**

Two submission from...

Hampton Cove Residents Association

Kevin Tolan, KT Designs

The issues raised can be summarised as follows...

- Traffic management plan required.
- Piecemeal approach to development, full extent of link road should be provided.
- Lack of consultation with the community.
- Premature pending preparation of an LAP.
- Inability of Balbriggan to absorb level of residential development developments planned.
- Contrary Objective Balbriggan 11.

4.0 **Planning History**

ABP-313210-22: 10 year planning permission for construction of 817 no. residential units (377 no. houses, 440 no. apartments), childcare facilities and

associated site works. Pending decision. The appeal site partially overlaps with this application site.

5.0 Policy Context

5.1. Development Plan

The relevant Development plan is Fingal Development plan 2017-2023. The appeal site is split into three zonings...

RS Residential Provide for residential development and protect and improve residential amenity

RA Residential Area Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.

OS Open Space: Preserve and provide for open space and recreational amenities.

Part of the site is located within the area identified as Castlelands Masterplan MP.4F

There is a road proposal objective corresponding to the site for a road linking the Castlelands roundabout to the R127.

Objective MT41

Seek to implement the Road Improvement Schemes indicated in Table 7.1 within the Plan period, subject to assessment against the criteria set out in Section 5.8.3 of the NTA Transport Strategy for the GDA, where appropriate and where resources permit. Reserve the corridors of the proposed road improvements free of development.

Table 7.1

Castlelands Link to R127

Objective BALBRIGGAN 11 Ensure a safe and convenient road, pedestrian and cycle system promoting permeability, accessibility and connectivity between existing and new developments within the town.

5.2. Natural Heritage Designations

Natura 2000 site in the intervening area...

Rockabill to Dalkey Island SAC (003000) 7km;

Rogerstown Estuary SAC (000208) 9.9km;

Boyne Coast and Estuary SAC (001957) 11.8km;

Malahide Estuary SAC (000205) 13.6km;

Lambay Island SAC (000204) 14.6km;

Skerries Island SPA (004122) 5.3km;

River Nanny Estuary and Shore SPA (004158) 6.0km;

Rockabill SPA (004014) 7.5km;

Rogerstown Estuary SPA (004015) 9.9km;

Malahide Estuary SPA (004025) 13.6km;

Boyne Estuary SPA (004080) 13.7km;

Lambay Island SPA (004069) 14.2km.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by KT Designs. The grounds of appeal are as follows...

- Questionable approach of providing part of the link road objective with no guarantee that the development it is to serve will receive permission. The proposal is not being assessed on its own merits but on hypothetical development, with the appellant noting no guarantee of permission been granted for the development it serves (possibility of refusal of SHD application or legal challenges).

- The proposal is wasteful piecemeal approach and fails to meet the objective of the Development plan, which provides for the Castlelands Link Road. The appellant states that the applicant should be refused and a new application submitted providing for entire link road.
- The current way in which permission has been sought would be detrimental to provision of connectivity and fail to comply with the Cycle Network Plan for Greater Dublin as it would not provide for a link from the Church roundabout (R132) and the R127.
- Failure to meet Objective Balrothery 2 to maintain physical and visual separation for Balrothery and Balbriggan.
- A similar inappropriate approach is noted in application by the same applicant in Skerries.
- Lack of a Local Area Plan for Balbriggan is highlighted with provision of direct proposal for large scale housing and facilitating infrastructure inappropriate in absence of such. The proposal is premature pending such and a masterplan is not an adequate replacement for such.
- The appeal raises concerns regarding the level of residential development that the proposal is to facilitate with reference to the National Planning Framework and the population targets of the Fingal County Development Plan. The appellant indicates that the amount of planned units (refers to pre-app for the 312210 and other SHD development planned and approved) exceeds population targets and priority should be given to development on land zoned RS as opposed to RA, which require provision of social and physical infrastructure.

6.2. Applicant Response

6.2.1 Response by John Spain Associates on behalf of the Land Development Agency.

- The description of the proposed development is clear and is to facilitate development lands identified under the Castelands masterplan.

- The proposed infrastructure will facilitate delivery of necessary infrastructure to support the development of the adjacent to the site for residential purposes as well as delivery of planned educational and recreational facilities.
- The rationale for assessing the SHD as part of the EIAR is the integrated nature of project with planned residential on adjoining lands.
- The phasing included in the masterplan is being adhered to. The link road will be provided in its entirety within the first phase of development and such is attached as condition of the grant of permission. The school and leisure facilities are not part of the proposal or the adjoining the SHD proposal and are not assessed under the subject application.
- The proposal is consistent with the objectives of the Development Plan and the application for housing it facilitates is to be lodged in the coming weeks (313210). The design of the road incorporates footpath and cycle track with such are informed by DMURS. The proposal and the proposal for the masterplan area have adequate regard to connectivity in terms of pedestrian, cyclists and vehicular traffic.
- The proposal entails a high standard of cycling infrastructure.
- The proposal is physically separated from Balrothrey and will be acceptable in terms of Development Plan policy and visual impact.
- The proposal is plan led and not piecemeal approach to development. The proposal is consistent with development plan policy and the masterplan prepared for the area and to await preparation of an LAP would be an unnecessary delay to much need housing.
- No residential units are proposed as part of this application and the issue of core strategy and population targets is not relevant to this application. Notwithstanding such the applicant identifies that there is a capacity for 3,805 houses under the core strategy of the Development Plan.
- The link road is part of the development strategy for the area and essential to service residential development proposed on the adjoining lands. A comprehensive traffic assessment has been carried out and a Traffic and Transport Assessment report is part of traffic chapter of the EIAR.

