



An
Bord
Pleanála

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

Inspector's Report ABP-313268-22

Strategic Housing Development

Construct 345 residential units, a childcare and community facility and associated development

Location

Milverton townland, Golf Links Road, Skerries, County Dublin

Planning Authority

Fingal County Council

Applicant

The Land Development Agency

Prescribed Bodies

Department of Housing, Local Government and Heritage

Irish Rail

Irish Water

Transport Infrastructure Ireland

National Transport Authority

Observers

Ballygossan Park Residents'
Association;
Michael Halligan
Skerries Harps GAA & Camogie Club

Date of Site Inspection

7th October 2022

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated on southern periphery of Skerries in north county Dublin, the application site is broadly triangular in shape and measures a stated gross area of 6.7 hectares. It primarily comprises agricultural fields lined by mature hedgerows and is situated entirely within the townland of Milverton, approximately 1.4km to the south of the town centre. Golf Links Road is situated along the eastern boundary of the site and this provides a secondary route from Skerries towards Lusk village, which is approximately 5km to the southwest of the application site. The eastern boundary of the site is situated along the sidings to the Irish Rail Belfast-Dublin rail-line corridor and the northern boundary runs parallel and 15m to the south of a drainage ditch flowing east towards the coast. An informal narrow walking route runs parallel and adjoining the rail-line corridor from the bridge on Golf Links Road to the Dublin Road roundabout. There are detached houses and a farmyard complex located between the site boundary and sections of Golf Links Road. Overhead electrical powerlines traverse the site. Based on survey levels submitted, there is a 13m gradual fall from a ridge in the southern portion of the site to the northeast corner of the site.
- 2.2. The immediate area to the south, east and west of the site is generally characterised by agricultural and horticultural fields, allotments and quarry land, while the lands adjacent to the north in the Townparks area accommodates a recently constructed residential estate, known as Ballygossan Park, featuring two to three-storey terraced, semi-detached and detached housing. St. Michael’s Special Needs Primary School is situated to the south of the site along Golf Links Road, with Skerries golf course further beyond this. Skerries railway station is situated 600m to the north of the site or an 860m walk along a pedestrian route connecting with the Dublin Road roundabout. The site features 120m of frontage onto Golf Links Road.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- construction of 345 residential units, comprising a mixture of 84 one-bedroom apartments, 68 two-bedroom apartments, 36 two-bedroom duplex apartments 118 three-bedroom duplex apartments and 39 three-bedroom houses;
- construction of a three-storey community/childcare facility measuring a stated floor area of 377sq.m;
- provision of landscaping and amenity areas and all associated infrastructure and services, including vehicular and pedestrian accesses, as well as upgrade works on Golf Links Road to the southeast and vehicular and pedestrian accesses from the north off adjacent development lands connecting into Ballygossan Park;
- all associated ancillary development, including parking, lighting, drainage services, retaining walls and bridging structures, bin and bicycle stores and electricity substations.

3.2. The following tables set out the key standards for the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area – gross / net	6.7ha / 6.6ha
No. of units	345
Part V units (%)	70 (20%)
Residential Gross Floor Area (GFA)	30,027sq.m
Non-residential GFA (% total GFA)	377sq.m (1%)
Total GFA (excludes podium car park)	30,405sq.m
Residential Density (net)	52 units per ha
Public Open Space (% of net site area)	16,670sq.m (25%)
Communal Open Space (% of net site area)	2,272sq.m (3.4%)
Plot Ratio (net)	0.46:1
Site Coverage (net)	27%

Table 2. Unit Mix

	one-bedroom	two-bedroom	three-bedroom	Total
Apartments (%)	84 (24.3%)	68 (19.7%)	-	152 (44%)
Duplexes (%)		36 (10.4%)	118 (34.2%)	154 (44.6%)
Houses (%)	-	-	39 (11.3%)	39 (11.3%)
Total Units	84 (24.3%)	104 (30.1%)	157 (45.5%)	345 (100%)

Table 3. Parking Spaces

Car parking – residential	372
Car parking – visitors	35
Car parking – crèche	6
Car parking – car share	1
Total car parking	414
Cycle parking (residential)	802

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Statement of Consistency with Planning Policy;
- Statement of Material Contravention;
- Statement of Response to An Bord Pleanála’s (ABP) Opinion;
- Environmental Impact Assessment Report (EIAR) and Non-Technical Summary;
- Appropriate Assessment (AA) Screening Report and Natura Impact Statement (NIS);
- Urban Design & Architectural Design Statement;
- Verified Photomontages;
- Daylight and Sunlight Impact Report;
- Housing Quality Assessment;
- Engineering Services Report;
- Site Specific Flood Risk Assessment;
- Construction and Environmental Management Plan;

- Landscape Design Statement;
- Arboricultural Impact Assessment, Method Statements and Plans;
- Waste Classification and Groundwater Assessment Report;
- Ground Investigations Report;
- Traffic and Transport Assessment Report;
- Mobility Management Plan;
- Design Manual for Urban Roads and Streets (DMURS) Compliance Statement;
- Stage 1 Road Safety Audit;
- External Lighting Planning Compliance;
- Community Infrastructure Audit;
- Building Lifecycle Report;
- Part L Planning Compliance;
- Operational Waste Management Plan.

4.0 Planning History

4.1. Application Site

4.1.1. The Planning Authority, the applicant and an observer refer to the following planning application as overlapping the northern portion of the application site:

- Fingal County Council (FCC) ref. F21A/0287 / ABP ref. 312189-21 - in December 2021 following a grant of permission by the Planning Authority, an appeal was lodged with the Board regarding an application for the construction of a new link road, a regional drainage facility, foul/surface water supply services and landscaping of open space areas. I am not aware of a decision on this appeal to the Board.

4.2. Surrounding Area

4.2.1. The following recent applications relate to the surrounding area of the application site:

- FCC ref. F20A/0324 / ABP ref. 309409-21 – permission was granted by the Board in July 2021 for road junction upgrade works at Miller's Lane/Shenick Road/Golf Links Road approximately 250m to the northeast of the application site and at Dublin Road/Miller's Lane junction approximately 300m to the northeast of the application site, including upgrading and extension of approaches and provision of zebra crossing facilities. Condition 2(b) of the decision required these works to be completed prior to the completion of the construction (50% occupation) of the remaining lands to the Hacketstown Local Area Plan lands;
- ABP ref. 308583-20 – in January 2021 the Board issued a pre-application opinion stating that a strategic housing development comprising 149 residential units and a crèche / childcare facility formed a reasonable application basis on the adjacent lands to the northwest of the application site. This is referenced by the applicant as Ballygossan Park phase II;
- FCC ref. F11A/0309 / ABP ref. PL06F.240639 – permission was granted by the Board in March 2013 for 103 houses (Ballygossan Park), a local recycling facility and a two-storey crèche / childcare facility. An extension of this permission was granted in February 2018 under FCC ref. F11A/0309/E1 until the 9th day of May 2023.

4.2.2. The following are currently the closest strategic housing development applications in the wider area to the application site:

- ABP ref. 313210-22 – ten-year permission sought in April 2022 for 817 residential units and childcare facilities, approximately 4.5km to the northeast of the application site on the southern edge of Balbriggan;
- ABP ref. 313144-22 – permission sought in March 2022 for 312 residential units and a childcare facility, approximately 6km to the southwest of the application site on the northern side of Lusk;

- ABP ref. 305534-19 – permission granted in January 2020 for 165 residential units, approximately 4km to the south of the application site in Rush.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 10th day of December, 2020, in respect of a proposed development comprising 344 residential units, a crèche and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- design strategy and unit typology;
- development layout, including matters relating to the DMURS and surface-level car parking;
- open space and connectivity;
- environmental considerations.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 308478-21) dated the 26th day of January, 2021, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- ownership details;
- EIAR accounting for adjacent proposals/permissions/developments;
- unit typology rationale and universal access;
- landscape provision and function;
- topographical survey;

- duplex units engagement with adjacent spaces;
- cycle storage;
- compliance with DMURS (surface-level car parking);
- building life cycle report;
- housing quality assessment;
- daylight, sunlight and overshadowing assessment;
- infrastructure upgrade details, including delivery timing;
- connections to water and drainage services;
- information in response to articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations 2001-2022;
- specific details addressing the Planning Authority recommendations.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation);
- The Heritage Council;
- An Taisce;
- Irish Water;
- Transport Infrastructure Ireland;
- National Transport Authority;
- Córas Iompair Éireann;
- The Commission for Railway Regulation;
- Iarnród Éireann;
- Fingal Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a report titled 'Statement of Response to An Bord Pleanála's Opinion'. Section 2 of the report outlines the specific information that has been submitted with the application to address the opinion of An Bord Pleanála, while also detailing how the development is considered to comply with the respective requirements listed in the opinion of An Bord Pleanála. The applicant considers all matters raised in the Board's opinion to be comprehensively addressed in the planning application.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations.
- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Places for People – National Policy on Architecture (2022);
- Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design Best Practice Interim Guidance Document (Department of Housing, Local Government and Heritage, 2022);
- Housing for All – A New Housing Plan for Ireland (2021);
- Climate Action Plan (2021);
- Archaeology in the Planning Process (2021);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Water Services – Guidelines for Planning Authorities - Draft 2018;
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (Transport Infrastructure Ireland, 2017);

- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. Regional Planning Policy

- 6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 6.2.2. Skerries is situated in the ‘core region’ as defined in the RSES for the eastern and midland regional authority (EMRA) area. Within the RSES-EMRA this is described as being home to over 550,000 people and includes the peri-urban hinterlands within the commuter catchment of the Dublin metropolitan area. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of

Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;

- RPO 4.1 – settlement hierarchies to be determined by Local Authorities;
- RPO 4.2 – infrastructure investment and priorities to be aligned with the spatial strategy in the RSES.

6.3. Local Planning Policy

Fingal Development Plan 2017-2023

- 6.3.1. Based on its substantial population, vibrant town centre and varied retail offer in 2017, Skerries is identified within the Development Plan settlement strategy as a 'self-sustaining town' in the hinterland area of Fingal with potential additional capacity for 1,175 residential units on zoned land amounting to 43.5 hectares. Table 2.4 updated as variation no.2 to the Development Plan indicates that there was subsequently 32.7 hectares of residential zoned land available in Skerries with potential capacity for 883 residential units in 2019. The Development Plan states that a 5% growth rate is considered appropriate for Skerries having regard to the need to manage growth in line with the existing population. Objective SS20 of the Development Plan aims to manage the development and growth of Skerries and other towns in a planned manner linked to the capacity of local infrastructure to support new development.
- 6.3.2. Local objectives relating to towns in the urban hinterland are listed in section 4.3 of the Development Plan, with 14 objectives specifically relating to Skerries, including Objective SKERRIES 14 referring to the preparation and / or implementation of Hacketstown Local Area Plan during the lifetime of the Development Plan.
- 6.3.3. The application site features a land-use zoning RA 'Residential Area' with an objective to 'provide for new residential communities subject to provision of the necessary social and physical infrastructure'. The Development Plan states that residential and crèche uses are permitted in principle in the 'RA' zoned area. The site is identified as being entirely within the development boundary of Skerries and the entire proposed development area and lands adjoining to the north are identified as being subject to Hacketstown Local Area Plan (reference LAP 5.A).

- 6.3.4. Skerries southern relief road is referenced in table 7.1 of the Development Plan and an indicative route for this road proposal is identified in the Development Plan (sheet 5) as running along the southeast boundary of the site along Golf Links Road crossing west over the railway and moving east towards the Rush Road through lands within Holmpatrick townland south of the allotments. The Development Plan also indicates a local objective for a proposed school site adjacent to the east along Golf Links Road in Holmpatrick townland. Section 7.2 of the Development Plan addressing water services states that detailed flood risk assessment is required for the Milverton area of Skerries and this is reflected in objective SW07 of the Plan.
- 6.3.5. Chapter 3 of the Development Plan outlines the Council's approach to placemaking, including sustainable design standards, and chapter 12 of the Development Plan provides development management standards.

Hackettstown Local Area Plan 2007 (amended 2009)

- 6.3.6. The Planning Authority state that Hackettstown Local Area Plan expired on the 9th day of February, 2019, but that it remains a guidance document for development on the application lands. The expired Local Area Plan included specific objectives relating to development on the application site, including main access road development parameters, tree protection areas, sensitive development areas, playground requirements, appropriate boundary treatments, traffic and pedestrian routes, appropriate densities and the expected residential capacity.

Draft Fingal Development Plan 2023-2029

- 6.3.7. Fingal County Council has prepared a draft Fingal Development Plan for the period 2023 to 2029, which will replace the current Development Plan. It is understood that this new draft Plan was the subject of a public consultation that ended on the 12th day of May, 2022, and the zoning maps for the application site area indicate the application site as being on lands zoned as a 'residential area' with an object to provide for new residential communities, subject to the provision of the necessary social and physical infrastructure. A road proposal is also identified on the southeast of the site running along the Golf Links Road before terminating at the railway bridge to the southwest of the application site. A proposed school site is identified on the opposite side of the Golf Links Road to the east of the application site.

7.0 Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency with Planning Policy, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 5 of the Statement refers to the provisions of 'Project Ireland 2040', 'Housing for All, A New Housing Plan for Ireland' and the RSES for the EMRA, as well as Ministerial guidelines, including those referenced in section 6.1 above. Section 6 of the applicant's statement addresses environmental considerations, including reference to the proposed development not having significant effects on European sites and the precautionary approach undertaken by the applicant in submitting an EIAR with the application. Section 7 of the Statement addresses local planning policy comprising the Fingal Development Plan 2017-2023. The statement asserts that the proposed development would be consistent with national and regional planning policy, as well as the policies and provisions of the Development Plan, with the exception of provisions relating to open space, playground provision and car parking standards.

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Fingal Development Plan 2017-2023 with respect to the proposed public open space (objectives PM52, DMS57, DMS57A and DMS57B), playground equipment provision (objectives DMS75 and DMS76), car parking standards (objective DM113 and table 12.8) and the removal of hedgerows (objectives DMS80 and NH27).

8.2. Within this statement the applicant sets out their rationale to justify granting permission, including:

- the quantum of car parking would be appropriate for the site having regard to the availability and connectivity to services within Skerries, the site access to public transport services, the encouragement of sustainable modes of transport, electric-charging point provision in the scheme, the provisions of the NPF, the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) (hereinafter the 'Sustainable

Residential Development Guidelines’) and the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the ‘New Apartment Guidelines’) supporting reductions in car parking in contexts such as the subject proposals;

- the proposed provision of open space would be acceptable having regard to the extent of open space proposed, the scale of the development, the needs of the future population, the applicant’s urban design strategy, and the need to develop the lands to appropriate densities based on the provisions of the NPF and the Sustainable Residential Development Guidelines;
- the extent of playground equipment provision would be acceptable in the context of the proposal to provide extensive active recreation areas for a range of areas as part of the overall landscape strategy and the provisions of the Sustainable Residential Development Guidelines, which allow for flexibility with respect to quantitative open space standards;
- the removal of hedgerows would be acceptable in the context of the proposal to plant extensive compensatory planting, the need to achieve compact urban form and a higher density on connected lands, and the provisions of the Sustainable Residential Development Guidelines.

8.3. In conclusion, the applicant asserts that the Board may grant permission for the strategic housing development having regard to the provisions under subsections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’).

9.0 Observers’ Submissions

9.1. A total of three submissions were received within the statutory period from two households on Golf Links Road adjoining the site, from a local residents’ association and from a local GAA club. The submission from two local residents includes extracts from the planning application, as well as photographs relating to the area, and these submissions can be collectively summarised as follows:

Principle and Density

- the provision of high-quality housing stock to the Skerries area is welcomed, however, national targets should not trump local needs;
- the proposed development would materially contravene the Development Plan provisions with respect to zoning objectives, density, the number of units, parking, open space, housing mix and building height;
- residents of the area were under the impression that a new Local Area Plan would be prepared for the lands, including the phase II element of Ballygossan Park and the application lands;
- there is a lack of a masterplan for the site;
- the proposals would constitute serious overdevelopment of this site;
- discretion should be applied in the assessment of densities at the periphery of large towns, particularly at the edges of towns in a rural context and densities should not be solely based on access to rail services, water capacity and housing needs;
- densities on site are much greater than those existing elsewhere in Skerries;

Scale, Design and Visual Impact

- the basis for the scale of the development potentially adding 1,100 persons to the local population is unclear and appears to be solely predicated on supporting the achievement of national housing targets;
- concerns visual and biodiversity impacts of using grasscrete on the slopes to the riparian corridor;
- inappropriate and excessive height and scale, monolithic form and poor architectural expression to blocks A1 and A2;
- highly visible development on an elevated site;
- visual obtrusiveness of the development would be greater than that presented in the CGIs, as the screening is not as substantial as that presented;
- the development should be required to provide class 1 public open space and playing pitches;

- insufficient play equipment and variety of play equipment to serve differing ages and unnecessary removal of hedgerows is proposed, which could be addressed by reducing the number of units proposed or through innovative design;
- having regard to the nature of the site and the development context, the shortfall in open space amounting to 0.5ha would not be justified based on the applicant's urban design response and the density of the development;
- inappropriate housing mix with an excessive provision of three-storey terraces and apartments;
- lack of scope to use rear garden areas for bin storage, which would have a significant visual impact;

Impacts on Residential Amenities

- the proposed development would seriously detract from the residential amenities of adjacent property;
- overshadowing of gardens and overbearing impacts for neighbouring residents;
- significant loss of light to windows notwithstanding assurances regarding the exceedance of low target values in the BRE guide;
- overlooking from upper-floor balconies and third-floor windows, as well as noise disturbance, would arise for local residents;

Traffic and Transport

- inadequate and substandard roads serve the area, lacking sufficient capacity to cater for the additional traffic arising from the development and other developments in the area;
- the applicant's traffic impact assessment asserts that the local roads would have adequate capacity to cater for the development, notwithstanding the pinch point at the railway underpass for the R127 regional road and the cumulative impact of the development and other developments failing to consider the new post-primary school on a neighbouring site likely to be required by the Department of Education;

- timely delivery of the southern relief road is unlikely and the development of these lands was historically predicated on delivery of this road, as well as public open space;
- the proposed link road from Ballygossan Park would serve to create an excessive scale housing development relative to the size of the Skerries and would result in increased traffic through Ballygossan Park and the creation of a rat run, despite not being needed given the alternative vehicular access from the southeast and the cost of constructing this link over a riparian buffer;
- there is limited capacity and visibility at the junction of Shenick Road / Golf Links Road;
- the provision of new pedestrian and cycle routes between Ballygossan Park and the proposed development is welcomed;
- the proposals feature an over aspirational dependence on cycle routes;
- the shortfall in parking would be inappropriate having regard to the site context, the Development Plan standards and the realistic demands for car parking;

Local Services

- the application is unclear with respect to the availability and capacity of services to accommodate the proposed development;
- the poor capacity of water services available in the area and the need for the southern relief road to be constructed placed considerable development restrictions on the development of these former Local Area Plan lands;
- concerns regarding the capacity of local services and infrastructures to cater for the envisaged increase in population associated with this development and other neighbouring residential developments that could potentially increase the population of the town by 11%;
- existing local primary and post-primary schools are already oversubscribed and the demand for school places arising from the proposed development would exceed the current capacity;

- the local GAA club is approaching capacity based on access to playing pitches;
- the development would place an increasing need for additional medical / health facilities and recreational ground in the town, including playing pitches to serve the local GAA club;
- shortcomings within the applicant's Community Infrastructure Audit document, including lack of consideration for more up-to-date census and housing data for the town, an absence of a reference to the Local Area Plan, incorrect references to the number of GAA teams catered for by the local GAA club, incorrect reference to Mourne Park being used for GAA activities, and inclusion of strand areas as open space;
- Skerries Harps GAA & Camogie Club would be open to entering into discussion, perhaps a partnership or other arrangement, whereby development off site at their lands in Milverton might be used to offset any conditions upon the subject site;

Other Matters

- the strategy of the applicants to break up their development proposals into numerous applications was intended to confuse the public and obstruct the opportunity for engagement in the process;
- lack of public / community engagement;
- as there was no prior consultation regarding the project, the application should be rejected as being incompatible with and in breach of the EU EIA Directive 2011/92/EU;
- the Board would be acting outside of its powers to grant planning permission for a development materially contravening the Development Plan, which was made subsequent to a Strategic Environmental Assessment (SEA);
- depreciation in the value of local property.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive of the Planning Authority can be summarised as follows:

Zoning, Density and Phasing

- the development is acceptable in principle having regard to the zoning objectives and the ability to assist in consolidation of Skerries;
- the Hacketstown Local Area Plan has expired and had set specific objectives relating to these lands;
- based on the Sustainable Residential Development Guidelines the site is an outer/suburban/greenfield site where a net density of 35 to 50 dwellings per hectare would be appropriate;
- the proposed density of 52 units per hectare would be appropriate given the site context relative to the town centre and train station, as well as the site characteristics;
- the occupation of the housing should not occur prior to the delivery of the advanced infrastructure works proposed under FCC ref. F21A/0287 / ABP-312189-21 and prior to completion of the construction (50% occupation) of the proposed development, the off-site road infrastructure works permitted under ABP-309409-21 (FCC ref. F20A/0324) should be implemented as per condition 2(b) of the permission;
- the intended link road access in phase 1 of 2 of the development would be acceptable and a final phasing strategy should be submitted for agreement;
- a Part V agreement should be entered into for the development;

Urban Design and Visual Impact

- the proposals offer three discernible character areas with a central open space;

- the housing units relate well to one another in terms of scale and design;
- the visual change arising from the proposed development would be acceptable having regard to the site zoning and the expired Local Area Plan provisions;
- the proposals would make a significant positive contribution to the area, enhancing the urban landscape and the visual amenities of the area;
- the proposed building heights would generally be acceptable;
- the existing landscape features should be protected during construction works;
- the lack of integration of existing landscape features into the proposed development, including stone boundary walls, hedgerows and trees, would have a negative landscape impact;
- there would be inadequate space between block B and the boundary hedgerow with limited scope for the boundary planting to succeed;
- final tree planting details would be necessary;

Residential Development Standards

- the mix and form of the units proposed would generally be acceptable with scope for the houses to be extended;
- the residential units and the private open space generally comply with the minimum internal standards for these units and spaces as stated in objectives DMS24 and DMS87 of the Development Plan;
- the proposed apartment sizes and aspect provision accord with the New Apartment Guidelines;
- daylight access for the majority of habitable rooms would comply with the BRE guidelines;
- noise mitigation measures relative to the railway line context are noted;
- the proposals include incidental, environmental and curtilage areas that are not considered to comprise public open space and a shortfall of 0.88ha open space would arise relative to the Development Plan standards, which could be

offset by a financial contribution towards the upgrade of local class 1 public open space, namely Ardgillan Demesne regional park;

- the applicant has not met the minimum play equipment standards (objective DMS75) and the 'kickabout' areas are not suitable for inclusion given their steep sides;
- revised taking in charge details omitting numerous incidental areas of landscape planting is required;
- the correspondence from Fingal Childcare Committee welcoming the childcare facility is noted;

Neighbouring Amenities

- the potential for overlooking from the proposed development to houses adjacent to the east side and southeast corner, should be addressed via increased separation distances and / or further design measures;
- the proposed construction compound should not be situated in the phase B lands and not near the riparian buffer or adjacent to existing housing;
- significant lighting impacts for neighbouring properties were not noted;
- a final Construction Management Plan should be prepared cognisant of the proximity of the nearby school;

Access, Traffic and Parking

- off site mitigation works for traffic is noted;
- the provision of cycle parking is of a basic standard and individual facilities should be provided within the curtilage of buildings or in exceptional circumstances through innovative design, secure and sheltered proposals;
- the communal on-street cycle parking would not accommodate equipment, helmets, scooters and cargo bikes;
- the proposed cycle storage makes the option of bicycle usage less attractive and would require CCTV and security measures;
- a parking requirement of 615 car spaces would arise, although 511 spaces is considered a more practical reduced parking demand;

- it is not clear if the parking distribution would be relating to unit size or if a balance can be achieved by providing some of the three-bedroom units with two parking spaces;
- further details regarding the undercroft parking layout are required in accordance with the requirements of the Design Recommendation for Multi-storey and Underground Car Parks;
- set down for the crèche would be insufficient and would need signage and lining to reserve its use;
- it is unclear if fire truck emergency vehicles would need full circulation access to the podium block;
- a road safety audit should be carried out;

Services and Flood Risk

- the proposal is acceptable from a flood risk perspective;
- foul water and water supply connection proposals are noted;
- surface water drainage proposals would accord with the surface water management plan prepared for the Local Area Plan lands, including the extension of the regional drainage facility as part of the advanced infrastructure delivery application (FCC ref. F21A/0287 / ABP-312189-21);

Other Matters

- the Board is the competent authority for AA / EIA;
- archaeological monitoring and reporting is required;

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority recommend a grant of planning permission for this strategic housing development, subject to 38 conditions and five advice notes, the following of which are of note:

Condition 4 – removal of overlooking opportunities between the proposed three-storey buildings (block B) and housing along Golf Links Road;

Condition 6 – site compound shall not overlie open space and storage of materials shall not be within tree protection zones;

Condition 8 – road traffic safety requirements regarding phasing, road delivery, cycle parking, taking in charge areas, emergency access, Golf Links Road, electric-charging points, finishes, markings, signage, road safety audit, construction management plan, pedestrian and cycling infrastructure, sightline visibility and services;

Condition 13 – provide pieces of public art and / or sculptures and / or architectural features;

Condition 16 – contribution in lieu of public open space shortfall;

Condition 17 – landscape and open space requirements;

Condition 20(iii) – 50m exclusion zone around the foul pumping station;

Condition 30 – crèche opening hours;

Condition 31 – crèche capacity.

