



An
Bord
Pleanála

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

Inspector's Report ABP-313302-22

Strategic Housing Development

Removal of the temporary site structures, construction of a total of 377 no. residential units (173 no. houses, 204 no. apartments / duplex units), creche and associated site works.

Location

Lands to the north of Rathbeale Road and to the west of and north of Miller's Avenue and Glen Ellan Road, Oldtown, Swords, Co. Dublin. (www.oldtownshd.ie)

Planning Authority

Fingal County Council

Applicant

Gerard Gannon Properties

Prescribed Bodies

Irish Water

Department of Housing, Local
Government and Heritage
Transport Infrastructure Ireland

Observer(s)

Danielle Barnes and Greg Moroney
Dean Mulligan
Edward Stevenson

Date of Site Inspection

6th December 2022

Inspector

Elaine Power

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site has a total stated area of 10.2 ha and comprises 4 no. separate land parcels. It forms of a larger landholding within the ownership of the applicant know as Oldtown. The vast majority of the subject site (7.6ha) is located c. 2.5km north-west of Swords village. It is bound to the north by Park Avenue within the Meadowbank residential estate and the Regional Park (public open space), to the south by Rathbeale Road, to the east by the partially constructed Millers Avenue and to the west by the Regional Park (public open space). The site was previously in agricultural use and some site clearance works are noted with a number of compounds and site offices (1,202sqm) located on the southern portion of the site.
- 2.2. The area surrounding the main development site is in transition with on-going residential development with associated uses and the construction of the Western Distributor Link Road (WDLR) (Millers Avenue). This site generally slopes from south-west to north-east with a c. 15m difference. The highest point of the site is in the south-west corner and the lowest is in the north east of the site, where the site joins with Meadowbank residential estate.
- 2.3. 2 no. land parcels are located to the north of the main development site and comprise public open space within the Regional Park, to be delivered as part of this application. The third parcel of land is located at lands locally known as the Celestica/Motorola site, c. 2km east of the main development site, at the junction of Glen Ellan Road and Balheary Road, and on Balheary Road. This land parcel is associated with engineering works to accommodate the scheme.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the removal of the temporary site office / site compound structures (1,202sqm) on site and the construction of a total of 377 no. residential units, 173 no. houses, 134 no. apartments, and 70 no. duplex units and 1 no. childcare facility in 10 no. Urban Blocks ranging in height from 2 – 5 storeys. The residential units comprise 98 no. (26%) 1-beds, 113 no. (30%) 2-beds, 149 no. (39.5%) 3-beds and 17 no. (4.5%) 4-beds.

3.2. The development will provide for a total of 600 no. car parking spaces and 440 no. bicycle spaces. The completion of Meadowbank Road adjoining Park Avenue. New vehicular accesses onto Miller’s Avenue. Proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting and all associated engineering and site works necessary to facilitate the development including the proposed stormwater storage tank and overflow outfall gravity sewer to the Broadmeadow River and the proposed vehicular / service access onto Balheary Road.

3.3. Key Development Statistics are outlined below:

| | Proposed Development |
|--------------------------|--|
| Site Area | 10.22 ha gross / 7.8 ha net |
| No. of Units | 377 no. (173 no. houses, 70 no. duplex units and 134 no. apartments) |
| Unit mix | 98 no. (26%) 1-beds, 113 no. (30%) 2-beds, 149 no. (39.5%) 3-beds and 17 no. (4.5%) 4-beds |
| Density | 48.3 units per ha |
| Height | Maximum 5 storeys. |
| Dual Aspect | 60% apartment / 100% houses and duplex units |
| Other Uses | Childcare facility |
| Public Open Space | 8,715 sqm on site & 13,722sqm on OS zoned lands |
| Car Parking | 600 no. |
| Bicycle Parking | 440 no. |

3.4. The application included the following:

- Planning Statement
- Statement of Response to Pre-Application Consultation Opinion
- Statement of Material Contravention
- Statement of Consistency with Planning Policy
- Urban Design and Architectural Statement
- Housing Quality Assessment
- Daylight Reception Analysis Report
- Sunlight Reception Analysis Report
- Environmental Impact Assessment Report
- Natura Impact Assessment
- Stormwater overflow and Receiving Stream Assessment
- Operational Waste Management Plan
- Construction Demolition and Waste Management Plan
- Additional Preliminary Construction, Environmental and Waste Management Plan
- Flood Risk Assessment
- Preliminary Flood Risk Assessment
- Engineering Assessment Report
- Preliminary Engineering Assessment Report
- Structural Report
- Traffic and transport Assessment
- Travel Plan
- Landscape Design Report
- Part L and Energy / carbon Dioxide Analysis Report
- Universal Access Statement
- Building Lifecycle Report
- Telecommunication Signal Interference Report
- Assessment of Likely Arboricultural Impacts
- Community and Social Infrastructure Audit
- School Demand Assessment Report
- Verified Photomontages

4.0 Planning History

Subject Site

There are a number of permissions and temporary permissions on the southern portion of the subject site which relate to the provision of 2 no. prefabricated schools. The reference numbers include Reg. Ref. 03A/0435, Reg. Ref. 03A/1558, Reg. Ref. 04A/0404, Reg. Ref. F05A/1778, Reg. Ref. F07A/1683 and Reg. Ref. F08A/0146. Both Swords Educate Together and Scoil Bhrian Boroimhe primary schools have relocated to their permanent buildings on Glen Ellan Road. The temporary structures associated with the previous school use on the site are currently being used as temporary site office/site compound structures in relation to the ongoing construction works of the adjoining lands. These structures would be removed in order to facilitate the proposed development.

Reg. Ref. F21A/0476 / ABP 313835-22: Permission was granted by Fingal County Council in 2022 for a stormwater tank and overflow outfall gravity sewer at lands known as Celestica / Motorola site at the junction Glen Ellan Road and Balheary Road and on Balheary Road, Swords, Co. Dublin. This decision is currently on appeal.

Surrounding Sites

There have been a number of applications for permission, amendments / modifications and extension of duration in the Oldtown-Mooretown lands, which are also within the ownership of the applicant. The main planning history is summarised below.

Reg. Ref. F11A/0436: Permission was granted in 2012 for the construction of 245 no dwellings and a creche on lands to the east of the subject site. An extension of duration of permission was granted in 2016. This permission is referred to as Phase 1 by the applicant. It is generally complete and occupied.

Reg. Ref. F11A/0473: Permission was granted in 2016 for the construction of 124 no. dwellings and 1,510sqm of commercial development on lands to the north and east of the subject site. An extension to duration of permission was granted in 2017. This permission is referred to as Phase 2 by the applicant. It is generally complete and occupied.

Reg. Ref. F15A/0390: Permission was granted in 2012 for the construction of 246 no. residential units on lands to the north and east of the subject site. An extension to duration of permission was granted in 2017 on lands to the north east of the subject site. An extension to duration of permission was granted in 2021. This permission is referred to as Phase 3 by the applicant. It is generally complete and occupied.

Reg. Ref. F17A/0666: Permission was granted in 2018 for the construction of 41 no. houses and 54 no. apartments on lands to the north east of the subject site. An extension to duration of permission was granted in 2022. This permission is referred to as Phase 4A by the applicant. The houses are generally complete and occupied. The apartments are under construction.

Reg. Ref: F17A/0735: Permission was granted in 2018 for the construction of 53 no. houses and 45 no. apartments on lands to the north east of the subject site. An extension to duration of permission was granted in 2022. This permission is referred to as Phase 4B by the applicant. The houses are generally complete and occupied. The apartments are under construction.

Reg. Ref.F17A/0687: Permission was granted in 2018 for 92 no. houses and a creche on lands to the north east of the subject site. This permission is referred to as Phase 4C by the applicant. The scheme is under construction.

ABP 313362-22 Strategic Housing Development Application: Current application for the construction of 650 no. residential units (265 no. houses, 385 no. apartments) creche and associated site works located c. 800m south of the subject site.

ABP 313337-22 Strategic Housing Development Application: Current application for the construction of 621 no. residential units (118 no. houses, 503 no. apartments), creche and associated site works located c. 1.5km east of the subject site.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application virtual consultation took place on the 30th November 2020 in respect in respect of a development for the construction of 339 no. apartments and a 497 sqm creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Development strategy for the site to including: layout; height/density; permeability/accessibility; open space/landscaping; childcare facility; Part V
- Transportation matters
- Drainage matters

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 16th December 2020 (ABP-307498-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

1. Design and Layout

- a) Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the configuration of the layout; connectivity with adjoining lands; provision of hierarchy of open space and the creation of character areas within a high quality scheme should be given further consideration.
- b) Further consideration/justification of the documents as they relate to the extent of surface parking proposed and arrangement of same and the impact this may have on the vitality of the streetscape and quality of the proposed development.
- c) Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and materials/finishes of the proposed development, having regard to the context of the site and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. A Building Lifecycle report should also be submitted in this regard, which includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.

2. Height and Density

Further consideration/justification of the documents as they relate to the height and density of the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites, together with guidance in relation to height contained in the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the location of the site and its proximity to the Key Town of Swords and with its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
2. Social Infrastructure Audit
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture and play areas where proposed, and which includes detailed proposals for the area of zoned public open space, included within the red line boundary.
4. Additional CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area.
5. Ecological Surveys
6. Archaeological Assessment
7. Waste management details
8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access

9. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit.
10. Additional transportation details having regard to the requirements of the Transportation Planning Division as contained within Appendix 2 of PA Opinion.
11. Additional drainage details having regard to the requirements of the Drainage Division as indicated in their report contained Appendix 2 of PA Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices').

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Department of Culture, Heritage and the Gaeltacht
- National Transport Authority
- Transport Infrastructure Ireland
- Irish Aviation Authority
- Dublin Airport Authority
- Department of Education and Skills

5.5. ***Applicant's Statement***

5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The Items that required further consideration are summarised below: -

Design and Layout

An Urban Design and Architectural Statement has been submitted which addresses the detailed design approach with respect to the 12 criteria set out in the Urban Design Manual.

The scheme incorporates a clear hierarchy of primary, secondary and tertiary streets, all of which are connected, permeable and integrated with the existing urban development, the regional park and the wider area. The layout is configured to maximise physical and visual connections between the existing/permitted phases of development and the regional park which will run the full length of the subject site's west and north boundaries. Open space proposed within the subject lands has a clear hierarchy ranging from small pocket parks to a large central area of open space.

There are broadly 3 character areas, with subtle variations from one to the other: (i) the higher density, taller section to the south, (ii) the mid-density development of 2-3 storey houses and 3-storey duplex clustered around the central open space and (iii) the park-side neighbourhood with its landmark building and organic street pattern tracing the irregular line of the townland boundary.

The parking strategy for the development has been considered and revised to reduce the extent of surface parking proposed and to mitigate against its visual impact. The proposed layout and streetscape are more varied and attractive as a result of these interventions.

The external materials and finishes of the proposed new buildings have been chosen with regard to their maintenance, robustness, life-span and availability. A Building Lifecycle report has been prepared.

Height and Density

The introduction of 3- storey duplex blocks and new 3-storey house types provide variety, defines important street corners and public spaces, increases the range of residential typologies, and works to define different character areas. Building heights range from single storey (the creche) to 5-storeys, with taller elements located at the

north of the site overlooking the regional park, and in the southern section at the Rathbeale Road crossroads.

The scheme has a net density of 48.3 dwellings per hectare. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) recommends a net density in the range of 35-50 dwellings per hectare on “Outer Suburban/Greenfield” sites and the proposed development falls comfortably in the higher end of the range. The Oldtown-Mooretown Local Area Plan (2010, expired 2020) requires a net density range of 35-50 dwellings per hectare with higher density in the upper end of this range in pockets around the Local Centres and main streets and adjoining the Broadmeadow Linear Park. The proposed development generally complies with the objectives of the LAP, albeit now expired. This is the appropriate density for the subject lands having regard to their integration and relationship with the existing and permitted pattern of development in Miller’s Glen, their location at the very western edge of Swords and their remove from high-quality public transport nodes and corridors.

5.5.2. The applicant addressed items 1-11 of the specific information to be submitted with the application. Items of note are outlined below: -

1. A School Demand Assessment was submitted.
2. A Community and Social Infrastructure Audit was submitted.
3. Detailed Landscape proposals have been provided within the submitted documentation and drawings.
4. Verified Photomontages and CGI’s have been submitted.
5. An Appropriate Assessment Screening Report and an Natura Impact Assessment have been submitted.
6. A Cultural Heritage Impact Assessment forms part of the submitted EIAR.
7. An Operational Waste Management Plan (OWMP) has been submitted.
8. A site layout plan indicating what areas, if any, are to be taken in charge has been submitted.
9. A Housing Quality Assessment has been submitted.
10. A Traffic Impact Assessment and an Engineering Assessment Report have been submitted.

11. A Flood Risk Assessment and an Engineering Assessment Report have been submitted.

6.0 Relevant Planning Policy

6.1. *Fingal County Development Plan 2017-2023 (as amended)*

The site is subject to 3 no. land use zoning objectives. The vast majority of the site is Zoned RA - Residential Area with the associated land use objective to *'provide for new residential communities subject to the provisions of the necessary social and physical infrastructure'*. A small portion of land at the sites northern boundary is zoned OS Open Space with the associated land use objective to *'preserve and provide for open space and recreational amenities'*.

There is an objective to preserve views at the southern boundary of the site along Rathbeale Road.

The site of the proposed stormwater storage tank is zoned ME-Metro Economic Corridor with the associated land use objective *to facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.*

There is an objective on this site to protect and preserve woodlands, trees and hedgerows.

Swords is the administrative capital of the county. The development plan's core strategy identifies Swords as a consolidation town within the metropolitan area. Table 2.8 indicates that Swords has a potential yield of 15,828 residential units with a land supply of 514 ha.

Section 4.2 of the development plan set out the development strategy for Swords, including 27 no. objectives, which includes: -

Objective SWORDS 27: *Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan... • Oldtown / Mooretown Local Area Plan (see Map Sheet 8, LAP 8.C)...*

The following policies and objectives are considered relevant: -

Objective SS12: *Promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy.*

Objective SS16: *Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.*

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

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

Objective PM40 *Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents*

Objective PM41 *Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.*

Objective PM42 *The Guidelines for Planning Authorities 'Sustainable Urban Housing: Design Standards for New Apartments', 2015 issued by the then Minister for the Environment, Community and Local Government under Section 28 of the Planning and Development Act, 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions.*

Objective MT04: *At locations where higher density development is being provided, encourage the development of car-free neighbourhoods, where non-motorised transport is allowed and motorised vehicles have access only for deliveries but must park outside the neighbourhood, creating a much better quality public realm with green infrastructure, public health, economic and community benefits.*

Objective DMS20: *Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.*

Objective DMS21: *Allow a reduced percentage of dual aspect apartments only in circumstances where it is necessary to ensure good street frontage and subject to*

high quality design. In no instance will the provision be less than 33% of the number of apartments in the scheme.

Objective DMS22: Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.

Objective DMS23: Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes.

Objective DMS28: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

Objective DMS30: Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

Objective SW07 *Implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated version of these guidelines. A site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in the SFRA, located in the following areas: Courtlough; Ballymadun; Rowlestown; Ballyboghil; Coolatrath; Milverton, Skerries; Channell Road, Rush, Blakescross; Lanestown/Turvey; Lissenhall, Swords; Balheary, Swords; Village/Marina Area, Malahide; Streamstown, Malahide; Balgriffin; Damastown, Macetown and Clonee, Blanchardstown; Mulhuddart, Blanchardstown; Portrane; Sutton; and Howth, demonstrating compliance with the aforementioned Guidelines or any updated version of these guidelines, paying particular attention to residual flood risks and any proposed site specific flood management measures.*

Objective WT01: Liaise with and work in conjunction with Irish Water during the lifetime of the plan for the provision, extension and upgrading of waste water collection and treatment systems in all towns and villages of the County to serve existing populations and facilitate sustainable development of the County, in accordance with the requirements of the Settlement Strategy and associated Core Strategy.

Objective WT02: Liaise with Irish Water to ensure the provision of wastewater treatment systems in order to ensure compliance with existing licences, EU Water Framework Directive, River Basin Management Plans, the Urban Waste Water Directive and the EU Habitats Directive

Objective WT04: Investigate the potential for the provision of temporary wastewater treatment facilities for new developments where a permanent solution has been identified and agreed with Irish Water but not yet implemented and where the provision of such a facility is environmentally sustainable, meets the requirements of the Habitats Directive, and is in accordance with the recommendations of the EPA and where adequate provision has been made for its maintenance.

Objective WT08: Prohibit the discharge of additional surface water to combined (foul and surface water) sewers in order to maximise the capacity of existing collection systems.

6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

RPO 7.11: For water bodies with 'high ecological status' objectives in the Region, local authorities shall incorporate measures for both their continued protection and to restore those water bodies that have fallen below high ecological status and areas 'At Risk' into the development of local planning policy and decision making any measures for the continued protection of areas with high ecological status in the Region and for mitigation of threats to waterbodies identified as 'At Risk' as part of a catchment-based approach in consultation with the relevant agencies. This shall include recognition of the need to deliver efficient wastewater facilities with sufficient capacity and thus contribute to improved water quality in the Region.

