



An
Bord
Pleanála

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

Inspector's Report ABP-313210-22

Strategic Housing Development

10 year planning permission for construction of 817 no. residential units (377 no. houses, 440 no. apartments), childcare facilities and associated site works.

Location

Castlelands, Accessed from Castlelands roundabout, Castleland Park View, Tanners Water Lane and Pinewood Green in the townlands of Hampton Demesne, Kilsough North and Balbriggan, Balbriggan, Co. Dublin. (www.castlelandsshd.com)

Planning Authority

Fingal County Council

Applicant

The Land Development Agency

Prescribed Bodies

- (1) Department of Housing Local Government and Heritage
(Development Applications Unit)
- (2) Irish Water
- (3) National Transport Authority
- (4) Irish Rail

Observer(s)

- (1) Balbriggan Community Council
- (2) Castleland Park Neighbourhood Watch
- (3) Castleland Park Residents Association
- (4) Kevin Tolan
- (5) Laura Lopez Janez & Guillermo Gonzalez
- (6) David & Hazel Pratt
- (7) Seamus Breathnach
- (8) Susan Hyland
- (9) Cllr. Tony Murphy & Cllr. Grainne Maguire
- (10) Louise O'Reilly TD & Malachy Quinn
- (11) Nitin Paul

Date of Site Inspection

29th November 2022

Inspector

Colin McBride

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1.0 Introduction

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 The subject lands comprise approximately 25.33 ha, located at Castlelands, c 1 km to the south of Balbriggan town centre. The lands which are irregular in configuration comprise greenfield undulating lands which originally formed part of the Hampton Demesne, which adjoins to the south. The lands are elevated with exceptional views over the coast to the east. The lands are bound to the north and west by existing residential areas of Pinewood, Hampton and Castlelands, to the south by Hampton Demesne and Ardgillan Castle and Demesne and to the east by the Dublin-Belfast rail line, the R127 and the coast. The landscape character of the subject lands is indicated as coastal. The site is accessed from the Castlelands roundabout to the northwest, to the west via Castleland Park View and Tanners Water Lane to the south (existing agricultural entrance).

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises of a 10 year permission for strategic housing development at Castlelands in the townlands of Hampton Demense, Kilsough North and Balbriggan, Co. Dublin. The proposed development consist of 817 no. residential units comprising 162 no. 1-bed units, 250 no. 2-bed units (180 no. 2-bed apartments and 70 no. 2-bed houses), 381 no. 3-bed units (72 no. 3-bed apartments, 26 no. 3-bed duplexes and 283 no. 3-bed houses) and 24 no. 4 bed houses ranging in height from 1-6 storeys on an overall site of 25.33 hectares.

The residential neighbourhoods are set out as follows:

- Neighbourhood 1 consists of 242 units varying between 2 and 6 storeys in height.

- Neighbourhood 2 consist of 163 units varying in heights between 2 and 3 storeys.
- Neighbourhood 3 consist of 153 units varying in height between 2 and 3 storeys.
- Neighbourhood 4 consists of 103 units 2 storeys in height.
- Neighbourhood 5 consists of 156 units 2 storeys in height.

The proposed development will also provide for 1 no. crèche facility (869sqm) including a 237sqm outdoor play area and 1 no. retail unit (616sqm) and an office (155sqm) located in neighbourhood 1.

The proposed development provides for the completion of the Castlelands Link Street, which extends to approximately 870m in length from the existing Castlelands roundabout in the west to the Skerries Road (R127) in the east. It provides access to the residential development and includes a bridge over the existing railway line, and the realignment of part of the existing Skerries Road. The road will incorporate footpath and cycle tracks on both sides of the carriageway. The development also includes a network of internal roads serving the development.

1,033 no. car parking spaces are proposed to serve the development (1,010 residential and 23 spaces for the proposed crèche and retail unit) located at surface level. 1092 no. bicycle spaces are proposed to serve the entire development. This consists of 812 no. long stay spaces to serve the proposed apartment/duplex units and 280 no. short stay spaces to serve visitors to the proposed development.

2.16 hectares of public open space is proposed to serve the future residents of the scheme which equates to c. 11.8% of the net development area in addition to an urban square of 0.1 hectares, an area of lands zoned Open Space (OS) of 1.5 hectares, which is to be laid out as open space, green finger spaces of 0.72 hectares and 0.83 hectares of communal open space is provided to serve the residents of the proposed apartment units and some residential units.

The development will also provide for all associated ancillary site development infrastructure including: ESB sub-stations, bike stores, bin stores, plant rooms, public lighting, new watermain connection and foul and surface water drainage; internal roads and footpaths; site landscaping including boundary treatments; associated signage, and all associated engineering and site works, including a temporary diversion of the R127, necessary to facilitate the development. The existing overhead infrastructure will be diverted underground.

Table 1: Key Figures

Gross Site Area	25.33 hectares
Net Site Area	18.64 hectares
Site Coverage	34% (net developable area)
Plot Ratio	0.42
No. of Houses	377
No. of Apartments	414
No. of Duplexes	26
Total	817
Commercial/childcare	1 no. retail unit 616 sq m Crèche 869 sq m 1. no office unit 155 sq m
Density – Total Site Area	43.8 units per hectare (net density)
Public Open Space Provision	2.16 hectares
Urban Square	0.1 hectares
Green fingers	0.72 hectares
Communal Open Space	0.83 hectares
Lands Zoned OS	1.5 hectares

Car Parking –	
Apartments/ Residents	1,010
Crèche/Office/Retail	23
EV Parking	15
Car Share	4
Total	1,033
Bicycle Parking	1,092

Table 2: Unit Mix

	Bedrooms				
	1 Bed	2 Bed	3 Bed	4 Bed	Total
Apartments	162 (20%)	180 (22%)	72 (9%)		414
Duplex			26 (3%)		26
Dwellings		70 (9%)	283 (35%)	24 (3%)	377
Total	162 – 19.8%	250 – 30.5%	381 – 47.6%	24 – 2.9%	817

3.2 The application was accompanied by various technical reports and drawings, including the following:

- Statement of Response to ABP's Opinion – John Spain Associates.
- Statement of Consistency – John Spain Associates.
- Statement of Material Contravention – John Spain Associates.
- Community Infrastructure Audit – John Spain Associates.
- Sunlight Daylight and Overshadowing Report – AECOM.
- Design Statement – Metropolitan Workshop.
- Housing Quality Assessment – Metropolitan Workshop.

- Building Life Cycle Report – Metropolitan Workshop.
- Communal Space Sunlight Report – Metropolitan Workshop.
- Green Infrastructure Report – AECOM.
- Arboricultural Assessment – CMK Horticulture and Arboriculture Ltd.
- Environmental Impact Assessment report – John Spain Associates.
- Infrastructure report and Engineering Drawings – AECOM.
- Mechanical and Electrical Planning Application Report – AECOM.
- Public Lighting Design Report – AECOM.
- Structural Report – AECOM.
- Ground Investigation Report – AECOM.
- Flood Risk Assessment – AECOM.
- Traffic and Transport Assessment Report – AECOM.
- Outline Construction Environmental Management Plan – AECOM.
- Archaeological and Cultural Heritage Impact Assessment – AECOM.
- Operational Waste and Recycling Management Strategy – AECOM.
- Appropriate Assessment Screening Report – Altemar Ltd.

4.0 Planning History

None on this application site.

On an adjacent site...

ABP-312529-22: Permission granted for infrastructure works to facilitate future community facilities & residential development. This application relates to the continuation of the Castlelands Link Road from the Castlelands roundabout and will facilitate access to the current application site from the west.

F21A/0280: Permission sought for the construction of 99 houses comprising of 78 No. 2 storey semi-detached 3 bed houses (Type H), 3 No. 2 storey detached 3 bed

houses (Type Hd) and 18 No. 2 storey semi-detached 4 bed houses (Type L) on a site to the west. Pending decision.

Reg. Ref.: PARTXI/004/16 - Pinewood Green Court, Balbriggan, Co. Dublin. 4.2. A Part X application was made by Fingal County on the 24/06/2016 for the following development: "Construction of 24 dwellings, community rooms and associated site works." 4.3. At a Council Meeting on 12/09/2016 all of the present councillors voted in favour of the proposed development.

Surrounding Area

Reg. Ref.: F98A/1195 - Lands at Balbriggan to rear of Wavin premises and rear of, Craoibhin Park and Curran Park with, Craoibhin Park. "Housing development of 136 units, and for construction of part of Balbriggan Inner Relief Road from Dublin Street to the subject lands. The variations arise on foot of a request for further information. Revised proposals include the reduction in the number of housing units to 102 inclusive of the provision of 16 duplex units with 16 two bed apartments and reservation of a site immediately adjoining the boundary with Wavin for possible future Post Primary School. The proposed Inner Relief Road will run along the Southern margins of the existing town park which is bounded by St. Peter and Pauls church and Curran Park and appropriate arrangements will be made to protect any existing access rights over the existing laneway between Dublin Street and Curran Park during construction." Fingal County Council issued a final grant of permission for the above development on the 28/07/1999.

Reg. Ref.: F98A/1195/E1 - Lands at Balbriggan to rear of Wavin premises and rear of, Craoibhin Park and Curran Park with, Craoibhin Park. Fingal County Council granted an extension of duration of permission of a previously permitted permission under Reg. Ref. F98A/1195 on the 09/10/2003. The duration of permission was extended up to and including the 31/07/2006.

Reg. Ref.: F99A/0112- Lands at Balbriggan to East of Wavin Factory "Residential development of 70 houses and 16 duplex units over 16 apartments, with lands

adjoining Wavin premises reserved for possible future Post Primary School. Vehicle and pedestrian access to be provided by construction of part of the District Distributor Road (Balbriggan Inner Relief Road Eastern Section) from the subject site eastwards to link with Skerries Road via proposed new bridge and access roads and with pedestrian access only from Craoibhin Park.” Fingal County Council issued a final decision to grant outline permission for the above development on the 18/05/1999.

5.0 Section 5 Pre Application Consultation

5.1 A Section 5 Pre-Application Consultation took place at the offices of An Bord Pleanála on the 13th May 2020; Reference ABP-309049-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the construction of...

- 815 no. residential units comprising of:

- 160 no. 1-bed units,
- 250 no. 2-bed units (180 no. 2-bed apartments and 70 no. 2- bed houses),
- 381 no. 3-bed units (72 no. 3-bed apartments, 26 no. 3 bed duplexes and o 283 no. 3-bed houses) and
- 24 no. 4 bed houses

Ranging in height from 1 – 5 no. storeys;

- The provision of a childcare facility of 788 sqm and a retail unit of 649 sqm;
- Construction of a road and bridge over the Dublin/Belfast railway to provide access to the R127 to the east;
- The provision of a new link road from the R127 connecting to the Castlelands Court/Park Avenue roundabout to provide access to the northwest of the site;
- All associated site development and infrastructural works including amenity spaces, landscaping, open space, boundary treatments, vehicular parking, bicycle parking,

utilities, internal roads, footpaths and shared surfaces, playground, site clearance and temporary construction development.

5.2 An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation constitute a reasonable basis for an application for strategic housing development. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was 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 of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies and objectives of the Fingal County Development Plan 2017 – 2023.
2. 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 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.
3. Clarification around the compliance, or otherwise, of the proposed development with the Castlelands Masterplan 2021 (noting, inter-alia, Objective Balbriggan 16 of the Fingal County Development Plan 2017 – 2023).

4. Seek to demonstrate how the proposed development ties in with the overall Balbriggan Area, with regard to delivery of pedestrian / cycle / vehicular accesses through the site.
5. Further clarification of the vehicular T junction and pedestrian crossing proposed over the railway line. Further clarification and detailed cross sections in relation to ground levels at the junction of the new proposed Link Road, bridge crossing and tie in with the R127.
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 2018 Guidelines on Design Standards for New Apartments.
7. 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.
8. 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.
9. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture drawings, and engineering plans that take account of one another.
10. 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.

11. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.

12. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 17th February 2021.

13. Response to issues raised in transportation department report dated 02.02.21, and the Parks and Green Infrastructure dated 18.01.2021 accompanying the PA Opinion dated 17th February 2021.

14. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 10.02.2021.

5.3 Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Commission for Railway Regulation
3. Iarnród Éireann
4. Railway Safety Commission
5. Coras Iompair Éireann
6. Department of Culture Heritage and the Gaeltacht
7. An Taisce
8. Heritage Council
9. An Chomhairle Ealaíonn
10. Fáilte Ireland

5.4 Applicants Statement

A report prepared by John Spain Associates, entitled 'Statement of Response to An Bord Pleanála Opinion' and was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development is largely unchanged from the development presented at pre-application consultation in terms of scale, design, layout and configuration. The proposal does provide for 817 dwelling units with an additional 2 no. 1-bed apartment units (162 in total) with the unit mix for rest of the development the same. The proposal provides for an enlarged crèche of 869sqm as opposed to 788sqm in the pre-app and a retail unit of 616sqm and office unit of 155sqm as opposed to a retail unit of 649sqm in the pre-app. The proposed development ranges in height from one to six storeys whereas the pre-app had a max height of five-storeys.

The following information was provided in response to the opinion:

Issue 1-Statement of Consistency: John Spain Associates have prepared a Statement of Consistency to demonstrate the proposal is consistent with policy under the Fingal County development plan 2017-2023 including the settlement strategy.

Issue 2-Material contravention: John Spain Associates have prepared an Material Contravention Statement outlining why permission should be granted in the context of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

Issue 3-Consistency with Castleands Masterplan: John Spain Associates have prepared a Statement of Consistency to demonstrate the proposal is consistent with policy the Castleands Masterplan.

Issue 4-Connections to Balbriggan: The proposal provides significant connections to the surrounding area including completion of the Castlelands Link Street, connection to the R127 and adjoining housing developments. A circulation strategy is presented in the drawings submitted and the Architectural Design Statement prepared by Metropolitan Workshop and the Traffic and Transport assessment by AECOM.

Issue 5-Clarification of design of the T-junction and crossing at the R127/railway line: Detailed drawings are provided of the design and layout of the railway link/R127 crossing and junction design.

Issue 6- Housing Quality Assessment: Metropolitan Workshop have prepared a Housing Quality Assessment. This provides full details about the unit mix throughout the proposed development, the size of the units, the quantum of open space, storage space, living/dining/kitchen areas, bedroom areas, and indicates which units are dual aspect. The submitted assessment demonstrates that the proposed development meets all the requirements of the Apartment Guidelines and other relevant standards, further detail is provided in the Statement of Consistency report.

Issue 7-Hierarchy and Quantum of Open Space: The Green Infrastructure Report prepared by AECOM details the hierarchy and quantum of open space in regard to development standards. The applicant accepts that the level of public open space does not accord with the requirements of Objective PM52 and Objectives DMS57 and DMS59 and is willing to accept a financial contribution in lieu of such.

Issue 8-Lanscaping: The Green Infrastructure Report prepared by AECOM and associated drawings give detail regarding the design and material finishes of open space areas.

Issue 9- Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture drawings, and engineering plans that take account of one another: The Green Infrastructure Report prepared by AECOM and associated drawings clarify that SUDs and landscaping strategies are clearly integrated.

Issue 10- Daylight and Shadow Impact: The applicant has engaged the services of AECOM to undertake a Daylight and Sunlight Analysis.

Issue 11- Visual Impact Assessment: A Visual Impact Assessment has been prepared by AECOM and includes long range views and photomontages.

Issue 12- Response to PA Opinion: The PA's opinion has been taken into account and the proposal has been amended where appropriate. Appendix 1 of the Response details a response to each item raised by Fingal County Council. The respective reports submitted such as the Design Statement, Green Infrastructure Report also address the issues raised by the PA.

Issue 13- Response to issue raised by Transportation Dept. and Parks and Green Infrastructure Dept.: Appendix 1 of the Response details a response to each item raised by the Transportation Dept. and Parks and Green Infrastructure Dept.

Issue 14- Water and Drainage Infrastructure: Details regarding connections to water supply and wastewater are set out in the Engineering Services Report submitted by AECOM. Enclosed is correspondence with Irish Water including a Statement of Design Acceptance.

6.0 Relevant Planning Policy

6.1 National Policy

6.1.1 Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to 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.

The directly relevant National Policy Objectives as contained within the NPF include:

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

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 sets out to enhance water quality and resource management, this includes the requirement to ensure that 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 Guidelines for Planning Authorities.

6.1.2 Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2020),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.1.3 Other Relevant Policy Documents include

- Housing for All (2021).
- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2 Regional Policy

- Regional Spatial and Economic Strategy (RSES) for Eastern and Midland Assembly, 2019

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

county context and have the capacity and future growth potential to accommodate above average growth in the Region with the requisite investment in employment creation, services, amenities and sustainable transport.

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

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

6.3 Local Policy

6.3.1 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 majority of the subject site is zoned 'RA' (Residential Area) under the current Fingal County Development Plan. Zoning Objective 'RA' states: "Provide for new residential communities subject to the provision of the necessary social and physical infrastructure". A portion of the subject site is zoned 'Open Space' which states "Preserve and provide for open space and recreational amenities" (area to the west of the site and lands to east of the R127) and very small portion of the site is zoned RS-Residential with an

objective to 'provide for residential development and protect and improve residential amenity'.

6.3.2 Fingal Development Plan 2017-2023 and Variation No. 2 Core Strategy and Settlement Hierarchy

The core strategy of the Development Plan outlines the overall hierarchy for the county with the intention that "Each identified settlement centre will accommodate an agreed quantum of future development appropriate to its respective position in the hierarchy."

Objective 5502 states: 'Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres'.

The subject lands are located within the Balbriggan Development Boundary. Balbriggan is identified as the largest Self-Sustaining Town in the Core Area in the Settlement Strategy of the Development Plan. While residential development is being delivered at a steady rate within the town in recent years it is acknowledged that employment development in the town is required to create a more sustainable community.

Objective SS19 states the following: 'Support and facilitate residential, commercial, industrial and community development to enable Balbriggan to fulfil its role as a Self- Sustaining Town in the Settlement Hierarchy recognising its important role as the largest town in the core area'.

Table 2.4 of the Development Plan (updated as of September 2019) indicates that there 134 ha of residential zoned land available in Balbriggan with a resulting potential 3805 units. Specific objectives for Balbriggan are set out in Chapter 4 of the Development Plan and include:

Objective Balbriggan 1

Promote and facilitate the development and growth of Balbriggan as the primary service, social, cultural and local tourist centre in north Fingal.

Objective 11

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

Objective Balbriggan 16

‘Prepare and/or implement the following Masterplans during the lifetime of this Plan’:

Flemington Lane Masterplan (see Map Sheet,4 MP 4.A)

North West Balbriggan Masterplan (see Map Sheet 4, MP 4.8)

Mill Pond Masterplan (see Map Sheet 4, MP4. q

Stephenstown Masterplan (see Map Sheet 4, MP 4.D)

Folkstown Little Masterplan (see Map Sheet 4, MP 4.E)

Castlelands Masterplan (see Map Sheet 4, MP 4.F)

Balrothery East, (see Map Sheet 4, MP 4.G)

Glebe Park, (see Map Sheet 4, MP 4.H)

Urban Development

The Fingal Development Plan emphasises the importance of sustainable communities and placemaking. The strategy of the Development Plan addresses urban design and urban development and design criteria for residential development. Objectives in this respect include:

Objective PM37 Ensure an holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.

Objective PM38 Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM39 Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

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.

The urban centres categorised in the Fingal Development Plan include Balbriggan as a Major Town Centre ('MC'). The aim is to further develop these centres by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a quality urban environment in order to enhance the quality of life of resident, visitor and workers alike.