10.2. Inter-Department Reports

- Environment Section (Waste Enforcement & Regulation) – conditions recommended relating to waste management;
- Parks and Green Infrastructure Division – comments provided regarding landscape sensitivity and features, as well as conditions recommended relating to tree protection, planting, boundary treatments, compound location, playspace, public open space and taking-in-charge areas;
- Transportation Department – 17 conditions recommended;
- Water Services Department – the overall proposal is considered acceptable;
- Arts and Culture – condition recommended regarding public art;
- Heritage Officer – condition recommended regarding archaeology;
- Public Lighting Section - no response;
- Community Department – no response;
- Architect's Department – no response;
- Environmental Health Officer – no response.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Local Authority on the 29th day of April, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- housing is to be welcomed;
- the vehicular access through Ballygossan Park presents road safety concerns and is dangerous and inappropriate;
- Golf Links Road has limited capacity to cater for the proposed development;
- public open space should be provided on site in accordance with the Development Plan provisions and a contribution in lieu of a shortfall should not be accepted;
- the absence of single-storey / step-down units should be addressed;
- duplexes lacking gardens, the lack of active travel options and the square block layout are noted.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Irish Water

- wastewater – a connection is feasible without infrastructure upgrade;
- water supply – a connection is feasible without infrastructure upgrade;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Irish Water's standards, codes and practices;

- the applicant must identify and procure transfer to Irish Water of the arterial water and wastewater Infrastructure within the third-party infrastructure;
- the applicant must demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details, as well as in adequate condition and capacity to cater for the additional load from the development.

Department of Housing, Local Government and Heritage

- the contents of the EIAR are noted;
- archaeological monitoring and reporting is required and all archaeological features identified should be fully archaeologically excavated by hand in advance of site preparation and/or construction works;
- it is noted that there is a possibility for pollutants to be mobilised from the development into surface water runoff and into an adjacent watercourse flowing to the sea and the Skerries Islands Special Protection Area (SPA);
- the measures outlined in the NIS and the Construction and Environmental Management Plan (CEMP) should be implemented in full;
- finalised external and internal lighting should be signed off by a bat specialist and implement in full;
- the pond feature should be integrated into the site landscaping and made suitable for spawning frogs;
- all vegetation should be removed outside of the bird-nesting season.

Transport Infrastructure Ireland

- no observations to make.

National Transport Authority

- the proposed development would be considered consistent with the land use planning principles of the Transport Strategy for the Greater Dublin Area 2016-2035;
- it is not clear if the east-west route through the linear park would feature separate pedestrian and cycle facilities and a track with a minimum of 4m

width to allow for two-way movement should be provided and this should also occur for the main spine route cycle-track;

- all junctions should include raised tables and should be wide enough to facilitate both pedestrian and cycle movements in order to allow cyclists to access the cycle-track.

Irish Rail / Iarnród Éireann

- observations provided safety and operation of the Dublin-Belfast railway line and the need to engage and consult with Iarnród Éireann on various matters, including the technical requirements, Dart+ project, boundaries, drainage and embankment implications, integrity and functionality, maintaining security of the railway line throughout the project, access and excavation arrangements;
- a minimum 2.4m-high solid block/concrete boundary wall, should be erected by the applicant on the applicants' side of the boundary to the railway and not the provision of a welded-mesh fence and retention of the palisade fence;
- planting of deciduous trees along the rail line boundary should be avoided;
- possible encroachment on Irish Rail lands;
- building should not take place within 4m of the boundary treatment on the applicant's side;
- specific requirements with respect to construction works and the railway line are outlined;
- residential buildings should be designed using BS8233 – Guidance on Sound Insulation and Noise Reduction for Buildings and based on a noise risk assessment;
- construction traffic should not use the underbridge in accessing the site
- the additional traffic arising from the proposed development and other developments and the resultant potential for vehicular impacts at the railway underbridge on the R127 regional road are noted. The applicant must engage with Iarnród Éireann and Fingal County Council to agree on possible traffic easing measures to mitigate the collision potential at the underbridge.

11.1.1. In addition to the above prescribed bodies, the applicant states that they notified An Taisce, The Heritage Council, Córas Iompair Éireann, The Commission for Railway Regulation and Fingal Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Assessment

12.1. Introduction

12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Urban Design;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Material Contravention.

12.2. Development Principles

Land-Use Zoning and Specific Objectives

12.2.1. Based on sheet 5 of the Fingal Development Plan 2017-2023, the application site features a land-use zoning 'RA - Residential Area' with an objective to 'provide for new residential communities subject to provision of the necessary social and

physical infrastructure'. Observers assert that the proposed development would materially contravene the Development Plan with respect to zoning objectives and the Planning Authority consider the application proposals to be acceptable in principle having regard to the zoning objectives for the site. The Development Plan states that residential, community facility and childcare facility uses are permitted in principle on lands zoned 'RA'.

- 12.2.2. The Development Plan (map reference LAP 5.A) identifies that the site and the lands adjoining to the north are subject to objective SKERRIES 14, which aims to prepare and/or implement the Hacketstown Local Area Plan during the lifetime of the Plan. The Planning Authority state that the previous Hacketstown Local Area Plan expired as a statutory plan on the 9th day of February, 2019, and they assert that it remains a guidance document for development on the application lands. Observers assert that residents of the area were under the impression that a new Local Area Plan would be prepared for the lands, including phase II of Ballygossan Park and the application lands. I am not aware of a new Local Area Plan being prepared for the application site. The observers also assert that a masterplan is required for the lands.
- 12.2.3. There is not a specific objective in the Development Plan for a masterplan to be prepared for the application site or the adjoining lands. While the previous Local Area Plan has lapsed as a statutory planning document, these lands remain zoned in the Development Plan primarily for residential purposes. In this context, I am satisfied that in currently considering an application for development on the subject lands, it would be reasonable for the expired Local Area Plan to be considered as providing an indicative framework as to what might reasonably be expected should residential development take place on the application lands.
- 12.2.4. The Development Plan includes other specific local objectives relating to the Golf Links Road and the immediate area, which I consider in the context of the subject proposals further below. In conclusion, having regard to the scale and nature of the development proposed and the current statutory plan for this area, the residential and community/childcare uses proposed on this site are acceptable, and I am satisfied that the proposed development would not materially contravene the Development Plan in relation to land-use zoning objectives for the site.

Core Strategy

- 12.2.5. The observers assert that the subject proposals would result in an excessive additional population being introduced into the town and that the proposed number of residential units would materially contravene the provisions of the Development Plan. Based on its 'substantial population, vibrant town centre and varied retail offer', Skerries was identified within the Development Plan settlement strategy as a 'self-sustaining town' in the hinterland area of Fingal. In 2019, table 2.4 to the Development Plan was updated as part of variation no.2 to the Development, to indicate that there was 32.7 hectares of residential zoned land available in Skerries with potential capacity for 883 residential units. The lands at Milverton / Hacketstown amounting to 16 hectares were earmarked for 600 residential units within the expired Local Area Plan. A total of 103 houses have been constructed in Ballygossan Park (phase I - FCC F11A/0309 / ABP ref. PL06F.240639) and the Board's opinion (ABP ref. 308583-20) issued in January 2021 related to a pre-application proposal for 149 residential units on the adjacent Ballygossan Park phase II lands to the north of the application site. While I acknowledge the pre-application status with respect to a reasonable portion of the former Local Area Plan lands, when considered in conjunction with the subject proposals, this would indicate that the expired Local Area Plan lands would cater for 597 residential units. The applicant has since advised in their 'Verified Photomontages' document that the Ballygossan Park phase II area is the subject of a pre-application opinion to Fingal County Council under the large-scale residential development application procedure.
- 12.2.6. The figures available would suggest that the total allowable housing target envisaged for the subject lands in Skerries in 2023 would not be exceeded should permission be granted for the proposed development. I have not been presented with any substantive information to the contrary, including the extent of delivered housing. Accordingly, the proposed development could not be considered to materially contravene the unit numbers / core strategy of the Development Plan. In section 12.3 below, I consider the acceptability of the proposed development with respect to residential density parameters.

Phasing

- 12.2.7. The observers raise concerns with respect to the extent of residential units proposed, which they consider not be suitably linked with the provision of social and physical infrastructure, as well as recreational facilities. The Development Plan does not specifically set out phasing requirements for the development on these lands, although under objective SS20 it does aim to manage the development of Skerries in a planned manner linked to the capacity of local infrastructure to support new development. I note that the expired Local Area Plan had envisaged three phases of development for the wider lands, with each phase comprising 200 residential units and the provision of various infrastructures and services to facilitate and support the development, including wastewater treatment, road upgrades, the southern relief road, pedestrian walkways, an ecological corridor, children's playgrounds, childcare facilities, public open space, local services, area and civic space.
- 12.2.8. The applicant addresses the issue of phasing in their Statement of Response to ABP's Opinion and they refer to a phasing drawing (no.19020A-OMP-00-00-DR-A-1040). This phasing drawing illustrates two phases of development over a five-year period, with the first phase intended to provide for 138 residential units and a community / childcare facility, and to be inclusive of infrastructure connections towards lands to the north, including walkways, cycle lanes, services and landscaping.
- 12.2.9. The Planning Authority require the occupation of the proposed housing not to occur prior to the delivery of the advanced infrastructure works proposed under FCC ref. F21A/0287 / ABP-312189-21, and that prior to completion of the construction (50% occupation) of the proposed development, other off-site road infrastructure works, including roundabout, zebra crossings, traffic calming, street lighting, junction upgrades and cycle / pedestrian paths, permitted under ABP-309409-21 (FCC ref. F20A/0324) would be implemented as per condition 2(b) of this permission. The applicant states that they would comply with these requirements.
- 12.2.10. I am satisfied that the phasing proposals presented by the applicant would appear reasonable with provision of the vast majority of the open space and play areas serving the proposed development as part of the initial phase of development and the commitment for the various upgrades works to existing roads to be completed

prior to occupation of any of the proposed residential units. Pedestrian routes and walkways tying into routes leading northeast towards the railway station would also be provided in this initial phase. The initial phase of the development would be dependent on infrastructure works, including the link road from the north, which would also ensure that the development is contiguous with Ballygossan Park to the north. Consequently, as part of a phasing condition in the event of a grant of planning permission for the proposed development, prior to the occupation of any unit in phase 1 of the proposed development, the development shall be served by an appropriate provision of infrastructure from the lands adjoining to the north, including the link road.

12.2.11. As referenced in observations, I recognise that the expired Local Area Plan states that prior to the commencement of any housing development exceeding 200 units, the southern relief road shall be completed in its entirety. As noted above, with the expiry of the Local Area Plan there is no longer a specific statutory requirement for this to occur and I consider the necessity for this road infrastructure to serve the proposed development, as well as other supporting infrastructure and services further below. Phasing of the proposed development, including the early provision of the community / childcare facility and the advanced infrastructure works, can be achieved by way of condition in the event of a grant of permission, which would ensure the initial additional supporting physical and social infrastructure can be delivered to support the development.

Ten-year Permission

12.2.1. The applicant has sought a grant of permission for a duration longer than the standard five years, by specifically requesting a ten-year lifespan for the permission in the statutory notices and the associated application documentation. The applicant has not provided any specific rationale for requesting same. In their CEMP the applicant states that the site development and construction phase for the proposed development would take place over a five-year period.

12.2.2. The Development Management Guidelines for Planning Authorities (2007) advise that extended durations for permissions may be appropriate in some situations, for example, for major developments, which I consider the subject development to fall into the category of based on the extensive scale of the development proposed,

which is substantially larger than standard housing developments in the immediate area. There would also be a potential requirement for the development to tie in with other proposed and permitted developments, for example road and junction upgrades under FCC ref. F20A/0324 / ABP ref. 309409-21 and the regional drainage facility under FCC ref. F21A/0287 / ABP-312189-21. Accordingly, taking a reasonable approach, I am satisfied that there are appropriate circumstances based on the Development Management Guidelines and the scale of the development to allow a ten-year permission, subject to the conclusions in the assessments below.

Strategic Housing Definition

- 12.2.3. The proposed buildings would comprise a stated 30,027sq.m of residential floor space. A total of 377sq.m of non-residential floor space is proposed in the form of a community / childcare facility and this would amount to 1% of the overall development gross floor area. Accordingly, this would not exceed the 4,500sq.m or 15% floor area limitations, and I am satisfied that the proposed development would come within the statutory definition of a 'strategic housing development', as set out in section 3 of the Act of 2016.

Housing Tenure

- 12.2.4. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department within the respective Local Authority should be notified of the application.
- 12.2.5. Appendix 1 to the Fingal Development Plan comprises the County Housing Strategy, which requires 10% of new residential developments to be made available for social housing. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage housing allocation in a development, dependent on the date of purchase of the respective site. The applicant's 'SHD Application Part V Document' sets out that 20% of the units within the scheme would be allocated as part of the Part V housing requirement. This would be complied with via the provision of 70 units distributed in four locations throughout the development in a mix of one, two and three-bedroom

units. The Planning Authority acknowledge the details submitted in this regard and they have not objected to the proposals.

12.2.6. I am satisfied that Part V requirements are matters that can be finalised with the Planning Authority by way of a condition, should the Board decide to grant permission for the proposed development. The details provided accord with the requirements set out within the relevant Guidelines and the proposed Part V provision can be finalised at compliance stage. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

12.2.7. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses and duplexes, as apartments are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate choice and supply of housing within the development, including affordable housing.

12.3. **Density**

12.3.1. Observations assert that the proposed density of the scheme would exceed and materially contravene the density parameters set out in the Development Plan for this site. The Planning Authority consider the proposed density to be appropriate for the site based on the Sustainable Residential Development Guidelines, which require a net density of 35 to 50 dwellings per hectare on outer/suburban/greenfield sites and based on the site context relative to the town centre and train station, as well as the site characteristics. The applicant does not consider a material contravention to arise with respect to the proposed density of the development and they consider the proposed density to provide for sustainable development of the site, consistent with the provisions of the Development Plan, the Sustainable Residential Development Guidelines, the New Apartment Guidelines and the Building Heights Guidelines. The applicant identifies the public transport options available, as well as highlighting that the townhouse units provide a greater density on site and the site characteristics have influenced the range of densities on site, including a lowering of densities moving further from the railway station.

- 12.3.2. Comprising 345 units on a net site area of 6.6ha, which excludes the infrastructure and road upgrade area along the Golf Links Road and includes the proposed open spaces, the proposed development would feature a density of 52 units per hectare. When compared with residential densities in the immediate environment, such densities would be much higher than the density of one-off housing along Golf Links Road and the net density of 27 units per hectare in Ballygossan Park (phase I).

Local Policy

- 12.3.3. The Development Plan includes objective PM41 which aims to 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 Development Plan states that in determining residential densities, regard should be given to the Sustainable Residential Development Guidelines and the Urban Design Manual. Objective MT05 of the Development Plan aims to integrate land use with transportation by allowing higher density development along higher capacity public transport corridors and in addressing design criteria for residential development the Development Plan promotes higher residential densities within walking distance of town centres. The expired Local Area Plan had set out appropriate densities based on direct distances from the railway station, including an average of 42 units per hectare within 800m of the station and 37 units per hectare beyond this.

National and Regional Policy

- 12.3.4. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. The RSES for the region require increased densities, as also set out in the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines. All national planning policy indicates that increased densities and more

compact urban forms are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.

- 12.3.5. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

Sustainable Residential Development Guidelines

- 12.3.6. The Sustainable Residential Development Guidelines set out where increased residential densities will generally be encouraged in cities and large towns, including city or town centres, on brownfield sites within city or town centres, along public transport corridors, on inner-suburban / infill sites, on institutional lands and on outer-suburban / greenfield sites. Based on the definition provided in the Sustainable Residential Development Guidelines, large towns feature a population of 5,000. According to the applicant's EIAR, the most recent published census results (2016) recorded a population of 10,043 persons for the settlement of Skerries, therefore the density standards for large towns would be most applicable in this case. Circular Letter: NRUP 02/2021 clarifies that a full range of densities should be considered for large town, outer-suburban sites, including a baseline figure of 30 dwellings per hectare (net) and cognisance of the specific context.
- 12.3.7. The Sustainable Residential Development Guidelines refer to walking distances from public transport services as best guiding densities along public transport corridors, with scope for increased densities in locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. Inner suburban areas of towns are defined in the Guidelines as being located proximate to existing or due to be improved public transport corridors, and outer suburban / greenfield sites are defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities.

12.3.8. The applicant's DMURS Compliance Statement includes images (appendix B) identifying the main public transport routes and infrastructures in the immediate vicinity of the application site, as well as travel times to these services. The nearest public bus stops (nos. 3793 and 3824) to the application site are located on Holmpatrick Road (R128 regional road) approximately 800m to 900m walk from the application site, providing access to bus routes 33, 33a, 33e, 33x and 33n connecting Balbriggan with Dublin city centre and Dublin airport via Skerries. Other services from the closest bus stops include the 533 and the Fingal Express, which connect Skerries with UCD via Dublin city centre. The closest part of the application site is an 860m walk along a pedestrian route from Skerries railway station and dependent on the provision of pedestrian paths traversing the drainage ditch, similar to those currently proposed under FCC ref. F21A/0287 / ABP ref. 312189-21. Figure 11.4 of the EIAR submitted with the application provides walking isochrones for the subject site, but this would appear to fail to account for the existing pedestrian route along the railway line and running through the Ballygossan Park phase II area to the north of the subject site. The proposed route to the rail station is illustrated on page 7 of the applicant's Landscape Report, showing a ten-minute walk from the subject site to the railway station. The Guidelines refer to the capacity of public transport services requiring consideration with respect to appropriate densities, a matter that I specifically address further below. The site is a five-minute cycle or a 15-minute walk from the edge of the town centre.

12.3.9. I am satisfied that subject to the necessary tie-in pedestrian route to the north being completed in advance of the occupation of a unit within the proposed development, based on guidance and proximity of the site to Skerries railway station, the site can be considered to fall into the category of a site located within a public transport corridor for the purposes of calculating appropriate residential densities.

New Apartment Guidelines

12.3.10. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in

cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

12.3.11. Intermediate locations include sites within walking distance (i.e. between 10 to 15 minutes or 1km to 1.5km) of a high capacity urban public transport stop, such as DART or commuter rail or sites within reasonable walking distance (between 5 to 10 minutes or up to 1km) of high frequency urban bus services. In considering the general provision of public transport available in this area, I would note that the capacity of services is intrinsically linked to frequency, as inferred in section 5.8 of the Sustainable Residential Development Guidelines. Within their Traffic and Transport Assessment Report, the applicant has provided details of an assessment undertaken of the existing, adjusted and forecasted capacity of rail services from Skerries, which is asserted to indicate 27% reserve capacity in morning southbound trains and 11% reserve capacity in evening northbound trains with the development in place. Substantially more reserve capacity is estimated by the applicant for the local bus services (83% to 84%). I am satisfied that based on rail timetables and details presented by the applicant regarding the extent of rail services operated at present from Skerries railway station and the intention for advanced infrastructure works to be completed prior to occupation of the proposed development, the future occupants of the proposed development would be served by reasonable access to public transport. Based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of an 'intermediate urban location', as asserted by the applicant.

Density Conclusion

12.3.12. The statutory plan for this area does not specifically set out definitive minimum or maximum densities for this site, while highlighting the need to have regard to the density provisions outlined within the Sustainable Residential Development Guidelines. Sites along public transport corridors are stated in the Sustainable

Residential Development Guidelines to generally be suitable for net residential densities of greater than 50 units per hectare and a range of densities greater than 30 units per hectare (net) on an outer-suburban site can be considered. The New Apartment Guidelines recommend densities of greater than 45 dwellings per hectare in intermediate urban locations and this is also complied with as part of the subject proposals. The proposed development is above the minimum guided density range allowed for in the Sustainable Residential Development Guidelines and the New Apartment Guidelines and would not be excessively in exceedance of these minimum targets. Accordingly, it cannot be reasonably considered that development at the density proposed on the application site would materially contravene the density provisions in the Development Plan.

12.3.13. Having regard to national, regional and local planning policy, as well as the site context, I am satisfied that subject to a condition requiring completion of the necessary pedestrian and cycle infrastructure connecting north into the existing pedestrian infrastructure leading to the Skerries railway station, the site is well placed to accommodate growth at the net density proposed of 52 units per hectare. In conclusion, subject to the aforementioned condition, the proposed density for the application site complies with Government policy seeking to increase densities in appropriate locations and thereby deliver compact urban growth. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessments below.

12.4. Urban Design

12.4.1. The layout, massing, design and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on visual and residential amenities primarily considered separately below.

Design

12.4.2. As part of the site analysis in their Urban Design and Architectural Design Statement, the key opportunities and constraints in developing the site are indicated, including the key principles of the Urban Design Manual.

12.4.3. The scheme is to be split into three character areas. Character area 1 to the north side would feature a central park running along the drainage channel infrastructure

and overlooked from the south by two splayed rows of four-storey terraced blocks addressing the drop in ground moving north and containing own-door apartments and duplexes creating a strong edge onto the parkland setting. Character area 2 features a quadrangular block of own-door apartments and duplex apartments set along the railway line corridor and overlooking an internal courtyard containing shared garden space over podium-level car park. Character area 3 along the south eastern side of the site with Golf Links Road would feature two and three-storey housing fronting onto the main tree-lined avenue running through the site, the network of local streets and a local park. The Planning Authority consider the proposals to provide for three discernible character areas. I am satisfied that the distinct character areas that are proposed would aid in creating a sense of place and provide for a suitable transition in scale considerate of the site characteristics and the immediate context.

- 12.4.4. In relation to the proposed buildings, I note that they would feature regular rhythm and proportions, with a consistent architectural language used throughout the scheme based on a limited palette of contemporary materials, including render or a mix of render and brick. The Planning Authority are broadly supportive of the form of the residential buildings. I am satisfied that the design of the proposed buildings would be of high quality and would positively contribute towards place making in this new community. Final materials following the approach set out in the application can be addressed via condition in the event of a permission for the development according to the Planning Authority.

Layout

- 12.4.5. The layout has been guided by the previous provisions set out in the expired Local Area Plan. Housing along the eastern boundary would generally back onto and would largely maintain reasonable separation distances from the existing detached house properties along Golf Links Road. The proposed community / childcare facility would be positioned along the main avenue and centrally within the development. The roads hierarchy features secondary link roads and courtyards serving housing areas off the main avenue. The internal street layout is logical and connections between character areas are reinforced by pedestrian paths adjacent to, connecting and off the main streets. Provision has also been made for a possible future

pedestrian link to the south adjacent to the railway line. I address the issue of permeability further below with respect to traffic and transportation (section 12.7).

- 12.4.6. The development provides for extensive passive surveillance of the public realm with ample opportunity for a variety of street planting. The main avenue connecting through the site from Golf Links Road and traversing the watercourse into Ballygossan Park would be 6m in width and would accommodate on-street parking, and segregated parallel cycle track facilities. Separate routes for cyclists are also to be provided along the linear park following the railway and through the park to the north linking into the 'advanced infrastructure application' proposals and onto Golf Links Road. Proposed housing would be setback from adjoining housing areas and the houses are proposed to overlook Golf Links Road to the southeast. The building line along Golf Links Road varies considerably at present from the railway bridge to Ballygossan Park, with buildings set back distances of 4m to 20m from the roadside. Two proposed houses would be positioned almost 1m from the new footpath along Golf Links Road, which is closer to the roadside than the existing housing along this roadside. However, I do not consider this substantially out of character with the immediate area, given the varied approach to building lines along this stretch of road. This would also provide for surveillance of this roadside area. The Planning Authority are broadly supportive of the layout and I am satisfied that it suitably addresses the established grain and character of the immediate areas.

Public Open Space

- 12.4.7. From the outset, I note that the subject lands do not at present provide open space accessible to the public and the framework for development of the lands that had been prescribed within the expired Local Area Plan did not identify that the subject lands would meet a specific public open space requirement to serve the town of Skerries, including the additional active recreation grounds sought by observers to the application. The site is zoned for residential use, albeit with some requirements to provide an appropriate quantum and quality of public open space relative to the extent of housing proposed. The primary public open space to serve the development would be formed by the park running along the northern boundary of the site, much of which is included as part of the applicant's 'advanced infrastructure application', which is on appeal to the Board (FCC ref. F21A/0287 / ABP ref. 312189-21). A linear park route along the line of a pedestrian and cycle route is also

proposed along the railway line boundary and a playground space is proposed centrally within the site within a triangular-shaped pocket park close to the proposed community / childcare facility. The applicant refers to the possible future housing project on the lands to the north of the application site known as Ballygossan Park phase II incorporating a multi-use games area and a playspace.