6.3. ***National Planning Framework***

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

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 57 Enhance water quality and resource management by: Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities; Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process; Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, to create safe places.
- National Policy Objective 63: Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

6.5. ***Applicants Statement of Consistency***

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

6.6. ***Material Contravention Statement***

6.6.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Fingal County Development Plan 2017 - 2023 in relation to Local Area Plan Designation and Table 12.8 Car Parking Standards. The statement is summarised below: -

6.6.2. *Local Area Plan Designation*

Objective PM13 of the Fingal Development Plan aims to *“Prepare Local Area Plans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.”*

Objective SWORDS 27 of the Development, it is an objective of the Council to:

“Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan:

- *Oldtown / Mooretown Local Area Plan (see Map Sheet 8, LAP 8.C)*

The Oldtown-Mooretown Local Area Plan 2010-2016 was extended up to 12th July 2020.

It is considered that the subject land is the final phase of developing Oldtown lands, and that the applicant controls all the land that now in effect amounts to the LAP and is consistent with the previous approach to development in the area and in this regard complies with the objective. Therefore, it is considered that the LAP designation, on now substantially developed land, essentially conflicts with the requirements to prepare an LAP. Thus, it is submitted that the Objective PM13 and Objective SWORDS 27 have either been complied with or by the preparation of this SHD scheme

in respect of the remaining lands, the development plan objectives have been superseded.

It is also noted that an LAP for Oldtown-Mooretown lands is not listed in the draft Fingal County Development Plan.

6.6.3. Car Parking

In accordance with development plan standards, the quantum of car parking required to serve the proposed development is 609 no. spaces. The proposed development provides for an overall total of 600 no. spaces. The subject site should be considered for development with the reduced quantum of car parking provision which reflects the location of the development in relation to public transport services. The proposed quantum is considered to be in line with national policy, particularly the Design Standards for New Apartments (2020).

6.6.4. Strategic and National Importance

It is submitted that the proposed development is both of strategic and national importance. The proposed development of 377 no. units, as the final phase of the Oldtown lands, complies with the objectives to promote sustainable development through densification of the existing urban form and the provision of residential dwellings where there is a great demand for housing.

7.0 **Third Party Submissions**

3 no. third party submissions were received from Danielle Barnes and Greg Moroney, Cllr. Dean Mulligan and Edward Stevenson. The concerns raised are summarised below: -

Principle of Development

- The proposed scheme should comply with the objectives of the Oldtown – Mooretown LAP.

Design Approach

- The density is excessive in comparison to previous phases of development and as the area is poorly served by public transport.

- The mid-rise elements of the scheme are not in accordance with the previous phases of development. The height is not in keeping with the area.
- Increased height should be provided in the town centre. There is no rationale to provide higher, 3, 4 and 5 storey buildings on the outskirts of Swords, where there are minimal services or amenities.
- Insufficient retail to serve a development of this scale. This would result in increased congestion of the surrounding road network.
- Insufficient open space to serve the higher density elements of the scheme. The scheme is over reliant on the development of the Regional Park, which the applicant has no control over.
- Concerns regarding the unit type of the Part V provision. It is considered that larger unit types are required. Part V units should be evenly distributed throughout the scheme.

Residential Amenity

- Concerns raised regarding the negative impact on existing residents at Rathbeale Road.

Transportation

- Concerns that adequate public transport infrastructure would not be provided and future residents would be reliant on private car. This would negatively impact on congestion in the area.
- The quantum of car parking is a material contravention of the development plan. Given the lack of public transport. Additional car parking should be provided.
- The under provision of car parking would result in overspill car parking onto the surrounding road network.

Physical Infrastructure

- Concerns regarding the capacity of the foul water system. Irish Water have refused to allow further connections to the wastewater network.
- Concerns regarding a potential flood risk and the location of the stormwater tank.

- Concerns regarding the long-term effectiveness of SUDs within the site. A SuDS retention pond exists at Millers Glen. Very little data regarding its operation has been included in the documentation presented in support of new development
- The scheme should be delayed until the Regional Wastewater System is operational.
- The scheme needs to be considered in combination with the Mooretown and Holybanks SHD applications.
- The issue of odour from the storm water storage tank has not been addressed.

Appropriate Assessment

- Concerns that the information submitted is not adequate to address any potential impact on designated sites.
- There is an obligation to prevent the impacts of contaminated water entering the Malahide Estuary and effecting the conservation objectives of Natura 2000 sites.
- Claims that water quality in the Broadmeadow River will improve are dubious.
- The potential to cause harm is contingent upon a plan of substantial investment by Irish Water over a brief period of time. No assurance is given or can be given by Irish Water
- The use of a retention tank to improve the water quality of the Estuary is inaccurate. The retention tank will move pollutants from a known source into a temporary location, which in the worst-case scenario will end up as a toxic dump.

Other Issues

- Concerns raised regarding the SHD process.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 7th June 2022. The report includes a summary of the pre-planning history, site location and description, relevant planning history, the proposed development, third-party submissions and prescribed

bodies, internal reports and policy context. The views of the elected members of the Balbriggan / Rush-Lusk / Swords Area Committee, at a meeting held on the 29th April 2022 are summarised as follows: density; lack of social infrastructure; poor accessibility in terms of walking, cycling and public transport; limited size of the creche; concerns of stormwater storage tank and impact on Broadmeadow River and SAC; lack of infrastructure provision; urban design; school demand assessment; residential amenity; concerns regarding the SHD process; provision of social housing is welcomed. Reports from the Transportation Department, Water Services Department, Architects Department, Archaeology Department, Environment Department – Waste Management, Parks and Green Infrastructure Division, Arts Culture Department and Hosing Department have also been provided.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Design and Layout: Urban Block 01, in particular Apartment Block C and Apartment Block B2 form part of the gateway to Oldtown and are expected to be of suitably high quality. A part 3, 4 and 5 storey block (Apartment Block C) fronting onto Rathbeale Road serves as a gateway feature. This block appears abrupt and out of place. It is recommended that this block be omitted and a medium density development to mirror the opposite corner on Millers Avenue, in this regard 2 no. 3 storey L-shaped blocks be provided. The proposed block would result in a visually intrusive and overbearing development at this prominent corner location, to the detriment of the visual amenities of local residents.

The proposed road layout and open space configuration of Block 1 allow for easy physical connectivity to the Regional Park to the west and the development along the eastern side of Millers Avenue. The report of the Architects Department notes that the layout of Block 1 and in particular the location of Apartment Block B1 facing the intersection with Glen Ellan Road appears to be a lost opportunity to create visual connectivity by delivery a view through the application site to the Regional Park and rural landscapes beyond. While it is desirable to create a strong urban edge along Millers Avenue, it is not apparent why this building should terminate the westerly view along Glen Ellan Road at its junction with Millers Avenue.

It is unclear why the road (Road no. 1) separating Urban Block 2 and 3 is slightly staggered from the junction of Westmill Gate and Millers Avenue on the opposite side of the road. The alignment of these 2 no. junctions would be preferable to allow for additional visual connectivity through the site.

The layout includes a number of very long terraces, which appear monolithic. It is recommended that urban block 7 be shortened and urban block 8 be extended by moving roads 1.1 and 2.1 further westwards which would also remove the awkward bends and junction configurations. This would also improve the layout of play area 2, which is very small and located very close to houses. Consideration should also be given to moving the play equipment to a larger open space area, as the proximity to the houses may cause undue noise and disturbance.

There are concerns over the following design matters: -

- Apartment Block A: The massing, height and siting of this block.
- Duplex Blocks A, B, C and D: Consideration should be given to move some or all of the 1-bed units to the ground floor to provide more options for residents with mobility restrictions or older persons.
- The extent of 'clip on' balconies: It is recommended that the design should be revised to include integrated balconies, particularly where they face the public road.
- Duplex Block A: The proximity of the bin storage to unit no. 9 is considered in appropriate.
- Duplex Block C: The proximity of the bin storage to unit no. 1 is considered in appropriate.
- Apartment Block C, Apartment 17: A door should be provide between the bedroom and the terrace.

Density and Height: The proposed density is considered acceptable. However, there are some concerns over the massing / height and siting of some of the taller elements. In this regard: -

- Apartment Block C: The response of this block to its context is not considered entirely successful as it is situated near the junction and appears abrupt in transition and out of place, resulting in an overbearing visual impact.
- Apartment Block A: Insufficient justification for the massing, height and siting of this block, which overlooks the Regional Park. Due to the fall of the land towards the north and west, this block appears visually prominent, overbearing and out of place when views from the lower lying pitches and Regional Park to the west. It would seriously detract from the visual amenity of the recreational area.
- It is considered more appropriate to increase the height and density of the blocks near the junction with Glen Ellan Road (Urban Block 2) and mark this location with a 3- storey building.

It is considered that the opportunities to provide a stronger urban edge through the provision of higher density forms of development along the western edge of Millers Avenue would have been a more appropriate urban design response.

The extent of surface car parking along Millers Avenue would be particularly visible to the front of Blocks 3 and 4. The extent of the car parking does not contribute to creating a strong streetscape edge. In addition, the building typologies would not contribute to creating a strong and unified edge along this spine road. It is considered that the layout and design would not deliver an integrated and cohesive design approach along Millers Avenue and that a strong and distinctive streetscape should have been provided.

Materials and Finish: The proposed materials and finishes are generally acceptable.

Unit Type and Mix: There is a significant amount of diversity in terms of size, layout, storage, aspect, room dimensions etc within the proposed development to cater for a broad range of needs and requirements.

Residential Amenity: The information submitted in the applicant's Housing Quality Assessment and the Daylight and Sunlight Assessment are noted.

Childcare Facility: A condition should be attached that the creche is operational prior to occupation of the residential units.

Green Infrastructure: The applicant should develop the 0.99ha of land, off site, within the Regional Park that is being provided as Class 1 Public Open Space for this development to taking in charge standard.

Play Facilities: A condition should be attached to any grant of permission that adequate provision and standard of play facilities be provided.

Movement and Transportation: The level of staff parking and set down provision for the creche appears to be low.

The proposed on-street car parking would be public and can not be assigned to individual units.

The provision of a road parallel to Millers Avenue is inefficient and an undesirable layout.

A more recent traffic survey should have been carried out as part of the TTA. The junction of Rathbeale Road and Murrough Road exceeds capacity in the opening year. The other future years have not been assessed. The design for the upgrade of Glen Ellan Road with Balheary Road was raised during the pre-app stage. This could be addressed by way of a Section 48(c) financial contribution.

The scheme includes 30 EV charging spaces. How these space would be managed and controlled is unclear. Some of these spaces are located on roads to be taken in charge. Therefore, they would be public spaces. All houses should have EV charging points and a minimum of 10% of the parking spaces assigned to the apartments.

Road Safety Audits should be carried out at the relevant stages of the development.

Archaeology: A recorded archaeological monument (RMP no. DU011-150) is located within the site. This is a large ditch enclosure, which is entirely subsurface in nature. The scheme has been designed to incorporate its preservation in situ within the areas of open space.

Flooding: The subject site is within Flood Zone C. The applicants FRA is noted.

Surface Water: The drainage strategy is in accordance with the provisions of the LAP and is being implemented under the on-going phases of development.

Water Supply: The wayleave for the existing watermain is being accommodated. The correspondence from IW is noted. The water supply proposal is deemed acceptable.

Foul Sewer: Upgrading of the existing network is required in order to facilitate the proposed connection. The Drainage Area Plan has identified that a capacity constraint exists on the trunk sewer to the Swords WWTP at its crossing with the R132. A storage tank is proposed to balance peak flows which would facilitate future development without the need to upgrade the road crossing. The applicant should engage with IW in this regard.

EIAR and AA: The applicants EIAR, Appropriate Assessment Screening Report and Natura Impact Assessment are noted.

Taking In Charge: All finishes should comply with the Councils Standard for Taking in Charge. Alternatively, a suitable condition excluding some areas from being taken in charge, that can legally preclude a future plebiscite should be included.

Part V: The applicant has engaged with the Housing Department with regard to Part V.

Public Art: A condition should be attached to any grant of permission that a piece of public art be provided within the scheme.

Conclusion: The proposed scheme is considered acceptable subject to a number of amendments. It is recommended that permission be granted subject to 26 no. conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- Department of Culture, Heritage and the Gaeltacht
- National Transport Authority
- Transport Infrastructure Ireland

- Irish Aviation Authority
- Dublin Airport Authority
- Department of Education and Skills

Section 6(7) opinion. The letters were sent on the 12th April 2022. A summary of the comments received are summarised below:

Irish Water: The proposed development site crosses the identified alternative corridor route (Northern Pipeline) for the Greater Dublin Drainage Project. Greater Dublin Drainage (GDD) is a project to develop a new regional wastewater treatment facility and associated infrastructure including pipelines to serve the Greater Dublin Area and parts of the surrounding counties of Kildare and Meath. The project is of strategic national, regional and local importance, has been identified in the National Planning Framework (NPF) as a National Strategic Outcome of the National Development Plan and is a critical piece of infrastructure for the region. The area of the site crossing the GDD alternative corridor route forms part of the open space proposal. There is no objections in principle to the development, however, it is requested that the applicant liaise with the design team to ensure there are no potential residual impacts on the GDD corridor.

Development Applications Unit, The Department of Housing, Local Government and Heritage:

Archaeology: It is recommended that a planning condition pertaining to Archaeological Monitoring of ground disturbance aspects of the development is included in any grant of planning permission.

Nature Conservation: The Appropriate Assessment of the proposed development identified the possibility for pollutants to be mobilised from the development into surface water runoff into the Broadmeadow River and downstream into the Malahide Estuary Special Area of Conservation (SAC) and Malahide Estuary Special Protection Area (SPA), with the possibility of resultant detrimental impacts on these European sites.

While it appears no features exist on the development site which could be used for roosting by bats, it is also noted that no bat survey of the development site has been

carried out since 2011 but that at that time Leisler's bat were recorded foraging over the development site. Given this usage then, and because the presence of other bat species in the Swords area is known from surveys supporting other development applications bat friendly lighting is required in the proposed development.

Standard conditions are recommended to be attached to any grant of permission.

Transport Infrastructure Ireland: No observations.

No submissions were received from the Department of Culture, Heritage and the Gaeltacht, National Transport Authority, Irish Aviation Authority, Dublin Airport Authority of the Department of Education and Skills.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive's report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Design Approach
- Unit Mix and Tenure
- Stormwater Storage Tank
- Open Space and Landscaping
- Residential Amenity
- Transportation
- Water Services and Flood Risk
- Material Contravention

10.2. ***Principle of Development***

- 10.2.1. The main residential development site is subject to 2 no. land use zoning objectives. The vast majority of the site is zoned 'RA' Residential Area with the associated land use objective to *'provide for new residential communities subject to the provisions of the necessary social and physical infrastructure'*. The residential scheme and creche would be provided within this area, therefore, the principle of residential development with associated road infrastructure is considered in accordance with the zoning objectives. A small portion of land at the sites northern boundary is zoned OS Open Space with the associated land use objective to *'preserve and provide for open space and recreational amenities'*. This area would be used as open space associated with the residential element of the development which is permissible under this zoning objective.
- 10.2.2. The proposed surface water storage tank is located on a site that is zoned ME-Metro Economic Corridor. The vision for these lands is *'to provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential development which focuses on the Metro within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high quality green landscape... in a phased manner subject to the necessary provision of social and physical infrastructure'*. Utility infrastructure is permissible under this zoning objective. I am satisfied that the stormwater storage tank is necessary infrastructure as it would allow for continued development in the Oldtown / Mooretown catchment and is, therefore, in accordance with the zoning objective.
- 10.2.3. Swords is identified in the Core Strategy as a 'Metropolitan Consolidation Town. Section 2.8 of the development plan states the town functions as part of the Dublin Gateway as identified by the National Spatial Strategy (NSS) and will continue to perform the role of the County's primary development centre (in combination with Blanchardstown). The town is identified as a key location for housing, enterprise and retail development, the long term population horizon envisaged in the Regional Planning Guidelines is c.100,000 people.
- 10.2.4. This is supported by Objective SS12 which aims to promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy. It

is my opinion that the proposed development is in accordance with the objectives of the Core Strategy and Objective SS12.

10.2.5. In addition, Chapter 4 (Urban Fingal) of the development plan highlights Swords as the administrative capital of the county and envisages that Swords will grow significantly, up to a population of 100,000. The plan sets out a development strategy and a number of objectives for the town. The towns direct links to the national road network (M1 and M50) and is located on the Dublin/Belfast economic corridor which is a key national transport corridor in the National Spatial Strategy (NSS) are also noted. It is my opinion that the proposed development is in accordance with the objectives set out in the development plan for Swords.

10.2.6. Third parties, the planning authority and the applicant have all made reference to the Oldtown – Moortown Local Area Plan (LAP). The subject site is located within the boundary of this LAP. However, this plan expired in 2020 and, therefore, is no longer a statutory document. The applicants Material Contravention Statement refers to Objective SWORDS 27 to implement the Oldtown / Mooretown LAP. It is noted that the proposed scheme and the previous phases of development of lands within the applicants ownership have been informed by the aims and objectives of this LAP. It is my opinion that the proposed development is generally compliant with the provisions of the now expired LAP and would not be a material contravention of the development plan. It is also noted that the subject site is one of the last remaining substantial undeveloped land parcels within the LAP lands and that there is no policy or objective in the Draft Fingal County Development Plan 2023 – 2029 to prepare a new LAP for the Oldtown – Mooreland area.

10.2.7. Overall, it is my opinion that the proposed development is in accordance with the objectives set out in the development plan. It is noted that the planning authority raised no objection to the principle of the development.