Residential Development

The Development Plan has a range of applicable objectives associated with the provision of residential development. Objective DMS03 requires the submission of an urban design statement for developments in excess of 5 no. dwellings.

Development Plan policy on public open space is guided by the requirements of Objectives DMS57, DMS57A/ DMS57B and DMS59.

Zoning and Site Specific Objectives

The subject site comprises lands zoned 'RA' and 'OS'. Residential development is proposed on 'RA' zoned lands only.

The majority of the subject site is located in an area designated with the zoning objective 'RA' Residential Area, to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.'

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

An area of land proximate to the western site boundary and south of the proposed location for a school as indicated in the Masterplan for the area is zoned 'OS' Open Space the objective of which is to 'Preserve and provide for open space and recreation.' The site also includes land zone OS to the east of the R127.

Vision: Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority. The application lands are subject to a 'Highly Sensitive Landscape' designation on account of their proximity to the coast.

The application lands are located within the Development Boundary of Balbriggan. There is a Historic Landfill - "Kilsough North PR1308" - located beyond the north west boundary of the lands.

The lands are subject to a Masterplan (Masterplan Area MP4.F Castlelands refers). The lands are subject to 2 specific Development Plan objectives - to provide for the completion of the Castlelands Link Road to the R127 (Objective MT41 refers) which traverses through the lands, and also to provide for a school site within the lands. The completion of the Castlelands Link Road is of local and strategic importance in Balbriggan. It will ensure the completion of the distributor road extending from the Skerries Road to the R132 and on to the M1 motorway to the west.

In addition, there is a map based Local Objective 2 to promote and facilitate a pedestrian over-bridge as part of an attractive walkway along Tanner's Water Lane to the proposed coastal path linking to the town centre.

There is also an objective to 'Preserve Views' on the eastern side of the R127 which is subject to the 'OS' Open Space zoning objective.

6.3.3 Castlelands Masterplan, Key Principles:

The Castlelands Masterplan was adopted in March 2021. The key guiding principles contained in the Castlelands Masterplan are as follows:

- Create a distinct, sustainable urban quarter through the use of innovative, high-quality architecture and green infrastructure, with a strong emphasis on place-making, together with the necessary supporting community, educational and retail facilities.
- Deliver a mix of residential typologies that matches the needs of future residents, provides a variety of housing suitable for people at a range of life stages and helps diversify the housing stock in Balbriggan.
- Ensure that the provision of green infrastructure is at the heart of the design and layout of development on the lands and that proposals connect to and enhance existing green infrastructure assets both internal and external to the site.
- Facilitate the provision of a national school on the Masterplan lands to address the identified requirement for additional primary level spaces.
- Meet the sporting and recreational needs, and ensure that the wider area benefits from the development of the lands through the provision of a leisure centre / swimming pool on the Masterplan lands.
- Provide for the construction of the Castlelands Link Road to the R127, which will be designed as a high capacity urban street with a strong emphasis on connectivity and the promotion of place. The link road will include a bridge crossing of the Dublin to Belfast Railway line.
- Ensure that the Masterplan lands are highly accessible, and reduce the need to undertake local car-based journeys through the provision of a high quality walking and cycling network and green routes within the Masterplan lands and connecting to the surrounding area.
- Ensure that development is phased to coincide with infrastructural upgrades, specifically the provision of the Castlelands Link Road to the R127, in order to

manage the impact of development on the surrounding area and contribute to the efficient movement of vehicles in the locality.

- Ensure that the scale of development is appropriate at the interfaces of existing residential areas, specifically at Pinewood Green Avenue and Pinewood Green Road to the north and Ardgillan/Castleland Park View to the west.
- Incorporate existing features such as trees, hedgerows and sea views, where possible, into future proposals.
- Support the role and function of the Town Centre of Balbriggan and promote the use of sustainable transport options by providing for pedestrian and cyclist connectivity from the Masterplan lands.
- Mitigate flood risk by incorporating SuDS features into new development and take advantage of the opportunities created to ensure that these areas enhance the landscape quality of the area while also increasing visual amenity, opportunities for recreation, and harbouring biodiversity.
- Provide a 'Higher Density Core' with buildings overlooking and supervising (1) the linear park which crosses the centre of the Masterplan lands and (2) the Castlelands Link Road.
- Limit the heights of development where appropriate in order to protect existing residential amenities (development adjoining the Ardgillan and Pinewood housing estates).
- Retain the existing vegetation along the southern boundary.
- Completion of the Castlelands Link Road is of local and strategic importance in Balbriggan. It will ensure the completion of the distributor road extending from the Skerries Road to the R132 and onto the M1 motorway to the west.

7.0 Third Party Submissions

7.1 A total of 11 third party submission have been received.

Balbriggan Community Council

Castleland Park Neighbourhood Watch

Castleland Park residents Association

Kevin Tolan

Laura Lopez Janez & Guillermo Gonzalez

David & Hazel Pratt

Seamus Breathnach

Susan Hyland

Cllr. Tony Murphy and Cllr. Grainne Maguire

Louise O'Reilly TD & Malachy Quinn

Nitin Paul

The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.2 Type of Development

Concern is expressed regarding the high density nature of the proposal and the unit mix with a majority of apartments. The submissions consider that provision of the majority of unit on a cost rental basis is inappropriate on the basis of potential for establishing community and positive interaction with existing community within the area. The provision of a large number of 1-2 bed is excessive with more of a demand for 3 plus bed family homes in the area as well as a need to provide single-storey elderly accommodation.

Compliance with Castlelands Masterplan

Failure to comply with Castleland Masterplan, which was subject to extensive public consultation. The proposal is inadequate in terms of provision open space and overlies on the area zone OS, inadequate in provision for pedestrian and cyclist movement (omission of circular boulevard), constitute overdevelopment with the masterplan envisaging a maximum of 650 units.

Compliance with nation and regional policy/core strategy

Concern regarding compliance with the National Planning Framework (NPF) Regional Spatial and Economic Strategy (RSES) in particular the indication that Balbriggan is a town that requires investment to increase employment provision and that the provision of additional residential development is premature having regard to the level of population growth experienced by the town.

Design and Scale

The proposal provides for an excessive density and height of development with concerns regarding visual impact at a coastal location.

Material Contravention

The proposal materially contravenes development plan policy on a number of issues including density, no. of units, parking, open space, separation distances and building heights.

Local demand/Capacity

Concerns are expressed regarding impact on existing local emergency services with particular regard to capability of the fire service to deal with the structures of the height proposed. The omission of the swimming pool from the proposed development is noted as an issue of concern. There is need for additional services to cater for existing population in terms of medical services, leisure and recreation and shopping with concern about the additional demand the proposal will generate. Lack of sufficient retail provision is also noted as a concern.

Traffic Impact/Congestion

There are existing traffic congestion issues in the area in particular along Hamilton Road at school times with concerns regarding the impact of increased traffic associated with the proposed 817 units. The submission highlight that the link to the Skerries Road must be undertaken early and the completion of such should be a condition in the event of a grant of permission.

School demand

The impact of the proposal on school demand is noted with the third parties requires that a stipulations included that the applicant liaise with the department of Education in relation to provision of school infrastructure to cater for the additional demand.

Open space/landscaping:

The submission raise the issue of provision of playing pitches within the open space areas.

Ecological Impact

Inadequate consideration of impact on wintering birds. Impact on species of conservation interest and vulnerability with the curlew present on site. Impact on areas of conservation value (candidate NHA areas) located in close proximity that are dependent on springs with concerns regarding hydrological impact.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 30th of May 2022. The report details the site location/site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Fingal County Council are summarised, details the relevant Development Plan policies and objectives, and provides a planning assessment of the development. The CE report refers to policies under the Fingal County Development Plan 2017-2023.
- 8.2 The CE report, in Section 1.8, also includes a summary of the views of the elected members for the area held on the 29th of April 2022, and these are outlined as follows:

- Concerns regarding overall traffic impact and traffic congestion, provision of the link road should first, questions regarding connectivity due to distance from the rail station. Inadequate parking provision.
- A number of comments regarding lack of compliance with the masterplan.
- Excessive height of buildings and such should be limited to three to four storeys or two to three storeys.
- Lack of reference to affordable units and an excessive level of cost rental units proposed.
- Question regarding whether adequate level of green space is provided. Such green space should include playing pitches.
- It should be conditioned that a school is constructed in Phase 1 or 2.
- Presence of curlews on site and inadequate assessment of wintering birds.
- Support expressed for the third party submissions received by the PA.
- Lack of adequate consultation with Balbriggan community.

8.3 A summary of the submissions made by third parties is provided and a full list of who made these submissions. Submissions can be summarised as follows:

- Traffic impact/increased traffic congestion.
- Provision of link street should be completed as soon as possible and not built in stages.
- Lack of adequate public transport with improved services required.
- Excessive level of one and two bed apartments with requirement for more three bed units and single-storey for elderly.
- Overdevelopment of the site, excessive density, scale and height.
- Development contravenes Development Plan policy in relation to a number of objectives.
- Inadequate provision of retail and other services as well as a lack of recreational facilities in Balbriggan.
- Inadequate provision of parking.

- Impact on the visual amenities of the area due to its visible and elevated coastal location.
- Proposal does not comply with the masterplan for the area.
- Failure to comply with the EIA Directive.
- Lack of public open space

8.4 A submission has been received from Irish Water.

8.5 Interdepartmental Reports have been received from the Drainage Division, Transportation Planning Division, Parks and Landscape Services, Housing, Waste Department, and the Environmental Health Office.

8.6 Planning Assessment

This is summarised as follows under the headings of the Chief Executive Report. The CE report recommended that permission be granted and includes suggested conditions that should be applied to a grant of permission.

Design and Layout:

- The PA draw attention to report by the Architects Department relating architectural quality and materiality and are of the view that there is limited discernibility between Character Areas 2, 3 and 4. The PA consider that the layout is acceptable in terms of permeability and connection, public open space provide functional and areas with good levels of surveillance.

Unit typologies and mix:

- The mix of proposed residential units was considered to be generally acceptable.

Visual Impact and Landscape:

- The PA acknowledge the contents of the Landscape and Visual Impact Assessment submitted and that the development has the potential to have a

significant visual impact due to the sensitive coastal landscape character of the site. It is stated that provided that landscape mitigation measures are implemented that the visual impact will be reduced over time and in this regard the development is considered acceptable.

Residential Amenity/Compliance with Guidelines:

- The PA note that the layout is generally compliant with development plan policies regarding separation distances and private open space provision, that the proposal is compliant with the Design Standards for New Apartments (2020) and that a Housing Quality Audit, Building Life Cycle Report and a Daylight/Sunlight Assessment has been submitted. The provision of bicycle parking and its layout is considered to be acceptable. It is also noted that noise mitigation measures are proposed for units proximate to the railway line.

Movement and Transport:

- The level of parking provision for the residential development is considered to be adequate however non-residential parking is considered inadequate and below Development Plan standards.
- 10% of all apartment and duplex units should have EV charging points with provision of appropriate ducting and cabling to allow for future retro fitting for EV points. The EV charging provision is noted with some in unallocated/designated space. Management of on-street car parking is required in this regard.
- Detailed design of the link road including junctions, pedestrian crossing facilities, cycling and pedestrian infrastructure and linkages should be agreed in writing with the PA prior to commencement of construction. The construction methodology of the bridge element and junction with R127 is required to be agreed with the PA and Irish Rail prior to the commencement of development. Details of the R127 realignment facilitating the future Fingal Coastal Way should be agreed with the PA prior to the commencement of development.

Phasing:

- The management to the phasing strategy in which the Castlelands Link Road is fully delivered in the first phase is welcomed by the PA.

Water Services:

- The proposal was considered acceptable in terms of flood risk.
- Foul drainage proposals are generally acceptable, however the provision of a 20m exclusion zone around the pumping station is inadequate in terms of Development Plan policy (35-50m) and should be higher (50m) having regard to scale of the development.
- The proposal is considered acceptable in regards to surface water drainage and water supply.

Open Space and Landscaping:

- Refers to Objective DMS57A/DMS57B in relation to public open space and the minimum requirement for 10% site area excluding lands zoned RU, GB, OS or HA. The requirement based on 2.5hectares per 1000 population is 5.08875hectares. Public open space provision is 2.16 hectares and excludes communal open space in apartments, the green fingers and homestead open spaces. A financial contribution in lieu of open space provision is required and will be used towards upgrade of recreational facilities in Balbriggan (Bremore Regional Park).
- Details required in relation to boundary treatment, entrance details and signage for the central park. Passive supervision is required and the layout should not obscure public open space. A street planting plan is required.
- Clarification is required regarding accessibility of communal open space serving apartments in Neighbourhood 1 and 2 to surrounding public pathways.

Childcare Provision:

- The level of childcare provision is noted with provision for 150 children. It is noted that the applicant has included correspondence from the Fingal Childcare Committee welcoming the provision of the proposed childcare facility and a letter of support from the Department of Education.

Archaeology:

- Previous geophysical survey and test-excavation identified 4 areas of archaeological interest with material dating from the Bronze Age. The Heritage Officer considers that the proposed development will have a detrimental impact on the areas identified and potential archaeological features. If not possible to preserve these areas in situ through redesign the archaeological excavation under license is required and can be subject to condition.
- Archaeological monitoring is required and provision should be made for the protection of DU005-075 during the construction phase. Potential impact on the historic townland boundary between Kilsough and Hampton demesne that traverses the site is unclear and should be surveyed, investigated and recorded prior to the commencement of development.

Part V:

- It is proposed to provide 20% of the total number of units for the purpose of Part V.

Impact on Natura 2000 sites:

- A screening report for AA has been submitted and ABP as the competent authority will carry out an Appropriate Assessment of the proposed development.

Conclusion:

The Planning Authority conclude that the development is acceptable in terms of the RA zoning that applies to this site, provides for an appropriate mix of units at an acceptable density. The proposed development was considered to be consistent with national, regional and local planning policy and subject to conditions would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of pedestrian/traffic safety and convenience. The PA have recommended that permission be granted and suitable conditions are provided in the event that permission is to be granted.

8.7 In addition to the CE report, additional Fingal County Council internal reports have been provided and are included in Appendix A of the CE report.

- Parks and Green Infrastructure Division: the proposed development is considered acceptable subject to a number of conditions including a contribution in lieu of shortfall of public open space, details of landscaping plan to be agreed prior to commencement of development, retention of existing trees on site, location of bin storage, ESB boxes, etc on hard landscaped areas and a condition in regards taking in charge.
- Transport Report: There is no objection to the development, subject to the conditions including provision of detailed design of link road and construction methodology of bridge over the railway line and junction with the R127 with the PA prior to the commencement of development, provision of the entire link road prior to occupation of any units, provision of carriageway width to facilitate reversing manoeuvres from parking spaces, agreed on extent of parking provision, a road safety audit, provision of EV parking and provision finishes to comply with the Council's standards for taking in charge.
- Water Services: The proposal was considered acceptable in terms of flood risk, foul drainage (subject to provision of a 50m buffer zone around the pumping station), surface water drainage and water supply.
- Heritage Officer: Previous geophysical survey and test-excavation identified 4 areas of archaeological interest with material dating from the Bronze Age. The Heritage Officer considers that the proposed development will have a detrimental impact on the areas identified and potential archaeological features. If not possible to preserve these areas in situ through redesign the archaeological excavation under license is required and can be subject to condition. Archaeological monitoring is required and provision should be made for the protection of DU005-075 during the construction phase. Potential impact on the historic townland boundary between Kilsough and Hampton Demesne that

traverses the site is unclear and should be surveyed, investigated and recorded prior to the commencement of development.

- Architects Department: A number of aspects of the proposal are raised regarding architectural quality including potential overbearing visual impact of blocks A8 and A7 when viewed from the R127, inadequate assessment of the visual impact of easternmost 5 storey blocks, improved design approach to balconies at Block A9, better passive supervision of green fingers in neighbourhoods 3/4/5 (side elevations facing such), high level of duplex or walk up apartments (approx. 21%) with concerns about accessibility, lack of ensembles in 2 bed dwellings, and external finish to materials in Block A8.
- Planning Officer: This report includes a description of the main aspects of the proposal, states the fact and EIAR has been prepared and that a statement indicating why permission should be granted having regard to consideration specified in Section 37(2)(b) of the Planning and Development Act has been submitted.
- Senior Executive Scientist: No objection subject to a condition requiring preparation of a Construction and Demolition Resource Waste Management Plan (RWMP) prior to the commencement of development.
- Arts Officer: A condition should be included regarding public art.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. Commission for Railway Regulation
3. Iarnród Éireann
4. Railway Safety Commission
5. Coras Iompair Éireann
6. Department of Culture Heritage and the Gaeltacht

7. An Taisce
8. Heritage Council
9. An Chomhairle Ealaíonn
10. Fáilte Ireland
11. Fingal County Childcare Committee.

9.2. The following is a brief summary of the issues raised.

9.2.1 Department of Housing Local Government and Heritage (DAU): The DAU request a planning condition pertaining to archaeological excavation of archaeological areas 1-4 in advance of construction works and archaeological monitoring of ground disturbance at construction stages be included in the event of a grant of permission. Appropriate measures are required to prevent pollution of surface water runoff that would drain into the Castlelands Stream and potential detrimental impact on marine habitats. Concern is raised regarding water bird species foraging on site, which are of conservation interest in context of a number of designated SPA's. The impact in terms of curlew foraging on the site. The DAU consider that measures should be included to maintain and enhance the usage of the area and adjacent coastline by curlew. There is a lack of such measures in the EIAR. The DAU have included conditions they recommend to be included in the event of a grant of permission.

9.2.2 Irish Water: Irish Water has issued a Confirmation of Feasibility for the proposed development to connect to the public water and wastewater networks. The applicant has engaged with Irish Water and has submitted design proposals. The following points are made:

In respect of Water: Feasible without upgrades by Irish Water.

In respect of Wastewater: Feasible without upgrades by Irish Water.

Diversion of Irish Water pipes in close proximity to the site will be required.

A statement of Design Acceptance was issued by Irish Water.

Irish Water requests the Board apply a number of conditions in the event of a grant of permission.

- 'The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network'.
- 'Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works'.
- 'All development is to be carried out in compliance with Irish Water Standards codes and practices'.

9.2.3 NTA: The NTA make a number of recommendations. In relation to walking and cycling the NTA note that it is unclear whether the east-west path and north-south paths are shared space or provide for separate pedestrian and cycling facilities. It is recommended that these paths/tracks have a minimum width of 4m to facilitate two-way movement. It is noted that the scheme could benefit from improved filtered permeability with concern about the level of car movement permitted through the site. A number of areas are identified where filtered permeability could be applied.

9.2.4 Irish Rail: The Irish rail submission contains a number of observations, which include consultation between the developer and Irish Rail regarding works in close proximity to the rail line, provision of additional details including cross sections boundary treatment along the rail line, clarification of levels of lands adjacent the line and a number of conditions that required to be applied in the event of a grant of permission.

10.0 **Assessment**

10.1 The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site,

and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Core Strategy
- Density
- Unit Mix
- Compliance with Castlelands Masterplan
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare, Social Infrastructure/Retail
- Trees and Hedgerow
- Biodiversity
- Material Contravention
- Appropriate Assessment Screening

10.3 Principle of the proposed development:

10.3.1 The subject site is split over three zonings. The majority of the site is zoned RA- Residential Area with an objective to 'provide for new residential communities subject to the provision of necessary social and physical infrastructure'. Two

sections of the site to the west and east (eastern side of R127) are zoned Open Space-OS with an objective to 'preserve and provide for open space and recreational amenities'. A small portion of the site is zoned RS-Residential with an objective to 'provide for residential development and protect and improve residential amenity'. The use proposed in the RA zoning objective include residential units, a childcare facility, a retail unit and an office unit, all of which are identified as 'permitted in principle' under this zoning objective. The area zoned OS to the west of the site is being provided as open space area including landscaped areas, a park and playing pitches, which are all elements identified as 'permitted in principle'. The area zoned OS to the east of the site is being used to facilitate realignment of the R127 with the majority of these lands remaining as amenity space. The portion of the site zoned RS appears to be located to the west of the site and corresponds to the position of the main link road through the site. This element of the development is ancillary to the overall residential use and is consistent with the zoning objective. All uses proposed are in compliance with the zoning objectives of the site.