- 12.4.8. Objectives PM52 and DMS57 of the Development Plan require minimum public open space in housing developments based on a standard provision of 2.5 hectares per 1,000 population; assuming an occupancy rate of 3.5 persons for units with three or more bedrooms and 1.5 persons for units of two or less bedrooms. The Planning Authority and the applicant assert that this would result in the need to provide 2.1 hectares public open space on site. Objectives DMS57A / DMS57B of the Development Plan require a 10% provision of public open space in residential developments and the applicant considers that this would be complied with as part of the proposed development via provision of 1.67sq.m of public open space, amounting to 25% of the net site area. The applicant does not include the linear park route running along the western boundary of the site within this calculation. The Parks and Green Infrastructure Division of the Planning Authority assert that when excluding incidental areas and steeply sloping areas, which they consider to form part of regional drainage infrastructure, the proposed public open space would only amount to 1.18ha. I am satisfied that the area identified by the applicant as public open space (in drawing no. DN1906_BSLA__LDA_SHD_LANDSCAPE DETAIL - OPEN SPACE) should all be considered in calculating the appropriate quantum of public open space, particularly given the need for both active and passive uses to form such space and given the provisions of objective DMS73 of the Development Plan allowing for the inclusion of SUDS features as part of public open space where such features contribute in a significant and positive way to the design and quality of the open space. Furthermore, for the Planning Authority to describe the open space as featuring 'steep' slopes, this does not accurately reflect the details illustrated in the applicant's Landscape Report showing modest slopes dropping into the regional drainage infrastructure forming the vast majority of the applicant's public open space provision. Even with the omission of the incidental areas referenced by the Planning Authority, the 1.18ha public open space provision on site would amount to 17% of

the net site area, which would exceed the 10% minimum requirement in objectives DMS57A / DMS57B.

- 12.4.9. The applicant addresses non-compliance of the proposals with objectives PM52, DMS57, DMS57A and DMS57B in their Statement of Material Contravention and in such a situation it is open to the Board to consider the proposal in terms of material contravention procedures. As a shortfall of public open space amounting to 0.43ha could be considered to arise in this case based on the stated provisions and the development quantum, I am satisfied that the public open space proposals could reasonably be considered to materially contravene the provisions of objectives PM52 and DMS57 of the Development Plan, as asserted by observers to the application.
- 12.4.10. The Planning Authority has sought payment of financial contributions in lieu of the asserted shortfall in public open space, as provided for on a discretionary basis under objective DMS57B of the Development Plan. In view of the minimum public open space requirement being met, the extensive provision of other lands in control of the applicant adjoining to the north as public open space (under FCC ref. F21A/0287 / ABP ref. 312189-21), which would be well in excess of the suggested shortfall, the discretion afforded by the Development Plan in applying this objective and the need to provide development at a sustainable density on the subject lands, I am satisfied that contributions in lieu of a shortfall in public space would not be necessary or warranted in this case. In conclusion, I am satisfied that the quantum, hierarchy and distribution of public open space within the proposed scheme would more than meet the minimum requirements set out in objectives DMS57A and DMS57B of the Development Plan, would not materially contravene these objectives and would be sufficient to serve the proposed development.
- 12.4.11. As requested by the Planning Authority and required under objective DMS05 of the Development Plan, a condition should be attached requiring a piece of public art to be agreed with the Planning Authority.

Buildings Heights

- 12.4.12. The Development Plan does not place any specific height limitations on buildings in this location. Objective DMS39 of the Development Plan requires new infill development to respect the height and massing of existing residential units. Where the proposed height of new residential development is greater than that of the

surrounding area, the Development Plan requires a transitional element to be provided. The expired Local Area Plan referred to building heights varying across the Plan lands, including three-storey buildings (10m-high) onto the riparian buffer and single to two-storey (8m-high) buildings to the south of the application lands.

12.4.13. The proposed development primarily features two, three and four-storey buildings with the four-storey blocks only situated on the lower lands onto the riparian buffer, and addressing walkways and open space within this space. Building heights would be similar in height and scale to the existing two and three-storey building heights characteristic of the housing adjacent to the north in Ballygossan Park. Single and two-storey housing is currently situated along Golf Links Road adjacent to and adjoining the site. Observations assert that the proposed building heights would be excessive for the site and would not be appropriate owing to the elevation of the site. Observers consider this aspect of the proposed development to materially contravene the Development Plan, however, I am satisfied that this cannot be reasonably considered to arise given the lack of any specific limitations on building height in this area and the modest height of the subject proposed buildings. The Planning Authority consider the proposed building heights to generally be acceptable.

12.4.14. The heights of the proposed buildings would not appear excessive in principle, particularly when noting the three-storey houses adjacent to the north fronting onto the riparian buffer, and given the variation in ground levels and the overall scale of the site within an edge of town context. In addressing topography and sensitive interfaces, the height of the proposed blocks provides transition and variety in the buildings, as required in SPPR4 of the Building Heights Guidelines. Excessively tall buildings are not proposed in the development relative to the scale of the site and its context. I have had regard to section 3.2 Development Management Criteria of the Building Heights Guidelines and I am satisfied that at the varying scales of the town, neighbourhood, street and site, the predominance of two and three-storey buildings in the subject development would be acceptable and would be appropriate for the site, and there would be scope for four-storey buildings on the lower grounds overlooking the expansive open space area. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken below.

Hedgerows

12.4.15. The proposed development would require the removal of hedgerows generally demarcating field boundaries on site, in order to facilitate the subject development. The hedgerow along the railway line would be maintained and enhanced as part of the subject proposals. Within their Statement of Material Contravention the applicant states that it could be considered that the proposed removal of hedgerows would materially contravene two objectives of the Development Plan, specifically objectives DMS80 and NH27. Objective DMS80 aims to 'ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments', while objective NH27 aims to 'protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management'. The historical townland boundary between Milverton and Hacketstown generally follows Golf Links Road and approximately 85m of the roadside hedgerow would need to be removed to facilitate the subject development. Objective DMS80 aims to preserve and incorporate such hedgerows into developments only where appropriate. I do not consider this appropriate in the case given the need to develop the site at sustainable densities and provide a safe access onto Golf Links Road. Accordingly, the proposed development would not conflict with or contravene objective DMS80. The hedgerows on site are not of particular amenity value and there are many hedgerows of a similar appearance in the neighbouring and wider environs. The loss of the hedgerows on site would not be material from a visual amenity or biodiversity perspective in the context of the extent and prevalence of hedgerows of very similar nature and appearance in the immediate area. As such, I do not consider the removal of hedgerows on site to result in a material contravention of objective NH27 of the Development Plan.

Public Lighting

12.4.16. Public lighting details, including the specifications and illumination levels for the lighting columns intended to be installed as part of the proposed development are identified within the applicant's External Lighting Planning Compliance report. The drawings appended to this report indicate the areas on site that would feature public lighting, including roadways and parkland areas. The details provided, including the

applicant's landscape masterplan, suggest that limited public lighting would be provided northeast of the proposed vehicular access onto Golf Links Road within the application redline boundary where there currently is no public lighting provided. The applicant's lighting report states that the specification of the proposed light fittings along the riparian zone would be installed based on bat lighting guidelines – Guidance Notes for Planners, Engineers, Architects and Developers (Bat Conservation Ireland, 2010). As required by the Planning Authority, I am satisfied that further details of public lighting serving the development should be provided in the event of a grant of planning permission, including provision for additional lighting along the section of Golf Links Road within the application site and the provision of lighting sensitive to bats in all open space areas on site and along the linear route along the railway line.

Conclusion

12.4.17. The proposed character areas featuring a range of building designs and typologies would provide for diverse views within the development, albeit with a unified theme primarily supported by a limited selection of materials and similarity in building proportions, and this would create a sense of place in line with the requirements of the Development Plan. I am satisfied that the overall layout, massing, building height and design of the scheme would provide a reasonable response in developing this site from an urban design perspective, in accordance with the provisions set out in the Development Plan.

12.5. Impacts on Neighbouring Amenities

12.5.1. The observations assert that the proposals would have undue impacts on the amenities of neighbouring properties as a result of overlooking, overbearing and overshadowing impacts, as well as the loss of light and noise disturbance for neighbouring residents. The Planning Authority do not consider the proposed development to have substantive impacts on lighting to neighbouring properties, however, they do raise concerns regarding the potential for overlooking from the proposed development to houses along Golf Links Road, with amendment options suggested to address same.

Context

- 12.5.2. The nearest existing residential properties to the proposed development are those located adjoining to the southwest along Golf Links Road comprising single and two-storey houses. The distances from these neighbouring houses relative to the proposed houses and apartments are identified on the applicant's existing site layout plan drawing (no. 19020A-OMP-00-00-DR-A-1010). Limited height differences are illustrated in the application package with only site section E-E picking up an adjoining house (drawing no 19020A-OMP-00-00-DR-A-2005).
- 12.5.3. There are five houses adjoining the subject residential lands along Golf Links Road. The northern most house, a single-storey cottage, would be over 100m from the closest residence in the proposed development (block A2) and over 5m below the ground level of this closest residence. The 11.2m-high three-storey duplex units (blocks B) in character area 3 would be a minimum of 53m from the two-storey dormer-style house known as Beechwood situated on slightly lower ground along Golf Links Road and 40m from the boundary of this house. The two-storey dormer-style house known as Corinna on Golf Links Road also on slightly lower ground and adjoining the application site, would feature a rear elevation approximately 21.5m from the rear of proposed block B. According to the applicant, the rear elevation of the bungalow southwest of Corinna and situated on Golf Links Road, would be 15m from the nearest proposed building, two-storey house type F, and on a similar ground level. The proposed site layout drawing would appear to fail to recognise an annex to this bungalow to the northeast side, which would be approximately 10m from the side elevation of unit type D2 in the south of the subject development. The two-storey traditional farmhouse known as Bridge House would be 40m from the nearest boundary with the application site. The houses in Ballygossan Park would be over 55m from the nearest building in the subject development, which is block A2.

Overlooking and Loss of Privacy

- 12.5.4. The Development Plan refers to the Sustainable Residential Development Guidelines as an effective guide for residential developments in urban areas. These Guidelines and the Development Plan refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation

distances may be acceptable based on the Guidelines and the Development Plan, and in residential developments over 3 storeys, the Development Plan states that minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

12.5.5. The Planning Authority refer to the need to address the potential for overlooking from the proposed development to houses adjacent to the east side and southeast corner, via increased separation distances and / or further design measures. Given the separation distances and planning provisions presented above, there would only be potential for excessive overlooking to arise for residents of the house known as Corinna and the bungalow to the southwest of this.

12.5.6. Three-storey duplex block B would feature windows serving ground-floor living/kitchen/dining rooms and upper-floor bedrooms on the rear elevation directly facing onto the property known as Corinna. The rear elevation of the dormer house at Corinna features ground-floor windows facing the subject site with rooflights serving the first-floor rooms. The nearest element of block B would feature a roof ridge approximately 6.2m above the roof ridge height to this existing dormer house. The boundary between the properties is formed by a wooden fence supplemented by a barbed wire fence and a linear beech hedge that is situated within the property Corinna. The root protection zone for this hedge is 3m in width according to the arboricultural report submitted with the application and the applicant intends to install a 2m-high precast-concrete post and panel fence with additional tree planting for screening outside of the root protection zone for the beech hedge. This is stated to address the sensitivity of this boundary to development, as previously referred to in the expired Local Area Plan. The relationship between Corinna house and block B is best visualised using photomontage view no.3. There would only be potential for direct overlooking between the proposed units at ground floor as the existing house only features rooflights of limited glazing area at first floor. The existing boundary, which would be maintained/protected and supplemented as part of the subject proposals would restrict direct overlooking at ground-floor level. Consequently, there would only be the potential for overlooking to arise from first and second-floor levels in block B towards the garden area serving Corinna. These windows would be approximately 6.4m from the garden to Corinna, which is of extensive size, including a depth of 90m and a width of 35m. Given the proposals to maintain and

supplement the boundary, as well as the overall scale of the garden area associated with this house with limited scope for overlooking many areas on site, and given the expanding urban form of development in this area, the proposed development would provide for a relationship between the existing and proposed houses that would be typical for such a setting and would not detrimentally impact on the privacy of the residents of the existing house at Corinna by way of overlooking.

12.5.7. The two-storey semi-detached house (type F1) in character area 3 would feature side elevation secondary windows serving a ground-floor living room and an upper-floor bedroom facing the aforementioned bungalow property with annex. The two-storey end-of terrace house (type D2) would feature ground-floor kitchen and living/dining room windows, as well as a first-floor secondary bedroom window also facing the rear of the existing bungalow. The rear elevation of the bungalow features ground-floor windows within 7m of the property boundary. The nearest element of the proposed houses (types F1 and D2) would feature a roof ridge approximately 3.5m to 3.7m above the roof ridge height of the existing bungalow. The boundary between the properties is formed by a fence supplemented by vegetation and the applicant intends to further supplement this by erecting a 2m-high precast-concrete post and panel fence to the boundary. While the side elevation windows to the proposed houses would be 10m to 15m from ground-floor rear elevation windows to the bungalow, direct overlooking would not arise given the screening at ground level provided by the intervening existing and proposed boundary treatments, which would also partially screen views from first-floor level into the rear amenity area serving the bungalow. Based on these details I am satisfied that excessive direct overlooking would not arise from the closest neighbouring houses to the existing bungalow.

12.5.8. I consider that the separation distances that would be achieved from neighbouring residences would be typical for an edge of town setting that is primarily zoned for residential development and the design measures, including the provision of windows, boundary treatments and landscaping, would sufficiently address the potential for excessive direct overlooking between neighbouring residences and the proposed development. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, given the setback provided for the proposed buildings from the site boundaries. Accordingly, a refusal of permission or modifications to the proposed development for reasons

relating to overlooking of neighbouring properties would not be warranted. I consider the impacts on the privacy for residents of the proposed residences separately under section 12.6 below.

Outlook and Overbearing Impacts

- 12.5.9. The proposed development would be visible from the private amenity areas and internal areas of housing neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the photomontages, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to housing, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential development objectives for the site, as contained in the current statutory plan for this area.
- 12.5.10. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. As noted above, the proposed development features buildings similar to the prevailing most recently constructed building heights in the area. Viewpoints 3, 6 and 8 in the applicant's Verified Photomontage booklet best illustrate the appearance of the development closest to existing housing areas. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest houses, with an open outlook and sky view maintained for neighbouring residences. There would be sufficient intervening space between the existing houses and the proposed buildings to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring houses. The limited height of the proposed buildings, coupled with the separation distances from the existing housing, is such that where visible from neighbouring properties the proposed development would not be excessively overbearing.

Impacts on Lighting - Daylight and Sunlight

- 12.5.11. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light

from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided a Daylight and Sunlight Impact report, including an assessment of the effect of the proposed development on lighting to neighbouring houses.

12.5.12. The Sustainable Residential Development Guidelines refer to the standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The BRE 209 guidance outlines a series of tests to identify whether rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. Based on section drawings and levels stated in the application, the proposed buildings would not appear to be located a distance of less than three times the height of these buildings to the centre of the main window facing the development in any existing neighbouring houses. Furthermore and according with the BRE 209 guidance, daylighting may not be an issue if development is less than 25° to the horizontal when measured from the centre of the lowest window to a main living room. When taking into account the differences in ground levels, the building heights and the separation distances, the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest windows to the main living rooms of neighbouring properties. Accordingly, daylighting is unlikely to be significantly affected. Notwithstanding this the applicant undertook tests to assess the potential for loss of daylight to neighbouring houses, including three houses along Golf Links Road and housing along Ballygossan Park. The assessment of vertical sky component (VSC) revealed that the proposed development would have negligible impact on the 45 windows tested in these properties, further confirming the above conclusions.

12.5.13. Section 3.2.2 of the BRE 209 guidance states that 'obstruction to sunlight' to existing dwellings may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;

(ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

12.5.14. To this end, obstruction of sunlight to the majority of neighbouring houses would not be an issue, as the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room of the nearest properties and the main window wall to some properties along Golf Links Road would be within 90 degrees south of the proposed development. The applicant tested the annual probably sunlight hours (APSH) for three windows serving the house known as Corinna and this revealed compliance with the BRE 209 guidance, thereby, obstruction of light would not be substantive. The proposed development is not considered to cause an obstruction to sunlight to neighbouring properties.

Overshadowing

12.5.15. The BRE 209 guidance requires greater than half of neighbouring garden areas to receive at least two hours of sunlight on the 21st day of March (the spring equinox). The scale, height, siting and orientation of the proposed buildings are such that it is clear that neighbouring gardens would not be unduly impacted by overshadowing from the proposed development and the proposed development would not result in less than half the area of neighbouring gardens receiving at least two hours of sunlight. The applicant has tested this within their Daylight and Sunlight Impact Report and this reveals that as a result of the proposed development there would be no substantive change to sunlight hours on the neighbouring amenity areas considered to represent a worst-case scenario in this regard.

Construction Impacts

12.5.16. The applicant's CEMP assumes a five-year construction period. Observers assert that the proposed development would result in nuisance for neighbouring residents as a result of noise and traffic. The CEMP sets out the intended measures to address traffic, construction waste, dust, dirt and noise emissions during the construction phase, as well as measures to control impacts on biodiversity and emissions to groundwater and surface water. Any construction phase impacts, including those closest to neighbouring properties, would only be of a temporary nature and would also be subject of a finalised project CEMP, as required by the

Planning Authority. The final CEMP is required to be cognisant of the operation of the nearby school, which I am satisfied can be reasonably addressed in this final CEMP. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission and the applicant can be requested to identify a location for the project site construction compound with a suitable buffer from residences and the riparian corridor to address the Planning Authority's concerns with respect to neighbouring residential amenities and water quality.

Conclusions

- 12.5.17. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing, overbearing or overlooking impacts for residents of neighbouring properties. Accordingly, subject to conditions, the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.
- 12.5.18. The observations assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Following on from the assessment above, including the suggested amendments, sufficient substantive and objective evidence has not been provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity.

12.6. Residential Amenities and Development Standards

- 12.6.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities Guidelines and the New Apartment Guidelines, as well as the Development Plan and the Building Heights Guidelines, which refer to documents providing guidance for daylight / sunlight assessments within new developments. The subject development would not come within a category of development that would be open to relaxed development standards. The applicant has submitted a Housing Quality Assessment as part of their Urban Design and Architectural Design Statement

comprising a schedule of accommodation based on unit types, which provides details of apartment and house sizes, aspect, room sizes, storage space and private amenity space.

Houses – Mix and Standards

- 12.6.2. Objective PM38 of the Development Plan requires new residential developments to achieve an appropriate dwelling mix, size, type and tenure, while objective PM40 requires the mix and range of house types to meet the diverse needs of residents. The Development Plan refers to the need for a range of house sizes and types in residential developments to allow for people to remain in an area at every stage of their lives. The Planning Authority consider the proposed development to be broadly consistent with these housing mix requirements. The Elected Members note the absence of single-storey / step-down units. Observers assert that the proposed housing mix features an overprovision of three-storey, terraced and apartment buildings, which they consider to be in significant conflict with the stated vision for the subject zoning, and, therefore, in material contravention of the Development Plan.
- 12.6.3. All 39 semi-detached and terraced houses within the development would feature three bedrooms, and in conjunction with the one, two and three-bedroom apartments, this approach would comply with the mix requirements outlined above with respect to the Development Plan, given the range of housing options provided for. This approach would also comply with the provisions of SPPR 4 of the Building Heights Guidelines requiring the avoidance of mono-type building typologies in locations such as this and at the scale proposed. Given the variety of housing proposed, I fail to see that the development would feature an over-provision of a single unit type, including three-bedroom units and I am not satisfied that it has been demonstrated that the subject proposed housing mix materially contravenes the Development Plan, based on the land-use zoning objectives for the site.
- 12.6.4. Objective DMS24 of the Development Plan requires new residential units to comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3 of the Development Plan. The floor areas for each of the proposed three-bedroom houses measuring a minimum of 112sq.m would be in compliance with the minimum standards set out within the Quality Housing for Sustainable Communities Guidelines

(100-110sq.m) and the Development Plan (92-100sq.m). The proposed houses also meet the relevant 'Quality Housing' guidance reflected in the Development Plan with respect to storage space, aggregate living rooms and aggregate bedroom sizes, as well as layouts, room sizes and widths. I am satisfied that the house sizes comply with the relevant assessment criteria referred to in the Development Plan.

- 12.6.5. Objective DMS87 of the Development Plan requires a minimum of 60sq.m private open space located behind the fronting building line of three-bedroom houses. The Sustainable Residential Development Guidelines require private open space for houses to be provided in the form of rear gardens. Based on the drawings submitted, the proposed houses would feature rear gardens ranging in size from 55sq.m to 135sq.m. A shortfall in rear garden space relative to the 60sq.m requirement would only arise for three of the proposed houses. Notwithstanding the identified shortfalls, I am satisfied that the areas provided would be of a sufficient standard for housing in this location and that a material contravention of the Development Plan would not arise in this case, given the overall surplus area of private open space per house, which could be reallocated to ensure complete compliance if deemed necessary, and as marginal non-compliance by approximately 5sq.m or less for three private amenity spaces serving 39 proposed houses would not reasonably have substantive material planning implications. To ensure sufficient private amenity space would be available in the future to serve these houses, a condition should be attached to remove the standard regulatory development exemptions for these houses.

Apartment Mix and Standards

- 12.6.6. Objective PM43 of the Development Plan states that in considering new apartment developments, regard should be given to any updated version of the New Apartment Guidelines. SPPR1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that when excluding the house units and including the duplex units, the proposed development featuring 84 one-bedroom (27.5%), 104 two-bedroom (34%) and 118 three-bedroom apartments (38.5%) would be compliant with SPPR1 of the New Apartment Guidelines. The 25 two-bedroom three-person apartments would

amount to 8% of the apartment units in the scheme, which would be within the 10% provision normally allowed for this unit type in the New Apartment Guidelines.

- 12.6.7. The applicant asserts that the proposed apartments have been designed to fully accord with the minimum standards within the New Apartment Guidelines. The one-bedroom units measuring between 50.4 to 56.8sq.m, the two-bedroom three-person units measuring 68.5sq.m to 71.3sq.m, the two-bedroom four-person units measuring 79.2sq.m to 94.1sq.m and the three-bedroom units measuring 104sq.m to 125.3sq.m would meet the minimum 45sq.m, 63sq.m, 73sq.m and 90sq.m unit size requirements respectively required for these apartments in the New Apartment Guidelines. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the applicant's drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Floor to ceiling heights of 2.7m are illustrated for ground-floor levels in the section plans for all of the apartment blocks, in compliance with SPPR5 of the New Apartment Guidelines and objective DMS22 of the Development Plan.
- 12.6.8. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines and objective DMS25 of the Development Plan would be achieved in the proposed apartment element of the development. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines, which are replicated in table 12.6 of the Development Plan. In compliance with objective DMS20 of the Development Plan and SPPR 4 of the New Apartment Guidelines, all apartments proposed would feature dual aspect.
- 12.6.9. Section 6.6 of the New Apartment Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 for lighting standards and this is also provided for in objective DMS30 of the Development Plan. The Planning Authority do not raise concerns with respect to the provision of daylighting to the proposed apartments and the location of the site and the nature of the development, including layout, building heights and separation distances, is such that lighting to the proposed development would not be likely to fail to provide adequate levels of lighting to the subject apartments.

12.6.10. The BRE 209 Guide and BS 8206-2:2008 standards recommend that for the main living spaces/living rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their Daylight and Sunlight Impact Report, with results of testing presented in tabular format for 45 of the residential units considered to provide a reasonably representative sample. The results of testing for the proposed development calculated ADF values between the range of 2.14% to 6.91% for the living/kitchen/dining rooms and living rooms and 1.15% to 5.28% for the bedrooms. This suggests that on the basis of the representative sample details provided, which I am satisfied would generally present the worst-case scenario for lighting to the proposed residences, all bedrooms and living/kitchen/dining rooms and living rooms in the proposed development would comply with the ADF target values in the BRE 209 Guide. Windows serving bedrooms have been omitted from the layout plans for unit type E1, although they are shown on the elevation drawings. In conclusion, I am satisfied that the daylighting to the proposed development would provide for suitable levels of residential amenity for future residents of the development.

Privacy and Overlooking

12.6.11. As mentioned above the Sustainable Residential Development Guidelines generally require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy. A similar separation distance is required in objective DMS28 of the Development Plan, including potential for increased separation distances in residential developments of three storeys or more. I am satisfied that the design measures such as separation distances, intervening public realm and open spaces, as well as building orientation would be appropriate and would address the potential for excessive direct overlooking between the proposed residences within the development. Where the 22m separation distance would not be achieved, for example to the south of the proposed development by a minimum of 13.2m between house types E and D1 and house types F1 and F2, the provision of boundary treatments at ground floor and the installation of windows only serving bathrooms and hallways in unit types F1 and F2 at first-floor level would eliminate the potential for excessive direct overlooking. Side elevation windows serving habitable rooms are also avoided on unit type D2 within close proximity of

neighbouring proposed houses. Sufficient defensible space with scope for landscaping fronting the proposed houses and apartments, including those in block E, to suitably address the privacy of ground-floor rooms, is provided for throughout the proposed layout.