10.3. ***Design Approach***

10.3.1. The subject site is part of a larger landholding within the ownership of the applicant. The proposed development represents the fifth and final phase of the overall development on lands known as Oldtown. A brief planning history of the overall lands is provided in Section 4 above. Significant development has occurred within Oldtown

since the early 2000's. To the north and east the site is bound by the neighbourhoods of Miller's Glen, Longview and Meadowbank, which are recently completed and occupied and by Westmill, which is part completed and construction is still underway and by Millers Avenue. To the north and west the site is bound by public open space, which will form part of the 8.6ha Swords Regional Park. To the south the site is bound by Rathbeale Road, with a row of semi-detached single storey dwellings opposite the site. The overall development at Oldtown includes a cumulative total of 967 no. dwellings, 5 no. crèches 2 no. schools, ground floor commercial and retail units, a community hall and a new civic square 'Millers Square'. It is noted that the lands to the south of Rathbeale Road are also undergoing significant development, which when completed will comprise the new neighbourhood of Mooretown.

- 10.3.2. The proposed development consists of the removal of the temporary site office / site compound structures on site and the construction of a total of 377 no. residential units, 173 no. houses, 134 no. apartments and 70 no. duplex units and 1 no. childcare facility.
- 10.3.3. The proposed temporary structures (1,202 sqm) to be removed from the site originally comprised school buildings. Both Swords Educate Together and Scoil Bhrian Boroimhe primary schools have relocated to their permanent buildings on Glen Ellan Road. The temporary structures associated with the previous school use on the site are currently being used as temporary site office / site compound structures in relation to the ongoing construction works of the adjoining lands. I have no objection to the removal of these structures to facilitate the proposed development.

Density

- 10.3.4. Third parties raised concerns that the density is excessive at this location. The scheme has a net density of 48.3 dwellings per hectare. The development plan does not set out any numerical limitations on density. Objective SS16 and Objective PM41 aim to achieve higher densities, where appropriate.
- 10.3.5. Section 5.11 of the Sustainable Residential Development in Urban Area guidelines states that for outer suburban / 'Greenfield' sites the greatest efficiency in land usage would be achieved by providing net residential densities in the general range of 35-50

dwellings per hectare and such densities, involving a variety of housing types where possible, should be encouraged generally. Circular NRUP 02/2021 states that *while the Sustainable Residential Development Guidelines clearly encourage net densities in the 35-50 dwellings per hectare...net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations*. The circular further states that given the very broad extent of this range and variety of urban situations in Ireland, it is necessary for An Bord Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context.

10.3.6. It is also noted that Objectives 4, 13, 33 and 35 of the National Planning Framework, Section 4.7 of the Regional and Economic Strategy for the Southern Region and SPPR 4 of the Building Height Guidelines all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

10.3.7. While it is acknowledged that the subject site is located at the edge of the urban area, it is my opinion that it does not have a rural character. The site is zoned, adequately serviced and is located contiguous to the residential developments within Oldtown, c.2km west of Swords village. The concerns of the third parties are noted, however, having regard to the surrounding context, to Objectives SS16 and Objective PM41 to increase residential density at appropriate locations, and to ensure efficiency in land usage as outlined in national and regional policy, a density of 48.3 units per ha is considered appropriate. The planning authority also considered the proposed density to be acceptable.

Design and Layout

10.3.8. The proposed scheme incorporates 10 no. Urban Blocks in 3 no. character areas. In this regard Character Area 1: South Parkside; Character Area 2: Mid – Parkside; and Character Area 3: North Parkside.

10.3.9. *Character Area 1:* South Parkside is the higher-density area in the southern portion of the site. It comprises Urban Block 01 and 02 and accommodates 111 no. residential units, 94 no. apartments, 8 no. duplex units and 9 no. houses and a creche. The 5-

storey apartment buildings are proposed to be finished in a combination of red brick and a pink / rose coloured brick bays and rendered sections. This area incorporates a pedestrian / cycle access to the park walkway from Rathbeale Road. This character area has a regular street pattern.

10.3.10. *Character Area 2: Mid – Parkside* is the mid-density area in the centre of the site. It comprises Urban Blocks 03, 04 and part of Urban Blocks 05, 09 and 10. It accommodates 120 no. residential units 84 no. houses and 36 no. duplex/apartments and a large area of public open space (Open Space 03). Red brick is the predominant material in combination with painted render. This character area has a regular street pattern.

10.3.11. *Character Area 3: North Parkside* has a lower density and is located in the northern portion of the site. It comprises Urban Block 06, 07, 08 and part of Urban Blocks 05, 09 and 10. It accommodates 147 no. residential units, 82 no. houses, 57 no. apartments and 9 no. duplex units. The character area generally comprises 2 storey houses with a 5 storey apartment block (Apartment Block A) and a 3-storey duplex block (Duplex Block A). This character area has an organic street geometry. The external materials include a wide pallet of buff brick, soft pink/rose brick and painted white render.

10.3.12. Each character area has a similar contemporary design approach and would be predominantly finished brick. It is my opinion that the variation in brick colour between the blocks complement each other and the adjacent (existing and permitted) housing schemes. Therefore, I have no objection to the proposed brick finish, which I consider to be a robust and durable material. However, it is noted that Apartment Blocks B1, B2 and C include rendered elements on the rear elevations and a cladding at fourth floor level. Having regard to the high visibility of all elevations of these blocks from within the scheme it is my opinion that render is not an appropriately durable material. With regard to metal clad finish at the set-back fourth floor level, it is also my opinion that a brick finish would be more appropriate at this location, having regard to the visually prominent location of these blocks with frontage onto Millers Avenue and Rathbeale Road. It is noted that this is the design approach taken for Apartment Block A and in my view it results in a higher quality finish. Therefore, if permission is being contemplated it is recommended that the render and cladding be omitted from the

pallet of external finishes of the Apartment Blocks and that they be completed in an appropriately durable material. It is considered that this could be addressed by way of condition.

10.3.13. It is proposed that scheme would be constructed in 3 no. phases, which generally relate to the character areas. Phase 1 is the northern part of the site and incorporates Urban Blocks 06, 07, 08, 09, 10 and part of Urban Blocks 04 and 05 and the northern area of public open space. Phase 2 is generally the central portion of the site and includes Urban Block 03, and the remaining parts of Urban Blocks 04 and 05 and the central area of public open space. Phase 3 comprises Urban Blocks 01 and 02. I have no objection in principle to the proposed phasing of development.

10.3.14. A Housing Quality Assessment was submitted with the application. The proposed houses reach and exceed the minimum standards for room sizes as set out in the Sustainable Residential Development Guidelines (2009) and the proposed apartment / duplex units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines (2020). It is noted that all houses and duplex units are dual aspect. SPPR4 of the Apartment Guidelines requires that a minimum of 50% of units are required to be dual aspect in suburban or intermediate locations. Overall 60% of the apartments would be dual aspect, with each block reaching or exceeding 50%. There are no single aspect north facing units within the scheme.

10.3.15. It is my view that the proposed scheme is reflective of the previous phases of development to the north and east and I have no objection in principle to the proposed suburban layout. Notwithstanding this, I have some particular concerns regarding the design and layout and it is noted that the planning authority recommended that the design and layout of some elements of the scheme be amended by way of condition. These concerns are addressed below.

Road Layout

10.3.16. The scheme includes an extensive internal road network. While this is reflective of the medium density of the site I agree with the concerns raised by the planning authority that the road network is excessive. The planning authority raised particular concerns regarding the proposed internal road that runs parallel to Millers Avenue for c. 200m from Duplex Block E to Duplex Block D. It is noted that this layout allows for a set-back

to accommodate the alternative route for the Greater Dublin Drainage Project. While the concerns of the planning authority are noted I am satisfied that the layout is acceptable within its context and that due to the landscaping proposals along Millers Avenue the scheme would not negatively impact on the visual amenities of the area.

10.3.17. The layout also includes an internal access road that runs along the majority of the sites western boundary with the Regional Park. It is my view that this road is excessive and unnecessary. It is recommend that if permission is being contemplates that a condition be attached to any grant of permission that the section of Road 1 at the sites western boundary adjacent to the proposed public open space (Park 03) be omitted and that the residual space be incorporated into the public open space provision.

10.3.18. Having regard to the residential nature of this scheme, it is my opinion there would be limited requirement for short term visitor car parking spaces along the southern end of Millers Avenue, adjacent to Apartment Blocks B1, B2 and C. It is my opinion that there is sufficient provision of visitor car parking within the scheme and that the provision of these 11 no. spaces on Millers Avenue would have a negative impact on the visual amenities of the area and that they should be omitted from the scheme.

Alignment of Road 1

10.3.19. The planning authority stated that it would be preferable if Road 1, between Blocks 02 and 03 was aligned with Westmill Gate on the opposite side of Millers Avenue, as it would allow for additional visual connectivity through the site. While I agree that the alignment of the roads would allow for increased visual connection, it is noted that Westmill Gate is a relatively short, c. 90m in length, and curved street. Therefore, there is limited visual connectively from Westmill Gate to the subject site. Due to the proposed layout the realignment of the proposed junction (Road 1 and Millers Avenue) would require a significant amendment to the scheme and in my opinion is unwarranted in this instance.

Length of Terraces

10.3.20. The planning authority also raise concerns regarding a number of very long terraces, which appear monolithic. It is recommended that Urban Block 7 be shortened and Urban Block 8 be extended by moving Roads 1.1 and 2.1 further westwards which the

planning authority also consider would also remove the awkward bends and junction configurations.

- 10.3.21. Urban Block 07 comprises a block of 33 no. back to back terrace and semi-detached houses in the northern portion of the site. The block is c. 110m in length by 50m in width and is bound by a pocket park to the east. The terrace comprises 8 no. different house types. The majority of the houses are 2-storeys with 4 no. 3-storey semi-detached dwellings and dual fronted corner houses, which allows for passive overlooking of the street and pocket park. Having regard to the suburban layout I do not consider the length of the terrace to be excessive. It is also my view that the variety in house type ensures that the block is not monolithic.
- 10.3.22. Urban Block 08 comprises 14 no. houses, with 8 no. dwellings fronting onto Road 3, which forms one of the access roads from Millers Avenue. This block is a continuation of Park Avenue, which was a previous phase of development to the north of the site. This block has a maximum length of 60m and a width of c. 40m. This block comprises 7 no. different house types and includes 4 no. 3-storey terrace units overlooking the proposed public open space to the north east. It is my opinion that the proposed layout is acceptable in its context and would respond appropriate to the existing residential development on Park Avenue.
- 10.3.23. The planning authority also raised concerns regarding the alignment of Road 1.1 and Road 2.1. Road 1.1 provides access to 1 no. dwelling (no. 98) and Road 2.1 provides access to 2 no. dwellings (no. 91 and 97). The roads are separated by a pocket park / pedestrian walkway. There is no vehicular connection between the roads. I have no objection to the proposed layout and to be appropriate in this context. It is also noted that this route follows the line of the historic townland boundary and as such its inclusion in the scheme is welcome.

Play Area 2

- 10.3.24. The planning authority recommend that consideration be given to moving the play equipment in Play Area 2 to a larger open space area, as the proximity to the houses may cause undue noise and disturbance. I agree that the proximity (c. 3.5m) of the play equipment to the proposed dwellings has the potential to cause undue noise and disturbance for future residents and as such, should be relocated by way of condition.

It is my recommended that informal play equipment could be provided within Park 01 in the north western portion of the scheme, which represents the completion of public open space provided under the Meadow Park development (Phase 4) to the north of the subject site.

Apartment Block C

- 10.3.25. Apartment Block C is located in the southern portion of the site with frontage onto both Rathbeale Road and Millers Avenue. The southern elevation of this block is set back c. 4m from the site boundary with Rathbeale Road and the eastern elevation of the block is set back c. 7m from Millers Avenue. The block is rectangular in shape. It is c. 30m in width by 22m in depth and ranges in height from 3 – 5 storeys. However, it is predominantly a 4-storey building with a set back at fourth floor level and a 3-storey element at its western elevation. The planning authority consider that the response of Apartment Block C to its context is not entirely successful as it appears abrupt in transition and out of place, resulting in an overbearing visual impact. It is recommended that this block be omitted by way of condition and at a development to mirror the recently constructed 2 no. 3 storey L-shaped blocks on the opposite corner on Millers Avenue be provided.
- 10.3.26. While it is accepted that the proposed height is taller than the existing single and 2-storey houses and previously approved 2-storey houses and would introduce a new feature in the skyline, it is my view that it would not be overbearing and would not significantly detract from the visual amenities of the area. I agree with the planning authority that Apartment Block C forms a gateway to the Oldtown development and it is my view that this block would aid with placemaking and legibility at the junction of Millers Avenue and Rathbeale Road. It is also my opinion that this block should be considered in the context of the overall scheme and within the context of the development of lands within 'Oldtown' and Mooretown' which includes buildings up to 4-storeys in height. It is my opinion that this block is appropriately scaled for this suburban area and would not be visually obtrusive or overbearing at this location. The concerns raised regarding residential amenity are addressed below.

Apartment Block B1

- 10.3.27. The report of the Architects Department considers that the siting of Apartment Block B1, which fronts onto Miller's Avenue at the junction with Glen Ellan Road, appears to be a lost opportunity to create visual connectivity from Glen Ellan Road to the Regional Park and rural landscapes beyond. The planning authority consider that there is no justification for the siting of Apartment Block B1, which terminates the westerly view.
- 10.3.28. During my site visit on the 6th December 2022 it was noted that Glen Ellan Road is still under construction and currently terminates c. 140m east of the subject site. The recently constructed section of Glen Ellan Road is a gently curving street which connects the subject site to Balheary Road, c. 2km east of the subject site. While the concerns of the planning authority are noted it is my view that the location of Apartment Block B1 provides an appropriate urban edge to Millers Avenue and its junction with Glen Ellan Road. It is noted that there are no protected and / or designated views from Glen Ellan Road and due to the curving nature of the street it is my opinion that the views towards the site and the Regional Park beyond are limited. Therefore, I have no objection to the siting of Apartment Block B1.

Urban Block 2

- 10.3.29. Urban Block 02 is located in the centre of the scheme and comprises the creche building, Duplex Block E (8 no. units) and a terrace of 9 no. dwellings. The planning authority raised some concerns regarding the design approach to this block and consider that it would be more appropriate to increase the height and density of this block. While I agree with the planning authority that the overall design approach of the scheme could have been more ambitious with particular regard to the streetscape along Millers Avenue, it is acknowledged that the layout incorporates a set back to accommodate the alternative route for the Greater Dublin Drainage Project, which has impacted on the siting of the blocks. It is also my view that the scale, height and massing is acceptable at Urban Block 2 having regard to the surrounding suburban context and its location in the centre of the scheme, providing a transition from the lower density element in the northern portion of the site to the higher density element in the southern portion of the site.

Apartment Block A

10.3.30. Apartment Block A is located in the north west corner of the site. Its northern and western elevations would front onto the Regional Park. There is a separation distance of c. 18m between the proposed block and the Regional Park. The block is rectangular in shape. It is c. 62m in width by 20m in depth. It is a part 4 / part 5 storey building. The planning authority consider that there is insufficient justification for the massing, height and sitting of Apartment Block A, which overlooks the Regional Park. It is considered that this block appears visually prominent, overbearing and out of place when views from the lower lying pitches and Regional Park to the west and that it would seriously detract from the visual amenity of the recreational area.

10.3.31. It is acknowledged that Apartment Block A would be visible from the Regional Park. However, it is my view that the height, scale and massing of the block is not excessive and is appropriate in this suburban location. Having regard to the scale of the proposed Regional Park and the set back of the building from the sites boundaries the proposed block would not be overbearing when viewed from within the park. It is noted that the proposed scheme and the previously phases of development would also be visible from within the Regional Park. In my opinion, this design approach is welcome as it would provide passive overlooking of the public park.

Own Door Units

10.3.32. The planning authority recommended that consideration be given to move some or all of the 1-bed units in the duplex units to the ground floor to provide more options for residents with mobility restrictions or older persons. It is noted that the 1-bed apartments within the duplex units have been provided at second floor level. It is my view that the amendments recommended by the planning authority would result in significant modifications to the design of the units, which is considered unwarranted in this instance. However, it is my view that own door units should be provided at the ground floor units of the Apartment Block. This would improve accessibility to 1-bed apartments for future residents with mobility restrictions and / or older persons while also improving activity and passive surveillance at street level. If permission is being contemplated it is recommended that a condition be attached that Apartments 01, 02, 03, 22, 23 and 24 in Apartment Block A; Apartments 01 and 02 in Apartment Block

B1; Apartments 01 and 02 in Apartment Block B2; and Apartments 01, 02 and 03 in Apartment Block C be provided with own door access.

Balconies

- 10.3.33. The planning authority have raised concerns regarding the design of the balconies to serve the apartment units and recommend that the design should be revised to include integrated balconies, particularly where they face the public road. I have no objection to the proposed standard design approach for the balconies and consider that altering the layout to provide integrated balconies would significantly reduce the floor area of the units and may have unintended consequences for access to daylight / sunlight.
- 10.3.34. The projecting balconies are located a minimum of c 6m from the sites boundary with both Rathbeale Road and Millers Avenue. It is my opinion that that this is an adequate distance to ensure undue overlooking of the private open space and also to allow for passive surveillance of these streets. Therefore, it is my view that amending the balconies is unwarranted in this instance.