6.3. Planning Authority Response

6.3.1 Response by Fingal County Council.

- The proposal is to facilitate the early provision of infrastructure outside of the masterplan lands. The proposal will facilitate connectivity to adjoining lands within the masterplan area and is considered acceptable. Condition no. 3 requires that the proposed development is completed as part of Phase 1 development of Castlelands Masterplan area.

7.0 Environmental Impact Assessment

7.1 Statutory provisions:

7.1.1 The proposed development consists of an urban development comprising of infrastructural works including construction of part of a new link road to facilitate access future community and residential development on lands zoned for residential use adjacent the appeal site. The development proposed does not fall within any of the categories set down under Section 10 of Part 2 of Schedule 5 of the Planning and development regulations. As the purpose of the proposed development is to facilitate a residential development on the adjoining site to the east (SHD application for 817 residential units under ref no. ABP-313210-22) it was regarded that the level of inter-connectivity with the adjoining proposal, and having regard to the precautionary principle, an EIAR has been prepared having regard to the overall combined size of the site and to category 10(b)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

7.1.2 The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 15 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Appendix 1.A describes the expertise of those involved in the preparation of the EIAR. 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, the prescribed bodies and members of the public which are summarised in sections 3.3 and 3.4 of this report above.

7.2 Alternatives:

7.2.1 Chapter 2 of volume 1 of the EIAR provides a description of the project and alternatives studied by the developer and the reasons for his choice. The rationale for the site and proposal is based on the fact land use zoning policy and objectives under local and national policy support the redevelopment of the site for a mixed use residential and commercial development. The alternatives considered were alternative design proposals for the site but no alternative sites based on land use policies and objectives facilitating the development of the site in this manner. The alternatives that were considered were therefore largely restricted to variations in building design. The final design was considered to be optimum design in terms of design and quality and subject to consultation. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

7.3 Population and human health:

7.3.1 The proposed development would allow an increase in the population of this part of Balbriggan which is served by streets, public transport, drainage facilities and water supply. The increase in the population of the settlement would be in keeping with national and regional planning policy, as well as with local plans that have been subject to Strategic Environmental Assessment. The accommodation of the increased population in a planned extension of the town, rather than elsewhere, would tend to reduce the demands on the environment arising from the provision of access and services for that population. The effect of the proposed development on the environment in relation to population would therefore be positive. The proposed development consists of accommodation for residential and some service uses. These uses would not be likely to generate significant amounts of noise or to have an effect on human health. The increased population would lead to an increased

demand for travel. However the extent to which this demand would result in an actual increase in traffic is constrained by the capacity of the street network, which is likely to be saturated whether or not the proposed development proceeds. It is unlikely that the proposed development would have a significant indirect effect on the environment due to traffic noise. There is a potential that noise during construction could have a significant effect on neighbouring residents due to the proximity of the site to existing and planned housing. This can be properly mitigated by the imposition of a noise monitoring and control regime as set out in section 9.0 of the EIAR and set out in the Outline Construction Environmental Management Plan.

7.4 Archaeology and Cultural Heritage

7.4.1 Chapter 4 of the EIAR relates to Archaeology and Cultural Heritage. The site consists of a previously developed site. There are no monuments or structures of architectural heritage value identified within the site and those in the area would be unaffected by the proposed development. In these circumstances the proposed development would not have a significant effect on cultural heritage. Mitigation measures are proposed including archaeological monitoring and testing works pre-construction and preservation by record prior to removal of any archaeological material discovered for both the appeal site and the adjacent SHD site.

7.5 Biodiversity

7.5.1 The documents submitted include an ecological assessment of the site and adjoining lands within the masterplan area. The information included consists of a mammal survey and a survey of wintering birds. Habitats identified within the appeal site is mainly ED3 Recolonising Bare Ground with a small section WL1, hedgerows and part of the site GS2/WS1, Dry meadows and grassy verges and scrub, C3, tilled land, BC2 horticultural land. The adjoining lands with the masterplan area have a mix of habitats, mainly BC3, tilled land, BC2 horticultural land, ED3, recolonising bare ground, WS1, scrub.