Communal Open Space

12.6.12. According to table 12.6 of the Development Plan and appendix 1 of the New Apartment Guidelines, the communal open space provision to serve the development should amount to a minimum of 5sq.m per one-bedroom unit, 7sq.m for a two-bedroom unit and 9sq.m for a three-bedroom unit. Based on the apartment and duplex mix only and these planning provisions, the proposed development would require 2,210sq.m of communal open space. According to the applicant, communal amenity areas would be provided in the form of two courtyards to blocks E and F amounting to 2,272sq.m. The location of the communal space would not directly serve the perimeter duplex and apartment blocks, as well as block C within the proposed development. However, these units are generally provided with provision of private amenity space greater than that required, as well as direct or easy access to public open space, much of which would be directly overlooked by these units. I am satisfied that the provision of communal open space would contribute to the amenities of future residents, in conjunction with the alternative public and private open space provision proposed within the development.

12.6.13. There is variety in the function and appearance of the courtyard communal spaces, including the soft landscaping, seating and play equipment elements. Over half of the communal open space would receive at least two hours of sunlight on the 21st day of March, which would exceed the minimum requirements set out within the BRE 209 Guide. In conclusion, I am satisfied that the communal open space proposed would provide a reasonable level of amenity for future residents of the apartment units in the development based on the relevant applicable standards.

Play Provision

12.6.14. The Planning Authority do not consider the proposed provision of play equipment and facilities within the development to comply with the provisions set out in objectives DMS75 and DMS76 of the Development Plan. Objective DMS75 requires the provision of appropriately scaled children's playground facilities within residential

developments greater than 50 units at a rate of 4sq.m per residential unit. Further to this objective DMS76 of the Development Plan requires an equipped playground no less than 0.02ha to be included as part of children's play facilities with a minimum of one piece of play equipment per 50sq.m of playground.

12.6.15. Based on the statutory provisions, the Planning Authority consider the subject development to attract a requirement for 556sq.m of playground facilities. On the basis of the subject proposals providing for 345 units and the specific requirements set out in objective DMS75, my calculations suggest that 1,380sq.m would be required as playground facilities within the proposed development. The applicant states that a 163sq.m playground facility and 3,656sq.m of informal play areas would be provided within the development. Provision is made for six pieces of play equipment in the proposed playground facility, with other equipment to be sited elsewhere within the development such as semi-private courtyards. The Planning Authority appear to exclude the 'kickabout' areas as providing playground facilities owing to the absence of play equipment and their steeply sloping sides.

12.6.16. Notwithstanding their consideration that the proposed playground space and equipment would be substantial and capable of serving the future needs of residents, the applicant is satisfied that this element of the proposed development would be below the minimum standards set out in objectives DMS75 and DMS76 of the Development Plan. In addition to the playground facility, the development would feature an array of passive and active recreational spaces to serve a broad spectrum of end-users. These recreational spaces would be distributed throughout the development, including within courtyards and linear parks and would invariably provide for playground facilities for children and others residing and visiting the development. The two informal kickabout areas in the green space to the north of the residences measuring 1,320sq.m and 1,330sq.m would not be situated on steeply sloping ground based on the landscape play provision drawing provided with the application and I note a similar existing informal kickabout area in use in Ballygossan Park to the north.

12.6.17. I am satisfied that in providing for a reasonable mix of recreation spaces, the overall quantum, distribution and typology of spaces would be similar to that provided in developments of a similar scale and nature and would be capable of serving the future needs of residents in this regard. I am satisfied that the overall area of the

proposed playground facilities would be in compliance with the standards outlined in DMS75 and, as such, material contravention of this objective could not reasonably be considered to arise. The main playground facility (0.0163ha) would fall below the minimum standard (0.02ha) set out in objective DMS76 although the minimum four play facility pieces required in the playground based on objective DMS76 would be provided. The shortfall in playground facility area could not reasonably be considered to be material given the minor extent of the shortfall (37sq.m), which is in essence only with respect to a standard referenced within an objective, and as such a deviation could not be considered to have a material impact on residential play amenities of the development, particularly in the context of the overprovision of wider playground facilities within the proposed development.

12.6.18. The applicant addresses non-compliance of the proposals with objectives DMS75 and DMS76 of the Development Plan in their Material Contravention Statement, and in such a situation it is open to the Board to consider the proposal in terms of material contravention procedures. However, for reasons outlined above, I do not consider the proposed development to either contravene or materially contravene the stated play equipment provisions within the Development Plan.

Childcare Facility

12.6.19. The Planning Authority welcome the correspondence appended to the applicant's Community Infrastructure Audit from Fingal Childcare Committee welcoming the childcare facility, which would amount to 309sq.m on two floors, and they request that a condition be attached in the event of a permission requiring this to be provided as part of the initial phase of the development. Sections 3.6 and 12.8 of the Development Plan addresses the provision of crèche / childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), as well as the encouragement of the provision of childcare facilities in appropriate locations. The applicant has considered the existing provision of childcare services in the Skerries area, as well as demographic trends to identify the potential demand for childcare facilities to be facilitated within the subject development.

12.6.20. According to the applicant, a total of 75 childcare spaces would be facilitated in the proposed crèche / childcare facility, which would also feature a 67sq.m outdoor

terrace space for recreation. I am satisfied that the scale of the crèche / childcare facility proposed would be acceptable to serve the development based on the relevant standards, the site context and the proposed unit types. Accordingly, the proposed development would comply with the provisions of the Childcare Facilities Guidelines and would not materially contravene the provisions of the Development Plan, as referred to by observers, which require the sustainable provision of crèche / childcare facilities.

Support Facilities

12.6.21. The observations assert that the town of Skerries does not have sufficient capacity to serve the existing population or the proposed increase in population and that the applicant's Community Infrastructure Audit features limited justification for the proposals, including several inaccurate assertions and limited evidence based on contemporary data. The Planning Authority do not raise concerns with respect to infrastructure provision. The applicant has addressed the provision of school places and open space, as well as recreation, cultural, religious, community, social, retail and religious facilities, within their Community Infrastructure Audit accompanying their application, within which they have listed and mapped various facilities within the town. The applicant acknowledges that the proposed development would attract demand for approximately 119 primary school places and 84 post-primary school places based on existing demographics, schools data and the scale of the proposed development. The applicant refers to the inclusion of Skerries Community College for a large-scale development project under the Schools Building Programme, while also highlighting the objective in the Development Plan for a school to be developed on the adjacent lands to the east of the site on Golf Links Road.

12.6.22. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops and medical facilities, all of which would benefit from the development. The proposed development would feature a community facility at lower-ground level to the childcare facility. In conclusion, supporting infrastructure and services required by the development would be largely available in the immediate area, the proposed

development would support maintaining these services and as demand increases other additional supports to serve the development would become viable. I acknowledge that there may be discrepancies highlighted by observers in the applicant's Community Infrastructure Audit, however, this does not have substantive implications for my considerations above.

Waste and Recycling Management

12.6.23. The applicant has submitted an Operational Waste Management Plan identifying the likely volumes and types of waste and recycling that would need to be managed on site based on the nature and scale of the proposed development and planning policy. Drawings have been submitted identifying the locations of the individual bin stores to serve residents of the apartments and houses, as well as patrons of the community and childcare facility. Four separate communal bin stores serving blocks A1, A2, E and F are also proposed. For the proposed houses featuring external access to the rear, bin storage areas would be available to the respective rear gardens. The observers object to the extent of units that would be reliant on bin stores to the front, which they consider would impact on the appearance of the area. Details of the proposed bin stores featuring timber panelling have been provided and I am satisfied that these would comfortably sit into the streetscape and allow for the accommodation and screening of bins. I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Sustainable Residential Development Guidelines. Bin stores are allocated to the front of terraced houses along block G of the development, however, there may be scope to relocate bin storage for these houses to the rear garden areas, given the identification in photomontage 7 of the Verified Photomontages booklet showing access doors to the rear gardens of several houses from the adjoining parking area. Individual bin stores for a number of units within block C appear to be omitted, however, these details and further details relating to waste and recycling management can be provided as a condition in the event of a grant of planning permission.

Building Lifecycle and Management

12.6.24. As required within the New Apartment Guidelines, a Building Life Cycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy efficiency measures are listed, as are proposals with respect to the management and maintenance of the development. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Conclusion

12.6.25. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of housing and apartments, meeting the relevant design standards and providing a suitable level of amenity for future residents.

12.7. Traffic and Transportation

12.7.1. Objective SS20 of the Development Plan aims to manage the development and growth of Skerries in a planned manner linked to the capacity of local infrastructure to support new development. The observers assert that the roads serving the area, including Golf Links Road and the access road via Ballygossan Park, would be inadequate and substandard to serve the proposed development, featuring insufficient capacity to cater for the additional traffic that would arise, including a potential future school on Golf Links Road. The Planning Authority do not object to the proposed traffic and transport impacts, although they do require compliance with various conditions, including those relating to the completion of other off site works.

Access Arrangements

12.7.2. I have addressed the provision of public transport services in this area in section 12.3 of this report when addressing the appropriate density of the development, which indicated that the future occupants of the proposed development would be served by reasonable access to public transport, including rail services at Skerries railway station.

- 12.7.3. Prior to the occupation or selling of any residential units within the Local Area Plan lands, the initial Local Area Plan adopted in 2007 required the completion in its entirety of the southern relief road from Rush Road and along Golf Links Road moving west over the railway bridge. As part of the rationale for revising the 2007 Local Area Plan, the Planning Authority stated that the need for the southern relief road to be constructed placed considerable development restrictions on lands in Hacketstown despite there being no short to medium term water capacity constraints. The 2009 amendment of the Local Area Plan revised this requirement with respect to the southern relief road, only requiring this road to be completed to accommodate phases 2 (200+ units) and 3 development on the Local Area Plan lands.
- 12.7.4. As noted above, the Local Area Plan is no longer a statutory plan for this area and the 'RA' zoning objective for the subject lands within the Development Plan allows for new residential communities to be development, albeit subject to provision of the necessary social and physical infrastructure, which would include roads. Skerries southern relief road is referenced in table 7.1 of the Development Plan and the indicative route for this road proposal is identified in the Development Plan zoning maps, running along the southeast boundary of the site along Golf Links Road crossing west over the railway bridge and moving east towards the Rush Road through lands within Holmpatrick townland south of the allotments. The applicant asserts that the planning and subsequent physical delivery of the Skerries southern relief road will be delayed and that the Planning Authority will seek to protect the identified indicative route free from development to facilitate the future planning and construction of the relief road.
- 12.7.5. The Transport Section of the Planning Authority has not addressed the necessity or otherwise for the southern relief road to be constructed in advance of the subject development, although they do require other infrastructure upgrades permitted on roads and junctions to the north of the site (under ABP ref. 309409-21 / FCC ref. F20A/0324) to 'be completed prior to the completion of the construction (50% occupation) of the remaining Hacketstown Local Area Plan lands (i.e. the lands associated within this proposal)'. It is understood that these works would significantly improve pedestrian and cyclist safety at two junctions and improve road safety along Golf Links Road, including improved sightlines.

- 12.7.6. The applicant states that the off-site infrastructure works, as permitted under a separate planning application (ABP ref. 309409-21 / FCC ref. F20A/0324), including junction upgrades at Millers Lane / Shenick Road / Golf Links Road, zebra crossings, traffic-calming measures, street lighting and a segregated two-way cycle path and parallel footpath along Golf Links Road between Downside Heights and Shenick Road, would be undertaken in compliance with the permission, including condition 2b, which requires the proposed road upgrades to be completed as per the aforementioned Transport Section request. The applicant does not contest that the additional traffic that would arise from the subject proposals, would be reliant on the other permitted road upgrade works. As there is already a condition addressing the need for these road upgrade works to be completed prior to the completion of the construction (50% occupation) of the remaining Hacketstown Local Area Plan lands, there would not be a necessity to attach further conditions in this respect.
- 12.7.7. The Transport Section also require the advanced infrastructure works currently the subject of an appeal to the Board under ABP ref. 312189-21 (FCC ref. F21A/0287), including the link road crossing the watercourse, to be completed in advance of the occupation of any housing units within the proposed development. The observers consider this proposed link road would create an excessive scale housing development relative to the size of the Skerries and would result in increased traffic through Ballygossan Park and the creation of a rat run, despite not being needed given the alternative vehicular access from the southeast and the cost of constructing this road over a riparian corridor.
- 12.7.8. The applicant has stated that it is their intention to deliver all advanced infrastructure works in advance of the occupation of any units on site. I recognise that there is an appeal in front of the Board with respect to the potential link road access to the site via Ballygossan Park and such infrastructure would be necessary in order to serve the proposed development. Accordingly, I am satisfied that advanced infrastructure works, including the provision of vehicular access to the site from the north via Ballygossan Park traversing the watercourse, should be completed prior to the occupation of any units within the proposed development. This should be a condition in the event of a grant of planning permission as part of the phasing for the proposed development. I also recognise that this access route would also utilise an existing stretch of the estate access road serving Ballygossan Park, which would

increase traffic along this road. The expired Local Area Plan had featured a roads layout similar to that proposed to serve the subject development, therefore, it would be reasonable to expect an increase in traffic using the estate access road running through Ballygossan Park leading towards the application lands. I discuss the likely increase in road traffic further below and whether the local road network would have sufficient capacity to cater for the increased traffic arising.

12.7.9. The development would also be served by an alternative vehicular access onto Golf Links Road, which would be provided as part of the latter phase of the development and in a similar location to the access indicated in the expired Local Area Plan. An access would also be provided to a residents' car park adjacent to two proposed houses onto Golf Links Road. Various upgrade works are proposed along a 100m stretch of Golf Links Road to facilitate the development, including the new vehicular access and a widened carriageway with footpath along the development site. The Planning Authority require the design and construction details of the works on Golf Links Road to be agreed prior to the commencement of the proposed development. While I note that a section of the Golf Links Road to the north from the access to Ballygossan Park to the house at Corinna, would not be served by proposed road upgrades, including adjoining footpaths, the most convenient route for the vast majority of the future residents of the proposed housing towards the town centre and railway station would be via alternative routes within the development, including pedestrian paths through the linear park and a segregated cycleway along the main avenue. I am satisfied that the vast majority of pedestrians and cyclists would therefore not be dependent on the Golf Links Road for access purposes, therefore, the proposed development would not be reliant on any further road upgrade works along Golf Links Road, other than those already proposed.

12.7.10. In welcoming the proposed provision of walking and cycling routes, the NTA note that a 2.5m-wide two-way cycle lane and a 2m-wide footpath are proposed along the main avenue. A 3m-wide shared pedestrian and cycle route is proposed within the linear park along the railway line boundary and within the drainage ditch parkland. The NTA require the width of the cycle-tracks to be 4m in width to accommodate two-way movement. The shared pedestrian and cyclist paths running through the landscaped areas would tie in with the proposed cycle and pedestrian infrastructure under the 'advanced infrastructure works' application (ABP ref. 312189-21 / FCC ref.

F21A/0287), which would be of similar design and scale, including a width of less than 4m. Ballygossan Park features a footpath and cycleway, which the segregated cycleway along the estate access road and footpath would tie in with via the 'advanced infrastructure works'. To widen the proposed cycle lane to a minimum width of 4m would not appear reasonable, given that the proposed pedestrian and cycle lane infrastructure has been designed to tie in with the other proposed and existing infrastructure, which would be likely to carry greater volumes of pedestrian and cycle traffic. Accordingly, I do not consider it necessary to attach a condition requiring increased widths for the proposed cycle lanes on site.

12.7.11. The proposed avenue from the advanced infrastructure application site to the Golf Links Road that generally follows the route of the local access road indicated in the expired Local Area Plan would feature a carriageway width of 6m, with perpendicular and parallel parking bays, uncontrolled pedestrian crossings and raised tables. The network of secondary roads of this avenue would also feature 6m-wide carriageways, although these widths would drop to 5.5m at landscaped bays and turning heads. Footpaths would also run parallel adjoining or adjacent to both sides of the secondary roads. The applicant's DMURS Compliance Report asserts that the development has been designed to accord with the parameters of the DMURS. A Stage 1 Road Safety Audit identifying 11 issues to be addressed, as well as swept path analysis drawings to show access for refuse and emergency vehicles, have been submitted with the planning application. The Transport Section of the Planning Authority does not object to the roads layout and refers to various additional requirements that would need to be addressed at planning compliance stage, including additional road safety audits, signage details, fire tender routes and taking in charge details. The NTA has sought additional raised tables at all junctions along the avenue to provide for cyclist movements onto and off the segregated cycle route. I am satisfied that there would only be a necessity for a raised table at the internal road junction fronting block B2, as the remainder of the spine road would feature raised crossings and raised tables at junctions facilitating the safe and convenient movement of cyclists from the cycle lane on the east side of the spine road to the housing areas to the west. This issue and the compliance issues raised regarding the internal road layout can be addressed as a condition in the event of a grant of permission for the proposed development.

12.7.12. In conclusion, I am satisfied that the proposed development would feature appropriate access arrangements and would be served by all necessary transport infrastructure to serve the proposed development. The proposed development would not be dependent upon completion of the southern relief road and it would not have a detrimental impact on the future delivery of this road, particularly as the Transport Section has not raised any specific concerns regarding the development proposals along Golf Links Road, including the roads layout and access. Subject to minor amendments, the layout of the proposed development would generally be consistent with the standards set out in the DMURS.

Parking Standards

12.7.13. The applicant is proposing a total of 414 car parking spaces all at surface or podium level to serve the development, five of which would serve the childcare / community facility. Table 12.8 of the Development Plan sets out a normal requirement for two car parking spaces for a three-bedroom house within a zone 1 area (within 1.6km from a DART station) and between one and two car parking spaces for apartments, plus one visitor space for every five apartments. A community facility would require one car parking space per 50sq.m, although complementary uses are encourage. For a crèche / childcare facility a maximum of one space per two classrooms is allowed for. The proposed crèche / childcare facility featuring three classrooms and a substantive internal play room would attract a requirement for four car parking spaces based on the Development Plan standards. The 345 residential units would normally attract a requirement for 554 car parking spaces. Consequently, a shortfall of 145 car parking spaces arises for the residential element. The Transport section of the Planning Authority assert that the minimal practical parking demand would be 511 spaces, while observers assert that the shortfall in parking would be inappropriate having regard to the site context, Development Plan standards and the realistic demands for car parking.

12.7.14. The applicant and observers consider the under provision of car parking relative to the requirements set out in the Development Plan to form a material contravention of the Development Plan, a matter that I consider further below in my conclusions with respect to parking on site. Notwithstanding the asserted material contravention, the applicant asserts that the quantum of car parking would be appropriate for the site having regard to the availability and connectivity to services within Skerries, including

public transport services, the need to encourage use of more sustainable modes of transport, electric-charging point provision in the scheme and various planning policy documents supporting reductions in car parking for situations similar to the application site proposals.

12.7.15. National policy objective 13 of the NPF advocates car parking standards in urban areas based on performance criteria. A Mobility Management Plan is provided with the application, and this outlines the expected modal split of the development based on census data, and the various measures to influence use of more sustainable modes of transport as part of the operation phase of the development. With the provision of pedestrian and cycle links in the direction of the railway station, the area has reasonable access to public transport services, and as noted above, there are developments permitted and proposed to improve pedestrian and cycle infrastructure in the area, which the subject development would tie in with. One car share space is to be allocated within the proposed development. The Sustainable Residential Development Guidelines advocate use of maximum car parking standards in statutory plans and the New Apartment Guidelines state that Planning Authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard in intermediate urban locations such as this and particularly for housing schemes of greater than 45 units per hectare. I am satisfied that car parking standards below the normal Development Plan standards for the housing element of the proposed development would be reasonable based on the proposals, planning policy and site context.

12.7.16. The applicant has set out the manner in which car parking spaces would be allocated, generally attempting to provide spaces as close as possible to the respective residential units. The Transport Section of the Planning Authority query whether the parking distribution would be related to residential unit size, given the practical implications of increased parking requirements for larger units. I am satisfied that based on the variety in housing typologies, as well as the need to develop the site at a sustainable density, a reasonable approach in the distribution of car parking has been set out by the applicant and a finalised and agreed car parking management strategy to allocate spaces can be a condition of the proposed development in the event of a grant of planning permission. The proposed provision

of disabled car parking spaces and parking fitted with electric-charging points would comply with the respective requirements of the Development Plan.

12.7.17. A total of 802 cycle parking stands are proposed to serve the development, in a mix of 674 long-term spaces and 128 short-term spaces. The applicant asserts that based on Development Plan standards the proposed development would attract demand for 369 cycle parking spaces, whereas the New Apartment Guidelines would require 799 spaces to serve the residential element of the development. The Planning Authority assert that there would be a requirement for 806 residential cycle parking spaces. I note that there would be scope for cycle parking within the curtilage of each of the proposed houses where these houses feature external access to the rear. The observers assert that the proposed development is based on an over-aspirational dependence on cycling. I am satisfied that a balanced and logical approach has been set out within the application documentation with regards to the modes of transport envisaged to serve the development. While there would be improvements in cycle infrastructure tied in with the development and the development would feature a substantive portion of cycle-parking facilities, given the extent of car parking also proposed, as well as the provision of pedestrian infrastructure and access to the railway station and town centre, an unreasonable dependence on cycling could not reasonably be considered to arise for the proposed development. I am satisfied that the general provision of cycle parking would be appropriate given the layout, nature and context of the proposed development.

12.7.18. It is clear that the proposed number of car parking spaces to be provided to serve the development would not strictly align with the normal parking standards set out in table 12.8 of the Development Plan. However, I do not consider this a contravention of the Development Plan as the Development Plan car parking standards are only provided a guide as to the normal number of required off-street parking spaces acceptable for new residential developments. The Development Plan states that the principal objective in 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 a modal shift to more sustainable forms of transport. Based on the information submitted with the application, I am satisfied that sufficient parking would be provided to serve the proposed development based on Government policy and

conditions can be attached to address the specific needs of the Planning Authority. In this context, the extent of non-compliance with normal car parking standards in the Development Plan, could not reasonably be considered to be material, and, as stated above, contravention of car parking standards in the Development Plan would not arise either.

Traffic

12.7.19. The observers refer to an array of concerns regarding the potential for the development to increase traffic congestion already experienced in the area. The applicant submitted a Traffic and Transport Assessment Report with traffic surveys undertaken in September 2019, as well as consideration for other potential sources of traffic generation in the area, including a proposed fuel station and 18 industrial units (ABP ref. 311566 / FCC ref.F21A/0388) off the R127 in Townparks area south of the railway station and phase II development in Ballygossan Park. The observers refer to the failure as part of trip-generation modelling in the Traffic and Transport Assessment Report to address the Development Plan objective for a school on the adjacent site along Golf Links Road. As noted above, the proposed development would need to be phased to tie in with local transport infrastructure upgrades, including upgrades along Golf Links Road, and I am not aware of a planning application for a school, or the likely size of such a facility, on the adjacent site.

12.7.20. The applicant's modelling was based on turning counts for three junctions and an automatic traffic count approaching the railway bridge southwest of the site. The assessment suggested the number of additional vehicular trips associated with the proposed development exiting onto the Golf Links Road from the site during the morning peak hour would comprise 108 outward trips, with 110 returning trips during the evening peak hour. The applicant's assessment of the critical junctions was based on existing traffic modelling associated with movements from Ballygossan Park phase I and this highlighted increases of 5% to 15% at the Golf Links Road/Miller's Lane/Shenick Road junction and 1% to 5% at the Skerries Road/Miller's Lane/Dublin Road roundabout in the interim design year (2029) with the development completed. The forecasted increase at the existing entrance onto Golf Links Road from Ballygossan Park was estimated to increase traffic movements by 66% to 75% in the interim design year (2029). As the traffic movement would surpass the 10% threshold increase set in the Traffic and Transport Assessment

Guidelines 2014 for three of the junctions assessed, further assessment of the traffic impacts at these junctions was undertaken. Despite the expected increased traffic arising from the proposed development, as well as other developments, the Traffic and Transport Assessment concluded that the three junctions exceeding thresholds would operate within capacity during peak hours in the interim design year, albeit with the mini-roundabout installed at the Golf Links Road/Miller's Lane/Shenick Road junction and upgrade works at the Skerries Road/Miller's Lane/Dublin Road roundabout similar to that permitted under (under ABP ref. 309409-21 / FCC ref. F20A/0324).

- 12.7.21. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future vehicular traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive inconvenience for road users with adequate capacity for the additional traffic movements onto Golf Links Road and the immediate junctions serving local traffic movements. The Planning Authority has not objected to the findings of the applicant's Traffic and Transport Assessment.
- 12.7.22. The site is located on zoned lands with reasonable access to an array of services. While the proposed development would provide for a substantive scale of development, it would also connect in with cycle and pedestrian infrastructure serving the site and the surrounding area. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily and various measures and design features have been set out within the application and as part of the proposed development to support the use of public transport, cycling and walking, as alternatives to the use of private vehicles.
- 12.7.23. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served to an extent by public transport and have the capability for additional public transport services as demand requires, should be developed in the interest of providing for sustainable communities.