Bin Storage

- 10.3.35. The planning authority has raised concerns regarding the proximity of some duplex units to bin storage. Unit 9 is located c. 2.5m from the entrance to a bin storage building and unit 1 in Duplex Block C is located c. 2m from a bin storage building. The bin storage buildings comprise enclosed structures with a door. The scheme would be managed by a professional management company and as such any issues arising from odour or associated noise and disturbance with the bin storage unit could be addressed during the operational phase. I have no objection to the proximity of the bin storage buildings to unit 9 in Duplex Block unit and to unit 1 in Duplex Block C and consider this to be standard in an urban development.

Internal Layout

- 10.3.36. The planning authority recommend that a door be provide between the bedroom and the terrace of apartment 17 in Apartment Block C. Having regard to the layout of Apartment 17 and to ensure that the northern section of the balconies is accessible to future residents I agree that a condition should be attached in this regard.

10.3.37. The proposed layout of the apartment blocks provides a maximum of 6 no. units per stair / lift core, which is in accordance with Objective DMS23 of the development plan.

Height

10.3.38. As outlined above, the proposed scheme comprises a variety of 2 and 3 storey houses, 3-storey duplex blocks and 5-storey apartment blocks. Third parties have raised concerns that the proposed height is not in keeping with the area and previous phases of development. A Landscape and Visual Impact Assessment was carried out and submitted in Chapter 11 of the EIAR. Appendix 11.1 includes 4 no. verified views of the scheme, which provides a comparison between the existing site, the proposed development and previously permitted developments. It is my view that the submitted photomontages provide a reasonable representation of how proposed development would appear. It is acknowledged that the proposed development would result in a scheme that is highly visible in the immediate vicinity of the site (verified views 02, 03 and 04). However, the scheme would not be visible from medium and long range views.

10.3.39. The development plan does not set out any numerical limits on building height and I have no objection to the height and consider that the variation in height in combination with the scale and massing of the different urban blocks creates a visually interesting scheme which also allows for passive overlooking of open spaces and streets, which is welcomed. Having regard to the underutilised nature of this urban site, I agree with the conclusion of the landscape and visual impact assessment that the impact of the proposed development would be moderate and positive.

Conclusion

10.3.40. In conclusion I considered that the scheme could have been more ambitious in terms of its design and layout, however, it is acknowledged that this scheme forms the final phase of development of a significantly larger land parcel within the applicants ownership and incorporates a set back along Miller's Avenue for the alternative route for the Greater Dublin Drainage Project. The previous phases of development (as outlined in Section 4 above), are generally completed or under construction and all have a similar suburban layout which is in accordance with the provisions of the now

expired Oldtown-Mooretown LAP. It is my opinion that the scheme provides an appropriate scale and massing with sufficient variation between the units and the character areas to create a visually interesting scheme with high quality materials. It is also considered that the height of the development is not excessive, with a maximum of 5-storeys which successfully integrates with the adjacent (existing and permitted) developments and the Regional Park. Therefore, it is my view that subject to the recommended conditions outlined above, which would result in minor amendments to the scheme, the proposed scheme would provide a positive contribution to the area and would support the consolidation of the urban environment. Therefore, I have no objection to the proposed design approach and consider it represents a reasonable response to its context.

10.4. ***Housing Tenure and Unit Mix***

- 10.4.1. Objective PM38 aims to achieve an appropriate dwelling mix, size, type, tenure in all new residential developments. Concerns were raised by third parties that that larger unit types are required for the Part V provision and that the units should be evenly distributed throughout the scheme.
- 10.4.2. It is proposed to provide 77 no. units in accordance with Part V, which equates to c. 20% of the proposed units. This provision is in accordance with the Affordable Housing Act, 2021 which requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. The applicants Urban Design and Architectural Statement indicates that the units would be provided in small clusters throughout the scheme and would comprise 17 no. houses, 14 no duplex units and 46 no. apartments, with a mix of 31 no. 1-beds, 31 no. 2-beds and 15 no. 3-beds. I have no objection to the proposed provision and note that the applicant has engaged with the planning authority with regard to the provision of Part V within the scheme.
- 10.4.3. In addition to Objective PM38, Objective PM40 aims to ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents. The proposed scheme comprises 377 no. residential units, 173 no. semi-

detached and terrace houses, 169 no. apartments and 35 no. duplex units. The units comprise 98 no. (26%) 1-beds, 113 no. (30%) 2-beds, 149 no. (39.5%) 3-beds and 17 no. (4.5%) 4-beds. The units range in size from a 46 sqm 1-bed apartment to a 154 sqm 4-bed, 3-storey house. I am satisfied that the unit mix, size and type is in accordance with the provisions of the development plan. It is noted that the planning authority raised no concerns in this regard.

10.5. ***Stormwater Storage Tank***

- 10.5.1. The proposed development includes the provision of an underground stormwater storage tank at the junction of Glen Ellan Road and Balheary Road. C. .2km east of the main development site. The proposed infrastructure includes an overflow outfall gravity sewer to the Broadmeadow River, c. 350m north of the site, with associated manholes, proposed vehicular / service access onto Balheary Road, landscaping, boundary treatments and all associated works necessary to facilitate the development. The surface of the tanks would be slightly above the road level and would be finished in a permeable hard standing. The boundary of the tank would be finished in grass. This site would not require a stormwater drainage network.
- 10.5.2. There is an objective on this site to protect and preserve woodlands, trees and hedgerows. It was noted during my site visit on the 6th December 2022 that there are no mature trees, woodlands or hedgerows within this site. This is also noted in the Arboricultural Report which states that there are no trees in the area of the works. However, the Arboricultural Report does note a number of trees to the east and west (either side) of Balheary Road. It is recommend that were possible the works should be limited to the hard carriageway, to avoid tree related damage. It is my opinion that this could be addressed by way of condition. Having regard to the objective to protect and preserve woodlands, trees and hedgerows the provision of a new native hedge around the boundary of the development site is welcomed.
- 10.5.3. The applicant has states that the subject site of the proposed storage tank was selected as it is the lowest point along the network that can be accessed by existing road infrastructure and would facilitate an overflow to the Broadmeadow River via gravity. I have no objection in principle to the location of the site.

- 10.5.4. Concerns are raised by third parties that there is insufficient capacity of the foul network to accommodate the proposed development and note that Irish Water are no longer allowing connections to the network. Third parties recommend that the proposed scheme should be delayed until the Regional Waste Water System is operational.
- 10.5.5. The existing constraints within the foul network are acknowledged by the applicant and it is noted from the information submitted that in December 2020, Irish Water confirmed that they would not be issuing further Connection Agreements in this area until such time that the capacity constraints are either fixed or have an agreed solution and programme in place.
- 10.5.6. There is a current application (PA06F.312131) for the Greater Dublin Drainage Project which consists of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility. The Greater Dublin Drainage (GDD) project would develop a new regional wastewater treatment facility and associated infrastructure including pipelines to serve the Greater Dublin Area and parts of the surrounding counties of Kildare and Meath. The eastern portion of the site is identified as an alternative route for this infrastructure. It is proposed that the project would be operational from 2026 (source: www.greaterdublindrainage.com).
- 10.5.7. It is noted that in the interim of Greater Dublin Drainage Project being operational, a 10 year permission for this stormwater storage tank was granted permission by Fingal County Council (Reg. Ref. F21A/0476) in 2022. This decision is currently subject to a third party appeal (ABP-313835-22). As the existing constraints within the foul network are currently inhibiting development I agree with the applicant that it is appropriate that the proposed stormwater storage tank and the associated works form part of this SHD application and should be assessed on its merits.
- 10.5.8. Currently during heavy rainfall events surface / storm water and foul waters discharge, uncontrolled into the River Ward, c. 200m upstream of the subject site. The Ward River flows to the Broadmeadow River and ultimately discharges to the Malahide Estuary. The proposed storage tank would store stormwater that is currently discharged unimpeded to the Ward River. The information submitted by the applicant states that Irish Water have undertaken a model review of the constraints within the

network and determined that a tank of 2,250m³ volume (1 in 5 year event) is required. The proposed storage tank would provide sufficient capacity to serve not only the proposed development but the catchment of Oldtown / Mooretown / Holybanks.

- 10.5.9. The infrastructure includes an overflow outfall pipe to the Broadmeadow River. However, this would only function when the storage tank surcharges beyond the proposed (2,250m³) capacity of the tank. Flood mapping undertaken by the OPW indicates that any overflow outfall from the tank would be discharging to a fast moving heavily diluted / surcharged river. It is also noted that the overflowing waters from the tank would be largely surface water. The tank would discharge back to the foul water sewer by gravity once the rainfall passes and the levels of surface water in the foul network drops.
- 10.5.10. Having regard to the information submitted I am satisfied that the tank would improve the capacity of the foul network and prevent the discharge of pollutant material to the Broadmeadow River, and ultimately the Malahide Estuary during a 1 in 5 year storm event. Section 4 of the applicants Stormwater Overflow and Receiving Stream Assessment Assimilation Simulation Evaluation Report notes that the tank would also result in significant reductions over the existing situation for the 1 in 10 year event (81% reduction), the 1 in 20 year event (72% reduction) and the 1 in 30 year event (68% reduction). While the concerns of the third parties are noted, I am satisfied that the provision of this storage tank would alleviate existing constraints in the network and would significantly improve the existing situation, where uncontrolled flooding of foul network currently occurs.
- 10.5.11. Third parties have also raised concerns that the information submitted does not address the issue of odour from the storm water storage tank. It is noted that the tank is designed with air vents which would mitigate against any odour. It is also noted that the tank is located a minimum of 70m from the nearest building (National Museum of Ireland - Collections Resource Centre) and c. 200m from any residential properties. The Engineering Assessment Report also notes that a washout facility would be provided at the site to facilitate Irish Water to clean the tank as required. I am satisfied that the proposed infrastructure would not result in any undue odour.

10.5.12. I have no objection to the proposed stormwater storage tank and associated works and I am satisfied that it would help to alleviate the current constraints within the foul network and in my opinion is an appropriate solution. It is noted that the submissions from Irish Water and the planning authority raise no objection to the proposed element of the development.

10.6. ***Open Space and Landscaping***

10.6.1. The main development site was previously used for arable farming and there are no existing hedges, mature trees or features of note within the site. A portion of the site has been subject to clearance works and the southern portion of the site was previously used as a temporary school site, which have since been relocated and the structures are currently in use as compounds and site office associated with previous phases of development.

10.6.2. Objective DMS57 of the development plan requires a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. The proposed scheme comprises 211 no. units with 2 or less bedrooms and 166 no. units with 3 or more bedrooms. Therefore, it is considered that the scheme accommodates c. 897.5 no. bedspaces (211 no. units by 1.5 no. persons plus 166 no. units by 3.5 persons). This would generate a requirement for 22,437sqm of public open space, based on 2.5ha per 1,000 population as set out in Objective DMS57.

10.6.3. In accordance with development plan standards, it is proposed to provided 22,437sqm of public open space, in this regard 8,715 sqm would be provided within the residentially zoned lands. This equates to 11% of the net development lands (7.8 ha). The remaining 13,722sqm would be provided on lands zoned for Open Space. It is noted that the earlier phases of development within Oldtown-Mooretown provide for c. 22.4ha public open space within the Swords Regional Park and the Broadmeadow Linear Park.

10.6.4. Third parties have raised concerns that insufficient open space has been provided to serve the higher density elements of the scheme and that the scheme is over reliant

on the development of the Regional Park, which the applicant has no control over. The public open space within the Regional Park is immediately adjacent to the subject site and once complete would be taken in charge by Fingal County Council. I have no objection to the proposed location of the public open space and consider that it would provide a significant benefit to future and existing residents. It is noted that previous phases of development have also contributed to the on-going development of the Regional Park. This is illustrated in drawing no. 1736-SHD-S-134 – Allocation of Open Space in Regional Park. It is noted that the planning authority raised no objection to the public open space provision.

- 10.6.5. The scheme incorporates 13,722sqm of public open space within lands zoned for open space. This open space is provided in 3 no. distinct elements. Open Space 1 (870 sqm) is located immediately adjacent to the site, to the west of Urban Blocks 2 and 3. Open Space 2 (9,995.6) is located to the north of the subject site, within the Regional Park and Open Space 3 (2,896.5 sqm) is also located within the Regional Park. The information submitted indicates that works have already begun on this area of open space.
- 10.6.6. It is proposed to provide 4 no. areas of public open space within the residential zoned lands. Park 01 (2,771 sqm) is located in the north-east portion of the site and is a continuation of existing public open space (currently under construction) at Park Avenue which will form part of the Regional Park. Park 02 (500 sqm) is located in the northern portion of the site as part of Urban Block 10. Its intended use is passive and social recreation. Park 03 (4,151 sqm) is located in the central portion of the site. As noted above, it is my recommendation that this area of open space be extended to the site's western boundary. It is intended that this area would form the focal point of the scheme and provide for active uses. It includes a 653sqm playground. Park 04 (1,293 sqm) is a linear park located in the southern portion of the site at Urban Block 01. It includes a walking trail with access to the Regional Park. The proposed layout includes the provision of a future pedestrian link to the Regional Park at this location. It is also proposed to provide a pocket park between Urban Blocks 07 and 08. As outlined above, it is my recommendation that the proposed play equipment proposed within this pocket park should be relocated to one of the larger play areas. It is noted that the

planning authority also recommended a condition be attached to any grant of permission that the details of the location and type of play equipment be agreed.

- 10.6.7. The development plan does not set out communal open space standards. Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments 2020 set out minimum required areas for public communal amenity space in this regard 5 sqm per 1-bed, 7 sqm per 2-bed (4 person) and 9 sqm per 3-bed unit. Therefore, there is a requirement for 1,236 sqm of communal open space. It is proposed to provide 1,795sqm of communal open space. Table 9 of the applicants Urban Design and Architectural Statement provides a breakdown of the requirement for each block and it is noted that communal open space for each block is in excess of the apartment standards. It is also noted that Communal Open Space 06 incorporates play equipment.
- 10.6.8. The scheme incorporates a linear strip (1,171 sqm) of planting along the sites boundary with Millers Avenue has been designed as a biodiversity space. It is also proposed to reinstate a hedgerow along the sites northern boundary that was previously removed from the site as part of ESB works. The reinstatement of this hedgerow is welcomed as it is noted that it historically identified the townland boundary. These area of landscaping and additional incidental areas within the scheme are not included in the overall calculations for open space.
- 10.6.9. Objective DMS87 sets out private open space requirement for houses, in this regard a minimum of 60sqm for 3-bed or less houses and 75sqm for 4-bed or more houses. It is noted that the private open space for the houses reach or exceed these standards.
- 10.6.10. Appendix 1 of the Apartment Guidelines sets out minimum standards for private open space for apartments, in this regard 5sqm for a 1-bed apartment and 7sqm for a 2-bed apartment. It is noted that each apartment / duplex has been provided with private open space which reaches or exceeds the minimum requirement.
- 10.6.11. Overall, it is my view that a sufficient quantum and quality of public, communal and private open space would be provided to ensure high standard of residential amenity to future occupants. It is also noted that the planning authority raised no objection to the provision of open space.

10.7. ***Residential Amenity***

Overlooking and Overbearing Impact

- 10.7.1. As noted above, the scheme comprises 10 no. blocks centred around 5 no. areas of public open space. The blocks comprise a range of houses, duplex and apartment units, ranging in height from 2 – 5 storeys and vary in scale and massing to respond to the existing adjacent properties. The 5-storey Apartment Block B1, B2 and C are located in the southern portion of the site and Apartment Block A is located in the northern portion.
- 10.7.2. Concerns are raised by third parties that the proposed development would negatively impact on existing residents at Rathbeale Road. The 4-storey element of Apartment Block C is located c. 24m north of no. 12 Rathbeale Road. While it is acknowledged that the proposed scheme would be visible from existing dwellings on Rathbeale Road it is my view that due to the relatively limited height, the separation distances and the orientation of the proposed block that it would not result in an undue overlooking or have an overbearing impact on existing dwellings on Rathbeale Road.
- 10.7.3. In the north east corner of the site, 8 no. 2-storey houses in Urban Block 08 are located adjacent to 9 no. recently constructed dwellings on Park Avenue (Meadowbank). There is a separation distance of c. 22m between the first floor rear windows of these units. Having regard to the separation distances it is my view that the proposed scheme it would not result in an undue overlooking or have an overbearing impact on existing dwellings on Park Avenue.
- 10.7.4. To the east the site is bound by Millers Avenue (currently under construction) with previously approved residential scheme on the opposite side of the road comprising heights of 2 to 4 storeys. There is a minimum separation distance of c. 30m between the proposed development and the previously approved scheme (Phase 2C) on the opposite side of the road. it is my view that due to the relatively limited height, the separation distances and the orientation of the proposed block that proposed scheme would not result in an undue overlooking or have an overbearing impact on previously approved dwellings on the opposite side of Millers Avenue.

- 10.7.5. The houses within the scheme have been designed to ensure separation distances of c. 22m between first floor rear windows. Apartment Block A and Duplex Block A have been designed to ensure that there is a minimum separation distance of c. 24m between any opposing windows.
- 10.7.6. There is a separation distance of c. 9m between the southern elevation of Apartment Block B1 and the northern elevation of Apartment Block B2. It is noted that the windows on these elevations are secondary windows. Therefore, to prevent undue overlooking it is recommended that a condition be attached that they be fitted with louvres or obscure glazing. There is a separation distance of c. 11m between the southern elevation of Apartment Block B2 and the northern elevation of Apartment Block C. It is noted that the windows on the southern elevation of Apartment Block B2 are secondary windows. Therefore, to prevent undue overlooking it is recommended that a condition be attached that they be fitted with louvres or obscure glazing.
- 10.7.7. Overall, the proposed separation distances between the Urban Blocks achieves a balance of protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that proposed scheme would not result in undue overlooking or result in an overbearing impact within the scheme.