10.3.2 One of the third party submission questions compliance with zoning policy and specifically the RA-Residential Area which has an objective to 'provide for new residential communities subject to the provision of necessary social and physical infrastructure'. The basis for the objection is the lack of provision of the school and leisure aspects of the Castlelands Masterplan.

10.3.3 The application is for a 10 year permission. The phasing strategy is outlined in the design statement with three phase. Phase 0 + 1 include completion of the entire Castlelands Link Street (Phase 0: First part of the link street subject to ABP-312529-22) and neighbourhoods 4 and 5 (259 units) (Phase 1: Neighbourhoods 4 and 5 and the remainder of the link street to the R127), Phase 2 includes neighbourhood 1 and 2 (405) and Phase 3 includes neighbourhood 3 (153 units). Phase 1 includes the main area of open space (local park) including the playground, basketball courts, pump track and skateboard park. The construction phase is split into 3 phases and is anticipated to take 90 months (phase 1 30 months, phase 2 36 months and phase 3 24 months), which equates 7.5 years. The standard period for permissions is 5 years.

10.3.4 CE Report Comment: The CE report indicates that the development and mix of land uses proposed are compliant with land use zoning policy and the CE report includes a recommendation for permission to be granted.

10.3.5 Conclusions on principle of development: It is national and local policy to maximise the use of available lands and in established urban areas. The site is zoned for residential use and open space uses, the site is currently in agricultural use and the site adjoins an area predominately characterised by residential development. I therefore consider that the proposed development is acceptable in principle.

10.3.6 In relation to the submission highlighting the fact the development is contrary the RA objective, I would state that the school and recreational facilities are aspects that are not part of the development site however the layout of the proposal is designed to facilitate their integration and future development. I am of the view that proposed development, which does include social infrastructure (childcare) as well as a high degree of green infrastructure would be consistent with the RA zoning objective.

10.3.7 The justification for a longer than standard period of 10 years for permission is based on the scale of the overall development and the length of construction period. The development is a large site that requires a significant level of infrastructure provision in the form of a link street connecting Hamilton Road to the R127. This includes construction of a portion of the link street outside the current application site to the east permitted under ref no. ABP-312529-22 and the significant undertaking to construct a bridge across the existing railway line and realignment of the R127 both (vertical and horizontal alignment) as well construction of multiple units, ancillary commercial development and landscaping. I would consider based on the phasing strategy and estimated construction timings in addition to the possibility of delays in construction, a 10 year permission is justified in this case.

10.4 Core Strategy:

10.4.1 The application site is within the development envelope of Balbriggan as defined by the Fingal County Development Plan 2017-2023. Chapter 2 of Development Plan relates to Core Strategy and Settlement Hierarchy and was subject to Variation No. 2 of the Development Plan to bring such in line with the objectives of National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly (RSES). Balbriggan is classified as Self-Sustaining Town under the settlement hierarchy.

10.4.2 Table 2.4 outlines Total Residential Capacity provided under Fingal Development Plan 2017 – 2023, updated as of September 2019. For Balbriggan remaining capacity in terms of land is 134 hectares with a capacity for 3805 residential units. The proposal is for 817 units and the applicants Statement of Consistency with Planning Policy identifies permissions granted and pending during the lifetime of the current plan in Balbriggan. There are 409 units permitted (applicants report mistakenly refers to 509) and 198 units pending decision (two applications). The applicants highlight that taking account the level of permitted residential units and those pending decision, the capacity indicated in the Core Strategy and Settlement Strategy of the Development Plan would allow for the level of development proposed.

10.4.3 A number of the third party submission raise concerns regarding the level of development proposed in the context of the objective of the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly (RSES). The submission highlights that the RSES identifies Balbriggan as a settlement in which population growth/new residential development is contingent on the requisite investment in employment creation, services, amenities and sustainable transport and appears to suggest that the level of development proposed is inappropriate at this times due to lack of such elements, the fact that population has grown in Balbriggan significantly and the need for such to catch up to the existing level of residential development.

10.4.4 CE Comment: The CE report outlined no issues regarding compliance with core strategy or settlement strategy under the County Development plan.

10.4.5 Conclusion on section Core Strategy: The proposed development entails the provision of 817 units on a lands zoned for such development and within the development envelope of Balbriggan as defined under the Fingal County Development Plan 2017-2023. The level of development proposed is provided for within the core strategy and settlement hierarchy as provided for under the Fingal County Development with sufficient capacity for the proposed development even taking account of permitted development and development pending decision within the area. The development of the site in a comprehensive manner as proposed is also consistent with the national objectives set down under the National Planning Framework (NPO Objectives 3a, 3c, 33 and 35). I am of the view that the planning policy both national and local, advocates the provision of additional residential development on appropriate lands identified for such. In this case the lands are clearly identified for development of this type and are allowed for within the timescale of the current County Development Plan. In addition I would note the overall scale of the development and anticipated construction schedule is such that the length of time to deliver all dwellings on site is considerable with a clearly set out phasing strategy. I am of the view that there is no basis for precluding housing development on these land on the basis of prematurity.

10.5 Density:

10.5.1 The application site has a total site area of 25.33 hectares. The net developable area of the site is 18.35 hectares and excludes the areas zoned OS-Open Space to the east and west of the site. The proposal is for 817 residential units on a net developable area of 18.35hectares (excludes areas zoned OS) which provides for a density of 43.8 units per hectare. Under the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009) appropriate locations for increased densities are identified. The application site is located on southern edge of Balbriggan and would constitute an Outer Suburban / 'Greenfield' (section 5.11 of the guidelines) site which is 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". The guidelines indicates that "the greatest

efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares”.

10.5.2 The third party submissions raise concerns about the density of the development with such considered excessive and at a higher level than envisaged under the Castlelands Masterplan, which is indicated as being 650 new dwellings at a net density of between 35-45 units per hectare. Based on the net developable area, 650 units would yield a density of 35.4 units per hectare, which is at the lower level of density range advocated in the masterplan.

10.5.3 CE Report Comment: The CE report raised no issue or objection to the density of the proposal with the report recommending a grant of permission and the density noted as being consistent with the range identified in the Castlelands Masterplan.

10.5.4 Conclusion on density: The proposal provides for a density of 43.8 units per hectare (net density) and is within the recommended density thresholds set out under the national guidelines (Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009)) for Outer Suburban / ‘Greenfield’. In addition the density range advocated in the masterplan is between 35-45 with the proposed development within this range. The density level is in keeping with national policy guidance and there is no reason to recommend refusal in regards to the density proposed.

10.6 Unit Mix:

10.6.1 The unit mix can broken down as follows...

817 no. residential units comprising...

440 no. apartments, 162 no. 1-bed, 180 no. 2-bed and 72 no. 3 bed and 26 no. 3-bed duplex apartments.

377 no. dwellings, 70 no. 2-bed, 283 no. 3-bed and 24 no. 4-bed.

10.6.2 The proposed development will provide 440 apartments comprising 54% of the overall scheme with 20% of units being one-bed apartments, 22% being 2-bed apartments and 12% three bed apartments. It is relevant to state that SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). An HNDA has not been prepared by the planning authority and so the proposed development provides a combination of units it thinks appropriate and in accordance with the 2020 guidelines. In terms of the percentage of one bed units as a total of the 440 apartment units, such equates to 36.8% and is compliant with SPPR1, which states that apartment developments may include up to 50% one-bedroom and studio type units.

10.6.3 The third party submissions question unit mix with some noting that more family orientated units are required than the smaller apartment units. The submissions also point to a lack of single-storey units suitable for older persons and accessibility of duplex units (first floor three bed units).

10.6.4 CE Report Comment: In the CE report the Planning Authority have stated that they consider the unit mix be appropriate and have recommended a grant of permission. The Architects Department does raise some criticism on design layout including the level of walk up apartments (21%).

10.6.5 The proposed unit mix provides for wide variety of units with the proposal including 1, 2 and 3 bed apartment units, 3 bed duplex apartment units, and 2, 3 and 4 bedroom dwelling units. This level of variation is in keeping with national policy objectives under the NPF, Housing for All and the Apartment Guidelines (SPPR 1).

This unit mix is considered to be acceptable. A number of the third party submissions referred to the level of one and two bed apartments as being inappropriate as well as lack of single-storey dwellings for older residents. The unit mix provides for a wide variety of units that can cater for families as well as smaller family units and single persons. In relation to older persons the development includes a number of apartment units including ground floor units in duplex housing types and apartment blocks, as well as apartments that are accessible by lift on upper levels (blocks with more than three floors). One of the third party submissions questions the accessibility of the duplex units in terms of disabled access. The scheme includes 26 no. duplex apartment units, which in the overall scale of the development is a very small number of units. The Council's Architects Department does highlight that there is a high proportion (21%) of walk up apartment (stair access instead of lift). The provision of one and two bed units (mix of apartment and dwellings) is 412, while the provision of three or more bed units (mixture of apartments and dwellings, mainly dwellings) is 405 with a roughly 50/50 split. The development provides an acceptable mix of units in terms of the split between smaller and more family orientated units. In relation to walk up units and stair access, the level of provision of such is not excessive in the context of entire development with sufficient level of units at ground floor or having lift access to cater for differing demands. I would also note that compliance with Part M of the Building Regulations is required and such does provide for regulations ensuring accessibility. Assessing the proposal for the purposes of Part M of the Building regulations is not a planning consideration.

10.7 Compliance with Castlelands Masterplan:

10.7.1 The majority of the application site falls within the boundary of the Castlelands Masterplan. Two portions of the masterplan lands are not included at the western side of the masterplan lands and the masterplans lands include existing dwellings in Pinewood Heath to the north of the site. In addition the application site includes

lands zoned Open Space-OS located on the eastern side of the R127 not within the boundary of the masterplan area.

10.7.2 Some of the main aspects of the masterplan include an identification that the lands will cater for up to 650 new dwellings at a net density of between 35-45 units per hectare, provision of 4.9 hectares/20% area of open space, provision of the Castlelands Link street to join with the R127, provision of a new school and provision of a swimming pool and recreational building. The masterplan layout provides for a green spine running east west linking from existing open space adjoining the western boundaries of the masterplan lands and the south eastern corner of the masterplan lands with provision of a pedestrian/cycling bridge to the R127. The masterplan includes open space linkage running north south connecting the southern boundary/Tanners Water Lane to existing residential development to the north of the masterplan lands. The Castlelands Link street through the site provides for pedestrian and cycling infrastructure and bridge access over the railway line to the R127. The layout also includes provision of a circular boulevard link providing vehicular, pedestrian and cycling access to through the masterplan layout. The masterplan divides the lands into four character areas and identifies the type and scale of development envisaged with 2-3 story dwelling units identified throughout. The masterplan includes a phasing program with the area to east including the area designated for the school, swimming pool and recreational community building in the first phase.

10.7.3 The third party submissions are critical of the proposal in that it does not comply with the Castlelands Masterplan. The elements raised include the level of development proposed and density of such is considered excessive in relation that identified by the masterplan. The layout is considered deficient in terms of opens space provision and realising the level of green space envisaged in the masterplan. The provision of pedestrian and cycling infrastructure and linkages throughout the site is considered at odds with that envisaged in the masterplan. The lack of inclusion of the school site

and site for recreational facilities is also identified as deficiency in the context of the masterplan.

10.7.4 CE Report Comment: The CE Report raised no objections to the proposal in the context of the Castlelands Masterplan and considered that the development was broadly compliant with the masterplan.

10.7.5 Conclusion on Section 11.7: The Castlelands Masterplan is a non-statutory masterplan that provides a framework for the development of the lands at this location and include a number of key elements that have been referred to above. I would be of the view that the development as proposed is broadly compliant with the Castlelands Masterplan in that it includes provision of a link road through the site to the R127. In terms of open space the provision of main green spine of open space is proposed in addition to a hierarchy of smaller open space areas distributed through the site. The proposed layout provides for a high degree of permeability in the form of vehicular, pedestrian and cycling infrastructure including to the R127. In relation to the level of open space provided the provision is 4.48 hectares/17.7% of public open space with the masterplan advocating 4.9 hectares/20%. In addition the masterplan specifies the provision of up to 650 units at a density ranging from 35-45 units per hectare. The proposal as noted earlier provides for a net density (net developable area of 18.35 hectares, excludes areas zoned OS) of 43.8 units per hectare whereas a development of 650 units would provide a density of 35.4 hectares. As noted earlier the density proposed is consistent with the range outlined in the masterplan and national policy as well as the fact that the core strategy has capacity for the level of development proposed.

10.7.6 The masterplan includes four character area with heights of 2-3 stories. The proposal is divided into five neighbourhoods with heights ranging from 2-6 stories. The development consists mainly of two-storey structures with neighbourhoods 4 and 5 having all two-storey structures, neighbourhood 3 mainly two-storeys with one

three storey block, neighbourhood 2 featuring mainly two-storeys with a number of three-storey duplex blocks along the main link road and neighbourhood 1 on the northern side of the link road featuring a mixture of two, three, five and six –storey structures with the five and six storey structures along the link road frontage. The variety in height goes hand in hand with density/efficiency of land use, variety of units and provides for a provision of more variety in terms of urban design, sense of place and provision of suitable frontage development along the main link road in keeping with the design recommendations of the Urban Design Manual.

10.7.7 In relation to the provision of the school and swimming pool the sites for each are not included within the application development site, with these lands being reserved for the provision of these element and the overall proposal would not prejudice delivery of such. The layout gives full regard to their future integration into the layout in terms of vehicular, pedestrian access and linkages to the main area of open space. I am satisfied that the proposed development has sufficient regard to the provisions of the Castlelands Masterplan while at the same time delivering on the efficient use of zoned serviced lands in compliance with national policy objectives (NPO Objectives 3a, 3c, 33 and 35).

10.7.8 I am satisfied that the proposed development has significant regard to the principle of the masterplan while at the same time achieving compliance with national policy and guidelines, which advocate efficiency of land use and good quality urban design, variety in building typologies and sense of place.

10.8 Design and Layout:

10.8.1 The overall layout is defined by the provision of main distributor road/link street running east west linking the roundabout at the eastern end of Hamilton Road/R132) to the Skerries Road/R127). The layout is also defined by a network of green spaces including a central spine of open space running on an east west axis through the site. In addition there are a number of smaller green spaces in the form of green

fingers on a north south axis to the south of the site between the different neighbourhoods and to the north of site (west of Neighbourhood 1) and other areas of open space distributed throughout the site (Pocket Park and peripheral spaces along southern and south east corner of the site). The site is split into 5 neighbourhoods with a variation in heights from two-six storeys and including three-storey, four storey and five storey structures. The development is predominantly two-storeys in nature with the provision of increase height at locations such as along the link road frontage adjoining the urban square and at some corner units.

10.8.2 As noted above there is a masterplan for the lands in question and the proposed design and layout does have regard such in terms of its overall design and layout, in particular the provision of the east west link road between Hamilton Road and the R127, the provision of spine of green space running east to west through the site. The Design Statement prepared by Metropolitan Workshop provides a significant level of detail regarding the overall design and layout under Section 5 with an evaluation of the scheme in context of the 12 criteria under the DoEHLG Urban Design Manual, details of different housing and building typologies, the mix of materials to be used in the proposed structures and landscaping.

10.8.3 CE Report Comment: The CE Report raises no issues of concern regarding overall design and layout. The layout is considered to generally acceptable apart from the limited discernibility between character areas 2, 3 and 4. The layout was considered satisfactory in terms of connectivity, permeability and amenity space provision. The Architects Department did raise some criticisms of the overall design and layout with issues regarding balcony treatment, external finishes and passive surveillance of green finger spaces.

10.8.4 Conclusion of Design and Layout: The proposal provides for a good variety in the design of proposed structures with variation in the form of structures and external finishes. The external finishes are set out under 4.17 of the Design Statement and

provide a good degree of variation. The provision of structures of varying height and different type at corner elements contribute to place making and character. The provision of taller structures at various points including the urban square where commercial elements are provided and along the Castlelands link street is appropriate in terms of urban design and character. The proposed development provides a sufficient level of public, communal and private amenity spaces with public open space provided in a clear hierarchy, well distributed through the site and a good variation of hard and soft landscaping as well as function. Levels of passive surveillance is of a good standard with open space areas overlooked by multiple (majority) units including the green finger elements. The development exhibits a high degree of connectivity to the surrounding area including to existing residential neighbourhoods to the north and east, to Tanners Water Lane to the south and the R127 to the east. There is good permeability and connectivity through the site with adequate provision of infrastructure for pedestrians and cyclists with clear separation from vehicular traffic routes. The TTA includes a statement of compliance with the Design Manual for Urban Streets and Roads. I would consider that the layout proposed is successful in measuring up to the 12 criteria set down under the Urban Design Manual and provides for a layout that is of acceptable quality in terms of design and layout.

10.9 Visual Impact:

10.9.1 The site is on the south western edge of Balbriggan and is characterised by three large agricultural fields currently planted with crops. The site is defined by existing residential development to the west (Ardgillan) and north (Pinewood Green), the Belfast to Dublin rail line/R127) to the east and Tanners Water Lane/existing boundary hedgerow to the site. There is a significant change in levels moving east to west on site with level increasing and the site having open coastal views to the east. Adjoining residential development is in the form of two-storey dwellings. Ardgillan Demense and Hampton Demesne are located to the south. The applicant has submitted a number of documents in support of the proposed development and with particular reference to the issue of height as follows:

- Design Statement by Metropolitan Workshop
- CGI, Aerial & Verified Views by Innovision
- Landscape and Visual Impact Assessment incorporated into EIAR.

The submitted documents in conjunction with the submitted elevational and contiguous elevational drawings, clearly demonstrate what the visual impact will be on the character of the area.

10.9.2 The application site is located within an area classified as Coastal Character Type under the Fingal County Development Plan Landscape Character Assessment (LCA) with this landscape type categorised as having exceptional landscape value and is listed as being highly sensitive to development. The fact that there are historic properties such as Ardgillan Demesne, Ardgillan Castle and Hampton Demesne in the vicinity is noted and the amenity value of the area being a coastal area. There are no designated views and prospects within the vicinity of the site although there is an objective to preserve view eastwards along the R127 of the coastline. The LVIA includes an 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.

10.9.3 The LVIA includes assessment of the development from 12 viewpoints located to the north, south east and west of the site including two viewpoints along the R127 to the east and from the coastline to east of the site. The LVIA outlines the impact of the development each viewpoint with the results summarised under Table 13.7.15 of EIAR Chapter 13. The impact from three of the viewpoints is classified as none or slight adverse (4, 5 and 12), moderate adverse from five viewpoints (1, 2, 7, 9 and 10), significant/significant adverse from four viewpoints (3, 6, 8 and 11). In terms of cumulative impact the only development in close enough proximity is a proposal for 99 dwelling under ref no. F21A/0280 to west at Castelands Park and is currently pending decision. This development is assessed as continuation of existing urban development at this location and is not considered to have a significant cumulative visual impact with the proposed development.