7.5.2 Potential impact identified included construction impacts arising from site clearance, site re-profiling and construction works. The likely effects, direct and indirect, of the

proposed development on species and habitats for which European sites within the zone of influence of the site are designated is considered in Section 9 of this report relating to Appropriate Assessment, which informs the conclusions of this EIA. The biodiversity chapter details the methodology of the ecological assessment. Site surveys were undertaken to evaluate for the terrestrial ecology and bat fauna, mammal survey and wintering birds. A terrestrial ecology and bat fauna survey was carried out on the 28th May 2020 and 5th July 2021, a Mammal survey on the 17th March 2020 and 18th March 2021 and wintering bird survey on the 17th March 2020 habitat survey was carried out during July to August 2020. The site is not located within or adjacent to a European site. The potential for impacts on European sites within the zone of influence (Zol) of the proposed site was considered, with the extent of the zone of influence having regard to the nature, size and location of the project, source-pathway-receptor model, the sensitivities of the ecological receptors and the potential for in-combination impacts. There are 12 no. European sites within the potential Zol of the subject site. An Appropriate Assessment Screening Report and has been submitted with the application, which is assessed under section 9 below. I note that there are no annexed habitats or wetlands within or in the vicinity of the project site and there are no wetlands within the site. There is a water course (Castlelands Stream) along the southern boundary of the SHD site that drains into the marine environment 7km from Rockabil to Dalkey Island SAC. There was no evidence that the proposed project site supports field feeding waterbirds. The site does not provide any suitable habitat for offshore bird species designated under European sites.

7.5.3. In terms of the receiving environment, the development site, is a mixture of undeveloped scrub land and agricultural lands. The SHD site is split into a number of fields with some tree and hedgerow boundaries.

Plants

No plant species that are rare or conservation value were detected on the appeal or SHD site. No invasive species (such as Japanese Knotweed) were detected either.

Birds

A wintering bird assessment was carried out for the combined site. Three red listed species were detected, curlew, redshank and herring gull. Curlew are not a qualifying interests of any site within the zone of potential and redshank are a qualifying interest of a designated site 9.9km from the combined site (Rogerstown Estuary SPA). The combined development would have the potential to cause localised displacement of the curlew and redshank.

Bats

Bat species recorded within the SHD are noted to be: Common pipistrelle (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*) and Brown Long-eared bat (*Plecotus auritus*). There is no structures on the appeal site or SHD with the potential for bat roosts in some of the trees on the SHD site.

Mammals

No badgers were detected in the appeal site or SHD site.

7.5.4 Section 5.6 of the EIAR identifies potential impacts from the proposed development and Section 5.8, mitigation measures (Chapter 15 contains summary of mitigation measures). Construction phase mitigation measures include, inter alia, construction techniques related to land, soils and geology, and water as referenced in the relevant chapters; implementation of tree protection measures as identified in the Tree Survey Report and Landscaping Planting Plan; if construction lighting is required during the bat activity period (dusk April to September), lighting shall be directed away from all hedgerow/ treeline habitats to be retained; installation of a large number of bat boxes to act as summer and winter roosting sites. The landscape design also includes for the planting of native tree species which will in time provide for further potential roosting site habitat. All trees noted to have potential as bat roosting habitat will be surveyed by a bat specialist prior to site clearance works and if roosts are found the appointed bat specialist will develop a method statement for the tree / roost clearance in consultation with the planning authority and NPWS and will seek the necessary derogation licence from local NPWS staff (if required); removal of nesting habitat will be carried out outside the breeding bird season from 1st March to 31st August inclusive. Operational phase

mitigation measures include, inter alia, specific lighting design; SUDS measures to reduce surface water run-off rates; retain trees and planting where possible. Residual ecological impacts are not anticipated and provided ecological mitigation measures and monitoring are implemented correctly no cumulative impacts are expected.

Conclusion – Biodiversity: I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

7.6 Water

7.6.1 Chapter 6 of the EIAR relates to Water. The site is on zoned and serviced land.

There are no watercourses within the site boundaries with the nearest watercourse being Castlelands stream located along the southern boundary of the SHD site and draining to the marine environment to the east. Based on the flood risk maps held by the OPW and the CFRAM study it is indicated that there is no risk of fluvial, coastal or pluvial flooding (Flood Risk Assessment included) in the subject site up to the 1% AEP event. The site is therefore in flood risk zone C under the 2009 Flood Risk Management Guidelines where residential development of the type proposed is appropriate. The site is zoned land serviceable by existing water and foul services in the area. The development proposals include surface water drainage systems based on SuDs principles.

7.6.2 Potential impacts during the construction phase include release of sediments and hydrocarbons and surface water and groundwater pollution due to site excavation, site re-profiling and accidental spillages. During the construction phase potential impacts include polluting runoff/discharges, potential flooding of the site leading to contaminated floodwaters.

7.6.3 Mitigation measures in relation to water include a number of site management measures designed to prevent the runoff or discharge of sediments during the construction phase. During the operational phase the drainage system incorporates interceptors to deal potential polluting discharges. The EIAR set out the measures to avoid the release of sediments, hydrocarbons or other pollutants to the surface water drainage system during construction, including the designation of refuelling areas, the use of settlement ponds and provision of a wheel wash. Foul effluent from the proposed development would drain to the wastewater drainage and treatment system serving the settlement, upon which its impact would be negligible. It is therefore concluded that the proposed development would not be at an undue risk of flooding and would not exacerbate the risk of flooding on other lands, and that it would not be likely to have a significant effect on the quality of waters downstream of the site during its construction or occupation.