Daylight, Sunlight and Overshadowing

- 10.7.8. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion,

having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.7.9. The applicant's assessment of daylight and overshadowing relies on the standards in the following documents:

- BRE Report Site Layout Planning for Daylight and Sunlight;
- CIBSE report Sunlight and LG10: Daylighting – a Guide for Designers (2014); and
- British Standard: BS EN 17037:2018 'Daylight in Buildings

10.7.10. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

Internal Daylight and Sunlight

10.7.11. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining (KLD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.7.12. The applicants assessment segregated the units according to building type, in this regard (1) apartment blocks: A, B1, B2 and C; (2) duplex blocks: A, B, C, D, E and F; and (3) houses.

Apartment Blocks: A, B1, B2 and C

10.7.13. The proposed apartment layouts include a combined KLD room. As these rooms serve more than one function the 2% ADF value was applied. The applicant's assessment analysis the ADF for all rooms at ground and first floor levels within the apartment blocks. I have no objection to the submitted analyses and consider this to be a reasonable approach, as these are considered to be the worst case scenario.

10.7.14. The information submitted indicates that all rooms assessed achieve the minimum recommended ADF target of 1% for bedrooms and 2% for LKD. Full details are provided in Table 5.1 of the applicant's report. As outlined above, to prevent undue overlooking it is recommended that some windows be provided with louvres / obscure glazing, however, having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight.

Duplex Blocks: A, B, C, D, E and F

10.7.15. All of the duplex units are dual aspect. Some of the units layouts include a combined KLD room. Therefore, in some instance the 2% ADF value was applied. The applicant's assessment analysis the ADF for all rooms at ground and first floor levels within the duplex blocks. I have no objection to the submitted analyses and consider this to be a reasonable approach, as these are considered to be the worst case scenario. The information submitted indicates that all rooms assessed achieve the minimum recommended ADF target of 1% for bedrooms, 1.5% for living rooms, 2% for kitchens and 2% for combined KLD. Full details are provided in Table 5.2 of the applicant's report.

Houses

10.7.16. A sample of ground floor level rooms from the houses were assessed. I have no objection to the submitted analyses and consider this to be a reasonable approach, as these are considered to be the worst case scenario. The information submitted

indicates that all Living - Kitchen rooms assessed they all a minimum ADF of 2%. Full details are provided in Table 5.3 of the applicant's report.

- 10.7.17. Section 3.3 of the BRE guidelines states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The applicant's Sunlight Reception Analysis Report indicates that all 14 no. public and communal open spaces, as shown in Image 5 of the report, would receive at least 2 hours of sunlight on the 21st March, which is in accordance with BRE recommended target.
- 10.7.18. Having regard to daylight and sunlight provision and to the overall levels of compliance with BRE targets it is my opinion that the proposed scheme would be well light and would provide a high level of amenity for future occupiers. It is noted that no concerns were raised by the planning authority or third parties regarding overshadowing.

External Daylight, Sunlight and Overshadowing

- 10.7.19. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.
- 10.7.20. The applicant undertook a VSC assessment of the main living space in no's 39-43 Meadowbank (5 no. residential dwellings) to the north of the site in Phase 4C, no 11 and 12 Rathbeale Road (2 no. residential dwellings) to the south of the site and of 31 no. houses and 4 no previously approved apartments to the east of the site in Phases 2A, 2B and 2C. Full details of each unit assessed is provided in Table 5.1 of the applicants Effect on Daylight Reception Analysis Report. The site is bound to the west by lands zoned for open space. It is my view that the properties selected for detailed assessment is reasonable. The impact on each individual property is indicated in Section 5.3 of the applicants report. The analysis indicates that all 43 no. properties

assessed would be compliant with the BRE Guidelines for VSC and no further assessment of these windows is required.

10.7.21. The applicant's Sunlight Reception Analysis Report also assessed the impact of the development on the amenity spaces of the adjacent properties. Full details are provided in Section 6 of the report. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Having regard to the information submitted, it is my view that any impact would be negligible and should be seen in the wider context of the redevelopment of the subject site.

10.7.22. It is noted that third parties raised concerns regarding the negative impact on existing residential amenities for dwellings on Rathbeale Road. However, having regard to the overall level of compliance with BRE targets it is my opinion that the proposed scheme would not negatively impact on daylight / sunlight for existing properties or any previously approved residential units. It is noted that no concerns were raised by the planning authority regarding overshadowing.

10.8. ***Transportation***

10.8.1. The subject site is bound to the east by Millers Avenue which is also known as the Swords Western Distributor Road and to the south by Rathbeale Road (R125). The Rathbeale Road provides a link between Ashbourne to the west and Swords to the east. A section of the Rathbeale Road was recently upgraded by Fingal County Council to include new pedestrian and cycle facilities, crossing facilities and a signalised junction of the intersection with Millers Avenue. Glen Ellan Road is located to the east of the subject site and forms a T-junction with Millers Avenue. This road has cycle lane and footpaths on both sides and provides a link to Balheary Road to the east.

10.8.2. There are east and west bound bus stops on the Rathbeale Road c. 100m south of the subject site. These stops are served by the no. 41B and 197. The 41B is an infrequent service with only 5 no. buses operating per day (Monday to Friday). It provides a link between Rowlestown and Dublin City Centre (Irish Life Centre). The 197 is also an infrequent service and generally operates once per hour (Monday to Friday). It provides a link between Ashbourne and Swords. It is my opinion that this is

not a frequent bus service. There is also a stop on the Glen Ellan Road c. 700m east of the subject site. The Transport for Ireland website (www.transportforireland.ie) indicates this stop is served by the Sword Express bus route 506. The Swords express website (www.swordsexpress.com) indicates that this is not a frequent service with only 1 no. bus in the AM peak. It is noted that an additional bus stop located c. 1.1km east of the site on Glen Ellan Road is served by a number of the Swords Express routes. In this regard routes 500, 500X, 503 and 507, which operate at a combined frequency of c. 15 min in the peak (Monday to Friday) and by the 41c which has a frequency of 20 min in the peak. Due to the distance of the site from bus stops and the frequency of the bus services in the area I disagree agree with the third parties and consider that the site is adequately served by public transport.

10.8.3. The applicants TTA notes that the civic space at Millers Glen has been designed to accommodate a bus stop and that the proposed future transport infrastructure within the vicinity of the site includes Bus Connects and Metro. Under the proposed Bus Connect scheme the site would be served by Route 22 with a 15 min frequency in the peak periods, the indicative bus stop is within the subject site. The frequency timetables for all Bus Connect routes state that the expected number of trips per hour are subject to adjustment in line with future passenger numbers. In addition, the Tolka Greenway which would provide a dedicated cycle route within Tolka Valley Park, north of the subject site. The subject site is also located c. 2.5k west of the proposed Estuary Park and Ride' facility for Metro North. Metro North would provide a high frequency and high capacity rail line between Swords and Dublin City centre.

10.8.4. Overall, I am satisfied that the site is adequately served by public transport and that access to public transport would significantly improve in the short to midterm with Bus Connect infrastructure and in the long term by Metro North. It is noted that the planning authority and TII raised no concerns in this regard.

Road Capacity

10.8.5. Concerns were raised by third parties that there is insufficient capacity on the surrounding road network to accommodate the number of vehicular trips generated by the proposed development.

- 10.8.6. Having regard to the impact of covid on travel patterns the applicant has utilised existing Traffic Count data from May 2019 for the Glen Ellan Road four armed round about and existing data from October 2017 for the Rathbeale Road (R125) / Millers Avenue junction. The applicant also utilised existing traffic count data from 2005/2006 for the R125 Rathbeale Road / Murrough Road junction and Rathbeale Road (R125) / Naul Road (R108)
- 10.8.7. I agree with the planning authority that more recent traffic surveys should have been carried out as part of the assessment to ensure the analysis is robust. In particular, it is my view that the 2005/2006 data is not appropriate and is unlikely to form a reasonable reflection of vehicular movements in the area.
- 10.8.8. The TRICS database has also been used to estimate the number of trips potentially generated by the proposed development. TRICS estimated that the proposed scheme would generate 147 no. trips (40 no. arriving and 107 no. departing) in the AM peak (0800 – 09.00) and 140 no. trips (89 no. arriving and 51 no. departing) in the PM peak (17.00 – 18.00). The TRICS database was also used to estimate the number of trips that the overall Oldtown lands would generate (phases 1-5). Full details are provided in Table 8 of the TTA. TRICS estimated that the overall lands have the potential to generate 579 no. trips (178 no. arriving and 401 no. departing) in the AM peak and 580 no. trips (355 no. arriving and 225 no. departing) in the PM peak. A breakdown of the trips by use is provided in Table 7.2 of the TTA. It is noted that phases 1 and part of phase 3 are occupied and, therefore, these trips are already on the local road network.
- 10.8.9. The TRICS database was also used to estimate the number of trips generated by the school site (Mooretown) and Mooretown Phase 1 and 2 to the south of the subject site. Full details are provided in Table 9 and 10 of the TTA. TRICS estimated that the school lands have the potential to generate 584 no. trips (292 no. arriving and 292 no. departing) in the AM peak. The residential lands at Mooretown Phase 1 and 2 have the potential to generate 775 no. trips (344 no. arriving and 431 no. departing) in the AM peak and 182 no. trips (116 no. arriving and 66 no. departing) in the PM peak.
- 10.8.10. Table 12 of the TTA includes a summary of the potential number of trips generated by lands within the Oldtown – Mooretown LAP for 2025 and 2030 and includes

potential developments that have not been approved planning permission. It is noted acknowledged that TRICS provides a reasonable estimate of the number of trips generated by a scheme. However, it is my view that more up to date traffic counts which includes the now operational / occupied phases of development could have provided a more reasonable estimated of the potential trips generated by the scheme.

10.8.11. The TTA estimates that the vehicular traffic generated by the development is likely to dissipate across the local road network. It applied a trip distribution of 80% of departing vehicles heading east via Rathbeale Road (40%) and Glen Ellan Road (40%) with the remaining 20% heading west on the Rathbeale Road.

10.8.12. The 4 no. junctions of (1) Rathbeale Road (R125) / Naul Road (R108) (priority junction); (2) the Rathbeale Road (R125) / Millers Avenue junction (signalised crossroads); (3) Rathbeale Road (R125) / Murrough Road (signalised junction); and (4) the Glen Ellan Road four armed roundabout were assessed. The modelling was carried out for the AM and PM peak in 2022 (baseline year) and 2025, 2030 and 2040 both without the development and with the LAP lands developed. In general a RFC value of 85% or less for an unsignalised junction and a RFC of 90% or less for a signalised junction indicates that the junction is operating with capacity and that no significant delays or queues arise.

Junction 1: Rathbeale Road (R125) / Naul Road (R108) (priority T junction)

10.8.13. The information submitted indicates that this junction currently operates within its capacity and would continue to operate within its capacity for all future scenarios.

Junction 2: the Rathbeale Road (R125) / Millers Avenue junction (signalised crossroads)

10.8.14. The information submitted indicates that this junction currently operates within its capacity and would continue to operate within its capacity for all future scenarios. However, this conflicts with the corresponding text which states that by 2040 with all other LAP lands developed the junction would have a DoS of 91% in the AM peak and a DoS of 92% in the PM peak. This would indicate that queues would begin to form. It is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the

norms of a busy urban environment. While it is acknowledged that improvements to the surrounding road network could alleviate traffic congestion, including the implementation of Bus Connect, this is outside of the remit of this application and the proposed development is not reliant on them.

Junction 3: Rathbeale Road (R125) / Murrough Road (signalised junction) and Junction 4: Glen Ellan Road Roundabout

10.8.15. The information Submitted in Tables 15 and 16 indicate that both Junction 3 Rathbeale Road (R125) / Murrough Road (signalised junction) and Junction 4: Glen Ellan Road Roundabout exceed their design capacity in the opening year 2022 and in 2025, in both the AM and PM peak. Details of future years (2030 and 2040) have not been provided in the TTA or the EIAR. The planning authority note that the design for the upgrade of Glen Ellan Road with Balheary Road was raised during the pre-app stage and that this upgrade could be addressed by way of a Section 48(c) financial contribution. Having regard to the lack of up to date traffic count data, the information submitted within the TTA which indicates that the surrounding road network does and would continue to experience congestion it is my view that it is reasonable to request a financial contribution under Section 48(c) with regard to upgrading the capacity of the surrounding road network.

10.8.16. The concerns raised by the third-party regarding traffic congestion and the capacity of the surrounding road network are noted and it is acknowledged that improvements to the Glen Ellan Road / Balheary Road could help to alleviate traffic congestion currently experienced. It is my opinion that this could be addressed by way of a Section 48(c) financial contribution. It is noted that the submission from TII raised no objections to the impact of the proposed development on the capacity of the road network.

Car Parking

10.8.17. Concerns are raised by third parties that having regard to the lack of public transport in the area the proposed level of car parking is insufficient to serve the proposed development. It is considered that this would result in overspill car parking onto the surrounding road network. The quantum of car parking is also considered to be a material contravention of the development plan.

10.8.18. Table 12.8 of the development plan sets out car parking standards. The table below provides a breakdown of the development plan standards.

| Standard | Proposed Use | Recommend Provision |
|---|------------------------------|--|
| House (1 -2 bed) 1-2 spaces (within curtilage) | 9 no. 2-bed houses | 9 no. (1 per unit) |
| House (3+ beds) 2 spaces (within curtilage) | 164 no. 3 + bed houses | 328 no. (2 per unit) |
| Apartment / townhouse (1 bed) 1 space plus 1 visitor space per 5 units. | 71 no. 1- bed apartments | 71 no. spaces (1 per unit) plus 14 no. visitor spaces |
| Apartment / townhouse (2 bed) 1.5 spaces plus 1 visitor space per 5 units. | 37 no. 2-bed duplex units | 56 spaces (1.5 no. per unit) plus 7 no. visitor spaces |
| Apartment / townhouse (3+ bed) 2 spaces plus 1 visitor space per 5 units. | 2 no. 3-bed duplex units | 4 no. spaces (2 per unit) plus 1 no. visitor space |
| Creche 0.5 spaces per classroom | 4 classrooms | 2 spaces |
| Total | | 609 no. spaces 41 no. visitor spaces 2 no creche spaces |

10.8.19. The applicant has provided a breakdown of the proposed car parking for each Urban Block in Section 15.3 of the TTA. It is proposed to provide a total of 600 no car parking spaces, 537 no. residential car parking spaces, 49 no. visitor spaces, 8 no. crèche spaces, 1 no. shared visitor / creche space, 2 no car sharing spaces and 3 no. on-street visitor spaces on Millers Avenue. It is noted that the car parking is predominantly on-curtilage for the houses with some exceptions on Road 8. The car parking provision includes 11 no. disabled spaces and 30 no. communal EV spaces. As outlined above, it is my recommendation that 11 no. visitor car parking spaces be omitted the southern end of Miller's Avenue. This would reduce the total number of car parking spaces to 589 no.

10.8.20. The applicant has stated that the proposed car parking provision could be considered a material contravention of the development plan and submitted a material

contravention statement in this regard. Section 12.10 of the development plan states that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport. The Apartments Guidelines (2020) also state that in intermediate urban locations, close to public transport or close to town centres or employment centres a reduction of overall car parking standards must be considered, and an appropriate standard applied.

10.8.21. Swords is identified in the development plan as a 'primary economic growth town'. The site is located in close proximity to large centres of employment centres in this regard it is located c. 4km north of Dublin Airport, c. 2.3km north west of Pavilions Shopping Centre and c. 3km north west of Airside Retail Park. The site is also located c. 2km west of a wide range of services and facilities within Swords village. As outlined above, I am satisfied that the site is adequately served by public transport and that access to public transport would significantly improve in the short to midterm with Bus Connect infrastructure and in the long term by Metro North. It is my opinion that the subject site is situated at an intermediate location and, therefore, a reduction in car parking standards is permissible in accordance with the Apartment Guidelines. It is also noted that the proposed car parking standard does not relate to a policy of the development plan. It is my opinion that the proposed level of car parking is appropriate at this location and is not a material contravention of the development plan.

10.8.22. The planning authority raised specific concerns regarding the level of staff and set down car parking for the creche. It is proposed to provide 8 no. dedicated creche spaces to serve the proposed 4 no. classroom creche, which is in excess of the development plan standard. It is my opinion that the proposed creche would most likely serve the proposed development and, therefore, would not generate a significant number of vehicular trips. I am satisfied that sufficient dedicated creche car parking has been provided.

10.8.23. While the concerns of the third parties and the planning authority are noted it is my view that having regard to the site's urban location and its proximity a range of services and amenities and the sites proximity to public transport, I am satisfied that sufficient car parking has been provided in this instance and complies with the provisions of the

development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network.