Conclusion

12.7.24. In conclusion, subject to conditions tying the subject proposals to roads and services linking into the immediate and wider area, the proposed development would feature appropriate access arrangements in compliance with objective SS20 of the Development Plan, it would not reasonably result in significant additional traffic congestion in the area and it would feature an appropriate provision of parking to serve future occupants.

12.8. **Services and Drainage**

12.8.1. The observations assert that the proposed development would be incapable of being served by existing drainage and water supply services. The application was accompanied by an Engineering Services Report and this sets out how water supply and drainage services would be provided for the development proposals. Where services traverse areas not covered by roads, the applicant illustrates wayleaves to serve these areas.

Water Supply

12.8.2. According to the applicant, there is an existing 150mm-diameter watermain running along Golf Links Road, which the proposed development would connect into via the advanced infrastructure application proposals (FCC ref. F21A/0287 / ABP ref. 312189-21) and Ballygossan Park (phase 1). In appendix H to their Engineering Services Report the applicant estimates the expected total water supply demand arising from the proposed development based on an occupancy of 932 persons, as well as the operation of the community and childcare facility. Irish Water, who maintain and manage this infrastructure, has confirmed note that a connection to their network would be via third-party infrastructure and, accordingly, they have requested that prior to the commencement of the development, the developer must identify and procure transfer of the arterial infrastructure within the third-party infrastructure to Irish Water. The applicant must also demonstrate that the arterial infrastructure is in compliance with the requirements set out in the Irish Water Code of Practice and Standard Details document and that this infrastructure is in adequate condition and of sufficient capacity to cater for the additional load from the proposed development. Appended to their cover letter the applicant has provided a copy of

correspondence from Noonan Construction, which states that they give their consent for the proposed works as part owner of the adjoining lands in Ballygossan Park to the north of the applicant's lands. The Planning Authority consider the water supply proposals to be acceptable and Irish Water has confirmed in their submission that a connection to this water supply network would be feasible without infrastructure upgrade works and subject to standard connection agreements, which would be the appropriate means of addressing procurement of third-party infrastructure.

Wastewater Services

- 12.8.3. The applicant has proposed to drain wastewater via gravity through a network of 150mm and 225mm-diameter pipes within the development. It is then proposed to discharge foul wastewater from the development to an existing 225mm-diameter foul sewer located on the Noonan Construction lands (Ballygossan Park phase I) to the north draining east towards the wastewater network connecting with a 375mm-diameter pipe in Downside Park, which in turn connects with a 450mm-diameter foul sewer in Holmpatrick. This foul drainage network is ultimately pumped from a municipal pumping station to Barnageeragh Wastewater Treatment Plant, which has capacity to cater for a population equivalent of 70,000 persons and has sufficient capacity to cater for a population equivalent of 27,501 persons according to the 'Information for AA Screening' submitted by the applicant. The network is designed to cater for the subject development featuring estimated population equivalents of 932 for the residential element and 50 for the childcare and community facility element of the development.
- 12.8.4. In their submission, Irish Water acknowledge that upgrades to existing wastewater infrastructure would not be required and they confirm that a connection to their wastewater infrastructure can be made based on the details of the proposed development and subject to standard connection agreements and the details regarding access and condition of wastewater infrastructure not currently within the control of Irish Water. The Planning Authority accept these proposals.

Water Drainage and Flood Risk

- 12.8.5. Within their Engineering Services Report the applicant sets out the drainage pattern for the drainage ditch 15m to the north of the application site and the catchment that this serves prior to draining into the sea. The proposed development would

comprise a local surface water drainage network on site, which would drain towards the drainage ditch. Surface waters would be managed through a series of SUDS measures, including water butts, filter drains, wet swales, tree pits and permeable paving. Site investigations have been undertaken as part of the consideration of surface water drainage proposals. Three piped surface water connections would drain into the advanced infrastructure drainage proposals that are currently the subject of an appeal before the Board (ABP ref. 312189-21 / FCC F21A/0287). The advanced infrastructure would feature fuel interceptors following the three connections into the adjoining surface water drainage network. Surface water would flow into a regional drainage facility comprising a detention basin along the route of the watercourse, which the applicant states that has been designed to accommodate run-off from the development of the entire expired Local Area Plan lands, including the application site. The outlet for the regional drainage facility has already been constructed, is in operation and has been sized to cater for 1 in 100-year storm events, as well as a 20% climate change factor. The attenuation capacity of the regional drainage facility is stated to be 4,483m³ with the attenuation volume from the Local Area Plan lands estimated at 2,550m³. The Planning Authority are satisfied with the proposed drainage proposals.

- 12.8.6. The SUDS measures has been designed to ensure runoff is treated to the standards outlined in the Greater Dublin Strategic Drainage Study – Regional Drainage Policies Technical Document - Volume 2 New Development (March, 2005). Notwithstanding this, standard stormwater audits can be requested via condition to ensure the satisfactory undertaken and operation of the installed system.
- 12.8.7. Section 7.2 of the Development Plan addressing water services states that detailed flood risk assessment is required for the Milverton area of Skerries and this is reflected in objective SW07 of the Plan. The applicant has submitted a Site Specific Flood Risk Assessment, which identifies the potential flood risks arising from the proposed development, as well as the measures that would be implemented to address the risk of flooding, including the sizing and design of the on-site drainage systems, the provision of appropriate finished-floor levels, flood routing, and the implementation and maintaining of SUDS measures. Only a low residual risk of flooding would be expected to arise according to the applicant, with potential flooding of the drainage system via pipe/culvert blocking or storm waters from the

development in excess of the design capacity. Surface water runoff from the site would discharge to the regional drainage facility and would not impact on developments upstream or downstream of the subject site. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site. The Planning Authority accept that the proposed development is acceptable from a flood risk perspective.

Conclusion

12.8.8. In conclusion, I consider the water supply, wastewater and surface water drainage proposals to serve the subject development to be satisfactory, subject to appropriate conditions. Furthermore, the proposed development would not be at substantive risk of flooding and would not present a substantive risk of flooding to other lands.

12.9. **Material Contravention**

12.9.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.

12.9.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Development Plan with regard to specific statutory planning requirements, other than in relation to the zoning of the land.

12.9.3. Observers assert that a material contravention would arise consequent to non-compliance of the proposals with the land-use zoning objective for the site, however, for reasons outlined above in section 12.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case.

- 12.9.4. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and Development Plan provisions relating to off-site upgrade of public open space (objectives DMS57A and DMS57B), playground equipment (objectives DMS75 and DMS76), car parking (objective DM113 and table 12.8) and the removal of hedgerows (objectives DMS80 and NH27). For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters.
- 12.9.5. The observers also refer to potential for material contraventions to arise with respect to the proposed development and the density, unit numbers, parking, housing mix and building height provisions in the statutory plan for this area. For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters.
- 12.9.6. I am satisfied that a material contravention of the Development Plan would arise with respect to the proposed on site provision of public open space and the requirements set out in objectives PM52 and DMS57 of the Development Plan, as the proposed development would feature a 0.43ha shortfall in public open space required in these objectives, which would be a substantive area and thereby material. The applicant addresses non-compliance of the proposals with these matters in their Statement of Material Contravention and in such a situation it is open to the Board to consider the proposal in terms of material contravention procedures.
- 12.9.7. Section 37 of the Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:
- (i) the proposed development is of strategic or national importance;
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;
 - (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government;

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

On-Site Public Open Space

- 12.9.8. On the basis of my assessment above, I am satisfied that the proposed development is of strategic and national importance by reason of its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply within the Dublin metropolitan area, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016). Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the on-site public open space provisions outlined in objectives PM52 and DMS57 of the Development Plan.
- 12.9.9. In relation to the matter of conflicting objectives in the Development Plan or objectives that are not clearly stated, which is addressed in section 37(2)(b)(ii) of the Act of 2000, I am satisfied that this would not apply in this case as the requirement for on-site public open space set out in objectives PM52 and DMS57 of the Development Plan are clearly stated. While there are other public open space requirements set out in objectives DMS57A and DMS57B of the Development Plan, these relate to minimum on-site public open space requirements, but with discretion to allow for the provision or support of open space off site where shortfalls arise.
- 12.9.10. In accordance with the Sustainable Residential Development Guidelines, which allow for occupancy rates to be utilised when calculating the appropriate provision of public open space, I am satisfied that the design safeguards for a larger town would be part met by the proposed public open space provision, including quality landscaping and a variety of safe play spaces. The Sustainable Residential Development Guidelines refer to similar calculations used in objectives PM52 and DMS57 of the Development Plan, however, these Guidelines also advise caution when using such calculations, stating that some greenfield sites should be provided with public open space at a minimum rate of 15% of the total site area, which would be achieved in the subject proposals to provide 25% of the net site area as public open space. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a

material contravention with respect to the on-site public open space requirement is justified in this case.

12.9.11. I am not aware that the proposed development is continuing on the public open space patterns recently permitted for other developments, therefore, the provisions under section 37(2)(b)(iv) of the Act of 2000 would not appear to apply.

12.9.12. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan objectives PM52 and DMS57 pertaining to the on-store provision of public open space, I consider that the provisions of sections 37(2)(b)(i) and (iii) and have been met in this case. In this regard I am satisfied that the Board would not be restricted from granting permission for the proposed development.

13.0 Environmental Impact Assessment

13.1. Introduction

13.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning and appropriate assessment sections. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018) have guided this section of my report.

13.1.2. The development provides for 345 residential units, a childcare / community facility and open space on a gross site area measuring 6.7ha in the Fingal County Council area. A number of the topics and issues raised by observers that concern environmental matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid unnecessary repetition.

13.1.3. Item 10(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022 and section 172(1)(a) of the Act of 2000 provides that an EIA is required for infrastructure projects that involve:

(i) construction of more than 500 dwelling units

(iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 13.1.4. The current proposal is an urban development project that would be on the edge of a built-up area, but not in a business district. It is not within a class of development described in item 10(b) above, thereby requiring EIA. Notwithstanding this, the applicant has submitted an EIAR with this application, as they note that the expired Local Area Plan lands have a target residential development potential for 600 units, which would exceed the threshold set out within item 10(b)(i) above. I note that the expired Local Area Plan lands amounted to a gross area comprising 16 hectares.
- 13.1.5. The EIAR comprises a non-technical summary and a main volume with supporting appendices, alongside standalone reports with the application. A schedule of the mitigation measures and monitoring described throughout the EIAR has been presented within Chapter 16 of the EIAR. The introduction chapter and a number of introductions to the EIAR chapters describe the competencies of those involved in the preparation of the EIAR.
- 13.1.6. As is required under Article 3(1) of the EIA Directive 2014, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors; (a) population and human health; (b) archaeology and cultural heritage; (c) biodiversity; (d) landscape and visual impact; (e) land and soils (f) hydrogeology and geology; (g) air quality and climate; (h) noise and vibration; and (i) material assets (road network, traffic, waste and utilities). It also considers the interaction between the factors referred to in points (a) to (i).
- 13.1.7. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2001-2022. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the Planning Authority, the prescribed bodies and members of the public, which are summarised in sections 9, 10 and 11 of this report above. For the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

13.2. Vulnerability of the Project to Major Accidents and/or Disaster

- 13.2.1. The requirements of Article 3(2) of the EIA Directive 2014 includes consideration of 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. The EIAR specifically addresses the issue of major accidents and/or disasters within sections 3.6.10 and 8.14, and within chapter 14 titled 'Risk Management'. Categories of risks considered include those at the construction and operation phases comprising weather, hydrological, geological, road, industrial accident, explosion, fire, building and excavation collapse, hazardous substance escape and pollution. Various measures are listed to address the risk of accidents during the construction phase, including halting works, securing the site and following risk management strategies within the Construction Management Plan. The nearest notifiable Seveso sites to the application site is located on Watery Lane in Swords, County Dublin, approximately 13.5km southwest of the application site.
- 13.2.2. Given the urban nature of the receiving environment and the nature of the proposed project, it is considered that there is no linkage factor of a hazard that could trigger what would constitute major accidents and disasters. Compliance with the final project CEMP, as well as good housekeeping practices would limit the risk of accidents during construction. The vulnerability of the proposed project to major accidents and / or disasters is not considered significant. The proposed development is primarily residential in nature featuring designs following various guideline parameters, such as the DMURS, and it will not require large-scale quantities of hazardous materials or fuels. Road safety audits would be undertaken as part of the project to address potential for road accidents.
- 13.2.3. I am satisfied that the proposed uses are unlikely to present risk. As noted in section 12.8 above, the site would not be at major risk of flooding. Having regard to the location of the site and the existing land use, I am satisfied that there are unlikely to be any significant effects arising from the proposed development deriving from major accidents and / or disasters.

13.3. Alternatives

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

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

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

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

13.3.3. Chapter 2 of the EIAR provides a description of the range of alternatives considered, including a do-nothing scenario, alternative locations, alternative uses, alternative designs and layouts, and alternative processes. If nothing were done the lands would remain undeveloped, with an opportunity lost to provide 345 residential units and an efficient use of zoned urban land within reasonable distance of public transport and local services. Considering that the lands in question are zoned for uses that include housing, as well as the fact that the environmental sensitivities of the site are not such as to preclude development per se, alternative locations are not considered relevant. The process in arriving at the subject proposals as well as the rationale for discounting other options is provided as part of section 2.6.3 of the EIAR, as well as the applicant's Urban Design and Architectural Design Statement. Various constraints in relation to the redevelopment of the site, as well as proposals relating to development in the immediate area and local road network, are stated to have influenced the final presented project. I am satisfied that there are no alternative processes having regard to the nature of the proposed project relative to the planning context and the fact that the large-scale residential development application procedure would not have been available to the applicant at the time of lodging the application.

13.3.4. The permissible and open for consideration uses for this site are prescribed within the zoning objectives in the Development Plan. The alternative uses that were considered were restricted to accord with the zoning objectives and have regard to

surrounding developments, as were the variations in building heights, layout and design. In the prevailing circumstances the overall approach of the applicant was reasonable, and I am satisfied that the requirements of the Directive with regard to the consideration of 'alternatives' has been met.

13.4. Consultations

- 13.4.1. During the application process, the applicant would have consulted directly with Fingal County Council and An Bord Pleanála, as well as prescribed bodies listed in section 11 above. The EIAR also refers to consultation being undertaken by the applicant with Inland Fisheries Ireland.
- 13.4.2. The observers raise concerns regarding public participation being contrary to the requirements of the EIA Directive and the desire for ongoing engagement with the public. Direct and formal public participation in the EIA process was undertaken through the statutory planning application process under the Strategic Housing Development procedures. Public participation and consultation is an integral part of the Strategic Housing Development process as outlined in the Act of 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017. I have taken into consideration all submissions received during the application process as part of this assessment. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that as part of the applicant's CEMP it is stated that a site representative would be appointed for matters related to noise and vibration as part of the construction phase of the project.

13.5. Likely Significant Direct and Indirect Effects

- 13.5.1. The likely significant direct and indirect effects of the development are considered under the headings below, which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:
- population and human health;
 - biodiversity;

- land and soils;
- water;
- air and climate;
- material assets;
- cultural heritage, archaeology and architectural heritage;
- landscape and visual impact assessment;
- the interaction between those factors.

13.5.2. The likely significant direct and indirect effects of the proposed development on noise and vibration are considered as part of my assessment of air and climate below.

13.6. **Population and Human Health**

13.6.1. Population and human health is addressed in Chapter 4 of the EIAR. The methodology for the assessment is described, as well as the receiving environment. The assessment considers attributes and characteristics associated with local land uses, housing and demographics, as well as recent economic and employment activity.

13.6.2. In terms of human health, the most likely impact will be during the construction phase of the development, which would include dust emissions, Aspergillois risk, noise emissions and increased traffic. The construction practices are outlined including the phasing approach, the direction of development, foundation types and expected traffic movements. Given the control of activity on site by the developer, the construction activities and their associated emissions can be controlled to appropriate levels through the use of management measures, including those set out in the EIAR, a construction and demolition waste management plan and a final CEMP with construction traffic management measures to reduce disruption. The measures in the applicant's CEMP and the mitigation measures within the EIAR outline how the proposed works would be delivered safely and in a manner that minimises risks to human health. The imposition of limits by conditions in any grant of permission would reinforce the preservation of human health. With the implementation of remedial and mitigation measures, it is concluded that the

proposed development would not be likely to have significant adverse effects on human health.

- 13.6.3. Other aspects of the development potentially impacting on air quality, noise/vibration and transportation are considered in the EIAR with respect to their likely effects on the local population. In terms of noise and vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be primarily a residential scheme that extends the built-up area of Skerries. The impact of additional traffic on noise levels and the character of the surrounding road network would have long term minor negative impacts for humans. Detailed assessment undertaken in section 12.5 above identified that the development would not have substantive impacts on the amenities of neighbouring properties with the development sufficiently sensitive to neighbouring properties, including those identified as occupying a worst-case scenario adjoining the site.
- 13.6.4. Short-term positive impacts would arise for the surrounding area population during the construction phase arising from the added employment and additional economic activity associated with the project. The development itself would be likely to have significant direct positive impacts with regard to population and material assets during the operational phase, due to the increase in housing stock that it would make available in this urban area.
- 13.6.5. The population of the area would increase substantially consequent to the operation of the proposed development. The observers have raised concerns regarding the capacity of schools and other local infrastructures to serve the development. I have considered schools capacity, as well as childcare provision and social infrastructure under section 12.6 of the planning assessment above. When operational, the proposed childcare facilities would support residents of the development and the wider area and based on demographic analysis the proposed development would not have substantive impacts on schools within the area with scope for additional schools development should needs arise. The proposed community space and open spaces would also be of benefit to residents and the wider community, offering potential for people to come together, which would further contribute to building a sense of place and community. Cumulative impacts alongside other proposed (ABP ref. 312189-21 / FCC ref. F21A/0287) and permitted (ABP ref. 309409-21 / FCC ref.

F20A/0324) road infrastructure upgrades are considered, as well as other potential housing projects, including the pre-application details for Ballygossan Park phase II (ABP ref. 308583-20).

13.6.6. I am satisfied that potential effects on population and human health, particularly during the construction phases, would be avoided, managed and mitigated by the measures that 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, secondary or cumulative effects on population and human health.

13.7. **Biodiversity**

13.7.1. Chapter 5 of the EIAR addresses biodiversity with particular attention for species and habitats protected under EU Directives 92/43/EEC and 2009/147/EC. The biodiversity chapter details the survey methodology of the biodiversity assessment and the fieldwork undertaken between September 2019 and August 2021 for terrestrial, aquatic and avian ecology, including bats, mammals, wintering birds and amphibian species. Habitats identified are listed and illustrated in plate 3 of the EIAR. It is noted that information for the purposes of AA Screening and a NIS for the project were provided within a standalone document accompanying the application. As assessed in section 14 of my report, the proposed development is considered in the context of designated European sites.

13.7.2. The Fossitt habitat classifications categorises the site area into dry meadows and grassy verges (GS2), drainage ditch (FW4), improved agricultural grassland (GS1) wet grassland (GS4) and hedgerows (WL1). The two most important habitats on site from a biodiversity perspective are considered to be the hedgerows and drainage ditch, which serve as biodiversity corridors. The drainage channel running through the site is stated to drain downstream to the Irish Sea at the low tide area connecting with Skerries Islands Natural Heritage Area and a designated shellfish area (Balbriggan/Skerries). Plant species listed as of the alien invasive variety under SI No. 477 of 2011, were not found to be growing on the site. No flora, terrestrial mammals or habitats of National or international conservation importance were noted habituating the site during the field surveys. Hedgehog may be present on site but were not recorded. Consultation with Inland Fisheries Ireland confirmed that the

drainage ditch on the northern side of the site has little or no significant fisheries value.

- 13.7.3. Common frog was not identified on site, however frog spawn was recorded beside the drainage ditch. The Department of Housing, Local Government and Heritage has requested that a pond feature be integrated into the site landscaping and made suitable for spawning frogs. Such a request would appear reasonable in maximising biodiversity and amenity benefits based on the advice contained in Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design Best Practice Interim Guidance Document (Department of Housing, Local Government and Heritage, 2022). The proposed drainage works (under ABP ref. 312189-21 / FCC ref. F21A/0287) on the adjoining lands to the north in control of the applicant may have scope to facilitate this requirement. A condition as part of the phasing arrangements to address this should be attached in the event of a grant of permission for the proposed development.
- 13.7.4. During surveys a total of 14 common bird species were recorded on site and over the winter months Sparrowhawk, Kestrel, Buzzard, Merlin, Mallard Duck, Lesser-black Headed Gull, Herring Gull, Grey Heron, Great Black-headed Gull, Common Gull, Black-headed Gull, Mute Swan, Curlew, Light-bellied Brent Geese and Lapwing were observed passing over the site. The applicant notes that many movements were in the direction of amenity grasslands, such as the Skerries golf links lands, favourable to some of these species, including Light-bellied Brent Geese.
- 13.7.5. Section 5.5 of the EIAR describes the potential impacts of the proposed development on biodiversity based on the survey findings. Measures to minimise the impact of the development on biodiversity, include the design features, such as landscaping, drainage solutions and lighting, and the implementation of measures to manage dust and noise emissions, as well as standard construction work practices, timing for clearance works, a 10m-buffer from the riparian corridor and monitoring for specific species. The final project CEMP can be requested as a condition in the event of a grant of planning permission for the proposed development and this should comprise an updated report on the status of any invasive species on site prior to works commencing on site. As landscaping matures, the biodiversity value of the site is expected to improve. Significant cumulative impacts are not anticipated to

arise with other proposed and permitted developments, including the advanced infrastructure proposals, road upgrades and residential development.

- 13.7.6. A bat survey of the trees on site and a detector survey were carried out with appendix 5.1 of the EIAR identifying the extent of survey undertaken, the initial desk-top assessment findings and the findings on site. An examination of the trees yielded no evidence of bat presence. Two ash trees of low to moderate bat roosting potential were noted to exist on site, one of which would be maintained as part of the proposed development. Three soprano pipistrelle bats were identified during 2019 and 2020 detector surveys as foraging along the field boundaries on site. Construction compound lighting to the north was spilling into the adjoining farm lands during surveying.
- 13.7.7. The development would result in the loss of foraging habitat via the removal of hedgerow and the applicant advises that the drainage ditch and swale area to the north would have significant potential for bat foraging once these works are completed. A pre-construction bat inspection would be undertaken in advance of the removal of the ash tree with potential for bat roosting. The finalised lighting scheme for the proposed development would be sensitive to bat species and six bat boxes would be installed along the western side in the vicinity of the drainage ditch. Notwithstanding the loss of hedgerows, given the scale of the development and the surveyed extent of bat activity on site, it would be unlikely for the proposed development to present a significant impact for bats.
- 13.7.8. Following a tree survey, the applicant's arboricultural impact assessment report sets out that 32 trees and hedgerows primarily situated along the field boundaries of the site have the potential to be impacted by the proposals. The trees identified include ash, beech, elder and sycamore, alongside blackthorn and hawthorn. The majority of the 11 trees and four hedgerows to be removed are situated on field boundaries and no trees or hedgerows of high value were recorded on site, although the sensitivity of boundaries along adjoining residential properties is acknowledged. Minor incursions of the root protection areas for two trees are not anticipated to cause physiological or structural impacts for these trees. The applicant asserts that the majority of the trees and hedgerows to be removed are of poor quality and value, and while their initial removal would have an impact on the appearance of the site, this would be mitigated by the protection measures for trees to be maintained and

the extensive planting of trees of high-quality. The Parks and Green Infrastructure Division of the Planning Authority require additional tree protection measures along the railway line boundary and revised tree planting, with the omission of horse chestnut trees referred to in the arboricultural impact assessment and the crab apple trees referred to in the Landscape Report. It is proposed that the felling of trees on site would only occur during specific periods to avoid disturbance of nesting birds, potential roosting bats and subject to monitoring by an ecologist.

13.7.9. I am not aware of an objective to preserve any of the trees on the subject lands. The extent of tree removal would have minor visual impacts along the roadside areas on the eastern boundary, however, with the maturation of compensatory replacement planting this would allow for softening of the appearance of the development and improvements in the general appearance of the site. I recognise that some locations identified for planting on the landscape drawings conflict with the location of underground services, including watermains along the linear park adjacent to the railway line and this can be readily addressed via selection of appropriate species or reposition of services or planting. Given the stated condition of the trees on site to be removed and the proposed provision of 209 replacement trees and 3,668sq.m meadow planting, a sustainable approach to redeveloping the subject lands has been set out in this regard. In the event that permission is granted for the proposed development, I recommend the attachment of conditions with respect to the engagement of an arborist as part of the landscape works to best provide for the protection of any trees and hedgerows to be maintained on site.

13.7.10. Having regard to the foregoing, including the ecological value of habitat on site and the limited recordings and evidence of species present on site, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity and I am satisfied with regard to the level of information before me in relation to biodiversity. I draw the Board's attention to the AA section of my report (section 14) where the potential impact of the proposed development on the conservation objectives of designated European sites is discussed in greater detail. I am satisfied that potential effects would be avoided, managed and addressed by the measures that form part of the proposed scheme, and through suitable conditions. I am therefore satisfied

that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative effects on biodiversity.