- 10.9.4 CE Report Comments: The CE report considers that the visual impact of the proposal would be acceptable subject to implementation of mitigation measures outlined under the EIAR in relation the section on Landscape and Visual Impact, which mainly relate to landscaping.
- 10.9.5 Conclusion on Visual Impact: the application site is located within the development envelope of Balbriggan and is zoned mainly for residential uses with a masterplan in place for these lands providing for residential development ranging in density between 35-45 units per hectare. The application site is an elevated site sloping downwards in an easterly direction to the coast and is bounded by the R127 to the east with part of the site on the opposite side of the road, existing two-storey residential development to the north and west, agricultural lands to the south, a golf course Ardgillan Castle, Ardgillan Demesne and Hampton Demesne to the south. The development proposed ranges from two-storey six-storey structures. I am satisfied that the photomontages from the various viewpoints give a realistic impression of the visual impact of the proposed development.
- 10.9.6 The proposed development represents a continuation of residential development on lands zoned for such uses. Existing residential development is two-storey in nature to the north and the east with the proposed development being mainly two-storey structures. The development does include structures over two-storeys and up to six, however such are located in central locations on site and the overall visual impact of these structures are offset by intervening structures including existing adjoin structures and proposed structures on site. The proposed development features a high level of amenity space and infrastructure and a comprehensive landscaping scheme that includes for retention of existing trees on site and additional planting. I am of the view that the overall visual impact of the development can be adequately absorbed at this location and that the development would not be highly visible in the wider area, with visual impact being mainly localised impact. The development is sufficient distance from Ardgillan Castle and screened by intervening topography, and vegetation. The proposal does not impact views eastwards with changes in the road alignment and provision of bridge crossing having no impact on the open view of the coastline eastwards from the R127.

10.10 Residential Amenity-Future Occupants:

10.10.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ prepared by

Metropolitan Workshop has been submitted with the application and this provides a detailed breakdown of each of the proposed dwelling and apartment units. For assessment purposes the dwellings are assessed against the standards set out under the Quality Housing Sustainable Communities (Department of the Environment, Heritage and Local Government) with the apartments assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government). In the case of all dwellings such meet the recommended standards in relation to gross floor area, room dimensions and storage provision.

10.10.2 In case of apartment units, all units exceed the minimum required floor areas, with 257 units (58.41%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

10.10.3 In the case of the apartment units 85.4% are dual aspect units and is in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate location (50% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’. The provision of lifts per floor is in compliance with SPPR 6 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

10.10.4 The proposed dwellings are all in compliance with the guidance set out under the under the Quality Housing Sustainable Communities in relation to minimum floor areas, room dimensions, storage provision and open space provision (some dwellings are provided a mix of private open space and communal space only accessible to the units in question (homestead)).

10.10.5 CE Report Comment Section: The CE Report raise no concerns regarding residential amenity for future occupants subject to implementation of the mitigation measures outlined in the EIAR regarding noise in relation to units located to the east of the site in close proximity to the rail line.

10.10.6 Conclusion on Sections 10.10.1 - 10.10.4: The proposed development provides for an adequate mix of unit types. The area consists predominately of family sized homes and the development provides for a mix of one, two, three and four bedroom units, thereby improving the mix of housing types in the area. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

10.10.7 Quality of Units – Amenity Space: All apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth. In the case of dwellings most units provide for the recommended standard of private amenity under Quality Housing Sustainable Communities (QHSC) (307). 70 of the dwellings are located in what is described as homesteads, which provide for a private open space and communal open space that serve the dwellings in question only. A combination of private open space dedicated to each of these 70 dwellings in combination with the cumulative amount of communal space serving such in each homestead provides amenity space that is consistent with the standards under QSHC).

10.10.8 The applicant has proposed a total of 4.48 hectares of open space, which includes public open space of 2.16 hectares on lands zoned residential, a further 1.5 hectares of lands zoned open space, 0.1 hectares in the form of an urban square and 0.72 hectares located in green finger elements to the south of the site. In addition 0.83 hectares of communal open space is provided through the site (serving

apartments and some of the dwellings (homestead)). The communal open space is accessible to all units it serves and is for the most part only accessible to the units it serves. Development Plan policy under Objective DMS57 is for 2.5 hectares per 100 population (based on 3.5 persons in 3 bed and above units and 1.5 persons in two bed and below units) with lands zoned OS not to be included. This gives a requirement for 5.088 hectares of public open space. The level of public open space provided is less than Development Plan standards. A Landscape Plan has been prepared by AECOM, which includes a landscape masterplan and Green Infrastructure Report. The main central area of public open space is to provide a local park with facilities including a playground, a skate park, pump track, two basketball courts, an informal kick about space along with landscaping features and planting, and a network of paths allowing permeability and connectivity for pedestrian and cyclists. There are other open space areas including a continuous spine of open space connecting to the eastern boundary and only accessible to pedestrian and cyclists, a pocket park to the north east of the site, green finger spaces between neighbourhood 3, 4 and 5, and west of neighbourhood 1 that have pedestrian pathways linking the main central space and a peripheral space along the southern boundary. There is provision of additional play equipment in other spaces outside the main playground (pocket park and along the green spine to the east). The landscaping includes retention of existing trees and hedgerow including the wooded area to the south and additional planting.

10.10.9 CE Report Comment: The CE Report notes that open space provision is over 10% of the development site in accordance with the minimum requirements of Objective DMS57A/B. The requirement for open space under Objective DMS57 (2.5 hectares per 1000 population) for the development is 5.08875 hectares. The proposed development provides for 2.16 hectares of public open space (excludes lands zoned OS and green fingers which are not considered to meet Development Plan standards for public open space). A financial contribution in lieu of shortfall of public open space by 2.93 hectares is required towards the upgrading of recreational facilities in Balbriggan (Bremore Regional Park).

10.10.10 Conclusion on Sections 10.10.7 – 10.10.8: The requirement for public open space is 5.08875 hectares based on Objective DMS57. The planning authorities assessment is that the level of public open space is 2.16 hectares and does not include the 1.5 hectares of land zoned OS to the west of the site that is being provided as public open space or the urban square of 0.1 hectares or the 0.72 hectare green finger spaces to the south and north of the site. I would of the view that these spaces cannot be disregarded in assessing the proposal in relation to public open space provision with their consideration giving a total of 4.48 hectares. I would highlight that provision of the Development Plan standard of public open space without counting the area zoned OS, the urban square and green fingers would in likelihood effect the efficient development of the site up to a density that is consistent with national policy (minimum 35 units per hectare). Regardless of such I would highlight that development plan policy does allow for a reduction in the level of public open space provision subject to a financial contribution towards upgrade of local open space/recreational amenity facilities and the Planning Authority through the CE report recommend application of such a condition (upgrade of Bremore Park). The applicant has indicated a willingness to accept such a condition. I am of the view that the proposed development provides for adequate private, communal, and public open space areas. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces. In addition I would recommend application of a special contribution condition in lieu of public open space provision and in this regard the proposal is complaint with County Development plan policy.

10.10.11 Daylight and Sunlight: Daylight and Sunlight: The applicant has engaged the services of AECOM to assess the impact of the development on daylight and sunlight and a 'Sunlight, Daylight and Overshading' report has been submitted in support of the application. In addition to this report a Communal Space Sunlight report prepared by Metropolitan Workshop has also been submitted. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).

- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Fingal County Development Plan 2017-2023

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

10.10.12 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis indicates that of 64 public and communal open space areas tested, 53 meet the target value whereas 11 do not. The 11 spaces, which do not meet the target value are communal open space areas as opposed to public open space areas. The results indicate that over 97.8% of the total area of public and communal open the BRE requirement is met and exceeded. The proposed areas of open space will be provided with adequate daylight and sunlight in accordance with the BRE requirements.

10.10.13 The report includes an assessment of private open space associated with the proposed units with consideration of dwellings and their associated rear gardens. The assessment relates to three zones that represent a typical urban block with terraced dwellings, back to back units and units facing north, south, east and west. The ones assessed were...

Neighbourhood 1, Zone 26.

Neighbourhood 4, Zone 9.

Neighbourhood 5, Zone 6.

The results for zone 6 show all 23 rear gardens achieve the target value. The results for zone 9 is that of the 18 rear gardens analysed, 12 (66%) meet the target value

while 6(33%) do not. The results for Zone 26 is that of the 16 rear gardens assess, 9(56%) meet the target value while 7(43%) do not. In cases where the target value is deficient reasons for such include north facing gardens, impact of 1.8m boundary walls and topography of the site. The report indicates that dwellings below target values in this regard have access to additional garden space to the front and accessibility to open space areas. It is noted that the layout and pattern of development proposed is not atypical of suburban housing layouts.

10.10.14 CE report Comments: The CE report raises no objections to the overall layout in terms of daylight and sunlight issues or the quality of amenity for future residents with a grant of permission recommended.

10.10.15 Daylight Analysis: From the information provided in the 'Daylight Analysis', I am satisfied that the target Average Daylight Factor's (ADF) are appropriate and are generally compliant. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

10.10.16 The guidelines recommend that in the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/living and dining areas are effectively the one room and I accept that the higher figure may not be achieved for the kitchen area in all cases.

10.10.17 The submitted analysis provides full details of the Average Daylight Factors (ADF's) and a breakdown of the achieved results for all units. In summary, out of 817 units assessed, 741 of the units meet the target values for ADF for all rooms assessed. 76 of the units, which include a mixture of apartments and dwellings fail to meet the target ADF values. The breakdown is as follows...

3,019 habitable rooms tested with 2,857 (95%) meeting target value and 162 (5%) not.

28 (1%) of 1897 bedrooms tested do not meet the 1% ADF target.

36 (12%) of 306 living rooms tested do not meet 1.5% ADF target.

98 (12%) out of 816 kitchen/living spaces tested do not meet the 2% ADF target.

The units that do not meet the target standard are clearly identified and a number of compensatory measures are proposed. These measures include...

Enlarged windows, increased room width, keyed access to communal spaces, slatted balustrades instead of solid, additional windows serving living spaces, altered kitchen layouts and window location. The measures are in relation to units including A4 duplex units, A7, 8 and 9 apartments, and the H2A and H2B. The report indicates that these measures ensure many of the units meet the target BRE value and in the case of those that don't the measures have improved such values to be in a lot of cases marginally below the target value.

10.10.18 CE report Comments: The CE report raises no concerns regarding daylight and sunlight standards in relation to the proposed residential units and recommends a grant of permission.

10.10.19 Conclusion on Daylight and Sunlight: I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The proposed development is restricted by its orientation and by the existing site size/ layout. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this

development. I would consider that the overall design and layout is not atypical in terms of suburban development in terms of scale, orientation and relationship with adjoining structures and is not dissimilar to the established pattern of development exhibited in existing developments on adjoining sites. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

10.10.20 I have taken account of compensatory measures provided as part of the development and outlined under Section 10.10.17 above. These compensatory measures are considered to be sufficient in this instance.

10.10.21 Quality of Units – Miscellaneous: There are a number of issues that are highlighted as potential material contravention issues and are dealt with under the section 11.16. and fall under the category of residential amenity. Under the development management standards of the County Development Plan the separation distances for back to back two-storey dwellings is 22m (Objective DMS28). In most instances this standard is achieved, however there are a few circumstances where separation distances are lower than 22m. In two cases the separation distances between back to back two-storey dwellings is marginally lower than 22 at 21.4m. There is a level of separation of 15.1m between the side elevations of the 3 no. A5 blocks (neighbourhood 2) with opposing windows serving kitchens and living spaces at first floor level. In the case of the opposing windows with a separation distance of 21.4m, I would consider that this marginal reduction would have no material impact on future residential amenity. In the case of the A5 apartments the separation distance of 15.1m is between the side elevation of two-storey apartment blocks with opposing windows serving kitchen and living spaces. These window are not the main window facade with larger windows on the front elevation where the balcony areas serving the first floor units are located. I am satisfied that the configuration, layout and orientation of these units is satisfactory in terms of overall privacy, future amenity and the separation distance provided to ensure satisfactory level of residential amenity.

10.10.22 Under the development management standards of the County Development Plan the standard for separation distances to the side of dwelling units is 2.3m (Objective DMS29). In most instances this standard is achieved, however there are a small number circumstances in neighbourhoods 3, 4 and 5 (15 in total) where separation distances are lower than 2.3m at 1.8m and relate to access to communal space and to the rear of the gardens of terraced dwellings. The provision of rear access to private gardens and communal spaces throughout the development is satisfactory and non provision of 2.3m access to the side in some instances would not be significantly adverse in terms of future residential amenity.

10.10.23 Under the development management standards of the County Development Plan in the case of communal bin storage it is required that such is within 50m of all units (Objective DMS37). In most instances this standard is achieved, however there are a small number circumstances in neighbourhoods 1, 2, 3, 4 and 5 where distance to communal bin storage is over 50m. The Design Statement under Section 4.12 outlines the bin strategy for the development, which entails a mixture of private (dwellings) and communal bin storage. The provision of bin storage throughout the development is of an acceptable standard and the distribution of communal bin storage is sufficient to cater for the future needs of residents of the development. In most instances communal bin storage is within 50m of the units its serves and in the cases where this distance is accessed, such is not by an excessive level in terms future amenity.

10.10.24 Under the development management standards of the County Development Plan in the case of public open space it is required that such is with 150m walking distance of all units (Objective DMS59). In most instances this standard is achieved (approximately 90%), however there are some units that are a greater walking distance to public open space. The classification of public open space does not appear to include the green fingers within neighbourhood 1, 3, 4 and 5. The layout proposed provides an acceptable level, quality and layout of public open space as well as open space areas that are part of hierarchy of amenity spaces throughout the site. In addition the layout provides a good level of permeability and connectivity in

terms of pedestrian and cycling paths. I would consider that accessibility to public open space and ancillary open space areas are of good standard to serve the residential amenity of future residents.

10.10.25 The location of the Dublin to Belfast railway line to the east of the main body of the site could give rise to concerns regarding inward noise impact on residential units in proximity to such. The EIAR accompanying the application includes a Chapter (8) regarding noise and vibration, which includes an assessment of inward noise impact from the rail line in the context of both the external amenity areas (public and communal space) and on the units within 50m of the rail line. The EIAR outlines mitigation measures for units within proximity to the rail line including acoustic measures in addition to the fact that inward noise will not be constant in terms of the rail line.

10.10.26 CE Report: The CE report raises no issues of concern in relation to any of the factors relating to public open space, separation distances, access to bin storage and accessibility to public open space. The CE report recommend a grant of permission for the proposed development.

10.10.27 Conclusion on Quality of Units-Miscellaneous: The overall layout has adequate regard to the residential amenities of future residents and provides a layout that achieves sufficient privacy for the units, accessibility to the rear of terraced units and communal open space, access to bin storage and accessibility to public open space for all units. None of these aspects would constitute a material contravention of the Development Plan and I refer to section 10.17 below.

10.11 Residential Amenity – Existing/ Adjacent Residents

10.11.1 Existing Site: The redevelopment of an infill/greenfield site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any form of development of

a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site.

10.11.2 A Construction Management Plan will be put in place prior to the commencement of development and an Outline Construction and Environmental Management Plan has been prepared by AECOM.

10.11.3 Daylight and Sunlight: The impact of the development on adjoining properties is considered in the Sunlight, Daylight and Overshading report prepared by AECOM.

10.11.4 Daylight: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.11.5 The applicant has assessed the potential impact on 101 to 107 Pinewood Greed Rd, 17-20 Pinewood Green Ct, 1-5, 11-14 Pinewood Heath, 41-51 Pinewood Green Lawn and 1-6 Pinewood Green CT. These dwellings are adjacent the northern boundary of the site.

10.11.6 The analysis of the above listed units found that all windows analysed have a VSC above 27% and all windows will retain a value above 27% post development with most windows unchanged in value.

10.11.7 Sunlight: The Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment, in accordance with

BRE guidance. According to the BRE guidance a dwelling/or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

Further to this the BRE advise that the sunlighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

10.11.8 The applicant has assessed the potential impact on 101 to 107 Pinewood Greed Rd, 17-20 Pinewood Green Ct, 1-5, 11-14 Pinewood Heath, 41-51 Pinewood Green Lawn and 1-6 Pinewood Green CT. These dwellings are adjacent the northern boundary of the site.

10.11.9 The analysis of the above listed units found that all windows receive above the target value of 25% for APSH and 5% in the case of winter months. All dwelling units will retain above the target values post development.

10.11.10 Shadow Analysis: Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the summer season, mid-season and winter at hourly intervals from 8.00 hours to 20.00 hours. The analysis also provide a focus on shadow impact on adjoining residential developments of Ardgillan Road, Ardgillan Lawn and Pinewood Heath/Green.

- 10.11.11 The submitted details give no rise for concern. The summer shadow diagrams indicate low level of shading in the surrounding area. The mid-season shadow diagrams indicate that shading will be at its most significant to the north and west early morning (07:00) and reduce significantly as the day progresses. The winter shadow diagrams indicate minimal shading in the surrounding areas.
- 10.11.12 CE Report Comment: The CE report raises no concerns regarding daylight and sunlight standards or overshadowing impact in relation to the existing residential units adjoining site and recommends a grant of permission.
- 10.11.13 Conclusion on Residential Amenity – Existing/ Adjacent Residents: The Sunlight, Daylight and Overshadowing submitted provides sufficient information to assess the proposal in regards to daylight, sunlight and overshadowing impact of the development on existing development adjoining the site, which is all residential in nature. The information on file demonstrates that existing dwellings will have access to sufficient level of daylight and sunlight post development of the site as proposed. The level of overshadowing generated by the development in relation to adjoining properties does not give rise for concern with the overall design, scale and pattern of development having sufficient regard to the existing pattern of development and for the most part is a continuation of established development patterns.
- 10.11.14 It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Fingal County Development Plan 2017-2023 to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Fingal area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused on this issue.

10.11.15 Adjoining Amenities (Separation and physical scale adjoining existing development): The site is adjoining by an existing residential development in form of existing two-storey dwellings. To the north the site adjoins Pinewood Heath/Green with part of the existing development projecting into the site and surrounded to south east and west by new development. There is also existing dwellings to the east in the form of Ardgillan Road and Lawn. The nature of the design and layout is that the majority of development is two-storey and similar to the pattern of development on adjoining lands. Housing units proposed adjoining the western boundary are two-storeys as are existing housing development adjoining the site. Levels of separation between the proposed and existing dwellings is sufficient to protect the residential amenities of existing development. In the case of Pinewood Heath/Green the development proposed is a mix of two-storey terraced dwellings and three-storey duplex units (A4). The level of separation between the three-storey blocks and existing two-storey development is sufficient to ensure no adverse impact on residential amenity. The nearest of the three-storey blocks to the existing development at Pinewood Heath has a ridge height similar to the existing dwellings on adjoining lands and such is illustrated in the cross sections provided with the application.

10.11.16 CE report: the CE Report raises no concerns regarding impact on the amenities of adjoining properties and recommend a grant of permission without any amendments advised.

10.11.17: Conclusion on Adjoining Amenity: The overall design, scale and layout has adequate regard to the amenities of adjoining development and in the main provides for similar scale and type of development (two-storey) dwellings where it interacts with existing development adjoining the boundaries of the site. In the case where three storey development is proposed adjoining existing two-storey development, the level of separation distance is sufficient and the levels on site are lower meaning a similar ridge height to existing structures adjacent the site.

10.12 Transportation, Traffic and Parking

10.12.1 The application is supported with a number of documents in relation to traffic and parking as follows:

- Traffic and Transport Assessment Report – AECOM (TTA)
Incorporates...
Preliminary Travel Plan,
Stage 1 Road Safety Audit
Bus/Dart Capacity & Demand Report
Parking management/Strategy report.
- DMURS Design Statement.