- 10.8.24. The planning authority also note that the Taking in Charge drawing indicates that a number of on-street spaces including EV charging spaces would be public and, therefore, cannot be assigned to individual units. I have no objection to the on-street spaces being public spaces and consider this to be an acceptable layout in the urban area.
- 10.8.25. In conclusion, having regard to the sites location within the urban area, its proximity to public transport, centres of employment and a wide range of services and facilities within Swords village. I am satisfied that the provision of 589 no. spaces is acceptable in this instance and complies with the standards set out in the Apartment Guidelines and the development plan. A Travel Plan was submitted which outlines measures that would be put in place during the operational phase of the development. It noted that this includes the management support and commitment and a Transport Co-ordinator to oversee the Plan. It is my view that the proposed scheme is in accordance with the provisions of the development plan and the provisions of the Apartment Guidelines and that a reduction of car parking is permissible in this instance.

Cycle Parking

- 10.8.26. Table 12.9 of the development plan sets out bicycle parking standards which provide a guide on the number of required parking spaces acceptable for new developments. In this regard, 1 no. space per apartment plus 1 no. visitor space per 5 no. units. There is also a requirement of 0.5 no spaces per classroom in a childcare facility. Therefore, there is a requirement for 247 no. bicycle parking spaces to serve the scheme. It is proposed to provide 440 no. cycle parking spaces throughout the scheme, which is in excess of the development plan standard. While the quantum of cycle parking is welcomed, I have some concerns regarding the quality of the spaces provided within the storage areas. The drawings submitted indicated a c. 0.5m width for each bicycle storage space. It is my view that insufficient space has been provided to allow for the efficient and effective use of the cycle parking storage areas. If permission is being contemplated it is recommended that a condition be attached that the final details of the cycle parking storage areas be submitted to and agreed in writing with the planning

authority. It is noted that this may result in a reduction in the overall number of number of bicycle parking spaces.

10.9. **Water Services and Flood Risk**

Wastewater

- 10.9.1. The foul discharge from the proposed development would drain to the adjacent phase 4 development, which flows to the public sewer on Glen Ellan Road. It is noted that these networks have been designed and constructed to accommodate the proposed development. Third parties have raised concerns regarding the capacity of the foul water system. It is noted that the submission from Irish Water does not raise any objection to the proposed wastewater network.
- 10.9.2. Concerns are also raised by third parties regarding the requirement for the off-site stormwater storage tank and consider that the development should be delayed until the Regional Waste Water System is operational.
- 10.9.3. The subject application includes an off-site Stormwater Storage Tank. The proposed tank is located c. 2km east of the subject site at the junction of Glen Ellan Road and Balheary Road. It is intended that the proposed tank would alleviate existing constraints within the foul network, which occur during heavy or prolonged periods of rain, resulting from surface water and foul water infiltration. The constraints within the foul networks are considered to arise from the limited capacity of the network (pipe) where it crosses the R132 towards the Swords Treatment Plant. The surcharging of this foul water network results in frequent overflow into the Ward River, immediately upstream of Swords WWTP. The Ward River Connects to the Broadmeadow River c. 1km upstream of the Malahide Estuary. The proposed tank would be operated and maintained by Irish Water and would form part of the Swords Wastewater Treatment Plant.
- 10.9.4. The applicants Engineering Report notes that the storage tank was designed in conjunction with Irish Water, regarding input on volumetric storage capacity. This storage tank was lodged as a separate planning application to Fingal County Council by the applicant (Reg. Ref. F21A/0476) and permission was granted in 2022. This

decision was appealed by a third party and it is currently awaiting a decision (ABP.PL06F.313835). As the proposed scheme is reliant on the storage tank to alleviate constraints in the system, the applicant considered it appropriate to include it as part of this application. I am satisfied that this is a reasonable approach. It is noted that Irish Water and the planning authority raised no concerns in this regard.

10.9.5. The proposed storage tank would store stormwater that is currently discharged unimpeded to the Ward River. The Ward River flows to the Broadmeadow River and ultimately discharges to the Malahide Estuary. The tank would capture the surface / storm water and foul waters that are generated during heavy rainfall events. Therefore, reducing the potential for contaminants currently present from entering the stream. Having regard to the information submitted I am satisfied that the proposal would significantly improve the existing situation where uncontrolled flooding of foul network currently occurs.

10.9.6. The submission from Irish Water notes that the eastern boundary of the subject site is identified as an alternative corridor route (Northern Pipeline) for the Greater Dublin Drainage Project. Greater Dublin Drainage (GDD) is a project to develop a new regional wastewater treatment facility and associated infrastructure including pipelines to serve the Greater Dublin Area and parts of the surrounding counties of Kildare and Meath. It is proposed that the project would be operational from 2026 (source: www.greaterdublindrainage.com). This identified in the NPF and the National Development Plan. Public open space has been provided over the route for the alternative corridor and I am satisfied that the proposed development would not impede the provision of the Northern Pipeline. Irish Water raised no objection, however, if permission is being granted it is recommended that a condition be attached that the applicant liaise with the design team to ensure there are no potential residual impacts on the corridor.

Surface Water

10.9.7. Surface water run-off from the proposed development would drain via gravity to the existing surface water sewer in the previous phase of development. The attenuation area has been sized accordingly, in anticipation of the surface water drainage network being connected to the proposed development. The Oldtown attenuation ponds will

release the surface water flows at the greenfield rate to the Broadmeadow River. SuDS would be utilised on-site, including the provision of green roofs, swales and permeable paving. The stormwater system will be designed to cater for the 1 in 100-year storm plus a 20% allowance for climate change. Concerns are raised by third parties regarding the long-term effectiveness of SUDs within the site and note that very little data regarding that the retention pond at Millers Glen has been included in the documentation. Having regard to the information submitted, which is robust and evidence based I have no objection to the proposed surface water management proposals and note that the planning authority raised no objection in this regard and consider that the proposed drainage strategy is in accordance with the provisions of the now expired LAP that has been implemented under the on-going phases of development.

Water Main

- 10.9.8. The proposed development would be connected to the existing watermain network to the east of the subject site. It is noted that a wayleave for the existing watermain is being accommodated within the side. The submission from Irish Water raised no objection to the proposed water supply.

Flood Risk

- 10.9.9. The site comprises 4 no. distinct elements. The vast majority of the site comprises lands for the residential and creche development. There are 2 no areas of public open space within the Regional Park located to the north of the larger site and a final area is located c. 1.5km east at the junction of Glen Ellan Road and Balheary Road. This site would accommodate a stormwater storage tank associated with the scheme. The OPW maps indicate that all parcels of land associated with the subject site are located within Flood Zone C. There is no record of historic flooding on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding and mitigation measures. The first section of this assessment relates to the majority of the site, which comprises the larger site for residential and creche development and the 2 no. areas of public open space within the Regional Park. The second part of this assessment relates to the site of the proposed stormwater storage tank. A site specific Flood Risk Assessment was submitted with the application.

- 10.9.10. *Tidal Flooding:* There is no risk associated with coastal flooding for this site as the site is located c. 3.6km from the Irish Sea and ground levels for the site are much higher (13m) than the highest recorded tide. No mitigation measures are necessary.
- 10.9.11. *Fluvial Flooding:* The subject site is located within the Broadmeadow River catchment. The Saucertown Stream is located c. 55m north of the main development site and the Broadmeadow River is located c. 500m north of the main development site. Due to the finished floor levels and the distance from the watercourse the risk from fluvial flooding is very low and no mitigation measures are necessary.
- 10.9.12. *Pluvial Flooding:* The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. Surface water from the proposed site would flow to the existing surface water drainage network that has been designed to accommodate the proposed development. The surface water network for the overall lands within the applicants ownership discharges to the Broadmeadow River via attenuation ponds located to the north-east of the site.
- 10.9.13. Due to the increase in hardstanding as a result of the proposed development, there is an increased likelihood of overland flooding from the site leading to downstream flooding. Section 4.6 of the FRA outlines Flood Risk Management measures which include an appropriately designed overland flood route, which directs flood waters towards the attenuation ponds and the Broadmeadow River, the finished floor levels are above the road network to minimise risk, surface water run off is limited to greenfield rate via a flow control manhole and the attenuation ponds have been designed to attenuate flood volumes beyond the 1 in 100 year event. As a result of these measures I am satisfied that the risk of pluvial flooding is low.
- 10.9.14. *Groundwater Flooding:* There is no known history of ground water / springs in this area. However, it is possible for ground water to rise and cause potential flooding on site during prolonged wet periods. Section 5.7 of the FRA outlines Flood Risk Management measures including the design of the underground services, which will be as shallow as possible and will be watertight to eliminate the ingress of ground water, and unit foundations will incorporate a damp-proof membrane, the finished floor levels are above the road network to minimise risk and any groundwater would be

directed towards the overland flood route. As a result of these measures I am satisfied that the risk of groundwater flooding is low.

10.9.15. *Human / Mechanical Error*: There is a high likelihood of flooding if the surface water network were to become blocked. Section 6.7 of the FRA outlines Flood Risk Management measures including an appropriately designed overland flood route, which directs flood waters towards the attenuation ponds and the Broadmeadow River, the finished floor levels are above the road network to minimise risk. It is recommended that inspection monitoring be carried out of the water levels in the Oldtown Attenuation Ponds at times of extreme rainfall events, with a periodic monitoring/maintenance regime to be implemented and incorporated in the project safety upon project completion. As a result of these measures the risk of flooding from human / mechanical error is low.

10.9.16. Having regard to the sites location in Flood Zone C and to the information submitted, which is robust, and evidence based, I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority or third parties regarding flood risk to the majority of the site to accommodate residential uses, a creche and public open space.

Stormwater Storage Tank

10.9.17. Concerns are raised by third parties regarding a potential flood risk from the stormwater tank. As noted above, this site is also located within Flood Zone C. A separate site-specific Flood Risk Assessment was submitted for the stormwater storage tank.

10.9.18. *Tidal Flooding*: There is no risk associated with coastal flooding for this site as the site is located c. 1.5km from the Malahide Estuary and ground levels for the site are c. 3m higher than the highest recorded tide. No mitigation measures are necessary.

10.9.19. *Fluvial Flooding*: The subject site is located within the Broadmeadow River catchment. The site is located outside of the 1-in-1,000-year (0.1% AEP) flood plain, however, there is a pathway between the proposed overflow outfall line to the Broadmeadow

River. Therefore, there is potential for the overflow tank to fill via the outfall pipe during storm events. The potential of fluvial flooding occurring at the proposed development is considered high. To mitigate against this risk the proposed tank site has been designed to be above the adjacent road network through which overland flood routing drains to the Broadmeadow River and a one-way non-return flap is proposed at the outfall, ensuring that the overflow tank and overflow outfall remains functional during extreme fluvial events. I am satisfied that subject to the proposed flood risk management measures. The risk of fluvial flooding is low.

10.9.20. *Pluvial Flooding:* The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. Due to the increase in hard standing area as a result of the proposed development, there is an increased likelihood of overland flooding from the site leading to downstream flooding. The storage tank has been designed to accommodate a capacity of 2,250m³, which indicates that on average the internal system may surcharge during rainfall events with a return period in excess of five years. The proposed installation of an overflow outfall pipe to the Broadmeadow River for events in excess of the capacity ensures that the likelihood of surcharging is considered low.

10.9.21. The risk of flooding is minimised with adequate sizing of the tank and the associated overflow outfall line to the Broadmeadow River; the provision of open grassed areas and permeable finish to the maintenance access road would ensure that these areas significantly slow down and reduce the amount of surface water runoff from the site. I am satisfied that subject to the proposed flood risk management measures the risk of pluvial flooding is low.

10.9.22. *Groundwater Flooding:* The site is located within an area of low to moderate groundwater vulnerability. The likelihood of groundwater rising through the ground and causing potential flooding on site during prolonged wet periods is moderate. To mitigate against this risk the finished levels of the ground have been set above the adjacent road levels. In the event of ground water flooding on site, this water can escape from the site via the overland flood routing. The tank design would also incorporate measures to protect water ingress from below ground level. I am satisfied

that subject to the proposed flood risk management measures the risk of groundwater flooding is low.

10.9.23. *Human / Mechanical Error*: There is a high likelihood of flooding on the subject site if the surface water network became blocked. To mitigate against this risk the finished levels have been designed to be above the adjacent road network; the surface water can still escape from the site by overland flood routing; the surface water network (tank outfall pipe and maintenance access track) would need to be regularly maintained and where required cleaned out. A suitable maintenance regime of inspection and cleaning should be incorporated into the safety file/maintenance manual for the development. I am satisfied that subject to the proposed flood risk management measures the risk of flooding from a human / mechanical error is low.

10.9.24. Having regard to the sites location in Flood Zone C and to the information submitted, which is robust and evidence based, I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority regarding flood risk to the majority of the site to accommodate the stormwater storage tank.

10.10. ***Material Contravention***

10.10.1. The applicants Material Contravention Statement considered that the proposed development would materially contravention of the Fingal County Development Plan 2017 - 2023 in relation to Local Area Plan Designation and Table 12.8 Car Parking Standards.

Local Area Plan

10.10.2. Objective SWORDS 27 to '*Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan: -*

- *Oldtown / Moortown Local Area Plan (see Map Sheet 8, LAP 8.C)'*

The Oldtown – Moortown Local Area Plan (LAP) 2010-2016 was extended up to 12th July 2020. The subject site is located within the boundary of this LAP. However, this

plan has expired and, therefore, it is no longer a statutory document. The previous phases of development of lands within the applicants ownership have been informed by the aims and objectives of this LAP and it is my opinion that the proposed development is generally compliant with the provisions of the now expired LAP. I am satisfied that the proposed development is not a material contravention Objective SWORDS 27.

Car Parking

10.10.3. Table 12.8 of the development plan sets out car parking standards which requires 609 no car parking spaces. The proposed development provides for an overall total of 600 no. spaces. Section 12.10 of the development plan states that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport.

10.10.4. Having regard to the site's location within the urban area, its proximity to a variety of public transport modes and proximity to centres of employment and a wide range of services and facilities. I am satisfied that the provision of 600 no. spaces is acceptable in this instance and complies with the standards set out in the development plan. It is also noted that the car parking standards do not related to a policy of the plan. I am satisfied that the proposed quantum of car parking is not a material contravention of the development plan.

Conclusion

10.10.5. I am satisfied that the proposed development does not materially contravene the Fingal County Development Plan 2017 – 2023 with regard to Local Area Plan Designation or Car Parking.

11.0 Environmental Impact Assessment (EIA)

11.1. *Environmental Impact Assessment Report*

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The

proposed development provides for 377 no. residential units and creche. The site is located within the administrative area of Fingal County Council.

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

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

11.1.3. The current proposal is an urban development project that would be in the built-up area of a city but not in a business district. As the gross area of the site (10.22 ha) exceeds 10 ha it is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Table 1 of the EIAR identifies the EIA Team and describes the expertise of those involved in the preparation of the EIAR.

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

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

Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Fingal County Council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

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

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR addresses this issue in Section 2.11 Risk of Major Accidents and / or Disasters. I note that the development site is not regulated or connected to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. There is a SEVESO II Directive site (96/82/EC & 2003/105/EC) within 0.8km from the proposed stormwater storage tank site. Given the nature of the proposed development I am satisfied that there is no risk of a major accident or disaster in relation to a major chemical accident. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. The site is not at risk of flooding as the proposed development will have not have an impact on floodplain storage and conveyance. The likelihood of flooding is further minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. In addition, as the proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use is unlikely to be a risk of itself. Having regard to the sites zoning objectives, its urban location and the previous school use on the southern portion of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. ***Alternatives***

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

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

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

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

11.3.3. Section 2.9 of the EIAR outlines the consideration of alternatives. The Do Nothing alternative was considered. If left undeveloped a portion of the site would revert to agricultural use however, the remainder of the site having accommodated temporary prefabs and construction compounds retained without use would have a negative visual impact. Miller’s Avenue (WDLR) would be a single-sided road for quite a long section, the regional park in the west would not be overlooked and secured by passive surveillance, and there would be no direct access from the avenue or the permitted and completed developments across the subject lands. The do-nothing scenario is considered to have a negative impact in terms of housing provision. This would be inconsistent with the zoning objective to facilitate a new residential development, and with the provisions of the National Planning Framework, Regional Spatial Economic Strategy and Urban Development and Building Height Guidelines.

11.3.4. The consideration of alternatives locations for the development was addressed and decided during the preparation and adoption of the Fingal Development Plan 2017-2023. Given the extensive landholding of the applicant, the previously approved and constructed schemes and the zoning of the lands, no major alternative uses were considered reasonable. The now expired LAP formed the basis for the design strategy of the overall Oldtown lands, which in turn formed the basis for the proposed site layout. The location and quantity of open space was considered in the course of pre-planning consultation with the Local Authority.