7.7 Land and Soils

7.7.1 Chapter 7 outlines topography and underlying geology of the sites, details of geotechnical site investigations. Potential impact of the proposed development in terms of the combined site during the construction phase include excavation and filling of the sites and importation of material, and potential for accidental spills and leaks. Potential impacts during the operational phase is limited to infiltration on the landscaped areas with possible accidental leaks and spillages.

7.7.2 Mitigation measure in relation to potential impacts to land and soil. During the construction stage these include a project specific Construction and Environmental Management Plan (CEMP), management of excavation, importation and stockpiles of soil and aggregate, dust suppression measures, measures to prevent contamination, re-use of soil on site and appropriately licensed disposal of soil/material removed off site. Appropriate fuel handling and storage measures to prevent accidental spillages. Vetting of the source of imported material. During the operational phase paved area are provided with surface water drainage that would pass through interceptors. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore

satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to land and soil.

7.8 Noise and Vibration

7.8.1 Chapter 8 relates to Noise and Vibration. In relation to noise the EIAR sets out details of noise monitoring carried out to set up the baseline standards for the appeal site and associated SHD site. The impact of the proposal includes noise impact of construction with details of phasing of works on the SHD site provided and noise during the operational phase of the both the proposed development in this application and the proposed SHD development.

7.8.2 Potential impacts during the operational phase include temporary to short term noise and vibration impacts due to use of machinery and equipment required to carry out construction of the project. The EIAR set out the threshold of significant effect at dwellings based on the BS5228:2009 and A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites-Noise. In relation to vibration the standards used are BS 7385: 1993 Evaluation and measurement for vibration in buildings Part 2: Guide to damage levels from ground borne vibration, and; BS 5228: 2009 and A1 2014: Code of Practice for noise and vibration control on construction and open sites-Part 2: vibration. The EIAR also outlines the noise standard set down under the TII Publication Good Practice Guidance for the treatment of Noise during the Planning of National Road Schemes, March 2014.

7.8.3 In terms of potential impacts the construction phase of the advance infrastructural works will be short term in nature and anticipated to be completed in a 2 year period. Noise and vibration impacts are expected due to the nature of the construction works, equipment need to facilitate such works and the traffic movement associated with such works including on site and on the surrounding road network. The EIAR outlines the type of equipment likely to be used and the impact of noise in relation to the nearest noise sensitive receptors (housing developments to the north and south of the proposed road. The anticipated noise impact of construction works on the appeal site are estimated to not exceed a 70 dB Laeq, 1hr (Mon-Fri, 0700-1900) and 65 dB Laeq, 1hr (Sat, 0800-1400) at the NSR's, which is based on the guidance documents outlined above. In relation to noise impact form increased traffic on the local road network the construction

works are anticipated to increase noise impact by 3db. This increase is considered to be a neutral impact based on the standards under Table 8.13 of the UK Design Manual for Roads and Bridges (DRMB). In relation to vibration no significant impact is anticipated in relation to the appeal site with no use of piling or rock breakers in construction of the proposed development.

7.8.4 The EIAR outlines the impact of construction works in relation to the adjacent SHD proposed in terms of noise and vibration. The impact is estimated to be within the emission limit values recommended under the relevant guidance standards outlined above. The impact of the operational phase of the proposed development and adjoining SHD development is not anticipated to have an adverse impact given the nature of development proposed and its location with an existing urban area.

7.8.5 The EIAR outlines the mitigation measures. These include a site representative to deal with issues of noise and vibration, a complaints procedure, noise monitoring during construction works, temporary acoustic screening along boundaries adjoining NSRs, management of operation of certain types of equipment, compliance with EC Directive in relation operation equipment. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to land and soil.

7.9 Air Quality and Climate

7.9.1 The proposed development and adjoining SHD proposal have the potential to have an impact in terms of air quality and climate. The construction phase of the proposed development includes dust generation, impact on human health and vegetation through discharge of dust particles to the air and impact of emissions from construction traffic on air quality. The impact of the construction stage of the SHD proposal are the same as the infrastructural works. The operational phase of the infrastructural works will give rise direct impacts on air quality from road traffic emissions. The operational phase of the SHD development will give rise to similar impacts on air quality through traffic emission in addition to increased CO2 emissions from occupation of the residential development.

7.9.2 In terms of potential cumulative impact the construction phase and such impacts are temporary in nature. In terms of operational impacts the proposed infrastructural works alone will not increase traffic flows and has a cumulative impact with the proposed SHD development that will generate traffic during operational phase is permitted.