10.12.2 Traffic: The site is currently in agricultural use and is accessed through an existing agricultural entrance off Tanners Water Lane to the south. The site is to be accessed by a new link road that emanates from the existing roundabout to the west at the eastern end of R132/Hamilton Road. The link road is located on waste ground located between the existing residential developments of Hamilton Avenue and Castleland Park View. The western portion of the link road is subject to a separate application under ABP-312529-22, which has been approved. This link road will continue on an east west axis through the application site and links up with the R127/Skerries Road to the east of the site. The linkage to the R127 requires a bridge crossing over the railway line along the eastern boundary and realignment of a portion of the R127 adjoining site.

10.12.3 The submitted reports indicate that the proposed development will not adversely impact on traffic flows in the area with the capacity of the existing and proposed junctions shown to operate within capacity for an opening year of 2025 (Phase 1), 2027 (Phase 2), 2029 (Phase 3), 2034 and 2044. The junctions assessed include...

Junction 1-R132/Hamilton Avenue Roundabout.

Junction 2-Castelands Roundabout.

Junction 3-Castlelands Link Street/Neighbourhood 5/School signalised junction.

Junction 4-Castlelands Link Street/Neighbourhood 1/Neighbourhood 2 signalised junction.

Junction5-Castlelands Link Street/R127 signalised junction.

None of the junctions are above the 5% or the 10% thresholds set out in the Traffic And Transport Assessment Guidelines, 2014 by TII.

10.12.4 The proposal requires a new bridge crossing and junction onto the R127. The proposal entails a realignment of the R127 with a change to its horizontal and vertical alignment. The Level of the R127 is to be increased at the location of the new junction to provide for bridge crossing over the railway line and a realignment of the road eastwards to facilitate the provision of a signalised junction with a right turning lane for traffic travelling southwards on the R127.

10.12.5 The TTA outlines the level of existing public transport infrastructure/facilities in the area and its accessibility to the application site. There are a number of bus services/bus stops in the area with services to Balbriggan town centre, Dublin City centre, Dublin Airport, Swords, Skerries, Rosh and Drogheda/ the nearest bus stop is along Hamilton Road 700m from the centre of the application site and the next nearest is along the R127 and 724m from the centre of the site. Table 2.1 outlines the frequency of the bus services for each of the routes serving the area. In terms of access to rail services, Balbriggan has a train station (Dublin to Belfast line), which is located to north west of the site in the centre of Balbriggan and is estimated to be a 20 minute walk or 10 minute cycle. The report highlights that there is also access to a GoCar car share vehicle at the train station. The TTA outlines proposed improvements in terms of transportation infrastructure with plans for the Fingal Coastal Way to provide a walking and cycling route, Part 8 proposals for pedestrian and cycling facilities on both Harry Reynolds Road and Hamilton Road and BusConnects proposal to upgrade services between the Balbriggan and Dublin City centre. The proposal, which will include provision of a new road linking Hamilton Road to the R127 will improve access to existing public transport facilities along the R127 and the rail station.

10.12.6 CE Report Comment: The CE report highlights that the Transportation Planning Section are broadly in agreement with the outcomes of the TTA and raise no objection in regards to traffic impact.

10.12.7 Conclusion on Traffic: The application has demonstrated that the proposal would be satisfactory in the context of traffic impact with the existing road networks and proposed traffic layout operating within capacity. The proposal provides for additional traffic infrastructure (Castlelands Link Street) that will provide vehicular, pedestrian and cycling access to the R127, which will enhance connectivity and permeability and meet the objectives of the Development Plan. The area is well served by public transport infrastructure/facilities with access bus and rail services as well access to future upgrades in the transportation network. Third party concerns relate to congestion on Hamilton Road and particular school related traffic associated with the educational facilities to the west of the site. In response to such I would note that the provision of the link street and access to the R127 provides an additional outlet for traffic and is consistent with planning objectives for the area. Such will also be provided in its entirety in the first phase of development. The provision of additional residential development at this location is accessible to a number of existing educational facilities with Ardgillan College, Gael Scoil Baile Brign and Brcaken Educate Together within close enough proximity to be accessible by pedestrian and cyclists as well as provision for a future school site that will link into the overall development layout.

10.12.8 Car Parking: The proposed development provides for a total of 1033 car parking spaces. The car parking is a mixture of in-curtilage spaces (435), on-street (575), non-residential (crèche/office/retail 23). The parking allocation includes 15 no. disabled access spaces, 15 no. EV spaces, 4 no. car club spaces.

Based on Development Plan standards set out under Table 12.8 of the CDP, the residential parking requirement is between 1419.6-1489.6 and the retail/office and crèche requirement is 29 spaces (total 1448.8-1518.6). According to the TTA the applicant has agreed rates of parking with the Planning Authority and such are set out under Table 3.6 of the TTA and that the parking provision for residential

development is 8 spaces in excess of the agreed rate. In the case of non-residential development the parking provision of 23 spaces and is 6 less than the maximum parking standards specified under Table 12.8 of the CDP. The location of disabled access spaces, RV spaces and car club spaces are set out in the Design Statement (4.14 Car Parking Strategy).

10.12.9 Bicycle Parking: The TTA includes a number of tables (3.4 and 3.5) outlining the proposed level of cycle parking in the context of the requirements of CDP, the Apartment Guidelines and the rates agreed with the Planning Authority in pre-application consultation. Cycle parking for houses will be in-curtilage apart from mid-terrace units (82). A total of 1,092 cycle parking spaces are provide split into 280 short stay and 812 long stay spaces. The applicant points out the level of cycle parking is above the standards set out under the CDP and the recommended levels under the Apartment Guidelines.

10.12.10 CE Report Comment: The CE Report Transport report considers the minimum parking demand for the residential component to be one space per one/two bed units and two space for three bed or more units (1222 total) with the proposed development providing for a rate of 0.9 spaces per one/two bed units, 1.5 spaces per three bed units and 2 space per four bed units. It is considered based on proposed cycling schemes and enhanced cycling connectivity to the town centre the level of residential parking proposed is acceptable. It is considered that parking level for the crèche, retail and office is inadequate in level. It is also stated that the development should facilitate retro fitting of EV parking. The level of cycle parking was considered to be acceptable and in excess of CDP requirements.

10.12.11 Conclusion on Parking: The residential parking rate provision is 1.2 spaces per unit (1010 for 817 units) with a varying mix in unit types as well as the provision of 23 spaces to serve the crèche, retail and office component. The development is located in an area with good public transport provision, and which is accessible within walking distance of the site. The Council through the CE report have indicated that level of residential parking is satisfactory with reservations expressed only in relation to the level of parking for the commercial elements (crèche, retail and

office). Having regard to the accessibility of the site to public transport, the proposal for improved linkages to the town centre and the railway station, provision of pedestrian and cycling linages and provision for car sharing facilities, I am of the view that the level of car parking provided for the residential component is satisfactory. The provision for 23 car parking spaces is 6 short of the maximum standard set down under Table 12.8 of the CDP. As stated the provision of 29 spaces is the maximum standard. I would be of the view that the level proposed is sufficient for a number of reasons. The commercial component for a crèche, retail unit and office is within walking and cycling distance of all units within the scheme as well as walking distance of existing residential development to the north and west. I would consider that this accessibility reduces the need for parking to serve these elements and that the provision of parking allocation for such is not significantly below the maximum standards specified under the CDP. 15 EV parking spaces are proposed, and this is considered to be acceptable, though provision should be made for all spaces to be able to provide for EV parking if necessary in the future and such can be dealt with by way of condition. As stated earlier provision for bicycle parking is well in excess of the standards set out under Table 12.7 of the CDP. I have no reason to recommend a refusal of permission to the Board.

10.13 Infrastructure and Flood Risk

10.13.1 Irish Water and Fingal County Council Water Services Division have reported no objection to this development in relation to the connection to public foul drainage and water supply systems. The Water Services division consider the proposal acceptable subject to provision of a 50m buffer zone around the pumping station. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water has issued a Statement of Design Acceptance and conditions are recommended in the event that permission is granted. Necessary works to connect to the public system (water supply and foul drainage) will be funded by the applicant.

10.13.2 Similarly, Fingal County Council Water Services Division have provided conditions in the event that permission is granted, in relation to surface water drainage serving the development. No capacity constraints have been identified by either body.

10.13.3 A 'Site-Specific Flood Risk Assessment' – prepared by AECOM has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report has regard to the following forms of potential flooding:

- Coastal Flooding: A review of the CFRAM Coastal Map was carried out and indicates no coastal flooding at the subject site. Ground levels on the site are higher than expected extreme coastal events.
- Fluvial Flooding: A review of the CFRAM Mapping was carried out and indicates a low probability fluvial flooding of the subject site. The closest source of fluvial flooding is the River Bracken to the west of the site. Flood risk modelling conducted on behalf of the OPW under the Eastern CFRAM (Catchment Flood Risk Assessment and Management) Study indicates that the development site is within an area with a fluvial flood event AEP of less than 1%. As part of the Castlelands Draft Masterplan a Surface water Management Plan (SWMP) was prepared. An analysis of the Castlelands Stream identified areas classified Flood Zone A and B at the south eastern corner of the site.
- Pluvial Flooding: The Castlelands Draft Masterplan a Surface Water Management Plan (SWMP) and modelling associated with it has identified pluvial flooding along the eastern boundary and at the south western corner.

10.13.4 Climate Change: Full regard has been had to climate change in the consideration of flood risk on site. An allowance of 20% additional flow should be taken for designing for flood events. The system is designed for storms up to and including the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

10.13.5 The initial flood risk assessment found that the risk of coastal flooding ground water was low and that that areas located within Flood Zones A and B in relation to fluvial and pluvial sources are on the margins of the site. The risk of pluvial flooding was found to be low due to the surface water drainage measures on site and SuDs strategy as part of the proposed development. In relation to fluvial flooding all residential development is proposed within lands that are Flood Zone C with green

areas located within the areas classified as Flood Zone A and B. The Flood Risk Assessment refers to Table 1 of the Flood Risk management Guidelines and the definition of land use and type of development in terms of vulnerability to flooding. Any of the development proposals (residential units) that is classified as highly vulnerable under table 3.1 of the guidelines located with Flood Zone C (dwellings, retail, crèche and office). The lands within Flood Zone A and B for the purposes of fluvial flooding will be part of green space and such is classified as water compatible development. Based on Table 3.2, which outlines when a justification test is required based on vulnerability of development, there is no requirement for a justification test on the basis that highly vulnerable or less vulnerable development types are located within Flood Zone C and that land use proposes within Flood Zone A or B is water compatible development.

10.13.6 CE Report Comments: The CE report raises no issues of concern regarding drainage infrastructure flood or capacity issues. The CE report and associated Water Section report do note that the separation distance between the proposed pumping station and the nearest dwelling is 20m and that a distance 50m should be imposed with reference made to Objective WT 12 of the CDP which requires a buffer zone of 35-50m.

10.13.7 Conclusion on Infrastructure and Flood Risk: The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Barnageeragh WWTP and having regard to the submitted information, there is no concern in relation to this facility being able to treat the foul water from this development. The submitted flood risk assessment is thorough and no issues of concern have been raised. I am satisfied that the development can proceed without giving rise to flooding issues in the area. I have no reason to recommend a refusal of permission to the Board due to infrastructure and flood risk. In relation to the separation distance between the pumping station and nearest dwellings, Irish Water have indicated that the level of separation distance between the pumping station and the nearest dwelling is satisfactory and consistent with the appropriate

guidelines (Section 5.5 of the Code of Practice for Wastewater Infrastructure (July 2020)).

10.14 Childcare/Social Infrastructure/Retail:

10.14.1 The development includes the provision of a childcare facility. The childcare facility in the development has a floor area of 869sqm (150 places) with an outdoor area of 279sqm. The application was accompanied by a Community Infrastructure Audit (CIA). The CIA outlines the demographics of the area (based on census data from 2011 and 2016) including population, age profile, social class and educational attainment. The CIA includes an audit of open space and recreational facilities in the area with it concluded that the existing level of recreational facilities is good and will be augmented by additional open space areas provided as part of the development. An audit of childcare facilities within a 2km radius is included with 19 facilities identified and a capacity of 674 places. The applicants' assessment of school children in catchment area is that there is requirement for 655 childcare spaces with provision of 674. It is noted that there is a lack of available capacity in existing childcare facilities. The demand for the proposed development discounts 1 bed units and discounts 50% of the 2 bed units with it calculated that the development generates a childcare demand of 141 spaces. The capacity of the childcare facility is based on provision of floor space of 3-5sqm per child giving a capacity of 150 spaces based on 5sqm per child.

10.14.2 In relation the schools the CIA identifies primary and post primary school facilities in the area with 2,939 primary pupils and 3,545 post primary pupils currently in the school system in the area. The maximum occupancy of the development is estimated as 2,451 persons (based on average households in the area). The estimated demand (based on methodology use by Department of Education and Skills) is c.294 primary and c.208 post primary pupils. The CIA refers to proposed upgrade of existing schools and the provision of lands within the masterplan area for school facilities and concludes that there is sufficient capacity within existing and planned school facilities.

10.14.3 The CIA identifies third level facilities within the town (two) and accessibility to third level institutions in Dublin. The CIA details health facilities within the area concluding it is well served in terms of health care. An audit of meeting hall and facilities is also included.

10.14.4 The third party submissions and the elected members do raise concerns regarding capacity of community infrastructure including healthcare, school demand and childcare provision. The submissions also raise concerns emergency services and in particular the capability of the fire service to deal with buildings of the height proposed. The lack of provision of playing pitches within the application site is also raised in the third party submission. The level of retail use was also criticised in the third party submission with such consider insufficient for a development of this scale.

10.14.5 CE Report Comments: In relation to childcare provision/social infrastructure the CE Report raises no objection and highlights the correspondence (submitted with application) sent to the applicant by the Fingal Childcare Committee welcoming provision of the childcare facility and Department of Education supporting the application. The CIA conclude that this demand can be catered for within the existing and planned school provision in the area.

10.14.6 Conclusion on Childcare/Social Infrastructure/Retail: The application is accompanied by a Community Infrastructure Audit. The applicant has provided a childcare facility that has capacity for 150 places and has outlined the logic for this level of childcare provision based on the likely future demand generated by the proposed development. For the purposes of childcare provision demand is based on two, three and four bed units with a 50% discount of two bed units. Based on the standards under appendix 1 of the Childcare Guidelines and the design of the crèche proposed would cater for 150 children based on between 3-5sqm per child (minimum floor space per child: 2.32 m², exclusive of kitchen, bathroom and hall, furniture or permanent fixtures). I would consider that the demand for childcare as a result of the development is low and that the provision of an on-site crèche facility in conjunction with the level of existing childcare facilities identified under the CIA within the Balbriggan area would be satisfactory to address childcare needs.

10.14.7 In relation to school provision I am satisfied there is sufficient capacity within the existing schools system having regard to planned upgrades to existing schools taken in conjunction with future proposals for a school on the within the lands subject to the Castlelands Masterplan. The overall design of and layout of the proposal provides for the future integration of such into the overall layout with provision for vehicular, pedestrian and cycling connections to the future school site and the surrounding area. In relation to leisure/recreational facilities the provides good quality recreational spaces with a number of recreational/sporting facilities identified in the area in addition to a planned swimming pool facility on the masterplan lands with the development providing for its future integration. In relation to the provision of playing pitches it is notable that the Castlelands Masterplan identifies playing pitch (two pitches) provision to be on the existing green space north of the site at Pinewood Green Lawn and not within the boundaries of the application site.

10.14.8 The proposal entails the provision of a retail unit with a floor area of 616sqm to be sited in Neighbourhood 1 and adjoining the urban square. The particular use of the retail units is not specified however such is likely to be a convenience retail unit servicing the proposed development and adjoining residences. I would be of the view that the level of retail proposed is sufficient to serve the proposed development. Balbriggan is noted as being a Level 3 key urban centre under the retail policy/hierarchy under the County Development Plan and is at high level in the hierarchy with a wide range of retail facilities. I would consider that the provision of a retail unit of the size proposed would be sufficient to meet the needs of the development and would facilitate the provision of a local convenience store.

10.15 Trees and Hedgerow:

10.15.1 An Arboricultural Assessment and Arboricultural Impact and Tree Protection Strategy Report has been submitted. The report identifies 33 existing trees on site with the majority located along the southern boundary and some on the western and eastern boundary. The report classifies the trees based on value/condition. Of the 33 trees, 2 are category A (high quality and value), 16 are category B (moderate quality and

value), 11 no. are category C (trees of low quality) and 4 no. trees are category U (value is dictated by condition, which are in decline and have less than 10 years life). The impact of construction works will be the loss of 3 no. trees with 2 no. category B and 1 no. category C trees requiring removal to facilitate the development. A further 4 no. category U trees are recommended for removal.

10.15.2 The report includes details of mitigation and tree preservation measures during construction to ensure retention of the 26 no. trees out of the 33 identified. These measure include horizontal directional drilling to install storm drain services, fencing/construction exclusion zones and ongoing monitoring of tree condition during construction. The proposed development also includes a comprehensive landscaping scheme including tree planting.

10.15.3 CE Report Comment: The CE Report includes no comment specifically on tree retention, however does not appear to raise any objection to proposal in this regard.

10.15.4 Conclusion on Trees and Hedgerow: The application is accompanied by a sufficiently robust Arboricultural Assessment and Arboricultural Impact and Tree Protection Strategy Report, which identifies and evaluates existing trees on site. The proposal entails the retention of majority of existing trees on site and in addition to such a comprehensive landscaping include extensive planting of trees and vegetation on site. I am satisfied that the level of tree removal is justified in the context of the comprehensive development of the site while at the same endeavouring to retain as many trees as possible.

10.16 Biodiversity

10.16.1 This section should be read in conjunction with the section on Environmental Impact Assessment, which includes a section in relation to biodiversity and deals with potential impact in relation to biodiversity and outlines appropriate mitigation measures if any are required. The application was also accompanied by an Appropriate Assessment Screening report to deal with effects on designated Natura 2000 sites and is dealt with under Section 12. The third party submissions raise a

number of issues relating to biodiversity. These issues include potential impact on bird species with emphasis on curlew as well as impact on wintering birds, which are qualifying interest of designated Natura 2000 sites (herring gull). One of the submissions refers to the presence of two areas of conservation interest adjacent the eastern boundary of the site (calcareous springs, Hampton Spring and Isaac Bowers Spring) and describes these sites as candidate Natural Heritage Areas (cNHA's) with concerns regarding the impact due to changes in hydrology and water quality. Having inspected the npws records for these sites there is no record of these sites having a status of a NHA or pNHA with the nearest such site 2.3km from the site (Knock Lake NHA). Notwithstanding this fact the application is accompanied by an Environmental Impact Assessment, which includes an assessment of the impact of the development in terms of a number environmental factors including biodiversity, water, lands and soils including detailing potential impacts of the construction an operational phase, residual impact, cumulative impacts and mitigation measures if considered necessary. The conclusions of the EIAR in relation these factors is that the development has the potential to impact on water quality through discharges of pollutants during the construction and operational phase, however the proposal entails implementation of mitigation measures during construction to prevent discharge of pollutants and reduction of water quality, surface water drainage systems during the operational phase to prevent pollutants entering the surface water or groundwater.

10.16.2 CE Report Comment: The CE report raised no concern regards biodiversity and recommended a grant of permission.

10.16.3 Conclusion on biodiversity: The application is accompanied by an EIAR, which outlines the potential environmental impacts of the proposed development in the context of a number of factors including biodiversity, water, lands and soils. I would refer to the Section 11, under which an Environmental Impact Assessment is carried out and to the conclusions of such.