11.3.5. Alternative designs and layouts were also considered. The alternatives that were considered were largely restricted to variations in design and layout, height and density and provision of open space. I am satisfied that the alternative designs and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

11.4. ***Consultations***

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

11.5. ***Likely Significant Direct and Indirect Effects***

11.5.1. The likely significant indirect effects of the development are considered 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
- Lands and Soil
- Water
- Air Quality
- Noise and Vibration
- Climate
- Landscape and Visual Assessment
- Traffic and Transport
- Cultural Heritage
- Utilities and Waste
- Interactions and Cumulative Effects
- Summary of Mitigation and Monitoring Measures

11.6. ***Population and Human Health***

- 11.6.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic and socio-economic trends are examined.
- 11.6.2. The development would have a positive and temporary impact on employment during the construction phase. However, it has the potential to give rise to a negative impact on the health and safety of human beings if activities are not managed or mitigated appropriately. The main negative effects would be in relation to noise, transport and air quality. Mitigation measures are proposed throughout the relevant sections and in Chapter 16.
- 11.6.3. During the operational phase the proposed development would have a significant positive impact on the local community as it would contribute to the population growth, economic activity and would provide open space and a creche. The long-term effect would be a positive and permanent
- 11.6.4. Cumulative Impacts with other projects are outlined in Section 4.15. It is considered that there is no potential for significant impact as a result of the proposed development.
- 11.6.5. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

11.7. ***Biodiversity***

- 11.7.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 13 below, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

- 11.7.2. A desk study was undertaken and included review of available ecological data. Site visits were undertaken in May 2018, August 2020 and October 2021.
- 11.7.3. The site is relatively poor in terms of biodiversity value. The vast majority of the site comprises bare ground and overall vegetation cover is low. The southern portion of the site comprises buildings and artificial surfaces. The site also incorporates sections of dry meadow and agricultural grassland. The Saucerstown Stream runs c. 55m north of the northern boundary. It drains to the Broadmeadow River and enters the Irish Sea at Malahide Estuary.
- 11.7.4. There are no plants recorded on the site that are listed as rare or of conservation value. There are no habitats listed in Annex I of the Habitats Directive.
- 11.7.5. *Mammals*: The survey yielded few signs of mammals other than Irish Hare and Foxes. There was also suitable habitat for Hedgehog, Pygmy Shrew and Irish Stoat within the site. The overall impact of the development on common species is considered as not significant. There was no evidence of Badgers using the site.
- 11.7.6. *Bats*: A detector-based bat survey carried out in 2011 informed the assessment. While a more up to date bat survey may be considered appropriate it is noted that the site contains no suitable roost locations for bats. Bats may use the site boundaries for foraging and/or commuting, however, no treeline habitat is to be removed as part of the application.
- 11.7.7. The submission from the DAU, Department of Housing, Local Government and Heritage states that while it appears no features exist on the development site which could be used for roosting by bats, it is also noted that no bat survey of the development site has been carried out since 2011. At that time Leisler's bat were recorded foraging over the development site. Given this usage and due to the presence of other bat species in the Swords area, which is known from surveys supporting other development applications, bat friendly lighting is required in the proposed development. It is recommended that standard conditions be attached in this regard.
- 11.7.8. *Birds*: There is very little suitable habitat for breeding birds within the site. A series of wintering bird surveys was carried out between November 2021 and March 2022. No

wetland, wading, wintering birds which are qualifying interests of the Malahide Estuary were recorded at any stage of the survey. The impact on common bird species is considered as not significant. It is also considered that no significant impacts on are likely on wintering birds.

11.7.9. *Amphibians and Reptiles*: Common frog and common lizard are likely to be present on this site. Suitable habitat for spawning frogs is present within drainage ditches, however, no spawn was noted in the 2018 survey. An open attenuation area has been created under a previous planning permission to hold and attenuate surface water running off the subject site. This created new habitat for wetland amphibians and invertebrates.

11.7.10. *Invasive Species*: There are no alien invasive species.

11.7.11. A new surface water holding tank and overflow pipe to the river Broadmeadow are also proposed as part of this development which would reduce the frequency and intensity of existing combined overflows to The River Ward. This aspect of the project would contribute to improvements in water quality status in the Malahide Estuary.

11.7.12. Remedial and Reductive Measures are outlined in Section 5.6. In general, good site management practices would ensure that pollution to water courses does not occur during the construction phase.

11.7.13. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (Section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.8. ***Lands and Soil***

11.8.1. Chapter 6 of the EIAR addresses land and soils. The methodology for assessment is described as well as the receiving environment. Site investigation works were carried out in November 2019. A Site Investigation Report is provided in Appendix 6.1.

- 11.8.2. The proposed development of the site will incorporate cutting and filling of subsoil and rock to form finished floor levels and development roads; Excavations for utilities and services; Potential importation of suitable material; Reinstatement of excavations and topsoil; Potential removal off-site of unsuitable and surplus material which would be likely to have an impact on the soils and geology.
- 11.8.3. During the construction phase the removal of topsoil and the earthworks would expose subsoil to weathering and may result in some minor erosion of the soils. During adverse weather conditions surface water runoff across the exposed sub-soil could result in increased levels of silt being deposited in the public sewer. Some minor local contamination of subsoils may occur should chemicals or fuels spill. Construction traffic movements may result in local compaction of the subsoil along haulage routes and there is a risk of damage the structure of some of the adjoining road networks and increase the amount of mud and dust on the roads providing access to the site. There would also be a temporary increase in traffic volumes due to deliveries of fill materials and removal of surplus unsuitable cut materials. Subject to the appropriate mitigation measures, as outlined in Section 6.10 negative impacts during the construction phase would not be significant and would be short term in duration.
- 11.8.4. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No indirect impacts on the land and soils are predicted for the operational phase.
- 11.8.5. No cumulative impacts were identified during the construction or operational phase.
- 11.8.6. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soils.

11.9. **Water**

- 11.9.1. Chapter 7 of the EIAR addresses Water (surface water, groundwater, foul water, water supply, and flood risk). The methodology for assessment is described as well as the

receiving environment. My assessment of Water Services and Flood Risk in Section 10.9 above also considers these matters and I refer the Board to same.

- 11.9.2. During the construction phase significant amounts of site stripping and excavation are required, layers of sub-soil will be exposed to weathering and there would be potential for erosion due to rainfall and subsequent runoff. The erosion of soil can lead to sediments being washed into the receiving watercourses /sewers at higher rates of runoff. There is potential that contaminants could be washed into the receiving watercourses / sewers. There is also a risk of pollution of groundwater / watercourses / soils by accidental spillage of oils / diesel from temporary storage areas. Furthermore, if there is damage to any foul pipes, there is potential for contaminants to seep into the groundwater. The construction of the proposed development has potential to cause a slight, adverse, temporary, residual impact on receiving watercourses / groundwater. However, these would be mitigated against by measures outlined in Section 7.9 of the EIAR. Due to the proposed mitigation measures and the implementation of a Construction Management Plan, the impact during construction stage on water is not significant.
- 11.9.3. During the operational phase the site would be served by existing water supply and foul water network. There will be an increase in hardstanding area associated with the development area. Therefore, there is potential for an increase in risk of higher rates of surface water runoff leading to increased downstream flooding. However, the surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff associated with a 20% increase in flows due to climate change. Finished floor levels have also been set with appropriate freeboard and an overland flood route through the site has been provided.
- 11.9.4. Concerns are raised by third parties that the proposed stormwater storage tank would have a negative impact on water quality. The proposed stormwater storage tank would have an overflow outfall to the Broadmeadow River. This overflow outfall pipe would only function when the storage tank surcharges beyond the proposed 2,250m³ capacity of the tank. Flood mapping undertaken by the OPW at a point c. 200m upstream of the outfall location, indicates that any overflow outfall from the tank (beyond a 1 in 5-year event) would be discharging to a fast moving heavily diluted / surcharged river. It is also noted that the overflowing waters from the tank would be

largely surface water. The proposed infrastructure would result in a vast improvement when compared with the existing arrangement of uncontrolled discharge to the Ward River and in turn Broadmeadow River.

11.9.5. Monitoring and maintenance of the water metering telemetry, SUDS features, road gullies, attenuation and flow control devices are and of the frequency and volume / duration of overflows from the proposed storage tank are recommended. The impact following the operational phase mitigation measures is imperceptible

11.9.6. There are no anticipated cumulative impacts.

11.9.7. 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 that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water.

11.10. ***Air Quality***

11.10.1. Air Quality is addressed in Chapter 8 of the EIAR. The methodology for assessment is described as well as the receiving environment

11.10.2. The construction phase of the development has the potential to generate short term dust emissions that may have the potential to impact air quality in the short term. Where dust impacts are likely, avoidance and mitigation measures such as wind breaks, barriers and frequent cleaning and watering of the construction site roads would be put in place. Mitigation measures are outlined Section 8.5. subject to dust minimisation measures, the air quality impacts during the construction phase would not be significant.

11.10.3. In terms of the operational phase the proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The impact on air quality during the operational phase was determined by an assessment using the DMRB air quality model. Results showed an expected small increase in annual NO₂, PM₁₀, benzene and CO, however, each parameter would remain significantly below the limit values for EU regulations. This predicted increase would have a negligible impact and would not result in a perceptible change in the existing local air quality environment.

11.10.4. There are no significant cumulative impacts to air quality predicted for the construction or operational phases.

11.10.5. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality.

11.11. **Noise and Vibration**

11.11.1. Chapter 9 of the EIAR addresses noise and vibration. The methodology for assessment is described.

11.11.2. A daytime background noise survey was carried out on November 18th and 19th 2021 (outside the covid lockdown period). Average ambient noise levels were in the range 56 to 61dB LAeq. Average background noise levels were in the range 46 to 51dB LA90. Average LA10 values were in the range 62 to 67dB, indicating that most of the measured noise levels would have arisen from traffic noise. Noise mapping of Dublin Airport indicates that the subject site is located outside the area of Dublin Airport's noise contour map.

11.11.3. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. Details of which are provided in Section 9.3

11.11.4. The demolition and construction phase would result in some temporary significant noise impacts at the closest receptor. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors. Therefore, no significant impacts are predicted. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase would ensure impacts are controlled to within the adopted criteria.

- 11.11.5. Vibrations impacts may occur during the construction phase as a result of ground preparation works and plant and machinery movements. These impacts will be unlikely to propagate beyond the construction site boundary
- 11.11.6. The anticipated operational phase noise impacts would mainly be a result of increased vehicular traffic. However, the increase in traffic associated with the proposed development scheme is not expected to give rise to any significant noise nuisance in the area. No significant sources of vibration are expected to arise during the operational phase of the development.
- 11.11.7. There are no significant cumulative impacts predicted for the construction or operational phases.
- 11.11.8. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which 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 or indirect impacts in terms of noise or vibration.

11.12. ***Climate***

- 11.12.1. Climate Change are outlined in chapter 110 of the EIAR. The methodology for assessment and the receiving environment is described.
- 11.12.2. The operational phase is based on the life cycle of a building covering a 60-year period. Construction emissions represent approximately 5% to 10% of the Operational emissions in a standard specification building.
- 11.12.3. CO₂ in the construction phase would be emitted by construction vehicles, machinery, and equipment and also by CO₂ attributed to construction materials. Therefore, selecting materials for the construction of buildings/dwellings which have a low embodied carbon factor like wood, local stone rather than steel, zinc, aluminium or other metallics which have high carbon factors would be beneficial to global CO₂ emissions. A number of CO₂ reduction measures have been applied and are outlined in Section 10.5. A reduction in CO₂ emissions in the construction phase was achieved over current standard or average emissions.

- 11.12.4. CO2 in the operational phase would be emitted mainly by passenger vehicles and energy required for the building's heating / hot water needs. The operational phase would be the dominating contributor to CO2 emissions and any reductions applied here are very effective as a result of the length of the life cycle. A number of CO2 reduction measures have been applied and are outlined in Section 10.5. The bulk of the reductions at is achieved in the building energy element applying the current Part L standards.
- 11.12.5. The cumulative impacts on the national CO2 emission are negligible. CO2 emissions from the construction and operational phase have been reduced to a minimum and the impact on National emissions for the construction phase are therefore deemed to be imperceptible and short term and for the operational phase to be deemed imperceptible and long term both in 2022 and 2030. Any new development in essence will increase CO2 emissions to the national and global environment, however, by introducing the reduction measures at design stage the increase has been kept to a reasonable minimum.
- 11.12.6. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the climate.

11.13. ***Landscape and Visual Assessment***

- 11.13.1. Section 11 of the EIAR addresses landscape and visual impact that would arise from the development. The methodology for assessment is described and the receiving environment is described. A separate booklet of verified views and CGI's of the scheme were also submitted.
- 11.13.2. Third parties have raised concerns about the scale of the development is out of character with the area. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.

- 11.13.3. The lands are not recorded as a high value landscape and are located within an established urban area with a landscape character designation of modest landscape value and medium landscape sensitivity.
- 11.13.4. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Given the low level of visual amenity and low-quality landscape character of the existing landscape the visual impact during the construction stage is considered to be moderate and negative. Such temporary negative townscape and visual effects are unavoidable and not unusual in the urban context where change is continuous.
- 11.13.5. The proposed development will constitute a significant intervention in the local landscape which would change the character of the site and influence the character of the locality. The site is currently underutilised and of low visual quality. The context is already changing with significant suburban development to the east and north, therefore, the broad changes that would arise from the proposed development would not have a negative effect on the landscape. The layout of the site aims to minimise the visual impact of the development. There is a protected view listed immediately to the south of the site along the Rathbeale Road (R125). The proposed development would not obstruct this view. The overall effect of the scheme on the landscape is considered to be neutral - positive.
- 11.13.6. The on-going development of the earlier phases could be considered as cumulative development. Therefore the impact is moderate - positive as it is the final phase of development and would complete the residential development in this area.
- 11.13.7. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the layout and design of the proposed scheme, in particular the variation in height and scale of the buildings. It is also noted that the Planning Authority raised no objection to the visual impact of the scheme. I am, therefore, satisfied that the proposed development would have an

acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

11.14. ***Material Assets - Traffic and Transport***

11.14.1. Chapter 12 of the EIAR addresses Traffic and Transportation. The methodology for assessment is described as well as the receiving environment. Third parties have raised concerns in relation the capacity of the surrounding road network. From an environmental perspective, the EIAR addresses this matter in detail alongside potential construction and cumulative impacts. My assessment of Transportation in Section 10.8 above also considers these matters and I refer the Board to same.

11.14.2. There is potential for construction traffic to impact on noise levels, whilst dust may result from vehicles travelling along gravel roads and from general earthwork activities. There is also potential for traffic congestion. The potential for haphazard parking may also impact local road users. Therefore, it is considered that there is potential for construction traffic to have a moderate effect on the surrounding environment. However, the duration of this impact will be short-term.

11.14.3. The subject site is accessed from the public road network. The modelling submitted indicates that Junction 1: Rathbeale Road (R125) / Naul Road (R108) (priority T junction) currently operates within its capacity and would continue to operate within its capacity for all future scenarios. It also indicates that *Junction 2: the Rathbeale Road (R125) / Millers Avenue junction (signalised crossroads)* currently operates within its capacity and would continue to operate within its capacity for all future scenarios. However, this conflicts with the corresponding text which states that by 2040 with all other LAP lands developed the junction would have a DoS of 91% in the AM peak and a DoS of 92% in the PM peak. This would indicate that queues would begin to form. It is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the norms of a busy urban environment. While it is acknowledged that improvements to the surrounding road network could alleviate traffic congestion, including the implementation of Bus Connect, this is outside of the remit of this application and the proposed development is not reliant on them.

- 11.14.4. The modelling submitted also indicates *Junction 3: Rathbeale Road (R125) / Murrough Road (signalised junction) and Junction 4: Glen Ellan Road Roundabout* exceed their design capacity in the opening year 2022 and in 2025, in both the AM and PM peak. Details of future years (2030 and 2040) have not been provided in the TTA of the EIAR. The planning authority note that the design for the upgrade of Glen Ellan Road with Balheary Road was raised during the pre-app stage and that this upgrade could be addressed by way of a Section 48(c) financial contribution. Having regard to the lack of up to date traffic count data, the information submitted within the TTA which indicates that the surrounding road network does and would continue to experience congestion it is my view that it is reasonable to request a financial contribution under Section 48(c) with regard to upgrading the capacity of the surrounding road network.
- 11.14.5. A Travel Plan has been prepared to manage and mitigate the impacts of private vehicle usage and promote sustainable travel trends to and from the proposed development.
- 11.14.6. The potential cumulative effects in the context of traffic have been included in the overall assessment as traffic associated with development proposals and background growth have been included in the traffic forecasts and subsequent analysis.
- 11.14.7. I have considered all of the written submissions made in relation to Traffic and Transportation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions including a Section 48(c) financial contribution as requested by the planning authority. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Traffic and Transportation.

11.15. ***Cultural Heritage***

- 11.15.1. Chapter 13 of the EIAR assesses the impact of the proposed development on the cultural, archaeological, and archaeological heritage environment and proposes measures to safeguard any monuments, features, finds of antiquity or features of architectural or cultural heritage merit.
- 11.15.2. A registered archaeological monument (RMP no: DU011-150) which comprises a large-ditched enclosure, was identified through a programme of archaeological testing

in 2013 and is situated in the northeast of the site. It is being preserved in situ within an open green space. 2 no. additional sites, a probable cereal drying kiln and a pit were discovered within the site during archaeological testing in 2017 and additional features were identified during monitoring of topsoil stripping in 2018. These features were all subsequently excavated under licence (17E0446).