7.9.3 Mitigation measures during the construction phase include dust suppression measures including management of material/stockpiling, mobile spray vehicles, wheel wash, daily inspection programme, a dust deposition monitoring programme to be implemented. An Outline CEMP has been submitted, which includes the dust suppression measures. During the operation phase no specific mitigation measures are proposed in relation to the infrastructural works. The SHD proposal includes measures to reduce greenhouse gases and other air pollutants. The proposed measures represent good construction practice and are likely to avoid any significant effects on air quality or during construction.

7.10 Material Assets-Traffic:

7.10.1 This section deals with traffic impact and outlines a description of the proposed development and the adjacent SHD development it serves. The section outlines existing public transport infrastructure in the area and cycling facilities. In terms of potential impact the proposed development in conjunction with the proposed SHD development it serves has the potential to generate increased traffic in the area and pedestrian and cycling movements. A Traffic and Transport Assessment was carried out. The TTA outlines details of traffic surveys carried out to at the roundabout junction off Hamilton Avenue to the west of the site and at the roundabout junction between the R132 and Hamilton Avenue. The TTA includes an estimation of construction traffic levels and traffic levels associated with the proposed SHD development and analysis of the capacity of both the junctions based on a construction year of 2024. Both junctions are estimated to operate within capacity and such is based on a cumulative assessment of the proposed infrastructural works and the proposed SHD development. A review of other developments in the area note that there are no applications or permitted developments in the area that may overlap with the proposed development in terms of construction traffic.

7.10.2 Mitigation measures include preparation of a Construction Traffic Management Plan (CTMP). The TTA shows no adverse cumulative impact on the performance of the road network as a result of the proposed infrastructural development subject to this case and the adjoining SHD development proposal it serves. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Material Assets-Traffic.

7.11 Material Assets-Utilities:

7.11.1 The proposed development would increase the stock of housing and service facilities in this part of the city. It would do so on lands that are zoned and serviced for such urban expansion. The proposed development would increase the population at this location which would generate additional demand on utilities. The potential impacts of the proposed development in the construction phase relate to impact on built environment/land during the construction phase through installation of utilities and subsequent generation of noise, dust and traffic with no adverse impact anticipated during the operation phase. Similar impacts are identified for built environmental and land for the SHD development construction phase with no adverse impact anticipated during the operational phase. The proposed development would have potential impacts in relation to water supply, foul and surface water with impacts at construction phase including discharge of pollutants, sediments and increased surface water discharge during the construction phase of the proposal and the adjoining SHD site. During the operational phase of both developments impacts include discharge of polluting material, potential flooding of site and siltation of surface water drainage system. In relation to natural gas no impacts are envisaged during the construction phase of the proposed development or adjoining SHD development and with no impact during the operational phase with the SHD proposal not requiring a gas service. In relation to electrical supply the construction and operational phase of the proposed development will have no impact on the electricity supply network. The adjoining SHD proposal will require diversion of existing overhead infrastructure underground with potential for interruption of service while during the operational phase no impacts are anticipated. In relation telecommunication infrastructure the proposed development requires connection to existing infrastructure with potential for interruption of service during the construction

phase with no impact on telecommunication infrastructure during the operational phase. In relation to the SHD development during the construction phase there is requirement for connection to existing infrastructure with potential for interruption of service during the construction phase with no impact on telecommunication infrastructure during the operational phase.

7.11.2 Mitigation measures during the construction phase of both the proposed development and adjoining SHD proposal include pollution control/sediment management measures for excavation surface water and plant and machinery. IN relation to utilities and telecommunications coordination with the relevant utility providers will be implemented. In relation to the operational phase of both the proposed development and adjoining SHD proposal mitigation measures for various aspects of the built environment are outlined in other chapters of the EIAR (6, 7, 8 and 12) and no additional mitigation measures are proposed. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Material Assets (Waste).

7.12 Material Assets-Waste

7.12.1 The proposed development would generates waste through construction and operation impacts. Construction impacts through excavation would generate waste with such described as mainly non-hazardous and a small amount of hazardous materials. A similar impact is ascribed to the proposed SHD development during the construction phase.

7.12.2 In terms of the operational phase of the proposed development no waste impact is envisioned. In terms of the SHD development the operational phase would generate waste material due occupation of residential and ancillary commercial development.

7.12.3 Mitigation measures outlined include during the construction phase of both the proposed development and adjacent SHD development, minimisation of surplus cut material removed, avoidance of stockpiling materials, reuse of materials, segregation of waste, use of licensed waste disposal. Mitigation measures during

the operational phase of the SHD include provision of adequate bin storage including provision for segregation of waste and use of licensed waste disposal operations. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Material Assets (Waste).