10.17 Material Contravention:

10.17.1 The applicant has submitted a 'Material Contravention Statement' of the Fingal County Development Plan 2017 - 2023 prepared by John Spain Associates with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of eight (8) issues have been raised in the applicant's Material Contravention statement as follows:

- Car Parking
- Separation distance (pumping station)
- Public Open Space
- Distance to Open Spaces
- Playground Equipment
- Separation Distances (Back to back)
- Separation Distances (Side to side)
- Distances to Bin Stores

The report outlines the procedure and requirements in relation to Material Contravention.

10.17.2 Car Parking: The parking standards for different development categories is outlined under Table 12.8 of the Fingal County Development Plan 2017-2023. The provision of parking in the entire development is 1,033 spaces. Based on the Table 12.8 the applicant notes the requirement is 1,496 (1,469 for residential and 27 for the crèche/retail). It is noted that parking requirement for crèche, retail and office uses are maximum standards under Table 12.8.

10.17.3 The applicant refers to the level of parking being justified in the context of Section 37(2)(b)(iii) of the 2000 Act with reference to the national planning policy in the form of the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, the Sustainable Residential Development Guidelines (2009) and the Urban Design Manual.

10.17.4 The applicant highlights that development is compliant with Objective 13 of the NPF and consistent with the Design Manual for Urban Streets and Roads (DMURS) in that the use of on-street car parking to serve dwellings at a density of 35-40 units per hectare. The applicant also highlights that the site although peripheral is close proximity to public transport with a number of bus routes. The applicant argues reduced parking is justified on performance based criteria. In relation to apartments the applicant refers to the Sustainable Urban Housing design Standards for New Apartments and refers to the standards under Section 4.21-4.23 for peripheral and/less accessible urban locations. The applicant argues that the location and accessibility to existing public transport in the form of bus and rail infrastructure justifies a lower parking level and is consistent with the recommendation of national policy.

10.17.5 Separation Distance (pumping station): Objective WT 12 of the CDP states is to “establish an appropriate buffer zone around all pumping stations suitable to size and operation of each station. The buffer zone should be a minimum of 35 metres-50 metres from the noise/odour producing part of the pumping station to avoid nuisance from odour and noise”. The proposed development provides for a buffer zone of 20m between the proposed pumping station and the nearest residential units.

10.17.6 The applicant considers that this deviation from the objective is justified in the context of Section 37(2)(b)(iii) of the 2000 Act. The level of separation is compliant with Irish Water’s standards (Code of Practice for Wastewater Infrastructure (July 2020)), which are national standards and efficient use of land is consistent with Objective 3a of the NPF and Section 5.9 of the Sustainable Residential Development in Urban Areas guidelines. The applicant also notes that an increased level of sterilised land for buffer zone would reduce density to sub-optimal level in conflict with national policy under the NPF and the Sustainable residential development in Urban Areas. The applicant notes Section 5.5 of the Code of Practice for Wastewater Infrastructure and the fact that Irish Water made a submission on the Draft County development Plan recommending that a buffer zone of 35-50m should be removed.

10.17.7 Open Space: Objective OM52 of the CDP is to “require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of 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 few bedrooms”.

Objective DMS57 states the same objective for open space. Based on these objectives the requirement for public open space is 5.08 hectares, c. 20% of gross site area. The proposed development provides for a total of 4.48 hectares of public open space broken down into the following...

Area zoned OS 1.5 hectares

Pubic Open Space 2.16 hectares

Urban Plaza 0.1 hectares

Green fingers 0.72 hectares

10.17.8 The applicant considers that this deviation from the objective is justified in the context of Section 37(2)(b)(iii) of the 2000 Act. The applicant refers to national policy and the Sustainable Development in Urban Area Guidelines (2009) which under Section 4.20 recommends that in greenfield sites 15% of the total site area is provided as public open space and under Section 4.21 where consideration is flexibility in quantitative standards is taken into account when in proximity to existing public open space/amenity or park facilities. The applicant notes that the national guidelines do not exclude areas zoned open space from consideration as public open space. With the area zoned OS to the east of the site the level of public open space provided is 17.7% of the site area and is an appropriate level based on the recommended standards under the Section 28 guidelines in the form of the Sustainable Development in Urban Area Guidelines (2009).

10.17.9 The applicant refers to NPF Objective 3a and requiring delivery of 40% of all new homes nationally within the built up envelope of existing urban settlements. The applicant states that proposal is consents with this objective and provision of 5 hectares of open space would fail to provide optimal use of the lands in question.

10.17.10 The applicant refers to Objective DMS57A of the Development Plan, which allows for a financial contribution in lieu of the required standard payable towards upgrade of parks/recreational facilities in the area where the minimum of 10% of site area is provided. Fingal County Council have indicated that a financial contribution is appropriate in this case and the applicant is willing to accept such.

10.17.11 Distance form Public Open Space: Objective DMS59 is to “ensure that every home within a new residential scheme is located 150 metres walking distance of a pocket park, small park, local park, urban neighbourhood park or regional park”. Not all units are within 150m of a park with approximately 90% of the units complying with this standard.

10.17.12 The level of The applicant considers that this deviation from the objective is justified in the context of Section 37(2)(b)(iii) of the 2000 Act. The applicant refers to the national policy and the Sustainable Development in Urban Area Guidelines (2009) which under Section 4.20 recommends that in greenfield sites 15% of the total site area is provided as public open space and under Section 4.21 where consideration of flexibility in quantitative standards is taken into account when in proximity to existing public open space/amenity or park facilities. The applicant argues that the proposal provides an appropriate level and public open space in the context of Section 28 guidance.

10.17.13 The applicant highlights that a local park is provided in conjunction with a pocket park and all residential units are within 400m of the local park. The development is also close to a number of proposed and planned amenity spaces/recreational facilities as identified in the Community Infrastructure Audit.

10.17.14: Play equipment: Objective DMS76 of the Development Plan is to “ensure that in the instance of equipped playground being included as part of a specialty facility, it shall occupy an area of no less than 0.2 hectares. A minimum of one piece of play equipment shall be provided for every 50sqm of playground”. The proposed

development provides 3,268sqm of play space on the basis of 4sqm per each of the 817 residential units and on this basis would require 65 no. of pieces of play equipment. The proposal provides 32 pieces of play equipment with the proposed play areas meeting the minimum threshold of 0.02 hectares.

10.17.15 The applicant states that the proposed development is justified in the context of Section 37(2)(b)(iii) of the 2000 Act. The applicant refers to Section 4.21 of the Sustainable Development in Urban Area Guidelines (2009) where consideration is flexibility in quantitative standards is taken into account when in proximity to existing public open space/amenity or park facilities. The applicant highlights that the local park provided is designed for all ages and provides for a variety of spaces that would serve as play spaces. The proximity to the town centre and a number of existing and planned open spaces. The recreational spaces provided are considered to be sufficient to cater for the play needs of the future population at this location.

10.17.16 Separation Distances (Back to Back): Objective DMS28 of the County Development Plan states that “a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs”. There are a three circumstances where separation distances of back to back units are less than 22m and such are identified

10.17.17 The applicant states that the proposed development is justified in the context of Section 37(2)(b)(iii) of the 2000 Act. The applicant refers to national policy in the form of the Sustainable Development in Urban Area Guidelines (2009) and the Urban Design Manual and in particular criteria 10 Privacy and Amenity. The development is design to ensure adequate privacy and amenity. The applicant also refers to the NPF Objective 13. The applicant argues that provision of the separation distances at every location would reduce the capability of developing the site and reduce density.

10.17.18: Separation Distances (Side to Side): Objective DMS29 of the County

Development Plan is to “ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units”. There are a number of instances within Neighbourhoods 3, 4 and 5 where separation distances are less than 2.3m (15 instances) and the access provided is to a communal space or a shared laneway providing combined access to more than one garden.

10.17.19 The applicant states that the proposed development is justified in the context of Section 37(2)(b)(iii) of the 2000 Act. The applicant refers to national policy in the form of the Sustainable Development in Urban Area Guidelines (2009) and the Urban Design Manual and in particular criteria 10 Privacy and Amenity. The development is designed to ensure adequate privacy and amenity. The applicant also refers to the NPF Objective 13. The applicant argues that provision of the separation distances at every location would reduce the capability of developing the site and reduce density.

10.17.20 Bin Storage Distances: Objective DMS37 of the County Development Plan is to “ensure the maximum distance between the front door to a communal bin area does not exceed 50m. There are some locations where travel distances are more than 50m.

10.17.21 The applicant states that the proposed development is justified in the context of Section 37(2)(b)(iii) of the 2000 Act with reference to national policy under the National Planning Framework, the Sustainable Residential in Urban Area Guidelines (2009) and the Apartment Design Guidelines with reference to recommendation regarding bin storage. The applicant notes that the material contravention in the instances identified are justified on the basis of urban design and amenity issues that would be impacted by provision of bin storage in certain locations.

10.17.22 CE Report Comments: The Planning Authority through the CE Report did not identify any issue that were regarded as material contraventions. On the issue of car parking the CE report and associated Transportation report identifies the appropriate level of parking, which are below the standards set out in Table 12.8 of the Development Plan (proposed levels are marginally below the standard identified). In relation to public open space, the CE report identifies that the level of public open space proposed is satisfactory subject to the application of a development contribution for upgrade of local parks/recreational amenities in lieu of provision of open space at a standard of 2.5 hectares per 1000 population. No objection is raised to the overall layout in regard to separation distances (either back to back or side to side), distance from bin storage, distance from open space and the level of playground equipment. The CE report does express the view that the separation distance a distance 50m from the pumping station and nearest dwelling should be maintained (advocated by Water Services section).

10.17.23 Conclusion on Material Contravention: I note the comments of the applicant, however I am satisfied that there is no material contravention issues in this case. I note the parking standards (Table 12.8 of the CDP) are a mixture of maximums and norms and flexibility is provided for with it clearly stated under Section 12.10 Movement and Transport (Transportation-Car Parking) that “car parking standards provide a guide as to the number of required off-street parking spaces acceptable for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport”. I would refer to my assessment of the level of parking under 11.11 that assesses the level car parking in terms of the proper planning and sustainable development of the area.

10.17.24 In relation public open space I would note that there is provision for flexibility on the basis of subject to the application of a development contribution for upgrade of local parks/recreational amenities in lieu of provision of open space at a standard of 2.5 hectares per 1000 population. The CE report recommend application of such a

condition in relation Bremore Park and the applicant has indicated a willingness to accept such a condition.

10.17.25 In relation separation distance from a pumping station, separation distance (back to back and side to side), distance form bin storage, distance form open space and amount of playground equipment, these are development standards and I would consider that a degree of flexibility as is appropriate where a development is otherwise consistent with proper planning and sustainable development and the preservation and improvement of amenities. In relation to separation distances under this Section (Pg 421) the plan states that “in certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development”. In the previous section of this report outline how the proposal would be consistent with proper planning and sustainable development and provide a good standard of design and layout. I would be of the view that none of the eight issues identified as possible material contraventions of the County Development Plan are material contraventions and I would not recommend that the Board invoke the provisions of section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

11.0 Environmental Impact Assessment

11.1 Statutory Provisions

11.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

11.1.2 Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

- Construction of more than 500 dwelling units ...

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The development would provide 817 no. dwellings on a site of 25.33 ha on zoned lands in an established urban area. The proposal therefore exceeds the threshold of 500 dwellings and an EIA is mandatory.

The EIAR includes assessment of the advance infrastructural works subject to ref no. ABP-312529-22, which are required to facilitate development of the lands subject to ref no. ABP-313210-22. Both projects are considered to comprise the one project and are assessed as such for the purposes of EIAR. Reference to the project site during my assessment includes both the site subject to the current application, ABP-313210 and ABP-312529-22. It is notable that ABP-312529 has been decided and permission has been granted and this application was also accompanied by an EIAR.

11.1.3 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out previously in this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Non-Technical Summary
- Environmental Impact Assessment Report
- Environmental Impact Assessment Report Appendices
- Section 1.9 of the EIAR describes the expertise of those involved in the preparation of the report.
- Chapter 16 of the EIAR provides a summary of Mitigation and Monitoring Measures.

The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Health
- Archaeology
- Biodiversity
- Water
- Lands and Soils
- Noise and Vibration
- Air Quality and Climate
- Material Assets-Traffic
- Material Assets-Utilities
- Material Assets-Waste and Recycling
- Landscape and Visual Impact
- Risk Management
- Interactions of the Foregoing

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.2 Alternatives:

11.2.1 Chapter 2 of volume 1 of the EIAR provides a description of the project and alternatives studied by the developer and the reasons for their 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 residential 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.

11.3 Assessment of the Likely Significant Direct and Indirect Effects

11.3.1 The likely significant effects of the development are considered under the headings below which cover the factors set out in Article 3 of the EIA Directive 2014/52/EU.

11.4. Population and Human Health:

11.4.1 The site is within the development envelope of Balbriggan with existing urban development (residential) located to the north and west of the site. Section 3.3.3 relate to social patterns with the population stats indicating that the population of Balbriggan has increased from 19,960 under the 2011 census to 21,723 under the 2016 census. This is an increase in 3.7% and is similar to the population increase in the state over the same period (3.8%) and lower than population increase for Dublin County (5.8%) and the Fingal Area (7.6%)

11.4.2 The impacts of an increase in the population within the site will be gradual during the completion of the development. The population of the development will therefore be significant and positive particularly in the context of current housing demand and taking account of the subject site's location in close proximity to public transport links. There may be short term impacts on human health during the construction phase, such as construction noise, dust, traffic, waste generation and potential impacts on water quality, which are dealt with in the relevant EIAR chapters. The construction phase is split into 3 phases and is anticipated to take 90 months (phase 1 30 months, phase 2 36 months and phase 3 24 months). The completed development is unlikely to cause any adverse impacts on the existing and future residents of the locality in terms of human health. There will be positive impacts associated with improved pedestrian and cycle permeability and increased spending power in the local economy. The development will also provide a crèche, commercial

development and public open spaces. The increased population will contribute to community and social infrastructure. No significant impacts on air quality or climate are envisaged. No significant cumulative impacts are envisaged. Mitigation measures relating to health impacts are outlined in other EIAR chapters. In relation to population, the residual impacts of a large population increase are long term and positive. For human health, the potential for improvements in health relate to the improved access to open space and services. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

11.5 Archaeology and Cultural Heritage

11.5.1 The lands were previously part of Hampton Demesne (NIAH 2192). Remnants of the planned landscape associated with the demesne include a stone wall on the western limit and gates at the north and south boundaries. The majority of the site is in agricultural use (cabbages) with the area of the link road between existing housing development consisting of gravel track. There are no national monuments within a 1km study area of the subject site. In relation to recorded monuments (section 4.4.5), there are no recorded monuments within the subject site with the nearest being a redundant record 128m to the south east (DU005-056, basalt boulder removed to alternative site), the next nearest is an enclosure located 156m to the south of the line of link street and 200m west of the main project site. The project site is not part of an ACA, however there are three within a 1km study area from the site with the nearest being the Ardgillan Demesne associated with Ardgillan Castle to the south. There are two urban ACA's within 1km of the site (14-28 Hampton Street and Balbriggan Town Core). There are no protected structures within the site boundary with 32 identified in the 1km study area around the site. The nearest protected structure is located 420m to the southeast Hampton Hall and Hampton Hall Farm (the protected structures within 1km of the site are listed under section 4.4.7). There are four structures not included on the record of protected

structures that are listed in NIAH within the 1km study area with the nearest to the project site being 735m to the northwest. There are two planned landscapes identified on the NIAH Gardens Survey within the 1km study area (Hampton Demense and Ardgillan Castle).

11.5.2 Section 4.412 identifies previous archaeological excavations within the study area. 8 previous excavations have been identified with the study area with one within the project site in 2018 that included geophysical survey of the project site. Four areas of archaeology were identified with the remnants of a fulacht fiadh/burnt mound dating from bronze age each of the four areas. Other archaeological investigations are outside the project site.

11.5.3 Potential impacts are all during the construction phase and with potential for disturbance and removal of sub-surface archaeological remains. The site has been previously subject to archaeological excavation with the four areas of archaeological remains uncovered classified as being of local and low importance. There is potential to uncover additional archaeological remains on site and such could be impacted by the construction phase. The proposal entails removal of the existing boundary wall and two gates previously associated with the Hampton Demesne, which are assessed as being low importance/local interest. Mitigation measures proposed include preservation by record of all previous archaeological remains uncovered, preservation by record of the boundary wall and gates associated with the Hampton Demesne. It is proposed to engage in archaeological tests at pre-construction phase and archaeological monitoring of all works.

11.5.4 I have considered all the submissions and having regard to the above, in relation to Archaeology, Architectural and Cultural Heritage. I am satisfied that impacts predicted to arise in relation to cultural heritage and archaeology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of architectural or cultural heritage and archaeology.

11.6 Biodiversity

11.6.1 EIAR Chapter 5 evaluates impacts on habitats, flora, and fauna, based on site surveys comprising a Terrestrial Ecology/Bat Fauna survey of the site on the 28th May 2020, 5th July 2021 (terrestrial Ecology/Bat Fauna) and 11th September 2021 (terrestrial ecology only), Mammal survey on the 17th March 2020 and 18th March 2021 and Wintering Bird survey on the 17th March 2021. The development site is not within or immediately adjacent to any site that has been designated as a SAC or a SPA under the EU Habitats or EU Birds Directive, or to any nationally designated NHA/pNHA. There are 12 no. NHA/pNHAs within 15 km of the site, as listed in EIAR Table 5-2b. There are no NHA/pNHAs with direct source – pathway – receptor linkages to the development site with any linkages being indirect hydrological connections to the marine based pNHAs/NHAs, with the nearest being approximately 8 km away. Impacts arising from run-off during construction / operation are unlikely given the downstream distance. The closest water body to the site is the Castlelands Stream, which is located along the southern boundary of the site and drains into the marine environment. The main habitat present at the development site is Tilled Land (BC3), with the two largest fields making up the site consisting of such, the next most prevalent habitat is Horticultural Lands (BC2) with the westernmost field and section of site on the eastern side of the R127 consisting of such, as well as a portion of link road site. The remainder of the project site consists of recolonising bare Ground (ED3), part of the link road site and adjoining Pinewood Heath), Dry meadows and grassy verges/scrub (GS2/WS1), part of link road site), Built Land (BL3), part of link street, hedgerows (WL1) and mixed broadleaved/conifer Woodland (WD2) along the southern boundary.

The bat surveys noted three bat species on site

- Common pipistrelle (*Pipistrellus pipistrellus*).
- Soprano pipistrelle (*Pipistrellus pygmaeus*)
- Brown long-eared bat (*Plecotus auratus*)

Trees of bat roosting potential are identified along the perimeter of the site (south).

11.6.2 In regards to habitat the majority of the site is horticultural land, tilled land and recolonising bare ground with the most significant habitats being hedgerows and a wooded area along the southern boundary of the site/the Castlelands Stream.

No plant species of conservation value were recorded and no invasive species are present on the project site.

No terrestrial fauna of conservation importance, no mammal burrows or badger activity noted on site. The common frog was not observed on site and no common lizard or smooth newt recorded on the project site.

11.6.3 In relation to bird species Table 5.5 lists bird species noted in the vicinity of the proposed development. Assessments of biodiversity included a wintering bird assessment. Notable species curlew, redshank and herring gull were observed foraging on the northern margin of the project site. A regularly used roost site is located on eastern margins of the development site with species observed using it including curlew, herring gull and great black-backed gull. There is amenity grasslands within 500m of the development site that support roosting and foraging flocks of curlew, oystercatcher, redshank and herring gull. Foraging flocks of herring gull and curlew were also noted within the proposed development site. It is noted that curlew are a red listed species, however are not a qualifying interest of any designated European Site. It is noted that redshank are also a red listed species and are a qualifying interest of Rogerstown Estuary SPA, 9.9km from the site.