13.8. Land and Soil

- 13.8.1. Chapter 8 of the EIAR deals with land and soils, and includes the findings of preliminary ground investigations completed in July 2020. A Ground Investigation report for the site and the advanced infrastructure application site adjoining to the north is included with the planning application. A Waste Classification and Groundwater Assessment Report was also included with the planning application and is stated to have informed this section of the EIAR. An array of testing was undertaken as part of the investigations, including trial pits, soakaways, dynamic probes and boreholes.
- 13.8.2. There are no extensive hardstanding areas on site. Top soil on site was recorded to maximum depths of 0.5m and made ground was not prominent throughout, although a brown sandy, slightly-gravelly material with occasional cobbles was identified in two trial pits in the northeast section of the site. Below topsoils cohesive deposits were encountered typically featuring brown sandy gravelly clay/silty clay with occasional cobbles and boulders. Borehole testing encountered medium strong to strong grey fine-grained limestone at depths between 9.8m and 13.2m below ground level. Groundwater levels were generally higher towards the northern side of the site with observations of these levels varying between 1m and 1.5m below ground level. Review of the Geological Survey of Ireland (GSI) online mapping service indicates that the site is underlain predominantly by a sediment type described as gravels derived from Lower Palaeozoic sandstones and shales. Infiltration tests recorded low permeability to impermeable soils on site. The soil materials tested were classified as being non-hazardous and not contaminated, indicating that the soils would be suitable for reuse on site as part of the development.
- 13.8.3. Bedrock geology is identified in the GSI maps as featuring Visean limestone and calcareous shale, with groundwater vulnerability calculated as high and the bedrock aquifer underlying the site described by the GSI as a 'locally-important aquifer – karstified'. Milverton Quarry located 200m to the west of the application site is listed as a County geological site in section 9.3 of the Development Plan. Objective NH30 of the Development Plan aims to protect and enhance the geological and

geomorphological heritage of County geological sites. The Environmental Protection Agency (EPA) online mapping service shows that less than one percent of the homes in the subject site 10km grid square are estimated to be above the reference radon level of 200 becquerel per cubic metre (Bq/m³).

- 13.8.4. The construction phase of development would require the stripping of the existing topsoil layer estimated to amount to 10,702m³ to be reused as part of the overall project. Excavation works to facilitate roads, drainage, services and attenuation are estimated to require removal of 20,386m³, with just over half of this (10,523m³) to be reused as non-structural fill on site. Importation of structural fill will be required for pavement foundations, drainage and utility bedding, as well as the link road element primarily forming part of the advanced infrastructure application proposals to the north. Other potential impacts on lands and soil arising from the proposed development are outlined with respect to construction traffic, accidental spills and the geological environment.
- 13.8.5. The proposed development would result in a revised use of zoned residential land, estimated to currently provide for 4.8ha of agricultural use, for reasonably intensive residential uses. Given that other unzoned land would remain available in the wider region, this is not considered to be a significant effect of the project.
- 13.8.6. The proposed development would not require substantial changes in the levels of the site and cumulative impacts alongside other development, including the regional drainage facility forming part of the advanced infrastructure development, is undertaken in the EIAR. Piling is expected to be required in the establishing of foundations for some of the buildings on site and traditional strip foundations would be employed where piling would not be necessary. Iarnród Éireann expressed some concerns regarding the excavation works and the potential impacts on the railway infrastructure. I address this matter further in section 13.11 below as part of my consideration of the impacts on material assets.
- 13.8.7. An appropriate construction traffic management plan can address issues that would arise from the export and importation of materials to and from the site, and the project dust control measures, as outlined in section 11.2 of the EIAR would manage and minimise dust emissions. Various standard construction practices forming measures to address the potential for hazardous materials to be found during

excavation works and to address the risk of pollution to soils and groundwater are also set out. Any excavated materials not to be reused on site would be required to be exported to a suitably licenced facility. It is therefore unlikely that the proposed development would have significant effects with respect to soils and geology on site.

13.8.8. I am satisfied that the identified impacts on land and soils, including geology, would be avoided, managed and mitigated by the measures that form part of the project, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the project would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of land, soils and geology.

13.9. **Water**

13.9.1. Chapter 9 of the EIAR addresses the impacts of the proposed development on water. This section of the EIAR also refers to the results of the ground investigations undertaken for the site and the adjoining lands to the north, while also referring to the locally-important karstified aquifer (Lk) with high (H) vulnerability underlying the site. This aquifer is stated to feature extreme vulnerability in the northwest corner of the site. The closest groundwater protection zone is the Bog of the Ring public water supply well, which is located approximately 6.4km to 10km to the west and northwest of the application site. Wells or springs were not identified within the site boundaries and karst features were not identified in the application site or its immediate environs. As stated above, the water table was reached between depths of 1m to 1.5m in the trial holes excavated during site investigations with groundwater levels dropping in a northern direction towards the drainage ditch. The open agricultural ditch varies in depth to a maximum of 1.8 metres.

13.9.2. Under the Water Framework Directive (WFD) the overall status of the Lusk ground waterbody, which the application site is within, was assessed as being 'good' (between 2013 and 2018) and this waterbody is 'not at risk' of achieving good status for the purposes of the WFD. The site lies within Hydrometric Area 08 of the Nanny-Devlin surface water catchment and in the Palmerstown_SC_010 (Code 08_2) subcatchment. The drainage ditch along the northern side of the site drains east before discharging at the Irish Sea according to the applicant with visible and subterranean sections.

- 13.9.3. Figure 9.6 of the applicant's EIA provides an illustration of the drainage regime impacting the subject lands, with no connectivity from the site into the Mill stream west of the railway line. Chapter 9 of the applicant's EIA addressing 'Water', prepared by a Chartered Engineer and Professional Hydrogeologist with Bluerock Environmental Limited and reviewed by a Consulting Engineer from DBFL Consulting Engineers, states that the drainage ditch and Mill Stream (catchment reference Skerries_010) are not hydraulically connected, as the railway embankment acts as a high point between both surface water bodies. This commentary conflicts with that contained in the applicant's information submitted for the purposes of AA screening and biodiversity assessment, which states that there is a watershed at the eastern edge of the railway embankment and that a culvert extends under the railway embankment and drains the eastern railway embankment in a westerly direction to the Mill Stream. The Mill stream flows northeast for 1.5km before discharging into the Irish Sea along the strand. The drainage ditch is not classified for the purposes of the WFD, while the Mill Stream has a 'poor' water quality status for the purposes of the WFD and is 'at risk' of achieving good status. The northwestern Irish Sea coastal waterbody has a 'high' water quality status for the purposes of the WFD and is 'not at risk' of achieving good status.
- 13.9.4. Groundwater vulnerability is identified as being moderate and extreme for the site based on GSI mapping. Testing of groundwater did not indicate any contamination to the underlying aquifer from the site, with elevated levels of manganese considered to be naturally occurring and the source of the trace levels of Pyrene unclear.
- 13.9.5. Impacts arising from the proposed development to water could potentially arise from excavation and other associated construction phase activities, such as the emission of sediments or hydrocarbons to surface water, waste management, contaminated materials, flooding, dewatering and traffic. Potential operational phase impacts to groundwater and surface water comprise contamination, reduced flows to the underlying aquifer, pollution, flood risk and wastewater management.
- 13.9.6. The water supply for the proposed development would be from a connection to the existing 150mm-diameter watermain running along Golf Links Road. Irish Water has confirmed that a new connection from the public network is feasible. It is proposed to drain foul effluent from the proposed development to the existing wastewater network for treatment at Barnageeragh wastewater treatment plant. Irish Water has

not objected to the proposed connection of the proposed development into their network. Surface water is intended to drain into the regional drainage facility proposed as part of the advanced infrastructure works application on the northern side of the site (under ABP ref. 312189-21 / FCC ref. F21A/0287).

- 13.9.7. The potential impacts for water would be typical for projects involving housing developments. Standard measures to avoid pollution of waters are to be used and these are described in tables 9.9 and 9.10 of the EIAR. The efficacy of such measures, including riparian buffers, bunding, wheel-washing, stockpile covers, monitoring and fuel interceptors, is well established in practice. Excavation works are to be limited in the northwestern corner to reduce potential to impact on the area of extreme groundwater vulnerability. A 25m buffer would be maintained for the storage, fuel, lubrication and office areas in the compound for the construction phase. The operational stage would feature a host of SUDS measures, including swales, filter strips, filter drains, fuel interceptors and permeable paving, to mitigate the adverse effects of urban stormwater runoff on the environment by reducing this to runoff rates and reducing potential pollutants. The surface water design strategy incorporates partial infiltration design for all SUDS features. Monitoring of the Mill Stream is not proposed by the applicant, and while there is some inconsistency in the information presented regarding whether or not there is connectivity between the application site and the Mill Stream, based on the information available, including the topographical details, the limited excavation works in the northwest corner and the surface water drainage proposals, the subject development would not reasonably be likely to have substantive impacts on the quality of water or flows to the Mill Stream.
- 13.9.8. The proposed project was subject to a Site Specific Flood Risk Assessment in accordance with the OPW 'Flood Risk Management Guidelines', and this was included with the planning application as a separate document. Based on the recorded groundwater levels the applicant considers that there is a possible risk of localised flooding as result of groundwater rising. In addition, a moderate risk of pluvial flooding as a result of human/mechanical error and overland flows is considered to arise. The Site Specific Flood Risk Assessment states that the development would be located in Flood Zone C and the risk of flooding would be very low. The design of the development has been undertaken in a manner that would replicate the existing topography on site, as closely as possible and to avoid

concentration of additional surface water flows in a particular location. The proposed drainage system has been designed to retain a 1-in-100 year storm event, therefore, the proposed development would address the risk of flooding on site and would not increase the potential for flooding to the receiving catchment. Regular maintenance and operation of the drainage system would be implemented to address the potential for human/mechanical error.

13.9.9. Imperceptible neutral residual impacts for water are anticipated to arise. It is reasonable to conclude that the construction and operation of the proposed development, including the various mitigation measures, would not be likely to lead to a significant impact on water or deterioration in the quality of receiving waters.

13.9.10. I have considered all of the written submissions made in relation to water and the relevant contents of the file, including the EIAR. I am satisfied with the level of information submitted, and any issues of a technical nature can be addressed by condition as necessary. It can be concluded that, subject to the implementation of the measures described in the EIAR and conditions in the event of a permission, the proposed development would not be likely to have any unacceptable direct, indirect, secondary or cumulative effects on water.

13.10. Air and Climate

13.10.1. Air quality and climate are addressed in chapter 7 of the EIAR. The proposed residential units and associated uses would not accommodate activities that would typically cause emissions that would be likely to have significant effects on air quality and climate. Baseline conditions, traffic modelling, construction methods and building specification, amongst other criteria, has guided this aspect of the EIAR. Existing air quality in the vicinity is good and traffic on the surrounding road network, rail transport activity and heating sources in the area are considered to predominately influence the air quality.

13.10.2. Impacts to climate during the construction phase are considered to be imperceptible, neutral and short-term based on the nature and scale of the project, including the likely materials and machinery required. Measures have been incorporated into the overall design of the development to reduce the impact to climate where possible during the operational phase, including energy-saving features, electrical heat

pumps, a BER rating of A2 or A3 for the residential units formed on the proposed space and hot water heating, ventilation, lighting and occupancy. Other measures include mechanical ventilation and heat recovery systems with zero fossil fuel requirements. A Mobility Management Plan is to be implemented to reduce use of private motor vehicle trips arising from the development. Imperceptible greenhouse gas emissions are anticipated based on national targets and the size, nature and design of the development. The climate impact of the proposed development is considered not to be significant and imperceptible for the operation phase of the project.

13.10.3. There is potential for dust emissions, including fungal spores causing a disease known as 'invasive Aspergillosis', to occur during the construction phase to other sensitive receptors and the atmosphere in the vicinity, including residences and a local school, and the applicant considers that this could have a potential significant impact. Potential air quality impacts on designated ecological sites can be scoped out based on the separation distances from the works site to designated ecological sites. There would be no potential for emissions of particulate matter, carbon dioxide and carbon monoxide at the site from heating sources during the operational phase and the increased traffic volumes are not expected to result in a quantifiable change in emissions during the operation phase. The 1% increase in traffic based on the construction element of the project is not expected to generate significant emissions in terms of air quality.

13.10.4. Measures are proposed to mitigate impacts on air quality, including the preparation of a dust management plan incorporating various dust suppression measures outlined in section 11 of the CEMP, which would limit fungal spores being released into the air and would feature typical and robust measures in effectively addressing emissions to air during the construction phase of a development of this nature. Monitoring during the construction phase is also proposed to mitigate any impacts arising on sensitive receptors. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged on air quality. The development includes a childcare / community facility, which may be served by external plant, such as air-handling units. I do not anticipate that any significant impacts would arise from the operation of this facility, given the nature of this facility and as it is not large scale. It is therefore concluded that the proposed

development would be unlikely to have significant effects on air quality. With regard to cumulative impacts alongside the proposed and permitted projects to the north (advanced infrastructure works, Ballygossan Park phase II and the road upgrade works), no significant cumulative impacts on air quality and climate are anticipated to arise, particularly as the other projects would need to incorporate their own dust management/minimisation measures and as any potential impacts would be short term.

13.10.5. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures that form part of 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, secondary or cumulative impacts in terms of air quality and climate.

Noise and Vibration

13.10.6. Noise and vibration impacts are addressed in chapter 10 of the EIAR. Both the outward impact of the development and the inward impact of existing noise and vibration sources on the development itself were considered with noise limits identified, as well as vibration limits. The proposed development would have the potential for significant impacts for neighbouring properties, arising from noise and vibration emissions during the construction phase, as well as the potential for significant impacts for future residents, arising from inward noise during the operation phase.

13.10.7. The applicant refers to various guidance with regards to the assessment of noise surveying and noise limit levels. Noise maps for the area were considered and noise levels were surveyed from six locations. Background noise is considered to largely arise from traffic movement along the Golf Links Road, anthropogenic activity, distant aircraft, rustling vegetation, birdsong, distant industrial activity and rail traffic. Noise and vibration impacts would be most likely to arise during the construction phase of the development with potential nuisance for neighbouring receptors, including the school to the south. Particular noise sources would arise from the excavation works, including the piled foundations that are anticipated for some buildings, machinery operation and the construction traffic movements. The nearest

sensitive receptors to the application site are identified, including the residential areas to the north and the houses along Golf Links Road (see figure 10.5 of the EIAR). The developer accepts that the predicted construction noise levels at the nearest sensitive receptors would be above the relevant construction noise criteria and in the absence of noise mitigation, a negative, minor impact would be likely to arise. A suite of noise reductive measures for the construction phase of the project are set out, including assigning a site representative, noise control at source, screening, acoustic shroud and monitoring.

13.10.8. The future noise environment was modelled and assessed to identify likely requirements to address noise impacts in particular those associated with the carriage movements along the adjoining railway line. The EIAR outlines the standards to be achieved in the residential living areas and external amenity areas with respect to noise levels and how this would be achieved. Noise levels along the rail line could potentially increase further in future following the increased rail traffic associated with the DART+ programme and the applicant also refers to the potential for increased noise to arise from the southern relief road running along Golf Links Road. Iarnród Éireann has requested that residences along the railway line are designed in accordance with BS8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings and I note that these standards would be complied with as part of the development based on the applicant's stated proposals. To ensure that the internal noise levels for the 20 apartments facing the rail line and within 15m of the rail line boundary, the applicant considers the use of solid material balustrades, as well as glazing and ventilation with an adequate level of sound insulation, would suitably address the potential impact of rail traffic. The doubling of traffic flows at points along Golf Links Road would correlate to a 3dB increase in noise levels and a consequential slight negative long-term impact for the nearest noise-sensitive receptors.

13.10.9. Vibration during the construction programme is primarily associated with the ground-breaking activities and piling works, which would be of a short-term duration. The applicant refers to 'BS5228-1:2009 +A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites' and 'BS7385:1993 – Evaluation and measurement for vibration in buildings', as providing guidance and standards for vibration impacts. No vibration was noted on site during visits, and movements

along the rail line were considered to have a low probability of adverse impacts, as the vibration levels would be lower than the typical value relating to human exposure to vibration. The main potential source of vibration levels at the neighbouring receptors are not expected to pose any significance in terms of cosmetic damage to any of the residential or sensitive buildings in proximity to the development works. Vibration impacts at sensitive receptors during the construction phase would be mitigated by standard practices and conditions can be attached to further address this. According to the applicant, as measured by peak particle velocity, the maximum allowable vibrations along the railway line due to works will be in accordance with Irish Rail / Iarnród Éireann requirements and code of practice.

13.10.10. With regard to cumulative impacts, should the proposed development occur simultaneously with the future residential development, road upgrades and/or advanced infrastructure application development, cumulative negative, significant and short-term impacts for neighbouring sensitive properties may arise. The applicant sets out mitigation measures and the need for noise and vibration level limits regardless of whether or not all of these projects occur simultaneously.

13.10.11. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts, including significant impacts, would be avoided, managed and mitigated by the measures that form part of 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, secondary or cumulative impacts in terms of noise and vibration.

13.11. Material Assets

13.11.1. Material assets specifically addressing utilities and services are dealt with under chapter 13 of the EIAR, while material assets addressing transportation are dealt with under chapter 11 and material assets addressing waste management are dealt with in chapter 12. As noted above, the development is likely to have a significant impact on material assets by increasing the housing stock that would be available in this area, and as noted throughout the planning assessment, the development would feature open space accessible to the public.

13.11.2. Consequent to the need to allow for the safe operation of the Dublin-Belfast railway line, Iarnród Éireann has also highlighted the need to engage and consult on various matters, including the technical requirements, the Dart+ project, boundary treatments, drainage and embankment implications, integrity and functionality, security, access and excavation arrangements. A condition can be attached in the event of a permission to require the applicant to engage further, particularly with regard to sensitive construction management along the railway line boundary. Boundary type A illustrates the relationship between the railway line and the proposed development. Iarnród Éireann has sought the construction of a 2.4m-high solid block/concrete boundary wall on the boundary to the railway and the avoidance of deciduous planting along this boundary. Boundary Type A along the railway boundary would consist of a dense agricultural hedgerow outside of which sits a steel palisade fence approximately 3m in height on Iarnród Éireann lands. Inside the hedgerow on the applicant's side it is intended to enhance the existing hedgerow and provide additional hedge and herbaceous planting. In addition to this a 1.4m-high chain link fence is proposed. A solid block boundary wall would require substantive works along the railway line boundary with implications for the integrity of the existing hedgerow, which is noted within the application to be of visual and biodiversity value. The addition of a block wall lower than the existing palisade security fencing would have very limited benefits in further restricting access to the railway line and would impact on the proposals to maintain and enhance the existing hedgerow. Consequently, I am satisfied that the applicant's boundary treatment proposals along the railway line would be acceptable, albeit subject to avoiding deciduous planting along the railway line given the need to avoid excessive foliage falling in this area.

13.11.3. Iarnród Éireann has also queried the possibility of encroachment along their lands and the need for buildings to be at least 4m from railway boundary. This 4m separation distance appears to be met along the entire boundary and as clarified in the Development Management Guidelines with regard to title of land, section 34(13) of the Act of 2000 states that a person shall not be entitled solely by reason of a permission to carry out any development. Accordingly, the issue regarding possible encroachment is a civil matter that can be resolved between the relevant parties, if

necessary, and I am satisfied that sufficient information has been provided to enable a recommendation on planning and environmental matters in this case.

13.11.4. In terms of utilities, an overview of the local water supply, foul and surface water drainage, gas, telecommunications and electrical services is provided by the applicant. Wastewater and water supply connections required to serve the proposed development can be facilitated based on consultations with Irish Water and the intention for the proposals to tie in with existing and proposed infrastructure. Surface water drainage proposals would link in with the proposed works for a regional drainage facility on the adjoining lands to the north. Much of the mitigation and remedial measures for utilities overlap with other measures proposed in the EIAR, including measures to control emissions and to address the protection of soils and receiving surface water. Gas infrastructure is not proposed to serve the development. Communication ducting and infrastructure would be installed via underground networks and electricity would be provided in accordance with national standards and the requirements of the Electricity Supply Board. Existing electric powerlines would be rerouted underground. No details of wireless telecommunications infrastructure are provided with the application, although it is not expected that the height of the proposed development would present a substantive impact for such networks.

13.11.5. Observers and Elected Members have raised concerns in relation to access arrangements, the capacity of the local road network and the extent of car parking proposed. I have addressed these issues under section 12.7 (traffic and transport) of my report. The applicant's initial considerations of traffic and transport impacts was based on an audit of the site relating to existing infrastructure provision and access to same, as well as an understanding of the main aspects that would influence traffic and transport impacts, including road safety, third-party commitments, public transport provision and demographics. As part of the design of the development surveying and modelling was undertaken to guide on road safety and network capacity with mitigation measures arising from this.

13.11.6. The construction phase impacts on traffic would be managed as part of a construction traffic management plan according to the applicant and would be temporary in nature, taking 24-30 months if the construction were undertaken in a single uninterrupted stage. Two construction phases are set out and the entire

construction period is estimated at five years. A maximum of 46 to 60 construction staff are anticipated for any element of the construction phase, thereby resulting in 32 to 40 traffic movements into and out of the site during peak hours. The applicant estimates 24 truck movements per day over 40 days during the earthmoving works and 12 loads per day arriving over 36 to 37 days as a worst-case scenario for the period when imported materials would arrive at the site. Construction access would be directly off Golf Links Road north of the existing cottage closest to the drainage ditch and construction staff would park on the site and not in the local road network. The construction traffic management plan would comprise a host of measures to reduce traffic impacts, including assigned haul routes, delivery timing, shared transport, wheel-washing and traffic management measures. In general, heavy-goods vehicular movements associated with the proposed development are anticipated to be relatively low with only slight to moderate short-term temporary impacts expected to arise for traffic and transport over the construction phase of the project.

13.11.7. Cumulative considerations alongside the road upgrade works and the future potential Ballygossan Park phase II development, as well as other permitted developments in the wider area and growth rate factors, are accounted for in the applicant's traffic and transportation assessment, including trip generation data. The anticipated increase in traffic volumes on Golf Links Road and at the Golf Links Road / Miller's Lane / Shenick Road junction, greater than 10% of the existing peak hour volumes, would be substantive, although this appears to be largely predicated on the existing limited traffic volumes on Golf Links Road. Cumulative effects alongside the other permitted and proposed developments in the vicinity were considered from the outset, including the road infrastructure upgrades permitted under ABP ref. 309409-21 (FCC ref. F20A/0324) to allow the developer to implement physical infrastructure upgrades in advance of the proposed development along Golf Links Road and at two junctions to the north. This would facilitate the additional traffic movements associated with the proposed development, as well as the potential other developments on the former Local Area Plan lands at Hacketstown. The subject development would also be dependent on a 66m-stretch of link road, as well as pedestrian and cycle routes, on the advanced infrastructure application lands. The traffic simulation results undertaken by the applicant with various developments in operation alongside the

subject proposals, are asserted to reveal that the existing key local junctions are predicted would operate within capacity. The site has reasonable access to public transport services and the applicant asserts that their study revealed capacity in these services to cater for the subject development. As noted above, the development would feature a reasonable provision of parking relative to the appropriate standards and a mobility management plan, as well as car parking management plan and car-sharing would be implemented to serve the development and reduce impacts on traffic. The increased traffic in the area associated with the subject development, as well as other developments, is not anticipated to have moderate or significant long-term impacts for traffic and transport over the operation phase of the project.

13.11.8. Proposals have been set out above under the heading 'Land and Soil' for the initial phase of development, including the removal of the excavated materials and the top layer of ground. Non-hazardous excavated materials are to be reused on site where possible and testing to date did not find contaminated materials on site. All waste removed from the site would be delivered to authorised waste facilities only and the applicant sets out that a resource and waste management plan would be implemented for the construction phase of the project. An operational waste management plan has been prepared for the operation phase of the project based on the anticipated level of service relative to the expected population equivalents, as referenced above under section 12.6 of my planning assessment. Cumulative impacts alongside the other stated developments in the neighbouring area would result in imperceptible impacts on waste, given the need for waste to be managed in compliance with national and local legislation, as well as policies and plans.

13.11.9. I have considered all of the written submissions made in relation to material assets, including those relating to traffic and transport, and drainage services. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets, including utilities, waste management, traffic and transport.

13.12. Cultural Heritage

13.12.1. Chapter 13 of the EIAR describes and assesses the impact of the development on archaeology and cultural heritage. In terms of archaeological potential, the applicant undertook a desk-based study and field inspection. The applicant's surveying assessed land-use patterns, site topography and the presence of any previously unrecorded sites of archaeological or cultural heritage interest. The site itself features extensive green areas and no specific features of architectural or historical significance are in evidence. The site does not have conservation status and would not be of a scale or nature to impact on the character or setting of features of architectural heritage within the wider area, including the engine house and rail bridge approximately 300m to the northwest of the site that are the closest protected structures included in the Record of Protected Structures (RPS) appended to the Development Plan under references 231 and 232 respectively.