7.13 Landscape and Visual Impact

7.13.1 Chapter 13 of the EIAR relates to Landscape and Visual Impact. The EIAR relates to the appeal site for advanced infrastructural works and the adjacent SHD site it serves. The appeal site is located in an urban area and adjacent existing residential development while the SHD site is adjacent urban development but consists of lands currently agricultural in character. The proposed development on the appeal site consists of infrastructural works in the form of a road with footpaths, cycleway and landscaping. The development on the adjacent SHD site consists for construction of 817 no. residential units (377 no. houses, 440 no. apartments), childcare facilities and associated site works. A Landscape and Visual Impact Assessment is included in the EIAR, which assesses the landscape and character impact and visual impact of the proposal and adjoining SHD development. The LVIA includes and assessment of viewpoints in the surrounding area with an assessment and photomontages illustrating the existing scenario, with the proposed development and with permitted development on a number of sites in the vicinity.

7.13.2 The proposal was deemed to have the potential to have and some adverse impact during construction phase in regards to visual impact, however such are short-term and temporary impacts. In terms of operational phase the visual impacts were determined to be more positive in close proximity to the site and moderate, neutral or imperceptible from more wide/distance views. The appeal site is an existing urban area with a varying pattern and scale of development with primarily residential development in the area. The proposed development is infrastructural works with no structure of physical height and would have a limited visual impact relative to existing adjoining development. The adjoining SHD development proposes an increased in height and scale over the existing development in the area. Mitigation measures proposed include landscaping proposals including retention of trees and hedgerows

in some circumstances (SHD site) and hard and soft landscaping proposals. The appeal site due to its urban context is well able to absorb the visual impact of the proposed development and would provide for a development of a stronger urban character that would have an acceptable impact in terms of landscape character. The proposed development would not, therefore, have significant adverse effect on the landscape/visual character of the area.

7.14 Interaction of the forgoing:

7.14.1 The potential impact of the development on population and material assets are related as the former relies on the latter. Otherwise, as the site is an urban site in an area that is zoned and serviced for development, the proposed development is unlikely to have significant adverse effects on the other factors on the environment set out in the EIA Directive and so there is little potential for interaction between them.

7.15 Reasoned Conclusion on the Significant Effects:

7.15.1 Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and members of the public 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:

- Significant direct positive effects with regard to population, land and material assets arising from the facilitating the provision of housing on adjoining lands zoned for such purposes, provision of infrastructural development identified as an objective under the County Development Plan;
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

8.0 **Assessment**

8.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/Development Plan policy

Traffic impact/design of infrastructure

8.2. Principle of the proposed development/Development Plan policy:

8.2.1 The proposal is for a section of roadway running from the Castlelands roundabout and between the housing developments of Hamilton Avenue and Castleland Park View to provide access to undeveloped lands to the west. The road is to facilitate pedestrian/cycling and vehicular access to lands defined as the Castlelands masterplan. The access road is facilitate access to the lands for the purposes of residential development, provision of a school site and a swimming pool. The link road continues through the lands and over the railway line to provide access to the R127. The third party appeal concerns the manner in which the proposal has been submitted with the application under consideration for a section of the link road from the Castlelands roundabout to the boundary of the lands defined under Castlelands masterplan, with concern regarding the piecemeal approach to its provision.

8.2.2 It is an objective of the plan, MT14 to “seek to implement the Road Improvement Schemes indicated in Table 7.1 within the Plan period, subject to assessment against the criteria set out in Section 5.8.3 of the NTA Transport Strategy for the GDA, where appropriate and where resources permit. Reserve the corridors of the proposed road improvements free of development”. Under Table 7.1 one of such schemes is the Castlelands Link to R127 and such identified on the development Map Sheet 4.

8.2.3 The Castlelands masterplan is part of the County Development Plan and set out the development strategy for the portion of land that the infrastructure proposed is to facilitate. The masterplan includes a layout that shows the link road running from the roundabout to an access off the R127. The masterplan is to facilitate the provision of housing (identified as up to 650 units), open space (4.9 hectares), a new national school, delivery of the Castlelands Link Road to the R127 and provision of a swimming pool and recreational building.

8.2.4 Of note is that an SHD application for residential development on the lands within the Castlelands masterplan has been lodged. This development under ABP-313210 is for construction of 817 no. residential units (377 no. houses, 440 no. apartments), childcare facilities and associated site works. The layout of this development shows the link road continuing through the site to the R127 as per the masterplan layout.

8.2.5 The main issue in the appeal is the manner in which the application is sought with a separate application for the first section of the link road from the roundabout, with the remainder of such within the masterplan lands and subject to a separate application for a Strategic Housing Development. The appeal raises concerns about the piecemeal nature of such and proposal of the first part of the link road being provided with no guarantee that permission will be granted for the SHD development or in event of such that it would not be subject to legal challenge.

8.2.6 The first point I would make in this regard is the application for consideration is for an access road/infrastructure to facilitate access to the lands subject to the Castlelands Masterplan. The application is made under section 34 of planning development Act, 2000 (as amended) and must be considered on its merits. In term of compliance with Development Plan policy the proposal is consistent with the development objectives of the County Development plan in that it provides part of the link road identified as a development objective, is located along the line identified and facilitates the

continuation of such along the line identified on Sheet 4 of the County Development Plan and within the layout of such under the Castlelands Masterplan.