11.6.4 Construction impacts on conservation sites is not anticipated with no the project site overlapping any such sites and connection to such sites being indirect connections. Any potential impact on water quality and subsequent impact on conservation sites is anticipated to low due mitigation measures for surface water drainage during construction/distance from the conservation sites. In relation to bird species the construction impact will result in loss of some foraging and roosting habitats in an area with numerous similar habitats in the vicinity. No impact will occur on terrestrial mammals with no species of conservation importance noted on site. In relation to

bat species there is potential for light to impact on foraging. No bat roosts or trees suitable for roosting will be removed.

11.6.5 Operational impacts are not anticipated with the development connected to separate foul and surface water systems and surface water measures to prevent contamination and maintain greenfield run-off rates. The landscaping elements of the proposal will improved biodiversity on site with mitigation measures proposed to offset nesting and forging loss for birds.

11.6.6 The EIAR includes an assessment of cumulative impact of permitted and proposed development in the vicinity with it noted there are no developments in such proximity to have a cumulative impact. It is notable that the EIAR considers impact of both the proposed SHD site and advanced infrastructural works site.

11.6.7 Mitigation Measures include surface water management/construction management measures during the construction phase to prevent discharge of any polluting material to adjoining watercourses and groundwater. Specific biodiversity measures proposed include retaining hedgerows and tress where possible including the trees and woodland area along the southern boundary. The proposal also entails significant additional planting and landscaping on site including native species to enhance biodiversity. Specific mitigation measures in relation to bats include retention of existing trees and no loss of roosts or potential roosts, protection of the foraging area to the south from light spill during construction and operation (no lights directed south during operation) and carrying out a post construction light assessment in compliance with the Bats & Lighting Guidance. In regard to bird species measures include retention of trees and hedgerow and removal of potential nesting habitats outside of breeding season (pre-checks by qualified ecologist).

11.6.8 I have considered all of the submissions and having regard to the above, I consider that the EIAR is based on adequate survey information, noting in particular the habitat surveys, bat survey and topographical information on file. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity

would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

11.7 Water

11.7.1 The development site is within the Nanny-Delvin catchment and the Palmerstown sub-catchment. The Castlelands Stream flows along the southern perimeter of the project site and enters the site for approximately 50m) and discharges to the marine environment to the east of the site. There is no EPA Quality rating data for the stream. The Coastal Waterbody WFD status of the north western Irish Sea to the east of the site is 'High' and is defined as 'Not at Risk' under the third cycle of the WFD. There would be a direct hydrological connection between the site and this open watercourse through the local surface water drainage and indirect connection to the marine environment. The site is underlain by a PI-poor aquifer with groundwater vulnerability classified moderate, high and extreme across the site. Groundwater flow on site is eastwards. There are no boreholes/wells within the project site. A Flood Risk Assessment has been carried out of the site and the vast majority of the site is within Flood Zone C. there are portions of the site within Flood Zone A and B adjoining the stream to the south of the site. Surface water drainage in the area consist of the Castlelands Stream to the south of the site and an independent surface water network serving existing residential development to the north of the site. Foul drainage in the area consists of an existing foul gravity sewer serving residential development to the north, an existing foul gravity sewer serving residential development to the south west of the site and an existing rising main traversing the project site convincing with the route of proposed Castlelands Link Street. The rising main discharges to a wastewater pumping station to the west of the site. Foul drainage is to the Barnageeragh WWTP.

11.7.2 Potential impacts on water relate to contamination during construction, including as a result of increased sediment loading in runoff and as a result of spillages. The EIAR details surface water management measures during the construction (as per the CEMP) and operational phases of the development. The construction phase

does not involve any significant dewatering. The surface water drainage strategy for the completed development includes SuDS measures, noting that there are no SuDS measures at the site at present, hence lowering the strain and the pollution content on the existing public sewer notwithstanding the proposed increase in hardstanding area. The development will connect to the existing foul sewer and public water supply. Foul water network will flow by gravity towards the south eastern part of the site and a proposed pumping station, which will pump effluent westwards to link into the existing combined sewer that discharges to the Barnageeragh WWTP. EIAR section 6.3.2 notes that the Barnageeragh WWTP is operating within capacity (70,000OE) and has it compliance status (required to operate under an EPA licence and subject to Annual Environmental Report). No significant residual impacts are predicted for the construction or operational phases. No impacts are expected on marine based SPA / SAC / pNHA, given the potential loading and the distance from source to the designated sites. No significant cumulative impacts are identified. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to water would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water.

11.8 Land and Soils:

11.8.1 The site slopes from west to east gradually down from west to east towards the R127 and the coastline. The site is bounded by existing residential development to the north and west, and agricultural lands to the south and east. There are no recorded landfills or licensed waste facilities in the vicinity of the site. Ground investigations carried out at the site in 2020, including borehole drilling, subsoil sampling and groundwater monitoring, found made ground underlain by firm sandy and/or gravely tills and clay deposits. Bedrock was encountered at depths between 2.7-7.9 m below ground level (bgl). The relevant GSI Bedrock Geology Map indicates that the site is underlain for the most part by the Skerries Formation consisting of blue-grey laminated siltstone and sandstone. A portion of the site to the northwest is underlain by the Balbriggan Formation comprising variable coloured

mudstone. The 2020 site investigations analysed soil and groundwater samples from throughout the site for a suite of parameters relating to total pollutant content for classification of materials as hazardous or non-hazardous. The analysis did not identify any significant contamination in any of the samples tested.

11.8.2 The potential impacts identified primarily relate to the site preparation, excavation, levelling and infilling activities during the construction phase. The ground works will excavate the site above bedrock level with no dewatering required. A process of cut and fill will be employed to level the footprint of the proposed structures. Approximately 261,000 m³ of soils will be excavated or cut with approximately 170,900m³ used for fill. It is anticipated that approximately 101,900m³ of the excavated material can be reused onsite and approximately 69,000m³ of geotechnical-suitable material will be imported to the site. Details of the storage and management of spoil, aggregates and imported material are provided, as well as other construction management measures including management of potential spillages, dust emissions, and surface water runoff, to be detailed in the CEMP. The completed development will result in an increased hardstanding area, which will have a minor effect on local recharge to ground, however, the impact on the overall hydrological regime is assessed as insignificant. No significant residual or cumulative impacts are identified.

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

11.9 Noise and Vibration:

11.9.1 EIAR Chapter 8 considers the following matters with respect to noise impacts:

- The receiving ambient noise climate in the vicinity of the development

- Assessment of potential noise and vibration impacts associated with the development, primarily during the construction phase
- Assessment of noise from existing sources inward on the development

The baseline noise environment at the site is established by a noise survey carried out at seven locations in and around the site, including during night time hours. The nearest Noise Sensitive Receptors (NSR's) are existing residential development to the north (Pinewood Heath) and west (Ardgillan). The primary noise sources observed related to existing traffic noise and rail noise. The results of noise surveys and mapping of the site shows that the majority of the site currently falls within desirable low (50 dB(A) L_{night} and <55 dB(A) L_{day}) under the WHO Guidelines (Environmental Noise Action Plan 2018-2023). Parts of the site within 50m of the rail line along the eastern boundary and in particular within 25 of the rail line fall within the undesirable night time noise levels (>55 dB(A) L_{night}) while no parts of the site fall within the undesirable daytime noise levels (>70 dB(A) L_{day}) under the WHO guidelines.

11.9.2 Potential noise and vibration impact during the construction stage entail short term noise generation by the site development works and associated equipment and machinery. The applicable noise criteria is BS5228:2009 and A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites-Noise. These guidelines outline threshold values for significant effects on dwellings in categories appropriate to ambient noise level. Category A with a daytime threshold level of 65 dB(A) would apply in this case. Reference is also made to the TII publication, Good Practice Guideline for the Treatment of Noise during Planned Road Scheme, March 2014. It is noted that Phase 0 of the project entails mostly construction of the road (Castlelands Link Street) and the TTI acceptable level for construction as the nearest receptors are outlined.

11.9.3 The applicable vibration guidance are under 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. Table 8.13 sets out vibration guide for cosmetic damage to buildings and Table 8.14 sets out vibration criteria in the context of potential impact human beings.

Chapter 8 set out potential impact of construction in terms noise and vibration for the different phases of the development (Phase 0, Phase 1-3). In relation to noise the EIAR sets out the threshold levels for construction works at various NSR's (existing housing adjoining the site) based on existing ambient noise levels. There is potential for exceedance of these threshold levels due to some construction activity (rock breaking and night-time works. There is also potential for noise impact by construction traffic. The construction phase would also have an impact in terms of vibration due to activity of construction works and machinery and in particular the vibration impact of bored piling to facilitate the bridge over the railway line.

11.9.4 Impact in terms of noise and vibration during the operational phase will be in form of increased traffic in the area with such increasing traffic noise in the area. In particular noise sensitive receptors to the north and south of the route of the link roads proposed. The impact of increase in noise levels in terms of traffic is not anticipated to be significant.

11.9.5 Cumulative impacts are ruled out with no permitted development adjacent the site (nearest application still pending decision, the advance infrastructural works subject to ref no. ABP-312529-22 are considered as part of the overall project subject to the EIAR).

11.9.6 The impact of inward noise from the rail line on units to the east of the site is assessed. The Assessment uses the UK ProPG: Planning & Noise New Residential Development (2017) guidelines to assess impact of inward noise. The noise surveys on site indicate that units within 50m of the rail line are at low to medium risk of inward noise from the rail line with the remaining units on the site outside this radius at negligible risk of inward. The EIAR includes an assessment of inward noise for the

external amenity areas within the overall scheme (based on BS8233:2014) with a threshold level of 50-55 LAeq, 16hr threshold. The results show some of the external spaces experience above the threshold level (playground Neighbourhood 3, peripheral jogging path adjoining rail line, Neighbourhood 2 pocket park, neighbourhood 1 Urban Sq and neighbourhood 1 green finger). The assessment notes that the noise impact is not constant and the majority of the time is not impacted by rail noise. In terms of inward noise to the proposed units the assessment uses the UK ProPG: Planning & Noise New Residential Development (2017), BS8233:2014 to outline the recommended indoor ambient noise levels targets and in turn external noise levels required to achieve these targets with partially open window. The results for various neighbourhoods is in Table 8.27 of the EIAR. The results indicate that the vast majority of the development will achieve satisfactory inward noise levels with partially open windows. There are circumstances where the levels of inward noise will exceed target levels and concern units with facades facing the link street and rail line (indicated on figure 8.14).

11.9.7 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. In relation to inward noise it is noted that the majority of time noise impact from the rail line will not be a factor. Specific measures are proposed to including install of glazing with acoustic properties, provision of higher balustrades for balcony areas adjoining the rail line of higher height and satisfactory acoustic standards, location of plant equipment with regard to noise sensitive receptors and regard to be had to the design of units adjoining the railway line in terms of ground borne vibrations. I am satisfied that the proposed development subject to implementation of the mitigation measures proposed would not have any unacceptable direct, indirect or cumulative effects in relation to noise and vibration.

11.10 Air Quality and Climate

11.10.1 The proposed development consists of the construction of 817 residential units and associated infrastructure including an associated link street. Impacts during the construction phase is mainly confined to dust generation associated with construction works including demolition, excavation, construction and vehicular movements. During the operational phase impacts predicted relate to emissions associated with increased traffic on the local road network adjoining link road 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 operational phase of the development will give rise direct impacts on air quality from road traffic emissions in addition to increased CO2 emissions from occupation of the residential development. The development does not require a gas connection with use of heat pumps and dwellings will have at least an A2 rating. In terms of potential cumulative impact the construction phase and such impacts are temporary in nature. In terms of operational impacts the development will increase traffic flows.

11.10.2 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. 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.

11.11 Material Assets-Traffic

11.11.1 This section deals with traffic impact and outlines a description of the proposed development and the adjacent SHD development it serves. This section outlines existing public transport infrastructure (bus and rail) 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 report 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. The TTA also includes a framework for preparation of a Construction Traffic Management Plan and the EIAR includes an estimation of construction traffic. 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.

11.11.2 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.

11.12 Material Assets-Utilities

11.12.1 The proposed development would increase the stock of housing and service facilities in this part of Balbriggan. 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. 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.

During the operational phase 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 with no impact during the operational phase with the 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 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 to 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.

11.12.2 Mitigation measures during the construction phase include pollution

control/sediment management measures for excavation, surface water drainage, and plant and machinery. In relation to utilities and telecommunications coordination with the relevant utility providers will be implemented. In relation to the operational impact the proposed development mitigation measures for various aspects of the built environment are outlined in other chapters of the EIAR (6, 7, 8, 9 and 16) 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 (Utilities).

11.13 Material Assets-Waste and Recycling

11.13.1 EIAR Chapter 12 outlines potential waste generation and proposed waste management measures for the construction and operational stages of the development, including site excavation and demolition of the existing on site. Waste generated during construction will be managed according to a proposed project specific Construction and Demolition Waste Management Plan (CDWMP) and during operational phase waste will be segregated with provision for bin storage in curtilage as well as communal bin stores throughout the development. No significant residual or cumulative impacts are predicted. I have considered all the

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

11.14 Landscape and Visual Impact

11.14.1 EIAR Chapter 13 outlines the findings of the LVIA, as discussed in detail in section 11.9 above. Chapter 13 of the EIAR relates to Landscape and Visual Impact.

Landscape and visual impact is discussed above in Section 11.9 and is informed by this section of the EIAR. 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 consists of infrastructural works in the form of a road with footpaths, cycleway and landscaping and the 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 an 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.

11.14.2 The LVIA includes assessment of the development from 12 viewpoints located to the north, south east and west of the site including two viewpoints along the R127 to the east and from the coastline to east of the site. 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 impact from three of the viewpoints is classified as none or slight adverse (4, 5 and 12), moderate adverse from five viewpoints (1, 2, 7, 9 and 10), significant/significant adverse from four viewpoints (3, 6, 8 and 11). In terms of cumulative impact the only development in close enough proximity is a

proposal for 99 dwelling under ref no. F21A/0280 to west at Castelands Park and is currently pending decision. This development is assessed as continuation of existing urban development at this location and is not considered to have a significant cumulative visual impact with the proposed development. There are structures of varying height proposed with the majority of structures, two-storeys in height, which is a continuation of the pattern of development. Any structures of height above three-storeys are located within the site and surrounded by two-storey development and strategically located adjacent the urban square and commercial element, along the link street and at corner elements.

11.14.3 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.

11.15. Risk Management

11.15.1. 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. EIAR Chapter 14 Risk Management) deals with the risk of major accidents and disasters. The surrounding environs consists of a mix of residential and agricultural land uses. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, at the development site and none within a 10km radius of the application site. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.16 Interactions of the Foregoing

11.16.1 EIAR Chapter 15 examines interactions between the above factors. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

11.17 Cumulative Impact:

11.17.1 I have addressed the cumulative impacts in relation to each of the environmental factors above. I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impacts.

11.18 Reasoned Conclusion on the Significant Effects:

11.18.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR including EIAR Chapter 16 Summary of EIAR Mitigation and Monitoring Measures, to the supplementary information which accompanied the application, and the submissions from the planning authority, observers, and prescribed bodies 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 on lands zoned for housing, increased economic activity and with the provision of new public open space. Capacity is identified in relation to social infrastructure to support the future population of the development. Mitigation has

been incorporated through the application of measures in a Construction Management Plan to reduce impact upon human health. The overall design including terms of energy efficiency and material finish is also highlighted as mitigation. The proposal would not be likely to have significant effects in relation to population and human health.

Land, soils, geology, water, air quality and climate - with the implementation of construction management measures, as well as surface water management, attenuation, drainage of foul waters and through the design of buildings the proposal would not be likely to have significant effects in relation to land, soils, geology, water, air quality and climate.

Noise and vibration – during the construction phase, negative impacts are anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction Management Plan. During the operational phase, sound insulation/acoustic measures will be incorporated into the buildings to reduce inward noise impact from the rail line. With mitigation in place, impact during operational phase will be neutral, long-term and ranging from imperceptible. The proposal would not be likely to have significant effects in relation to noise and vibration.

Biodiversity – with mitigation in place, no long-term significant impacts are expected. No residual impact upon internationally or nationally significant receptors will arise with mitigation in place. Residual impact upon biodiversity will be locally significant, with suitable mitigation in place to reduce impact on high value receptors. Mitigation includes the implementation of measures to limit and control impact during the construction phase, including measures to protect trees and reduce risk of discharge from the site, and ensure sensitivity to birds and bats. Removal of vegetation will be avoided during bird breeding season or require inspection by an ecologist prior to removal. During the operational phase, the incorporation of a range of measures including landscape management will reduce impact. The proposal would not be likely to have significant effects in relation to noise and vibration.

Archaeology and cultural heritage - no significant permanent adverse impacts upon archaeological cultural heritage are anticipated, with the application of mitigation measures including archaeological monitoring. The proposal would not be likely to have significant effects in relation to archaeology and cultural heritage.

Material Assets – transport – in relation to transport, during the construction phase there will increased levels of construction traffic, such will be temporary in nature and the construction of the development is phased. During the operational phase there will be an increase in traffic associated with the proposed development however such impact will be not be significant with the proposal providing a link to the R127 improving traffic distribution, improved pedestrian and cycling linkages, a development that is accessible to existing public transport infrastructure and a development that will operate within the capacity of the local road network. In relation to transport, implementation of mitigation measures including management of construction traffic. The proposal would not be likely to have significant effects in relation to transport.

Material Assets – Utilities and waste – in relation to utilities, during the construction phase, service disruption maybe unavoidable, but will be temporary, and impact is concluded to be imperceptible. No significant adverse impacts are anticipated in relation to utilities during the operation of the development, with positive effect concluded as a result of the expansion of the network. In relation to waste, implementation of mitigation measures including waste management during construction and operation, ensure imperceptible and neutral impact would result from the proposed development, over the short-term period during construction and a long-term period during operational phase. The proposal would not be likely to have significant effects in relation to utilities and waste.

Landscape and visual impacts – During construction, negative visual impact will be short-term and mitigated through construction management measures. During the operational phase the development will alter the character of area however

provides for continuation of existing residential development whose visual impact will be mitigated by proposed landscaping proposals. The proposal would not be likely to have significant effects in relation to visual impact.

11.18.2. Having regard to the above, I consider that the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed.

12.0 Appropriate Assessment

12.1 Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has engaged the services of Altemar Marine & Environment Consultancy, to carry out an appropriate assessment screening. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

12.2 Compliance with Article 6(3) of the EU Habitats Directive

12.2.1 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.

12.2.2 The subject site with a stated area of 25.33 ha, located at Castlelands, c 1 km to the south of Balbriggan town centre. The lands which are irregular in configuration comprise greenfield undulating lands which originally formed part of the Hampton Demesne, which adjoins to the south. The lands are elevated with exceptional views over the coast to the east. The lands are bound to the north and west by existing residential areas of Pinewood, Hampton and Castlelands, to the south by Hampton Demesne and Ardgillan Castle and Demesne and to the east by the Dublin-Belfast rail line, the R127 and the coast. The landscape character of the subject lands is indicated as coastal. The site is accessed from the Castelands roundabout to the north west, to the west by Castleland Park View, Tanners Water Lane to the south and Pinewood Green to the north: bound by the Dublin Belfast rail line and R127 Skerries Road to the east, adjacent residential areas of Pinewood Green to the north and Ardgillan to the west.