13.12.2. A chronological description of the historical background to the site is provided and the applicant states that there are numerous recorded monuments and places (RMPs) proximate to the development, of which a cist at Milverton roadstone quarry 300m to the west is closest to the application site (RMP ref. DU05-032). Various potential archaeological features were identified in the wider area during analysis, including field and townland boundaries, as well as evidence of human activities. No impacts are anticipated to arise for the cist or any other RMPs. Previously unrecorded features or areas of archaeological potential were not identified during a field inspection in 2019. Geophysical survey and archaeological testing have previously been carried out within the Local Area Plan lands. Features of archaeological potential were not identified during the course of these tests, although evidence of a bronze-age domestic site and central burial site was identified during monitoring works to the immediate north of the application site. The applicant states that ground disturbances associated with the proposed development area may have a direct negative effect on isolated archaeological features that may exist outside of the footprint of the previously excavated test trenches. According to the applicant, such effects may range from moderate to significant in significance, depending on the nature, extent and significance of any identified remains. Cumulative impacts upon the archaeological resource are not anticipated, as any archaeological remains

that are present within the proposed development area would be preserved by record.

13.12.3. The Department of Housing, Local Government and Heritage has requested that a condition be attached in the event of a permission for the development requiring archaeological monitoring, as well as archaeological preservation or excavation, and subsequent reporting, if deemed necessary. I am satisfied that given the evidence presented, the proposals to develop the site would not give rise to a situation that would preclude the granting of permission for substantive archaeological reasons. Notwithstanding this, given the potential for known and unknown archaeological features to survive on site, a condition similar to that required by the Planning Authority with respect to archaeological assessment and monitoring would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development.

13.12.4. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts on archaeology, architectural and cultural heritage would be avoided, managed and mitigated by the measures that form part of the proposed scheme, by the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have any significant direct, indirect, secondary or cumulative impacts on archaeology or cultural heritage.

13.13. Landscape

13.13.1. A Landscape and Visual Impact Assessment forms chapter 6 to the EIAR submitted and a booklet of Verified Photomontages, as well as contextual elevations and sections drawings to aid in visualising the development, are provided as part of the application. A total of 11 short, medium and long-range viewpoints are assessed within the applicant's Landscape and Visual Impact Assessment. To avoid repetition, I have assessed in detail the impact of the scale and height of the proposed development on the environs of the site from an urban design and planning perspective in the planning assessment of my report (see section 12.4).

13.13.2. The observers assert that the proposed development would be out of character with the surrounding area and would have a negative visual impact on the amenities of

the area. Reference is made by observers to the visual impacts in using grasscrete as part of the landscaping proposals along the drainage ditch feature, however, I note that the applicant intends to seed the slopes leading to the drainage ditch for use as wet meadow immediately following re-profiling. The Planning Authority assert that the visual impacts of the proposed development would be acceptable given the zoning of the site and the provisions within the expired Local Area Plan. Despite referencing negative impacts associated with the removal of various landscape features during the construction phase, the Planning Authority state that the proposed development would make a significant positive contribution to the area, enhancing the urban landscape and the visual amenities of the area.

13.13.3. Section 9.4 of the Development Plan addresses landscapes, views, prospects and other visual amenity classifications. The site and the settlement of Skerries are identified as being within a coastal landscape, which the Development Plan states to generally be low lying, with the exception of some prominent headlands and hills in the northern part of the area. This landscape character type is categorised in the Development Plan as having an exceptional landscape value and development principles are outlined to assist in sensitive design and siting of the development in the coastal area, including landscaping measures. The immediate area does not appear to be a residential area of noted character, therefore, the specific provisions set out in objective DMS44 of the Development Plan would not appear to apply. The expired Local Area Plan noted that the proposed building heights on the lands should be limited to avoid any visual impact on two windmills that are located over 700m to the north of the site. This expired Local Area Plan also referred to a protected view along the Rush Road (R128) approximately 500m to the east of the site.

13.13.4. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles that provide a reasonably comprehensive representation of the likely visual impacts from the key reference points, including the most sensitive visual receptors. The observers assert that the visual obtrusiveness of the development would be greater than that presented in the photomontages, as the screening is not as substantial as that presented. In this regard I note that much of the screening is presently in existence and the applicant has proposed various design measures to

address impacts on much of the vegetative screening, including tree protection, additional planting and buffer strips. The photomontages submitted with the application include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in a late summer setting and considerate of Development Plan objective NH39 requiring a visual impact assessment to be undertaken for the project. Cumulative visual representations of the development alongside other permitted and proposed developments in the area, including the Ballygossan Park phase II development subject of a pre-application opinion to the Fingal County Council, has been undertaken as part of the application photomontages. The following table 4 provides a summary assessment of the likely visual change from the applicant's 11 selected viewpoints with the proposed development in place.

Table 4. Viewpoint Changes

No.	Location	Description of Change
1	Golf Links Road, entrance to Ballygossan Park – 90m northeast	Four-storey block A2 and upper floor to block B would be visible across the riparian buffer zone. There would be a consistent building height and some partial screening would be provided by existing trees and proposed trees within the open space. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
2	Golf Links Road – 50m east	Three storeys of block A2 would be visible fronting onto the open space. The block would follow the contour lines and would generally reflect the scale and positioning of existing buildings to the north in Ballygossan Park. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
3	Golf Links Road – 20m southeast	The upper-floor to block B would be visible at this location with existing boundary planting providing some screening of lower levels. The development would appear of a reasonable scale for an edge of town development. I consider the magnitude of visual change from this short-

		range viewpoint to be substantive in the context of the receiving environment.
4	Golf Links Road at proposed site entrance – 10m southeast	The roadside boundaries would be removed and the proposed housing and the new access road into the southern end of the development would be visible at this location. The development would be setback from the roadside and would read as part of the immediate suburban landscape with landscaping to be introduced to soften the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
5	Golf Links Road, west of railway line – 150m southwest	The mature roadside and field boundary planting, as well as the drop in ground levels, would generally serve to screen much of the development from this viewpoint with only the upper floors to blocks E and G visible. I consider the magnitude of visual change from this medium-range viewpoint to be negligible.
6	Golf Links Road, at St. Michael's School – 60m south	Two-storey housing would front onto the roadside and would be visible at this location. The development would be of a suitable scale for an edge of town development and would read as part of the immediate transition from a rural to a suburban landscape, with landscaping to be introduced to soften the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
7	Golf Links Road, southern corner of site – 10m south	The two-storey housing, the rear of two-storey block G and the three-storey end elements of block B would be visible at this location. The development would be of a suitable scale for an edge of town development and would read as part of the immediate transition from a rural to a suburban landscape with landscaping to be introduced to soften the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.

8	Ballygossan Park – 130m north	Four-storey block A2 fronting onto the riparian buffer, and three-storey block C along the main avenue would be visible. The set back distance across the riparian buffer would reduce the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
9	Ballygossan Park at railway footpath entrance – 165m northwest	Four-storey blocks A1 and A2 fronting onto the riparian buffer would be visible. The set back distance across the riparian buffer would reduce the visual impact. I consider the magnitude of visual change from this medium-range viewpoint to be moderate in the context of the receiving environment.
10	Tougher Hill – 340m northwest	The mature field boundary planting and drop in ground level would largely serve to screen much of the development from this viewpoint with some visibility of the roofing to several of the proposed blocks. I consider the magnitude of visual change from this long-range viewpoint to be negligible.
11	Rush Road (R128) – 500m east	The mature roadside and field boundary planting would largely serve to screen much of the development from this viewpoint with some visibility of the rear elevation of the upper levels to three-storey block B. I consider the magnitude of visual change to be negligible from this long-range viewpoint identified in the expired Local Area Plan as a protected view.

13.13.5. The subject site does not feature exceptional or unique landscape characteristics and the zoning of the subject lands for development implies an inherent acceptance that the lands have been deemed suitable from a broad visual perspective to absorb a reasonable scale of housing development. In the immediate area the development would be most visible from the approaches along Golf Links Road to the south and north, the houses and their grounds along Golf Links Road and from Ballygossan Park and the ridge it sits on to the north, with only intermittent views of the main structural elements from local vantage points in the adjoining areas due to the existing mature trees and hedgerows, and the undulating ground levels. The development would not be visible from the windmills 700m to the north of the

application site. The applicant considers the immediate area to be of medium sensitivity to development and that the proposed development in overall terms would have a moderate effect on the landscape on the southern side of Skerries owing to this change being supported in the Development Plan. Impacts during the construction phase of the development would be unavoidable according to the applicant and mitigation measures to address the visual impacts at operational phase are not set out, other than generally comprising those embedded elements of the design that respond to its immediate setting, including the various planting proposals and landscaping measures.

- 13.13.6. The development would be viewed as a modest insertion into this edge of town setting and as a substantive new element where visible from the neighbouring properties, particularly from the adjoining housing along Golf Links Road and within the Ballygossan Park estate. The immediate context of the area appears to have undergone a similar level of change in recent years with the completion of the Ballygossan Park phase I development, and the subject site is earmarked for residential development in the Development Plan.
- 13.13.7. The development would only be partially visible from the protected view referenced in the expired Local Area Plan and screening offered by existing mature boundary planting and undulating, albeit low-lying topography, would largely negate the visual impact of the development from medium and long-range locations.
- 13.14. Objective DMS39 of the Development Plan requires new infill development to retain the physical character of the area, including features such as boundary walls, pillars, gates, gateways, trees, landscaping, fencing or railings. The Planning Authority consider the replacement of various existing natural and built landscape features on site to be unsatisfactory and likely to result in a negative landscape visual impact. The site features a host of trees, stonewalls, ditches and hedgerows, primarily marking the boundaries of the fields forming the site. The applicant's initial groundworks and final landscape proposals would result in the removal of the internal field boundary features, with some elements of the perimeter boundary to be maintained and enhanced, including along sensitive boundaries with housing and the railway line. The application lands are zoned for residential development, with specific principles and objectives to be achieved in order to provide for a sustainable level of development on site. The Sustainable Residential Development Guidelines

recognise the importance of protecting the built and natural heritage of an area, however, with the exception of the roadside boundary, the subject landscape features do not appear to be of specific heritage or landscape value, in particular owing to the widespread existence of similar features on the immediate lands, including those outside of the development boundaries of Skerries town. While the roadway marks the historical townland boundary between Milverton and Hacketstown, much of the roadside boundary planting and features have been lost already to facilitate one-off housing along this frontage and as such the heritage value of this landscape feature has been substantially undermined already. Accordingly, I do not consider it necessary or sustainable to maintain all existing landscape features on site, and standard conditions can be attached in the event of a grant of planning permission with respect to the landscaping to serve the proposed development.

13.14.1. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited to moderate effects on the landscape based on the information available, the existing site context, as well as the objectives and policies of the statutory plan for this area. I am therefore satisfied that the proposed development would have acceptable impacts on the landscape and the visual amenities of the area. The impact on the outlook for neighbouring residences has been considered separately in section 12.5 above.

13.14.2. I have considered all of the written submissions made in relation to landscape and visual impacts, and considered in detail the urban design and place-making aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that significant visual impacts would be avoided and I am satisfied that the proposed development would have acceptable direct, indirect, secondary and cumulative effects on the landscape and acceptable direct, indirect, secondary and cumulative visual impacts.

13.15. The interaction between the above factors

13.15.1. Chapter 15 of the EIAR includes Table 15.1 addressing the interactions between each of the environmental disciplines assessed in the EIAR. All interactions between the various elements of the project were considered and assessed both individually and cumulatively within each chapter. Where necessary, mitigation was

employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another with the applicant referring to the CEMP as addressing any potential residual impact during the construction phase of the project. A total of 48 potential interactions between the assessed disciplines, including risk management, are considered to arise in the EIAR. The potential for population and human health impacts to interact with six of the other 11 disciplines is considered to arise. For example, an interaction between human health and population with air noise and vibration, would arise from the project construction activities. Other interactions include those arising between biodiversity and land and soil, consequent to the removal of the top layer of soil to enable construction of the development.

13.15.2. I have considered the interrelationships between the factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures to be put in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures to those already provided for in the EIAR were identified by the applicant. I am satisfied that in general the various interactions were properly described in the EIAR.

13.16. Cumulative Impacts

13.16.1. The proposed development could occur in tandem with the development of other sites that are zoned for development in the area, including the Ballygossan Park phase II residential development. The proposed development would also be dependent on the provision of infrastructure on the immediate lands to the north, which the application proposals would tie in with prior to meeting services along Golf Links Road, including road infrastructure, footpaths, utilities and drainage services. Permission has also been granted for road upgrade works in the neighbouring network of roads serving the application site and the future potential development of the former Local Area Plan lands, which are discussed above.

13.16.2. Throughout the EIAR the applicant has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing, proposed and permitted developments in the environs of the site. Such development would be largely in accordance with the nature and scale of development envisaged for the

area within the Development Plan, which has been subject to Strategic Environment Assessment (SEA). The nature, scale, form and character of the project would generally be similar to the nature, scale, form and character of development envisaged for the site within the adopted statutory plan for this area. The nature and scale of the proposed development would be in keeping with the zoning of the site and other provisions of the Development Plan. Subject to conditions, the proposed development is not likely to give rise to environmental effects that were not envisaged in the statutory plan. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area and the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

13.17. Reasoned Conclusion on the Significant Effects

13.17.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;
- direct negative effects arising for land and soils during the construction phase, which would be mitigated by reuse of excavated materials on site and removal of materials to appropriate off site facilities, as well as a suite of measures to prevent contamination of soils;
- direct negative effects and significant direct negative cumulative effects arising from noise and vibration during the construction phase, potentially in combination with other permitted and proposed neighbouring projects, which would be mitigated by a suite of appropriate construction phase management measures;
- indirect negative effects arising from noise during the operation phase, which would be mitigated by building design specifications for the proposed apartments closest to and directly facing the railway line;

- direct negative effects and significant direct negative cumulative effects arising for air quality and human health during the construction phase, potentially in combination with other permitted and proposed neighbouring projects, which would be mitigated by a suite of appropriate construction phase management measures, including dust management;
- indirect negative effects on water, which would be addressed during the construction phase by management measures to control the emissions of sediment and pollutants to water and which would be addressed during the operational phase by the necessity to connect into appropriate drainage infrastructure and the system for surface water management, including sustainable urban drainage systems;
- direct negative effects for archaeology, which would be addressed during the construction phase by archaeological assessment, monitoring and reporting;
- direct negative effects for traffic during the operational phase along Golf Links Road and neighbouring rad junctions, which would be mitigated by the necessity for upgrade works, similar to those permitted under An Bord Pleanála reference 309409-21 (F20A/0324), to be completed prior to the occupation of the proposed development.

13.17.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in all of the individual EIAR chapters are satisfactory, and I am satisfied with the information provided to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditions in the event of a grant of planning permission for the project, the environmental impacts identified would not be significant and would not justify refusing permission for the proposed development.

14.0 Appropriate Assessment

14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are initially considered in the following section.

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

14.2.1. 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 a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given.

14.3. Stage 1 AA Screening

14.3.1. The applicant has submitted a document titled 'Appropriate Assessment Screening Report and Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA' dating from April 2022 prepared by Altemar Marine and Environmental Consultancy. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European Sites within the possible zone of influence of the development.

Site Location

14.3.2. A description of the site is provided in section 2 and throughout the assessments above. The site primarily features agricultural fields and is located on the edge of an urban settlement with the habitats identified on the site outlined in section 13.7 above. No Annex I habitats were recorded within the application site and only limited use of the application site by flora and fauna was identified within the applicant's surveying dating from 2019 to 2021. Various bird species have been recorded as passing over the site and bats have been recorded foraging along hedgerows. The subject site does not feature any substantive surface water bodies, but it does drain

toward a drainage ditch consisting of depths up to 1.8m along the northern side of the site. Groundwater from the site would currently flow in the direction of this drainage channel, which is located 15m from the nearest site boundaries and between 1m to 10m below the ground levels of the subject site. According to the applicant the drainage ditch flows east through the allotments and Downside Park before discharging into the Irish Sea. As noted above there is also some potential for lands closest to the railway embankment to be draining west to the Mill Stream via a culvert under the railway. The Mill Stream flows northeast through Skerries and discharges to the Irish Sea 1.5km to the northeast. EPA online mapping does not provide status or aims under the WFD for the drainage ditch, while the Mill Stream is stated to feature 'poor' status for the purposes of the WFD and is 'at risk' of not achieving 'good' status according to the EPA.

Proposed Development

- 14.3.3. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. The proposed development is intended to be served by advanced infrastructure works similar to those proposed under ABP ref. 312189-21 / FCC ref. F21A/0287 on lands adjoining to the north of the site, which contain the drainage ditch.
- 14.3.4. Details of the construction phase of the development are provided throughout the application documentation, including the CEMP. Standard measures to control sediment and hydrocarbons would be undertaken as part of the construction and operational phases. Foul wastewater from the operational phase of the proposed development would discharge to the public network via the advanced infrastructure works for treatment at the Barnageeragh WWTP on the north side of Skerries. Following various standard practice environmental management measures, stormwaters from hardstanding areas, including roads, would be drained into a network of piped drains that would discharge into the regional drainage facility that is proposed to be developed on the lands to the north, as part of advanced infrastructure works subject of a separate planning application.
- 14.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – water runoff, including alterations in flow and quality, disturbance and emissions, including sediment, dust, noise and vibration;
- Operation Phase – disturbance, water runoff and emissions to water.

Submissions and Observations

14.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this report. I note the AA Screening Report prepared by Altemar, and I have also had regard to other relevant documentation included with the application, in particular the Ground Investigations Report prepared by Ground Investigations Ireland (dated July 2020), the biodiversity section of the EIAR prepared by Altemar (dated April 2022), the CEMP (dated March 2022) and the Engineering Services Report (dated March 2022), both of which were prepared by DBFL Consulting Engineers Limited.

14.3.7. I have had regard to the submissions received with respect to the application, including the submission from the Department of Housing, Local Government and Heritage referring to the possibility for pollutants to be mobilised from the development into surface water runoff into the drainage ditch adjacent to the northern boundary of the site and downstream to the sea and the Skerries Islands Special Protection Area (SPA), with the possibility of resultant detrimental impacts on this European site.

European Sites

14.3.8. The nearest European sites to the application site, including Special Conservation Areas (SACs) and SPAs, comprise the following:

Table 5. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
004122	Skerries Island SPA <ul style="list-style-type: none"> • A169 Turnstone (<i>Arenaria interpres</i>) • A148 Purple Sandpiper (<i>Calidris maritima</i>) • A017 Cormorant (<i>Phalacrocorax carbo</i>) • A018 Shag (<i>Phalacrocorax aristotelis</i>) • A184 Herring Gull (<i>Larus argentatus</i>) 	1.0km	east

	<ul style="list-style-type: none"> • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) 		
003000	<p>Rockabill to Dalkey Islands SAC</p> <ul style="list-style-type: none"> • Harbour porpoise [1351] • Reefs [1170] 	2.8km	east
004014	<p>Rockabil SPA</p> <ul style="list-style-type: none"> • A192 Roseate Tern (<i>Sterna dougallii</i>) • A193 Common Tern (<i>Sterna hirundo</i>) • A148 Purple Sandpiper (<i>Calidris maritima</i>) • A194 Arctic Tern (<i>Sterna paradisaea</i>) 	3.3km	east
004015	<p>Rogerstown Estuary SPA</p> <ul style="list-style-type: none"> • A149 Dunlin (<i>Calidris alpina</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A137 Ringed Plover (<i>Charadrius hiaticula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A056 Shoveler (<i>Anas clypeata</i>) • A043 Greylag Goose (<i>Anser anser</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A162 Redshank (<i>Tringa totanus</i>) • A143 Knot (<i>Calidris canutus</i>) <p>Habitats</p> <ul style="list-style-type: none"> • Wetlands 	5.5km	south
000208	<p>Rogerstown Estuary SAC</p> <ul style="list-style-type: none"> • 1130 Estuaries • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 	5.6km	south

	<ul style="list-style-type: none"> • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 		
004069	<p>Lambay Island SPA</p> <ul style="list-style-type: none"> • A043 Greylag Goose (<i>Anser anser</i>) • A204 Puffin (<i>Fratercula arctica</i>) • A017 Cormorant (<i>Phalacrocorax carbo</i>) • A184 Herring Gull (<i>Larus argentatus</i>) • A188 Kittiwake (<i>Rissa tridactyla</i>) • A199 Guillemot (<i>Uria aalge</i>) • A009 Fulmar (<i>Fulmarus glacialis</i>) • A200 Razorbill (<i>Alca torda</i>) • A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) • A018 Shag (<i>Phalacrocorax aristotelis</i>) 	8.9km	southeast
000204	<p>Lambay Island SAC</p> <ul style="list-style-type: none"> • 1170 Reefs • 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts <p>Species</p> <ul style="list-style-type: none"> • 1365 Harbour Seal (<i>Phoca vitulina</i>) • 1364 Grey Seal (<i>Halichoerus grypus</i>) 	9.3km	southeast
000205	<p>Malahide Estuary SAC</p> <ul style="list-style-type: none"> • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 	9.9km	south
004025	<p>Malahide Estuary SPA</p> <ul style="list-style-type: none"> • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) 	10.5km	south

	<ul style="list-style-type: none"> • A162 Redshank (<i>Tringa totanus</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A054 Pintail (<i>Anas acuta</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) • A143 Knot (<i>Calidris canutus</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) <p>Habitats</p> <ul style="list-style-type: none"> • Wetlands 		
004158	<p>River Nanny Estuary and Shore SPA</p> <ul style="list-style-type: none"> • A184 Herring Gull (<i>Larus argentatus</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A137 Ringed Plover (<i>Charadrius hiaticula</i>) • A144 Sanderling (<i>Calidris alba</i>) • A143 Knot (<i>Calidris canutus</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) <p>Habitats</p> <ul style="list-style-type: none"> • Wetlands 	11.2km	north

14.3.9. In determining the zone of influence for the proposed development, I have had regard to the nature and scale of the project, the distance from the development site to European sites and any potential pathways that may exist from the development site to a European Site, application documentation and submissions, and my visit to the area. Table 1 of the applicant's screening information report identifies the potential links to European sites from the application site. The distances and directions from the site to European sites are listed in table 5 above.

14.3.10. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the species identified as using/passing over the site

during ecological surveys, the distance from the development site to European sites, the lack of an obvious pathway to European sites from the development site, local drainage patterns and catchments, and separation distances across open marine waters. While there is some potential for part of the site to be draining west to the Mill Stream, the site is most likely predominantly draining north into the drainage ditch that drains eastwards. The discharge points for the Mill Stream and the drainage ditch into the Irish Sea are separated by approximately 800m, with the Mill Stream discharge point approximately 550m from Skerries Island SPA and the drainage ditch discharge point approximately 450m from this SPA. Both discharge points and part of the Skerries Islands SPA are within the mapped low-tide area for the Irish Sea.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Skerries Islands SPA / 004122	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>A017 Cormorant (<i>Phalacrocorax carbo</i>)</p> <p>A018 Shag (<i>Phalacrocorax aristotelis</i>)</p> <p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A148 Purple Sandpiper (<i>Calidris maritima</i>)</p> <p>A169 Turnstone (<i>Arenaria interpres</i>)</p> <p>A184 Herring Gull (<i>Larus argentatus</i>)</p>	<p>Yes</p> <p>Hydrological connections exist through:</p> <p>Water runoff to the drainage ditch during the construction phase and the proposed regional drainage facility at operation phase with connectivity from the discharge points along the Irish Sea at low tide with waters in the SPA.</p> <p>Light-bellied Brent Goose and Herring Gull identified during winter bird surveys as passing over the site, possibly commuting to and from neighbouring foraging / feeding grounds.</p>	Yes

<p>Lambay Island SPA / 004069</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> • Fulmar (<i>Fulmarus glacialis</i>) [A009] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Shag (<i>Phalacrocorax aristotelis</i>) [A018] • Greylag Goose (<i>Anser anser</i>) [A043] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Herring Gull (<i>Larus argentatus</i>) [A184] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Guillemot (<i>Uria aalge</i>) [A199] • Razorbill (<i>Alca torda</i>) [A200] • Puffin (<i>Fratercula arctica</i>) [A204] 	<p>Yes</p> <p>Herring Gull and Lesser Black-headed Gull identified passing over the site during bird surveys, possibly commuting to and from neighbouring foraging / feeding grounds.</p>	<p>Yes</p>
<p>Malahide Estuary SPA / 004025</p>	<p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A054 Pintail (<i>Anas acuta</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) 	<p>Yes</p> <p>Light-bellied Brent Goose identified during bird surveys passing over the site possibly commuting to and from neighbouring foraging / feeding grounds.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • A143 Knot (<i>Calidris canutus</i>) • A149 Dunlin (<i>Calidris alpina alpina</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) • A162 Redshank (<i>Tringa tetanus</i>) • A999 wetlands habitats 		
Rogerstown Estuary SPA / 004015	<p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> • A043 Greylag Goose (<i>Anser Anser</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A056 Shoveler (<i>Anas clypeata</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A137 Ringed Plover (<i>Charadrius hiaticula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A143 Knot (<i>Calidris canutus</i>) • A149 Dunlin (<i>Calidris alpina alpina</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A162 Redshank (<i>Tringa tetanus</i>) • A999 wetlands habitats 	<p>Yes</p> <p>Light-bellied Brent Goose identified during bird surveys passing over the site possibly commuting to and from neighbouring foraging / feeding grounds.</p>	Yes

14.4. Potential Effects

14.4.1. Direct habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- surface water and stormwater drainage from the proposed development site at construction and operation stage;
- increased anthropogenic activity at operation and construction stage;
- wastewater drainage at operation stage.