8.2.7 In terms of its provision separately to the housing proposed as part of the Castlelands masterplan, it is reasonable to conclude that the link road is contingent on permission being secured for development on the adjoining site and that it is a reasonable assumption that any permission is unlikely to be implemented in absence of a grant of permission on the adjoining lands. There is no guarantee that permission will be granted on the adjoining lands and such is subject to a separate application for consideration on its merits. Notwithstanding such, the proposal being assessed for a link road is in keeping with development plan policy and is planned infrastructure. I can see no reason to preclude the development on the basis it forms a separate application to the development it is designed to serve. In this regard I am satisfied that the proposed development would be consistent with the proper planning and sustainable development of the area.

8.3 Traffic impact/design of infrastructure:

8.3.1 As stated above the proposal is for road infrastructure linking lands subject to the Castlelands masterplan to existing road infrastructure to the west of the site. The site links into Hamilton road and the existing roundabout junction. The application documents include a Traffic and Transport Assessment (TTA). As the development in this case is infrastructural works to serve the lands within the Castlelands masterplan, the TTA includes assessment of the impact of the SHD application (313210) upon the proposed development. The TTA outlines existing transportation infrastructure in the area including road network, cycle network, public transport infrastructure and emerging public transport infrastructure.

8.3.2 The TTA outlines details of traffic surveys carried out to at the roundabout junction off Hamilton Avenue to the west of the site and at the roundabout junction between the R132 and Hamilton Avenue. The TTA includes an estimation of construction traffic levels and traffic levels associated with the proposed SHD development and

analysis of the capacity of both the junctions based on a construction year of 2024. Both junctions are estimated to operate within capacity.

- 8.8.3 The TTA includes a statement of compliance with the Design Manual for Urban Roads and Streets in terms of carriageway widths, footpath dimensions, pedestrian crossings and internal junction radii. The proposed development and associated SHD site feature a ranges of materials and surface finishes to improve legibility. Provision of signage and road markings is extensive through the development proposed and associated SHD project.
- 8.8.4 The proposal is for infrastructural works in the form of a section of roadway providing access to the lands subject to the Castlelands masterplan. The works in question link into existing road infrastructure that is of a good standard in terms of its design layout and capacity, it is designed to facilitate the level and type of traffic likely to be generate by the proposal and the associated SHD development pending decision under ABP-313210. I am satisfied that the TTA submitted demonstrates that the proposal would be satisfactory in terms of traffic impact and that the infrastructural works proposed would be of a sufficient standard to adequately serve the lands subject to the Castlelands masterplan. I would also consider that the existing local road network has sufficient capacity to deal with the type and level of traffic likely to be facilitated by the proposed works being assessed under this application. I am satisfied that the design and layout of the proposed development is satisfactory in the context of its provision for vehicular, pedestrian and cycling movements and would be compliant with the Design Manual for Urban Roads and Streets.

9.0 **Appropriate Assessment**

- 9.1 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening submitted with appeal submission.

9.2 I have had regard to the submissions of prescribed bodies in relation to the potential impacts on Natura 2000 sites.

The Project and Its Characteristics

9.3 See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected (Stage I Screening)

9.4 The development site is not within or directly adjacent to any Natura 2000 site. The site is located on zoned lands within an urban settlement. The site is an undeveloped site with no defined use.

9.5 I have had regard to the submitted Appropriate Assessment screening, which identifies that there are no sites within in the potential zone of influence. On a precautionary principle the applicants have screened out a number of sites that are located in the surrounding area. These are listed below with approximate distance to the application site indicated:

- Rockabill to Dalkey Island SAC (003000) 7km;
- Rogerstown Estuary SAC (000208) 9.9km;
- Boyne Coast and Estuary SAC (001957) 11.8km;
- Malahide Estuary SAC (000205) 13.6km;
- Lambay Island SAC (000204) 14.6km;
- Skerries Island SPA (004122) 5.3km;
- River Nanny Estuary and Shore SPA (004158) 6.0km;
- Rockabill SPA (004014) 7.5km;
- Rogerstown Estuary SPA (004015) 9.9km;
- Malahide Estuary SPA (004025) 13.6km;
- Boyne Estuary SPA (004080) 13.7km;
- Lambay Island SPA (004069) 14.2km.

9.6 The specific qualifying interests and conservation objectives of the above sites are described below. 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 observations on the application made by prescribed bodies and I have also visited the site. I concur with the conclusions of the applicant's screening, in that there is no possibility for significant effects on the European sites listed above.