12.2.3 The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.2.4 The screening report identifies twelve European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
Rockabil to Dalkey Island SAC Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests. Qualifying Interests	(00300)	7km

Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]		
<p>Rogerstown Estuary SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <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 maritimae) [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>	(000208)	9.9km
<p>Boyne Coast and Estuary SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <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>	(001957)	11.8km

<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</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</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</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 (<i>Glauco-Puccinellietalia maritima</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>	(004025)	13.6km
<p>Lambay Island SAC</p> <p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Reefs [1170]</p>	(000204)	14.6km

<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Halichoerus grypus (Grey Seal) [1364]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>		
<p>Skerries Islands SPA</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Purple Sandpiper (Calidris maritima) [A148]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Herring Gull (Larus argentatus) [A184]</p>	(004122)	5.3km
<p>River Nanny Estuary and Shore SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Wetland and Waterbirds [A999]</p>	(004158)	6.0km

<p>Rockabill SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Purple Sandpiper (<i>Calidris maritima</i>) [A148]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	(004014)	7.5km
<p>Rogerstown Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	(004015)	9.9km
<p>Malahide Estuary SPA</p>	(004025)	13.6km

<p>Conservation Interests</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>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</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>	(004080)	13.7km

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]		
Lambay Island SPA Conservation Objectives: To maintain or restore the favourable conservation condition of the qualifying interests. Qualifying Interests 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]	(004069)	14.2km

12.2.5 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites. The following is found in summary:

Site	Connection	Comment
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Rockabill to Dalkey Island SAC	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Rogerstown Estuary	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Malahide Estuary	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the</p>

		<p>Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Boyne Coast and Estuary	No	<p>No direct source pathway linkage.</p> <p>Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Lambay Island SAC	No	<p>No direct source pathway linkage.</p> <p>Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p>

		<p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Skerries Island SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment.</p> <p>A wintering bird assessment was carried out with herring gulls noted foraging on the margins of the site. Peak level of herring gulls surveyed is less than 1% of national population with habitat loss not resulting in significant effects.</p>
River Nanny and Estuary SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p>

		<p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment.</p> <p>A wintering bird assessment was carried out with herring gulls noted foraging on the margins of the site. Peak level of herring gulls surveyed is less than 1% of national population with habitat loss not resulting in significant effects.</p>
Rockabill SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Rogerstown Estuary SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p>

		<p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Malahide Estuary SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Boyne Estuary SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment. No impact anticipated due</p>

		to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.
Lambay Island SPA	No	<p>No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Barnageeragh (WWTP) via the existing public network and will be treated at the WWTP which has capacity.</p> <p>Surface water discharge to the public network that outfalls to the Castlelands Stream discharges to marine environment.</p> <p>A wintering bird assessment was carried out with herring gulls noted foraging on the margins of the site. Peak level of herring gulls surveyed is less than 1% of national population with habitat loss not resulting in significant effects.</p>

12.2.6 There are no ecological networks supporting the identified European sites and there are no other areas of conservation concern that would be affected by the proposed development.

12.3 Screening Report Assessment of Likely Significant Effects:

12.3.1 The submitted AA Screening Report considers the potential impacts on European Sites from the proposed development. As reported, there are no direct connection between the site and European sites with only indirect connections identified in the form of wastewater from the development, which will be treated at the Barnageeragh Wastewater Treatment Plan (WWTP). This plant has capacity to treat the

wastewater from this development. Table 3 of the AA Screening Report considers likely significant effects at Construction and Operational stages, and also In-combination/ Other effects. No significant effects are identified, and no mitigation measures are required. Best practice construction methods will be employed on site, but these are not necessary to ensure that effects on a European site can be avoided/ reduced.

12.3.2 The wintering birds assessment has identified the herring gull foraging at the eastern margins of the site and such is a qualifying interest of three of the designated sites listed above, Skerries Islands SPA, River Nanny Estuary and Shore SPA and Lambay Island SPA. The proposal has no direct impact on habitats within the designated site and the peak level of herring gulls identified on site is a small proportion of the population the loss of such not considered to be a significant effect.

12.3.3 In-combination effects are considered in the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

12.4 AA Screening Report Conclusion:

12.4.1 The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded. The following are noted:

- '1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement to therefore prepare a Stage 2 – Appropriate Assessment.

12.5 Screening Assessment

12.5.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.5.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

12.5.3 There is a watercourse in the form Castlelands Stream that falls within part of the site and along the southern boundary that drains into the marine environment. This would constitute an indirect connection the site and the identified European sites by way of the public wastewater system or discharges to surface water (Castlelands Stream) through the public surface water network. Considering the distance from the site to the nearest European site and the use of the existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

12.5.4 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

12.5.5 During the operational phase of the development the surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the marine environment is unlikely to occur.

12.5.6 Foul drainage will be through the existing foul drainage system. Considering the distance from the site to designated sites, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.

12.5.7 I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures 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 am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff, 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 in the marine environment (dilution factor).

12.5.8 The application (EIAR) was accompanied by a wintering birds assessment that identified a number of species foraging on the eastern margins of the site and on amenity lands 500m from the site. One of the species foraging on the eastern margins of the site is the herring gull and is a qualifying interest of three of the designated sites within the potential zone of influence, namely Skerries Islands SPA, River Nanny Estuary and Shore SPA and Lambay Island SPA. No other species listed as a qualifying interest of a designated site was detected on site by the wintering birds survey. Redshank and oystercatcher (qualifying interest of two of the Natura Sites listed above) were detected on amenity lands in the vicinity outside of the application site and these lands also support foraging for herring gulls indicating

that there is alternative foraging lands for these species. The development does not have a direct effect on habitats for herring gulls within the designated sites. The level of herring gulls foraging on site is a small proportion of the national population as well as the fact that the lands in question are not the only lands available for foraging within the area (amenity lands identified in the vicinity of the site). I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in relation to wintering birds can be excluded given the fact there is no direct effect on the designated sites of which such is a qualifying interest and the fact that there is still availability of lands suitable for foraging in the immediate vicinity.

12.6 In-Combination or Cumulative Effects

12.6.1 This project is taking place within the context of greater levels of built development and associated increases in residential density in urban areas. This can act in a cumulative manner through increased volumes to the Barnageeragh (WWTP). The expansion of the town is catered for through land use planning by the Fingal County Council and is in accordance with the requirements of the Fingal County 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 sites. I note also the development is for a residential development within the development envelope of an urban area with an appropriate residential zoning. As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.6.2 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Barnageeragh Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.6.3 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Barnageeragh WWTP generally, and 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 significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

12.7 AA Screening Conclusion:

12.7.1 It is reasonable to conclude that on the basis of the information provided 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 any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

12.7.2 In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

13.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
- (d) refuse to grant permission for the proposed development,

and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential and ancillary commercial development, is a serviced site, where public transport, social, educational and commercial services are available in close proximity and which facilitates future provision of educational and leisure facilities. The proposed development is of a suitably high quality and provides for a mix of one, two and three-bedroom apartments and two, three and four-bedroom dwellings, which are served by suitable quality communal, private and public open space.

I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.

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

14.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objectives for residential development, ancillary commercial development and open space, and objective provisions in the Fingal County Development Plan 2017 - 2023 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan 2017 - 2023 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Chief Executive's Report and supporting technical reports of Fingal County Council,
- (x) the comments made at the meeting for the elected members for the Balbriggan area,
- (xi) to the submissions and observations received,

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

15.0 Recommended Draft Order

15.1. 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 04th of April 2022 by the Land Development Agency.

15.2. Proposed Development

- The proposed development comprises of a 10 year permission for strategic housing development at Castlelands in the townlands of Hampton Demense, Kilsbough North and Balbriggan, Co. Dublin.
- The proposed development consist of 817 no. residential units comprising 162 no. 1-bed units, 250 no. 2-bed units (180 no. 2-bed apartments and 70 no. 2-bed houses), 381 no. 3-bed units (72 no. 3-bed apartments, 26 no. 3-bed duplexes and 283 no. 3-bed houses) and 24 no. 4 bed houses ranging in height from 1-6 storeys on an overall site of 25.33 hectares.
- The proposed development will also provide for 1 no. crèche facility (869sqm) including a 237 sqm outdoor play area and 1 no. retail unit (616sqm) and an office (155sqm) located in neighbourhood 1.
- The proposed development provides for the completion of the Castlelands Link Street, which extends to approximately 870m in length from the existing Castlelands roundabout in the west to the Skerries Road (R127) in the east. It provides access to the residential development and includes a bridge over the existing railway line, and the realignment of part of the existing Skerries Road. The road will incorporate footpath and cycle tracks on both sides of the carriageway. The development also includes a network of internal roads serving the development.
- 1,033 no. car parking spaces are proposed to serve the development (1,010 residential and 23 spaces for the proposed crèche and retail unit) located at surface level. 1092 no. bicycle spaces are proposed to serve the entire development. This consists of 812 no. long stay spaces to serve the proposed apartment/duplex units and 280 no. short stay spaces to serve visitors to the proposed development.
- 2.16 hecatres of public open space is proposed to serve the future residents of the scheme which equates to c. 11.8% of the net development area. 0.1 hectares in the form of an urban square in neighbourhood 1, provision of green finger open space areas of 0.72 hectares in area, 1.5 hectares of land zoned Open Space (OS) provided for as public open space and 0.83 hectares of communal open space is provided to serve the residents of the proposed apartment units.

- The development will also provide for all associated ancillary site development infrastructure including: ESB sub-stations, bike stores, bin stores, plant rooms, public lighting, new watermain connection and foul and surface water drainage; internal roads and footpaths; site landscaping including boundary treatments; associated signage, and all associated engineering and site works, including a temporary diversion of the R127, necessary to facilitate the development. The existing overhead infrastructure will be diverted underground.

15.3 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.

15.4 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.

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

- (i) the site's location on lands within a zoning objective for residential (including ancillary commercial development) and open space, and the policy and objective provisions in the Fingal County Development Plan 2017 - 2023 in respect of mixed-use development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan 2017 - 2023 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Chief Executive's Report and supporting technical reports of Fingal County Council,
- (x) the comments made at the meeting of the elected members for the Balbriggan area,
- (xi) to the submissions and observations received,
- (xi) the Inspectors report.

15.6 Appropriate Assessment (AA)

15.6.1 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 within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

15.6.2 In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

15.7 Environmental Impact Assessment

15.7.1 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

15.7.2 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 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:

15.7.3 Population and human health - positive impacts in relation to the provision of new homes on lands zoned for housing, increased economic activity and with the provision of new public open space. Capacity is identified in relation to social infrastructure to support the future population of the development. Mitigation has been incorporated through the application of measures in a Construction Management Plan to reduce impact upon human health. The overall design including terms of energy efficiency and material finish is also highlighted as mitigation. The proposal would not be likely to have significant effects in relation to population and human health.

15.7.4 Land, soils, geology, water, air quality and climate - with the implementation of construction management measures, as well as surface water management, attenuation, drainage of foul waters and through the design of buildings the proposal would not be likely to have significant effects in relation to land, soils, geology, water, air quality and climate.

15.7.5 Noise and vibration – during the construction phase, negative impacts are anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction Management Plan. During the operational phase, sound insulation/acoustic measures will be incorporated into the buildings to reduce inward noise impact from the rail line. With mitigation in place, impact during operational phase will be neutral, long-term and ranging from imperceptible. The proposal would not be likely to have significant effects in relation to noise and vibration.

15.7.6 Biodiversity – with mitigation in place, no long-term significant impacts are expected. No residual impact upon internationally or nationally significant receptors will arise with mitigation in place. Residual impact upon biodiversity will be locally significant, with suitable mitigation in place to reduce impact on high value receptors. Mitigation includes the implementation of measures to limit and control impact during the construction phase, including measures to protect trees and reduce risk of discharge from the site, and ensure sensitivity to birds and bats. Removal of vegetation will be avoided during bird breeding season or require inspection by an ecologist prior to removal. During the operational phase, the incorporation of a range of measures including landscape management will reduce impact. The proposal would not be likely to have significant effects in relation to noise and vibration.

15.7.7 Archaeology and cultural heritage - no significant permanent adverse impacts upon archaeological cultural heritage are anticipated, with the application of mitigation measures including archaeological monitoring. The proposal would not be likely to have significant effects in relation to archaeology and cultural heritage.

15.7.8 Material Assets – transport – in relation to transport, during the construction phase there will increased levels of construction traffic, such will be temporary in nature and the construction of the development is phased. During the operational phase there will be an increase in traffic associated with the proposed development however such impact will be not be significant with the proposal providing a link to the R127 improving traffic distribution, improved pedestrian and cycling linkages, a development that is accessible to existing public transport infrastructure and a development that will operate within the capacity of the local road network. In relation to transport, implementation of mitigation measures including management of construction traffic. The proposal would not be likely to have significant effects in relation to transport.

15.7.9 Material Assets – Utilities and waste – in relation to utilities, during the construction phase, service disruption maybe unavoidable, but will be temporary, and impact is concluded to be imperceptible. No significant adverse impacts are

anticipated in relation to utilities during the operation of the development, with positive effect concluded as a result of the expansion of the network. In relation to waste, implementation of mitigation measures including waste management during construction and operation, ensure imperceptible and neutral impact would result from the proposed development, over the short-term period during construction and a long-term period during operational phase. The proposal would not be likely to have significant effects in relation to utilities and waste.

15.7.10 Landscape and visual impacts – During construction, negative visual impact will be short-term and mitigated through construction management measures. During the operational phase the development will alter the character of area however provides for continuation of existing residential development whose visual impact will be mitigated by proposed landscaping proposals. The proposal would not be likely to have significant effects in relation to visual impact.

15.8 Conclusions on Proper Planning and Sustainable Development:

15.8.1 The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, or historic environment, 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, which recommends a grant of permission.

15.8.2 The Board considered that the proposed development is broadly compliant with the current Fingal County Development Plan 2017 - 2023 and would therefore be in accordance with the proper planning and sustainable development of the area.

16.0 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Permission is for a ten year period from the date of this grant of permission.

Reason: In the interests of clarity.

3. Prior to the commencement of any house or 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. 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 16 of the EIAR 'Summary of EIAR Mitigation and Monitoring Measures', 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.

5. The development shall be carried out in accordance with the phasing programme specified and no dwellings shall be occupied until the entirety of Castlelands Link Street is provided including the bridge over the rail line and junction access to the R127.

Reason: In the interest of orderly development.

6. The number of residential units permitted by this grant of permission is 817 no. units in the form 162 no. 1-bed units, 250 no. 2-bed units (180 no. 2-bed apartments and 70 no. 2-bed houses), 381 no. 3-bed units (72 no. 3-bed apartments, 26 no. 3-bed duplexes and 283 no. 3-bed houses) and 24 no. 4 bed houses.

Reason: In the interests of clarity.

7. Details of the materials, colours and textures of all the external finishes to the proposed building 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.

8. 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.

9. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

11. 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.

12. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.
- (b) The car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.
- (c) 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.

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

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

prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

15. A total of 1,092 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

16. 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.

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

Reason: In the interest of public health.

18. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the

application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

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

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

20. (a) 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

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

Reason: In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;

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

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

23. 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.

24. 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) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological excavation (preservation by record) of Archaeological Areas 1-4 in advance of construction works and Archaeological Monitoring of ground disturbance at construction stages across the development site,

(b) should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

(c) the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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

25. Prior to the commencement of development the applicant/developer must liaise with Iarnród Éireann regarding all works within the vicinity of the existing rail line, the proposed overbridge works and realignment of the R127.

(a) The applicant must have regard to the Railway Safety Act 2005.

(b) The applicant must engage with Iarnród Éireann to establish the accurate alignment of boundary between the application site and lands under Iarnród Éireann's control.

(c) Provide detailed information on ground levels of the development adjacent to the track boundary.

(d) Liaise with Iarnród Éireann's appointed third party co-ordinator throughout all stages of the development.

(e)

(i) Provision of a H4a containment barrier being in place for 45m on the approaches and departures to the parapet until such time as the adjacent building is constructed.

(ii) Should the proposed adjacent building (northwest corner of the bridge) be demolished at some stage in the future, the containment barriers will be brought up to standard appropriate at the time.

Approval is conditional on the applicant providing a risk assessment to Iarnród Éireann's satisfaction, regarding what would be the implication of a vehicle hitting the buildings.

(f) To comply with the Railway Safety Act (2005) an application for Authorisation to Place in Service (APIS) shall be made to the Commission for railway regulation for each stage of the project in accordance with the Guidelines for approval of new

infrastructure works, in particular RSC-G-009 'Guidelines for the Process of Authorisation for Placing in Service railway Sub Systems'.

(g) The integrity and functionality of the existing historic drainage channel running parallel to the railway at the crest of the cutting must not be affected by any temporary or permanent works of landscaping.

(h) The development must not undermine the integrity of the embankment and the embankment support structures adjacent the track. Any works to or adjacent to embankments will require written consent from CIE/Irish Rail.

(i) In keeping with residential development of this scale and density a 2.4m minimum high appropriately designed, solid block/concrete boundary wall treatment should be erected by the applicant on the applicants' side of the boundary of the railway. The maintenance of this boundary treatment rests with the applicant and successor-in-title. The exact location and details of boundary treatment are to be identified on site in co-operation with Iarnrod Eireann.

(j) Landscaping proposed at the track boundary should avoid deciduous trees to reduce the risk of low rail adhesion during leaf fall season.

(k) Provision must be made for maintaining the security of the railway boundary during the construction phase and agreed permanent boundary treatment shall be completed during the early stages of the development/

(l) Access for Iarnrod Eireann staff to culverts/bridges under the railway should not be hindered.

(m) Railway mounds and drainage ditches are to be preserved except where written consent from Iarnrod Eireann is received.

(n) No additional liquid, either surface water or effluent shall be discharged to or allow to seep onto the railway property or into railway drains/ditches.

(o) Any excavations which infringe upon the Track Support Zone will require permission and approval from the Senior Track & Structures Engineer.

(p) No building shall be constructed within 4m of the boundary treatment on the applicants' site.

(q) Should development require use of a crane that could swing over or under the railway property agreement must be reached with Iarnród Éireann/CIE.

(r) Any proposed services that are required to cross along, over or under the railway property must be subject to a wayleave agreement with Iarnród Éireann/CIE.

(s) No overhang or any part of the development over the railway line is to be allowed.

(t) Lights for the proposed development, either during construction phase or when development is completed, shall not cause glint or glare or in any way impact the vision of train drivers or personnel operating on track machines. A glint and glare survey should be carried out to confirm this is the case.

Reason: In the interest of protecting the continued safe operation and structural integrity of the existing railway line along the boundary of the site and orderly development.

26. Prior to the commencement of development the applicant/developer shall liaise with the Planning Authority regarding realignment works to the R127. The design and layout of the realignment shall have regard to the future integration of the Fingal Coastal Way/pedestrian infrastructure.

Reason: In the interests of future pedestrian safety and connectivity.

27. 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 Act 2000, as amended, and of the housing strategy in the development plan of the area.

28. Bat roosts shall be incorporated into the site and the recommendation of the EIAR shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

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

29. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

30. The developer shall pay to the Planning Authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 in lieu of a shortfall in public open space based on County Development Plan standards and in respect of upgrade of Bremore Park. The amount of the contribution shall be agreed between the planning authority and developer or, in

default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the the Wholesale Price Index-Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It considered reasonable that the developer should contribute towards specific exceptional costs which are incurred by the planning authority which are no covered in the Development Contribution Scheme and which will benefit the proposed development. .

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

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

Colin McBride
Senior Planning Inspector

31st January 2023