Drainage - Construction Phase

14.4.2. Having regard to the information submitted with the application, including the CEMP and the Engineering Services Report, pollution sources would generally be controlled through the use of normal best practice site management. The proposed development would comprise extensive groundworks, including excavations, re-profiling, services and infrastructure potentially tying in with proposals under ABP ref. 312189-21 (FCC ref. F21A/0287) for a regional drainage facility. These groundworks could potentially directly impact on the drainage ditch 15m to the north of the site, which is situated below the ground level of the application site. The applicant states that the ditch drains water from the site to the low tide area with direct connectivity to waters in the low tide area of Skerries Islands SPA. Having regard to the foregoing, I consider that release of excess hydrocarbons or pollutants to the drainage ditch would have potential for significant effects to arise for the integrity of European Site No. 004122 (Skerries Islands SPA).

Disturbance

- 14.4.3. The applicant addresses the potential risk of increased anthropogenic activity on the application site associated with the construction and operation stages of the proposed development affecting the qualifying interests of neighbouring SPAs, including the potential risk from increased noise. Noise and other air-borne emissions, as well as lighting, at all stages of the proposed development would be localised and would not extend to the nearest designated European sites.
- 14.4.4. It is possible that the construction phase of the proposed development could lead to disturbance and/or displacement to Light-bellied Brent Geese, Lesser Black-headed Gull and Herring Gull associated with neighbouring SPAs. These birds were recorded passing over the site during surveys and they could potentially be using neighbouring lands, including the mowed amenity grasslands of Skerries golf links a minimum of 200m to the south, which the applicant's ecologists advise would be

suitable feeding or foraging ground for these birds, in particular Light-bellied Brent Goose. According to the applicant, disturbance or displacement could arise for these special conservation interest bird species during the construction period from environmental nuisances on the application site. Such nuisances would include noise, dust and lighting emissions, but only to areas within 300m of the application site. Consequently, in light of the above and the conservation objectives for Light-bellied Brent Goose, Lesser Black-headed Gull and Herring Gull, effects on the integrity of Skerries Islands SPA, Lambay Island SPA, Malahide Estuary SPA and Rogerstown Estuary SPA cannot be excluded at this stage.

- 14.4.5. The applicant has not set out any specific mitigation measures to address the potential for increased anthropogenic activity on site to impact on the recorded bird species passing over the site or using other lands in the vicinity for foraging / feeding purposes during the operation phase. The applicant sets out that it is likely that habituation would occur for bird species arising from any new source of disturbance during the operation of the proposed development, and as the recorded bird species of special conservation interest for the neighbouring SPAs are already accustomed to the disturbance associated with Skerries town and other existing surrounding housing developments, the operation of the proposed development would not cause significant effects on the respective SPAs in view of their conservation objectives.

Drainage - Operational Phase

- 14.4.6. The application proposals include a series of SUDS, pollution control and stormwater treatment measures that typically would encompass standard operational drainage features for developments of the nature and scale of the subject proposals. These measures would not normally be intended to address potential effects on downstream European sites. However, the operational stage of the development would be dependent on elements of the storm and surface water drainage proposed as part of the development under ABP ref. 312189-21 (FCC ref. F21A/0287), including fuel interceptors and connections discharging into a regional drainage facility, part of which would be located within the application site boundaries. Given the identified direct connectivity from the drainage ditch and the proposed regional drainage facility to Skerries Islands SPA, in the absence of the completed regional drainage facility and the complete suite of drainage infrastructure on the adjoining lands, there would be potential for the proposed development to have significant

effects on the integrity of European Site No. 004122 (Skerries Islands SPA) in view of the site conservation objectives.

Wastewater – Operation Stage

- 14.4.7. The need to safely manage and treat wastewater from the proposed development provides a pathway for potential impacts to downstream European sites. As noted above in section 12.8 and within the applicant's 'Appropriate Assessment Screening Report and Natura Impact Statement', the Barnageeragh WWTP where wastewaters from the proposed development would be treated is stated to have capacity to serve the development. Notwithstanding this, given the identified direct connectivity from the drainage ditch to Skerries Islands SPA, in the absence of wastewater drainage infrastructure connections on the adjoining lands similar to that which is proposed to be development under ABP ref. 312189-21 (FCC ref. F21A/0287), there would be the potential for the proposed development to have significant effects on European Site No. 004122 (Skerries Islands SPA) in view of the site's conservation objectives.

AA Screening – In combination Impacts

- 14.4.8. This project is taking place within the context of other developments in the Skerries area, which can impact in a cumulative manner with the proposed development through drainage and increased wastewater volumes to the Barnageeragh WWTP. The expansion of the town is catered for through land-use planning by the Planning Authority, including the Fingal Development Plan 2017-2023. This Development Plan has been subject to AA by the Planning Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites.
- 14.4.9. The proposed development would be dependent on works similar to those that are proposed under ABP ref. 312189-21 (FCC ref. F21A/0287) for a regional drainage facility and the infrastructure connections to local services, including foul wastewater. These drainage works and infrastructures require extensive works potentially directly impacting on the existing drainage ditch connected with Skerries Islands SPA. Having regard to the foregoing, I consider that there would only be the potential for in-combination effects to arise with the adjoining advanced infrastructure project, including the regional drainage facility, on European Site No. 004122 (Skerries Islands SPA). The advanced infrastructure works and the other referenced

developments to the north of the application site are over 500m from nearest amenity grasslands within Skerries golf links. Given the separation distance from the amenity grasslands to the other permitted and proposed developments to the north, I am satisfied that these other developments would not be likely to result in combination effects with the subject proposed development that could result in disturbance or displacement of qualifying interest bird species potentially using the amenity grasslands.

14.5. AA Screening Conclusion

- 14.5.1. I am satisfied that the only European sites where there is potential for likely significant effects to arise comprise Skerries Islands SPA, Lambay Island SPA, Malahide Estuary SPA and Rogerstown Estuary SPA. In the absence of mitigation, potentially significant risks to European Site No. 004122 (Skerries Islands SPA) would arise from pollution incidents and silt-laden surface water discharges. Furthermore, potentially significant risks to European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA) could arise from the possibility of disturbance and/or displacement of qualifying interest bird species during the construction phase of the proposed development, given the proximity of the application site to potential ex-situ feeding / foraging site for qualifying interests bird species of the aforementioned SPAs recorded as passing over the site.
- 14.5.2. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out Stage 1 AA Screening for the project, it has been concluded that the project individually could have a significant effect on European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA), in view of the sites' Conservation Objectives, and an AA is therefore required. The applicant has provided a Natura Impact Statement including information for an AA of the potential for significant effects of the proposed development on this European site.
- 14.5.3. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed

development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, given the absence of a pathway between other European sites and the application site, and the separation distances to other European sites from the application site. In reaching this conclusion and with the exception of European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA), I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on European sites.

14.6. Stage 2 - Appropriate Assessment

14.6.1. The following is a summary of the objective assessment of the effects of the project on the qualifying interests of European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA) using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

Test of Effects – Pollution and Silt to Water

14.6.2. The first element of the proposed development that could adversely affect the conservation objectives of the European sites comprises:

- potential effects of pollution incidents and silt-laden surface water discharges from the surface water, stormwater and wastewater drainage during construction and operation phases, with connectivity to Skerries Islands SPA.

14.6.3. The development site is within the catchment of the Skerries Islands SPA. Without the presence of mitigation measures there is a potential for downstream effects on Skerries Islands SPA if significant quantities of pollution or silt were introduced into the adjacent drainage ditch or the Mill Stream. Above I have detailed how the proposed development would feature various measures to control drainage from the site, however, the achievement of these drainage control proposals would be predicated on works off the site and without achieving same wastewater, surface

waters and stormwaters arising from the proposed development would be likely to pollute and contaminate the watercourses draining to Skerries Islands SPA.

Mitigation

14.6.4. In Table 11 of the NIS the applicant sets out the mitigation measures intended to address the potential for pollution, as well as addressing the downstream impacts and negative impacts on the aquatic environment, aquatic species and qualifying interests for Skerries Islands SPA. The stated construction management measures outlined, including the asserted mitigation measures to address water runoff outlined in the applicant's NIS, are typical and well-proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation, including compliance with a final project CEMP, would be necessary for a residential and community / childcare facility development on any site featuring surface and storm water drainage connections to a regional drainage facility that would connect into an existing drainage ditch, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. The operational aspects of the drainage proposals would also be necessary for a residential and community / childcare facility development, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. Notwithstanding this, the subject drainage proposals would be entirely dependent on works off site similar to those proposed in a separate planning application (ABP ref. 312189-21 / FCC ref. F21A/0287). As such, while I am satisfied that the applicant has presented a means to drain the site in a manner that would not adversely impact on water quality entering the receiving watercourses, in the event that a grant of planning permission is arrived at, a condition needs to be attached requiring off site advanced infrastructure works to be undertaken in advance of occupation of the subject development, in order to adequately serve the development and ensure that the proposed development would not have significant effects on Skerries Islands SPA in view of the site's conservation objectives. I am satisfied that with a suitable condition to address this phasing requirement significant effects arising from the potential for pollutants and silt-laden run-off to Skerries Islands SPA can be avoided.

Test of Effects – Disturbance / Displacement

- 14.6.5. The second element of the proposed development that could adversely affect the conservation objectives of the European sites assessed comprises:
- construction-related noise, dust and lighting emissions resulting in potential disturbance and or displacement of bird species, comprising Light-bellied Brent Geese, Lesser Black-headed Gull and Herring Gull, which are qualifying interest species for Skerries Islands SPA, Lambay Island SPA, Malahide Estuary SPA and Rogerstown Estuary SPA, as they potentially utilise an ex-situ feeding / foraging site in the immediate vicinity of the proposed development.
- 14.6.6. There is potential for indirect effects on the aforementioned bird species as a result of construction disturbance, related to noise, dust and lighting emissions. The winter bird survey results for the site summarised in table format within the applicant's NIS indicated that Light-bellied Brent Goose were recorded passing over the site in groups of 11 and 32 in November 2020 and no droppings were recorded on site to suggest that they were using the application site. Irish wetland bird survey records for 2013 to 2018 season, record a season mean of 120 Light-bellied Brent Goose using Skerries Islands SPA. Usage by Light-bellied Brent Goose was infrequent and in numbers considerably below that of National Importance. It is stated that Herring Gull flocks of county importance were observed on three occasions with 85 birds in the maximum groups observed. Irish wetland bird survey records for 2013 to 2018 season, record a season mean of 295 Herring Gull using Skerries Islands SPA. Lesser Black-backed Gull flocks of county importance were observed on seven occasions, albeit in very low numbers (1 to 2 birds). As only limited observations of these bird species were observed, significant impacts on these species are not anticipated. Given that there would be no loss of habitat to the local ex-situ site and as the golf links lands extend to substantive distances from the application site (1.3km) and there are likely to be other ex-situ sites in the wider area used by these birds that could be used as a temporary refuge if birds are disturbed, I am satisfied that no significant effects are likely to occur on these species as a result of the proposed development.

Mitigation

- 14.6.7. The applicant sets out in Table 11 of the NIS the mitigation measures intended to address the potential for disturbance of qualifying interest bird species due to noise. The stated noise measures do not appear to be mitigation measures specifically aimed to address the potential for the proposed development to impact on ecology, including birds. The measures are more orientated towards addressing human health impacts, including the nearest sensitive residential receptors. Furthermore, the mitigation measures in table 11 of the NIS do not extend to measures to address dust and lighting during construction. Notwithstanding this, the CEMP and EIAR submitted with the application, include extensive mitigation measures to minimise dust and control lighting during the construction period. While the mitigation measures proposed would not appear specifically to be aimed at addressing ornithological impacts, the measures listed to address noise, dust and lighting environmental nuisances are known to be effective mitigation measures, reflecting current best practice, and can be secured as part of the final project CEMP.
- 14.6.8. Arising from the review of the survey results, including the small population of Light-bellied Brent Goose, Herring Gull and Lesser Black-headed Gull passing over the site and possibly utilising ex-situ habitats proximate to the site, given the lack of a direct link between the application site and the identified possible ex-situ site, and given the area of the possible ex-situ site with substantively more distant areas of amenity grassland also available away from the application site, as well the possibility for other ex-situ sites to be available in the wider area, no significant impacts are likely to occur on Light-bellied Brent Goose, Herring Gull and Lesser Black-headed Gull as a result of the proposed development.

Test of Effects Conclusion

- 14.6.9. In addressing the residual impacts of the proposed development post-mitigation, the applicant refers to early implementation of ecological supervision on site. The applicant asserts that the mitigation measures would ensure that the identified potential impacts would not result in any significant effects on the stated qualifying interests of the respective European sites.
- 14.6.10. I am satisfied that the applicant has provided comprehensive scientific evidence to accurately model the drainage regime, which has ultimately been utilised in

designing the drainage infrastructure and services that would enable the construction and operation of the development. The measures to address water quality are comprehensive and a condition can be attached to ensure proposals tie in with adjoining infrastructural works that the development would be reliant upon. Furthermore, I am satisfied that no significant impact for Light-bellied Brent Goose, Herring Gull and Lesser Black-headed Gull would arise from the proposed development, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of European sites based on the mitigation measures submitted in the application.

In-combination Impacts

14.6.11. The applicant's NIS addresses the potential effects of the proposed development in combination with other projects, including Ballygossan Park phase II, the 'advanced infrastructure application' and the aforementioned permitted road upgrade project. As noted above, the Barnageeragh WWTP has capacity to treat wastewaters from the proposed development, as well as the remaining potential quantum of development identified in the former expired Local Area Plan lands. The advanced infrastructure application also comprises drainage intended to treat the entire former Local Area Plan lands. Based on the information available, I am satisfied that it can be concluded beyond reasonable scientific doubt, and based on the design measures and proven mitigation presented, that in-combination water quality impacts would not occur as a result of the proposed development and the other proposed and permitted developments in this area.

14.7. Appropriate Assessment – Conclusion

14.7.1. Having carried out screening for appropriate assessment of the proposed project, it was concluded that it may result in significant effects on European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA). Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of the aforementioned European sites in light of their conservation objectives.

- 14.7.2. On the basis of objective information provided with the application, including the Natura Impact Statement contained in the document titled 'Appropriate Assessment Screening Report and Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA', which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and arising from the assessment above, the possibility of significant effects on the integrity of European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA) has been excluded.
- 14.7.3. In conclusion, I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA), or any other European site, in view of the site's Conservation Objectives.

15.0 Conclusion and Recommendation

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

16.0 Recommended Order

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 8th day of April, 2022, by The Land Development Agency care of John Spain Associates of 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

The development will consist of:

- A ten-year permission for 345 no. residential units comprising of 84 no. 1- bed units, 104 no. 2-bed units (68 no. 2-bed apartments and 36 no. 2-bed duplexes), 157 no. 3-bed units (118 no. 3-bed duplexes and 39 no. 3 - bed houses) ranging in height from 2 no. – 4 no. storeys.
- The proposed development is set out in 8 blocks which comprise the following:
 - Block A1 comprises 39 No. units at 4 storeys in height (Comprising a mix of 26 No. apartments & 13 No. Duplexes)
 - Block A2 comprises 33 No. units at 4 storeys in height (Comprising a mix of 22 No. apartments & 11 No. Duplexes)
 - Block B1 comprises 16 No. units at 3 storeys in height (Comprising all 3 bed Duplexes)
 - Block B2 comprises 16 No. units at 3 storeys in height (Comprising all 3 bed Duplexes)
 - Block C comprises 42 No. units at 2-3 storeys in height (Comprising 15 No. apartments & 27 No. Duplexes)
 - Block D comprises 32 No. units at 2-3 storeys in height (Comprising 12 No. apartments and 20 No. houses)
 - Block E comprises 62 No. units at 2-3 storeys in height (Comprising 38 No. apartments & 24 No. Duplexes)
 - Block F comprises 66 No. units at 2-3 storeys in height (Comprising 39 No. apartments & 27 No. Duplexes)
 - Block G comprises 25 No units at 2-3 storeys in height. (Comprising 20 No. Duplexes and 5 No. houses)
 - Block H comprises 14 No units at 2-3 storeys in height. (Comprising 14 No. houses)
- Public Open Space of c.16,670 sq.m (25% of net developable area) is proposed including the parkland and main public square, in addition to the linear park of c.2,427 sqm;

- c.2,272 sqm communal open space is proposed to serve the apartments;
- 414 car parking spaces in total are proposed including 40 visitor spaces, 3 for crèche set down and 2 for crèche staff parking within undercroft and at surface level.
- 802 No. bicycle parking spaces comprising including 128 No. visitor spaces and 10 No. to serve the crèche;
- Childcare and community facility of c.377 sqm. located in Block C;
- Upgrades to the Golf Links Road including new pedestrian and cycle infrastructure with frontage on Golf Links Road;
- Vehicular access off the Golf Links Road is to be provided to the south east of the subject site;
- In addition the proposal will provide a new internal link road. This internal link road will connect to the adjacent lands to the north, for which a separate planning application has been made to Fingal County Council under Reg. Ref. F21A/0287 (ABP Reg. Ref. 312189-21);
- The proposed apartments include the provision of private open space in the form of balconies to elevations of the proposed buildings;
- The development also includes vehicular, pedestrian, and cycle accesses, bicycle stores, lighting, landscaping, amenity spaces, drop off areas, boundary treatments, refuse facilities, services, utilities, substations, internal roads, footpaths and shared surfaces and all associated ancillary and site development works;

at Golf Links Road, Milverton townland, Skerries, County Dublin.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- a) The policies and objectives as set out in the Fingal Development Plan 2017-2023;
- b) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- c) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- d) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- e) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- h) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice

Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019;
- j) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in 2009;
- k) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- l) The pattern of existing and permitted development in the area;
- m) The planning history of the site;
- n) The provisions of Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development that materially contravenes a Development Plan;
- o) The submissions and observations received;
- p) The Chief Executive's report from Fingal County Council;
- q) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the 'Appropriate Assessment Screening Report and Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA' submitted with the application, the Inspector's Report and the submissions on

file. In completing the screening, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Sites in view of the Conservation Objectives of such Sites, other than European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA), which are the only European Sites for which there is a likelihood of significant effects.

Appropriate Assessment

The Board considered the Natura Impact Statement, and all other relevant submissions, and carried out an appropriate assessment of the implications of the proposed development on European Site No. 004122 (Skerries Islands SPA), European Site No. 004069 (Lambay Island SPA), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 004015 (Rogerstown Estuary SPA), in view of the Sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the Sites' Conservation Objectives using best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures that are included as part of the current proposal, and
- (iii) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the Sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed, in compliance with section 172 of the Planning and Development Act 2000, as amended, an Environmental Impact Assessment of the proposed development, taking into account:

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

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

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

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

- significant direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;

- direct negative effects arising for land and soils during the construction phase, which would be mitigated by reuse of excavated materials on site and removal of materials to appropriate off site facilities, as well as a suite of measures to prevent contamination of soils;
- direct negative effects and significant direct negative cumulative effects arising from noise and vibration during the construction phase, potentially in combination with other permitted and proposed neighbouring projects, which would be mitigated by a suite of appropriate construction phase management measures;
- indirect negative effects arising from noise during the operation phase, which would be mitigated by building design specifications for the proposed apartments closest to and directly facing the railway line;
- direct negative effects and significant direct negative cumulative effects arising for air quality and human health during the construction phase, potentially in combination with other permitted and proposed neighbouring projects, which would be mitigated by a suite of appropriate construction phase management measures, including dust management;
- indirect negative effects on water, which would be addressed during the construction phase by management measures to control the emissions of sediment and pollutants to water and which would be addressed during the operational phase by the necessity to connect into appropriate drainage infrastructure and the system for surface water management, including sustainable urban drainage systems;
- direct negative effects for archaeology, which would be addressed during the construction phase by archaeological assessment, monitoring and reporting;
- direct negative effects for traffic during the operational phase along Golf Links Road and neighbouring rad junctions, which would be mitigated by the necessity for upgrade works, similar to those permitted under An Bord Pleanála reference 309409-21 (F20A/0324), to be completed prior to the occupation of the proposed development.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the

mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this intermediate urban location, 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 scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of the on-site public open space provision, the proposed development would be compliant with Fingal Development Plan 2017-2023, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plan for the area, it would materially contravene Objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023 in relation to on-site public open space provision. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Fingal Development Plan 2017-2023, would be justified for the following reasons and consideration.

- the proposed development is considered to be of strategic and national importance given its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland - Action Plan for Housing and Homelessness' (2016). Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) are

applicable with respect to the material contravention of the on-site public open space provisions required in Objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023;

- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which advise that some greenfield sites should be provided with public open space at a minimum rate of 15% of the total site area, which would be achieved in the subject proposals providing 25% of the net site area as public open space. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) are applicable with respect to the material contravention of the on-site public open space provisions required in Objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023.

17.0 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. Mitigation and monitoring measures outlined in the plans and particulars submitted with the application, including the Environmental Impact Assessment Report and the Natura Impact Statement, shall be carried out

in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment and public health.

3. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The first phase of the development shall consist of not more than 75 residential units and the community / childcare facilities, as well as the main avenue from the north. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of parking spaces and open spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including drainage and external lighting;
- (b) Prior to the occupation of any unit in phase 1 of the proposed development, the development shall be served by an appropriate provision of infrastructure from the lands adjoining to the north, including link roads, pedestrian and cycle paths, as well as drainage infrastructures and services;
- (c) Work on any subsequent phases shall not commence until substantial completion of Phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority;
- (d) Planning permission shall expire ten years from the date of this Order.

Reason: To protect the environment and to ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

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

Reason: In the interest of visual amenity.

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

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

6. (a) The internal road network serving the proposed development and stretch of Golf Links Road proposed to be upgraded, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. In default of agreement the

matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces, provision of cycle parking spaces for cargo bikes, and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car, cycle, motorcycle and car-share / club parking, as well as turning areas, shall be continually managed.

(c) The developer shall comply with all requirements of the Planning Authority in relation to roads, access, cycling infrastructure and parking arrangements.

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

7. (a) Prior to commencement of development a Stage 2 Road Safety Audit, for the proposed development shall be prepared and submitted to the Planning Authority in accordance with Transport Infrastructure Ireland guidance. Where this Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out necessary works in accordance with the agreed revised design.

(b) Prior to occupation of development a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed improvement to Golf Links Road, internal access and spine roads and the entrances to the development, shall be prepared and submitted to the Planning Authority in accordance with Transport Infrastructure Ireland guidance. Where this stage 3 Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the Planning Authority.

The developer shall carry out necessary works in accordance with the agreed revised design

Reason: In the interest of traffic safety and proper planning and sustainable development.

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

9. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001-2022, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

10. Prior to the occupation of the development, a Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and

carpooling by residents, as well as staff employed in the development, and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

11. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date.

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

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

13. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

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

- b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

- 15.** Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, opens spaces and pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing public lighting in the surrounding area, as well as the requirements of the Bat Fauna Assessment (appendix 5.1 to the Environmental Impact Assessment Report) submitted with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

- 16.** The landscaping scheme shown on the Landscape Masterplan (drawing no. DN1906_BSLA_LDA_SHD) and the Landscape Report, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development, and there should be no encroachment during construction on hedgerows and trees, including those to be protected.
- b) Measures for the protection of trees and hedgerows proposed to be maintained shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development and all measures to protect trees and hedgerows shall be overseen by an arborist.
- c) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with the planning authority. The applicant shall engage with Iarnród Éireann regarding boundary treatments, landscaping, lighting and construction works along the railway line and details, including the avoidance of deciduous planting along the railway boundary, shall be submitted for the agreement of the planning authority prior to commencement of development.
- d) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development.
- e) A public artwork feature shall be provided as part of the development and details of same shall be submitted for the agreement of the planning authority prior to commencement of development.
- f) A pond feature shall be integrated into the applicant's lands as part of the landscaping provisions along the riparian corridor and this shall be made suitable for spawning frogs as part of the nature-based solutions to the management of rainwater and surface water runoff from the proposed development. Details of this pond feature

shall be submitted for the agreement of the planning authority prior to commencement of development.

- g) Details of landscaping measures to address impacts on foraging / feeding bats, including the locations of the proposed bat boxes, shall be submitted for the agreement of the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In the interest of environmental, residential and visual amenity, and rail safety, and to accord with the requirements of the Fingal Development Plan 2017-2023.

- 17. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

- 18. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas, including parking spaces, to be taken in

charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the duplex and apartment dwellings. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

19. A plan containing details for the management of waste 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 and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

- 21.** The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures stated in the application plans and particulars, including the Environmental Impact Assessment Report and the Natura Impact Statement, and shall provide details of the intended phased construction practice for the development, including:
- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse with sufficient buffer from residences and riparian corridor;
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) 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.
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, 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 excessive silt or other pollutants do not enter local infrastructure or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;
- o) Complete specification of cut and fill works to the site;

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

- 22. 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 proposals have been submitted and agreed in writing with the Planning Authority.

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

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

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

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

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

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

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

Colm McLoughlin
Senior Planning Inspector

8th November 2022