9.7 The qualifying interests of all Natura 2000 Sites considered are listed below:

Table 7.1: European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)*	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
Rockabill to Dalkey Island SAC (003000) To maintain restore favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected	7km	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]
Rogerstown Estuary SAC (000208) To maintain or restore the favourable conservation condition of the qualifying interests.	9.9km	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]

		<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>
<p>Boyne Coast and Estuary SAC (001957) To maintain or restore the favourable conservation condition of the qualifying interests.</p>	11.8km	<p>Estuaries [1130]</p> <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 (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</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>
<p>Malahide Estuary SAC (000205) To maintain or 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>	13.6km	<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 (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <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>
<p>Lambay Island SAC (000204) To maintain or restore the favourable conservation condition of the Annex I habitat(s)</p>	14.6km	<p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p><i>Halichoerus grypus</i> (Grey Seal) [1364]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>

and/or the Annex II species for which the SAC has been selected.		
Skerries Island SPA (004122) To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	5.3km	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Turnstone (<i>Arenaria interpres</i>) [A169] Herring Gull (<i>Larus argentatus</i>) [A184]
River Nanny Estuary and Shore SPA (004158) The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.	6.0km	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]
Rockabill SPA (004014) The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of	7.5km	Purple Sandpiper (<i>Calidris maritima</i>) [A148] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]

favourable conservation status of those habitats and species at a national level.		
Rogerstown Estuary SPA (004015) The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.	9.9km	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
Malahide Estuary SPA (004025) The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.	13.6km	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>

<p>Boyne Estuary SPA (004080) The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>13.7km</p>	<p>Shelduck (<i>Tadorna tadorna</i>) [A048] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Little Tern (<i>Sterna albifrons</i>) [A195] Wetland and Waterbirds [A999]</p>
<p>Lambay Island SPA (004069) To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>14.2km</p>	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]</p>

9.8 Table 13.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

9.9 The appeal site is not located within, immediately adjacent to any of the designated sites. There are no watercourses on site or in the vicinity that drain directly into any

of the designated site listed and no direct hydrological link between the appeal site and the designated sites identified above.

- 9.10 There is a potential for indirect hydrological connection via the proposed surface water drainage network for the combined development (current proposal and adjoining SHD proposal). Surface water drainage to the west of a watershed located at the eastern end of the link section of link road drains into an existing 900mm public surface water drainage network whereas to the east of the watershed surface water will be connected to the Castlelands Stream (adjoining southern boundary of masterplan lands with outfall to the Irish Sea. Given the distance from the nearest Natura 2000 site (5.3km to Skerries Island SPA) any silt or pollutants will settle, be dispersed or diluted within the marine environment. Foul water connection is to the Barnageeragh Waste Water Treatment Plant and such is operating within capacity and has sufficient capacity for the proposed SHD development.
- 9.11 The combined site of the proposed development and adjoining SHD proposal has been subject to a wintering bird survey. On the combined site curlew, redshank (red listed species) and herring gull were noted roosting on site. Curlew is not a qualifying interest of any Natura 2000 site in the vicinity. Redshank is a qualifying interest of the Rogerstown Estuary, which is 9.9km from the application site. The development is anticipated to result in localised displacement of curlew and redshank. Herring gulls observed on site may be associated with the Skerries Islands SPA (4.4km south east) however no commuting corridors were identified for herring gulls and any other species. There is a significant level of similar lands in area and between the combined site and designated sites identified that can facilitate and localised displacement of the bird species identified. In addition the proposed development will have no direct or indirect effects on any of the designated sites for which bird species are identified as qualifying interest due to the distance between the combined site and the designed sites.
- 9.12 During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. The pollution control measures to be undertaken during both the

construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the vicinity can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites identified.

- 9.13 In terms of in-combination effects the current proposal is for infrastructural works, however such are to serve a proposed SHD development of 817 residential units on lands to the east. This development is taken into account in the AA screening and will be subject to consideration in the context of Appropriate Assessment in assessment of the application under ref no. ABP-313210-22 in its own right. The screening report identifies two approved applications, one for alterations to an existing school (F20A/0546) and one for development of a new school (PL06F.304673) in the immediate proximity. Other projects within the Balbriggan urban area which can influence conditions in relation to any designated sites within their zone of influence are also subject to AA. In this way in-combination impacts of plans or projects are avoided.
- 9.14 It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on any designated Natura 2000 site. I would note that the screening conclusion reached by the applicant is that a Stage 2 Appropriate Assessment was not required.

AA Screening Conclusion

- 9.15 It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on any European site, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

10.1. I recommend a grant of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to

- the site's location in an emerging urban area that is serviced and zoned for development under the Fingal County Development Plan 2017-2023;
- the nature, scale and design of the proposed development;
- the pattern of existing and permitted development in the area, and
- the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018, the Guidelines on Urban Development and Building Heights issued by the Department of Housing Planning and Local Government in December 2018, and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,

it is considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the emerging character of the area and would provide a substantial amount of residential accommodation of an acceptable standard with a suitable range of commercial and community services without injuring the amenities of other properties in the vicinity, and that it would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a development of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment

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

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population, land and material assets arising from facilitating the potential development of additional housing and other accommodation on adjoining lands that would be provided on the site;
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed and as summarised in Chapter 15 of the environmental impact assessment report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans submitted on the 21st day of October 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be completed as phase 1 development or in tandem with the Castlelands Masterplan area.

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

3. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers

during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-

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, and employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

the nature and location of archaeological material on the site, and the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Colin McBride
Planning Inspector

06th July 2022