- 11.15.3. The southern portion of the site has been disturbed due to the construction of a temporary school. It is unlikely that archaeological features or material would have survived the construction activity. There are, however, some areas that may remain undisturbed. The Zone of Archaeological Potential for an enclosure (RMP no: DU011-035) to the west of the subject site extends into the southern portion of the application lands. Therefore, it is recommended that topsoil removal in the southern portion of the site be monitored by a suitably qualified archaeologist.
- 11.15.4. In addition to the recorded monuments, additional archaeological remains were discovered through a programme of test trenching and monitoring. These remains comprise two Bronze Age cremation pits, an urn burial, a burnt spread with associated troughs, three cereal drying kilns and various post-medieval drainage ditches and undated pits. These features have all been archaeologically excavated and 'preserved by record' under licence Ref. 17E0446 and no further mitigation is required. Details of recorded archaeological sites within the surrounding area are provided in Tables 0-1 and 0-2.
- 11.15.5. The subject site incorporates part of the townland boundary of Oldtown and Rathbeale. This boundary is composed of a tree-lined earthen bank with c. 120m of the western site boundary and c. 30m of the eastern boundary. It is recommended that the removal of the Oldtown / Rathbeale townland boundary within the proposed development area be monitored by a suitably qualified archaeologist.
- 11.15.6. There are no structures within the application area and no protected structures are listed in the record of protected structures (RPS sites) in the Fingal Development Plan or in the National Inventory of Architectural Heritage (NIAH) within the bounds of the LAP area.
- 11.15.7. The submission from the DAU, Department of Housing, Local Government and Heritage recommends that a condition pertaining to Archaeological Monitoring of

ground disturbance aspects of the development is included in any grant of planning permission.

11.15.8. No cumulative impacts are predicated.

11.15.9. The proposed development site has already been subjected to extensive excavation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures and conditions which form part of proposed scheme and that no significant adverse direct, indirect, or cumulative effects on archaeological, architectural heritage and cultural are likely to arise.

11.16. ***Utilities and Waste***

11.16.1. Chapter 12 of the EIAR addresses utilise and waste. The methodology followed for the assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems. This is addressed in Section 10.9 of my planning assessment, and I refer the Board to same.

11.16.2. *Surface Water:* Surface water run-off from the proposed development would drain via gravity to the existing surface water sewer in the previous phase of development. The attenuation area has been sized accordingly, in anticipation of the surface water drainage network being connected to the proposed development. The Oldtown attenuation ponds will release the surface water flows at the greenfield rate to the Broadmeadow River. SuDS would be utilised on-site, including the provision of green roofs, swales and permeable paving. The stormwater system will be designed to cater for the 1 in 100-year storm plus a 20% allowance for climate change. During the construction phase there is a risk of increased amount of silt entering watercourses in the runoff, of pollution of groundwater / watercourses / soils by accidental spillage. There could be damage to existing buried utilities during excavations works resulting in temporary loss of supply to existing properties. The proposed development will not give rise to any significant long term adverse impact. Negative impacts during the construction phase will be short term only.

- 11.16.3. *Foul Network*: There is an existing 450mm diameter foul water sewer in the north-east of the Oldtown lands. This sewer was constructed to facilitate the development of the over LAP lands and discharges to the Swords Wastewater Treatment Plant. The proposed development would connect to this system via the public network under Millers Avenue. During the construction phase there is a risk of the ingress of ground/surface water to the foul water network and of damage to existing buried utilities during excavations works resulting in temporary loss of supply to existing properties. There is also a possibility cross connection between foul and surface water pipes. The proposed development will not give rise to any significant long term adverse impact. Negative impacts during the construction phase will be short term only.
- 11.16.4. *Stormwater Storage Tank*: It is proposed to provide a stormwater storage tank on the public foul network is to alleviate constraints within the public foul network during times of heavy rainfall events, whereby stormwater enters the public foul network temporarily reducing available capacity. The proposed stormwater storage tank has been designed in conjunction with Irish Water and will not only facilitate the connection requirement of this subject application but will also have capacity to allow for continued development in the Oldtown / Mooretown catchment
- 11.16.5. *Water Supply*: The proposed development would connect to the public network, which was constructed under earlier phases of development. During construction phase there is a risk of contamination of the existing water supply, of damage to watermain fittings and a potential loss of supply. The proposed development will not give rise to any significant long term adverse impact. Negative impacts during the construction phase will be short term only.
- 11.16.6. *Gas*: There are existing gas pipes adjacent to the subject site on Millers Avenue. The installation of the gas utilities for the development will be conducted in parallel with the other services.. Potential loss of connection to the Gas Networks Ireland infrastructure while carrying out works to provide service connections. This likely adverse impact may be characterised as a temporary, regionally short term, moderate impact
- 11.16.7. *Electricity*: ESB infrastructure exists in Millers Avenue. The installation of the ESB utilities for the development will be conducted in parallel with the other services. The relocation or diversions of the existing overhead ESB lines may lead to loss of

connectivity to and / or interruption of the supply from the electrical grid to the surrounding areas. Any loss of supply will be managed by ESB Networks to minimise impact on neighbouring properties. The site compound will require a power connection. This likely adverse impact will be temporary and negligible.

11.16.8. *Telecommunications:* A new connection will be made to the existing Eir network at the eastern boundary of the site at Millers Avenue. The installation of the telecommunications utilities for the development will be conducted in parallel with the other services. Potential loss of connection to the telecommunications infrastructure while carrying out works to provide service connections. This likely adverse impact may be characterised as a temporary, regionally short term, moderate impact. The site compound will require a telecommunications connection. This likely adverse impact will be temporary and negligible.

11.16.9. The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. Implementation of the mitigation measures and adherence to the Construction and Environmental Management Plan prepared for the project will ensure that any potential residual impacts will be short term and negligible.

11.16.10. *Waste:* A site specific Preliminary Construction and Demolition Waste Management Plan and an Operational Waste Management Plan have been submitted as standalone documents. A C&D Waste Manager would be appointed and have overall responsibility for the implementation of the project Waste Management Plan (WMP) during the construction phase. Due to the proposed mitigation measures outlined in Section 14.6 for both construction and operational phase C&D waste is considered not significant

11.16.11. No cumulative impacts will arise that would result in significant effects on the environment.

11.16.12. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which 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 or indirect impacts in terms of Material Assets.

11.17. *Interactions and Cumulative Effects*

- 11.17.1. Chapter 15 addresses interactions and cumulative effects. It highlights those interactions which are considered to potentially be of a significant nature. Table 15.1 provides a matrix of interactions. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.
- 11.17.2. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.
- 11.17.3. Chapter 15 and each individual chapter provides an assessment of the cumulative impact of the development. As part of the cumulative assessment, the overall LAP lands have been considered. I am satisfied that the EIAR has adequately addressed the cumulative impact.
- 11.17.4. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.18. **Summary of Mitigation and Monitoring Measures**

11.18.1. Chapter 16 provides a summary of the recommended mitigation measures.

11.19. **Reasoned Conclusion on the Significant Effects**

11.19.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme.

- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice.
- Design measures to reduce to a minimum CO2 emissions.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Cultural Heritage would be mitigated by incorporating features into the landscaping plan. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area.
- Resource and Waste Management impacts would be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan

11.19.2. The main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as outlined in the submitted EIAR. I am satisfied that the information provided in the individual EIAR chapters is sufficient to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. Overall, the environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

12.0 **Appropriate Assessment**

12.1. ***Introduction***

12.1.1. The applicant has prepared an AA Screening and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that hydrological pathways exist to the Malahide Estuary. It is considered that there is potential for large quantities

of sediment to be washed into the Estuary, due to the proximity of works to the River Broadmeadow, with significant effects to habitats within the Malahide Estuary SAC, and species within the Malahide Estuary SPA.. An NIS has been prepared in respect of the effects of the project on Malahide Estuary SAC and Malahide Estuary SPA. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

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

- 12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 12.2.2. The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Screening Report was prepared by Openfield Ecological Services. The report sets out the mythology, provides a description of the site location identifies and provides a brief description of European Sites within a possible zone of influence of the development, a brief description of the proposed development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. Section 5.1.3 of the AA Screening Report notes that extensive works are planned close to the Broadmeadow River, including for the proposed surface water overflow from the tank on the Balheary Road, and using a precautionary approach, the potential for large quantities of silt to be washed downstream means that significant effects to the Malahide Estuary SAC and SPA cannot be ruled out.

12.2.3. It is noted that concerns were raised by third parties that the information submitted is inadequate to address any potential impact on designated sites. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

12.3. ***Stage 1 AA Screening***

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

12.4. ***Brief Description of the Development***

12.4.1. The applicant provides a description of the project in Section 3 of the Screening Report. The development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction of 377 no. residential units and a creche. The surrounding area is in transition with both agricultural lands and suburban housing estates. The site is serviced by public water supply and foul drainage networks. It is proposed that the foul sewer will be sent to the Swords Wastewater Treatment Plant which discharges (under licence from the EPA) to the Broadmeadow Estuary, which in turn discharges to the Malahide Estuary. Surface water will flow to the Broadmeadow River via an existing drainage network. This comprises an open pond attenuation area and conforms with the Greater Dublin Strategic Drainage Study (GSDSDS). Outfall from the site will be controlled by a hydrobrake flow control mechanism. The outfall to the Broadmeadow River has already been constructed. The drainage system will use a variety of SuDS measures. A stormwater tank is proposed to eliminate a source of ongoing and uncontrolled pollution from the River Ward. Stormwater would be diverted into the tank and any overflows from the tank would discharge to the Broadmeadow River. The net impact on water quality will be positive, primarily by reducing the frequency and magnitude of

uncontrolled overflow events. The development site is located in a urbanised environment close to noise and artificial lighting. The site is highly modified. The southern portion of the site was previously in use as a temporary school site. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

12.5. ***Submissions and Observations***

12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. A submission was received from the DAU which notes the findings of the applicants Appropriate Assessment with regard to the possibility of resultant detrimental impacts on the Malahide Estuary SAC and the Malahide Estuary SPA. The submission also recommends that bat friendly lighting is required in the proposed development.

12.6. ***Zone of Influence***

12.6.1. The proposed development is not located within or immediately adjacent to any European Site.

12.6.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

12.6.3. Section 2.2 of the AA Screening Report notes that the 15km radius is an arbitrary distance and that impacts can occur at greater distances. Designated sites within 15km of the subject site are indicated in Figure 4.

12.6.4. The following 13 no. Natura 2000 sites that are within 15km of the site. The qualifying interests and features of interest for these designated sites are provided in Section 2 of the AA Screening Report. It is noted that the AA Screening Report provides details of an additional 5 no. designated sites (Howth Head SAC, Howth Head Coast SPA, Rockabill SPA, Lambay Island SAC, Lambay Island SPA and Skerries Islands SPA), which are outside of the 15km radius of the site.

| <i>Malahide Estuary SAC (000205) c. 2.8km east of the subject site</i> | |
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| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] |
| <i>Malahide Estuary SPA (004025) c. 2.8km east of the subject site</i> | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Pintail (Anas acuta) [A054] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] |

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| | <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]</p> |
| <i>Rogerstown Estuary SAC (000208) c. 5km north east of the subject site.</i> | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. |
| <i>Qualifying Interests/Species of Conservation Interest</i> | <p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> |
| <i>Rogerstown Estuary SPA (004015) c. 6km north east of the subject site.</i> | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA |
| <i>Qualifying Interests/Species of Conservation Interest</i> | <p>Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> |

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| | Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999] |
| Rockabill to Dalkey Island SAC (003000) c. 10km east of the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Reefs [1170] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] |
| Baldoyle Bay SAC (000199) c. 10km south east of the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Mudflats and sandflats not covered by seawater at low tide [1140] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] |
| Baldoyle Bay SPA (Site Code 004016): c. 10km south east of the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA |
| <i>Qualifying Interests/Species of Conservation Interest:</i> | Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999] |
| North Bull Island SPA (004006) c. 12km south east of the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA |
| <i>Qualifying Interests/Species of Conservation Interest:</i> | Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] |

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| <i>Conservation Interest</i> | <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> |
| South Dublin Bay and River Tolka Estuary SPA (Site Code 004024): c. 13km south east the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. |
| <i>Qualifying Interests/Species of Conservation Interest</i> | <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p> |
| North Dublin Bay SAC (000206) c. 13km south east of the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected |

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| <i>Qualifying Interests/Species of Conservation Interest</i> | Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimi) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]. |
| South Dublin Bay SAC (000210) c. 15km south east of the subject site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] |
| Ireland's Eye SAC (002193) c. 15km south east of the site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] |
| Ireland's Eye SPA (004117) c. 15km south east of the site | |
| <i>Conservation Objective</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA |
| <i>Qualifying Interests/Species of Conservation Interest</i> | Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] |

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| <i>Conservation</i> | Guillemot (<i>Uria aalge</i>) [A199] |
| <i>Interest</i> | Razorbill (<i>Alca torda</i>) [A200] |

- 12.6.5. The proposed development has no potential source pathway receptor connections to any other European Sites.
- 12.6.6. I agree with the AA Screening Report and consider that only the designated area of sites within the Malahide Estuary could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.
- 12.6.7. I am also satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

12.7. ***Screening Assessment***

- 12.7.1. The Conservation Objectives and Qualifying Interests of sites of the Malahide Estuary SAC and the Malahide Estuary SPA are outlined in the table above.

12.8. ***Consideration of Impacts***

- 12.8.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 12.8.2. The subject site is located c. 55m south of the Saucertown Stream and c. 300m south of the Broadmeadow River. Surface water would flow to the Broadmeadow River via the existing drainage network and ultimately discharge to the Malahide Estuary. The habitats and species of Natura 2000 sites in the Malahide Estuary are c.2.8km downstream of the site and water quality is not a target for the maintenance of any of the QI's within the Malahide Estuary. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the Malahide Estuary. During the construction

phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the Malahide Estuary from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the Malahide Estuary (dilution factor).

- 12.8.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area and the southern portion of the site was previously used for a temporary school site. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.
- 12.8.4. The foul discharge from the proposed development would drain, via the public sewer, to the Swords WWTP for treatment and ultimately discharge to the Malahide Estuary. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Malahide Estuary due to the wastewater pathway. The subject site is identified for development through the land use policies of the Fingal County Development Plan 2017-2023. This statutory plan was adopted in 2017 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note that the Annual Environmental Report (AER) for the Swords WWTP for 2020 indicated that the discharge was fully compliant with emission limit standards. The treatment capacity is 90,000 P.E. (population equivalent). According

to the AER the remaining capacity is 11,391 P.E. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Swords WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

- 12.8.5. The proposed development includes a Stormwater Storage Tank at a separate site at the junction of Glen Ellan Road and Balheary Road. Third parties have raised concerns regarding the requirement for this infrastructure and the negative impact that any overflow would have on the designated sites in the area. The applicants Stormwater Overflow and Receiving Stream Assessment (Broadmeadow) Assimilation Simulation Evaluation Report assessed the impact of proposed tank on the Broadmeadow River and the Malahide Estuary which hosts Natura 2000 sites.
- 12.8.6. Currently during heavy rainfall events surface / storm water and foul waters discharge, uncontrolled into the River Ward, c. 200m upstream of the subject site. The Ward River flows to the Broadmeadow River and ultimately discharges to the Malahide Estuary.
- 12.8.7. The proposed storage tank would store stormwater that is currently discharged unimpeded to the Ward River. The infrastructure includes an overflow outfall pipe to the Broadmeadow River. However, this would only function when the storage tank surcharges beyond the proposed 2,250m³ capacity of the tank. It is noted that the overflowing waters from the tank would be largely surface water and that any overflow outfall from the tank would be discharging to a fast moving heavily diluted / surcharged river. The capacity of the tank was agreed with Irish Water and modelling indicates that it represents the 1 in a 5 year flood event. Therefore, the proposed storage tank would reduce the potential for contaminants, currently present, from entering the designated sites within the Malahide Estuary. The tank would discharge back to the foul water sewer by gravity once the rainfall passes and the levels of surface water in the foul network drops.
- 12.8.8. Having regard to the information submitted I am satisfied that the tank would significantly improve the capacity of the foul network and prevent the discharge of pollutant material to the Broadmeadow River, and ultimately by extension, the

Malahide Estuary during a 1 in 5 year storm event. Section 4 of the applicants Report notes that the tank would also result in significant reductions over the existing situation for the 1 in 10 year event (81% reduction), the 1 in 20 year event (72% reduction) and the 1 in 30 year event (68% reduction). While the concerns of the third parties are noted I am satisfied that the provision of this storage tank is required in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites and that the proposal would significantly improve the existing situation, where uncontrolled flooding of foul network currently occurs.

12.8.9. The Preliminary Construction Demolition and Waste Management Plan and Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.

12.8.10. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site. A Wintering Bird Survey 2021-2022 Report was submitted with the application concludes that the site is not a significant ex-situ site for foraging or roosting for species of qualifying interests of the Malahide SPA. However, it does note that of the 49 no. bird species recorded over 10 no surveys, 2 no. (Snipe and Redwing) are listed as species of conservation concern. Having regard to the information submitted which is robust and evidence based I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the characteristics of the subject site, the separation distances between the European sites and the proposed development site, the limited number of relevant qualifying interests observed in the vicinity of the works and the absence of ecological or hydrological pathway.

12.8.11. No significant flight paths related to protected birds have been identified in this area. There is no reason to believe a bird would not fly over or around the proposed structures.

12.9. ***Cumulative In-Combination Effects***

12.9.1. Section 4 of the applicants AA Screening Report indicates that there has been a combined total of 967 no. residential units, 5 no. creches and 1,537sqm of retail use have been granted planning permission in the vicinity of the proposed development

since 2013. It is noted that 647 no. residential dwellings are complete and 207 no. are under construction. I am satisfied that there will be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

12.10. ***AA Screening Conclusion***

12.10.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Malahide Estuary SAC (000205) or Malahide Estuary SPA (004025), or any European Site in view of the conservation objectives of such sites.

12.10.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

12.10.3. I note the applicant submitted a Natura Impact Statement (NIS). In deciding to prepare and submit a NIS the applicant states that the precautionary principle was being applied. I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of precaution and is unwarranted.

12.10.4. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Malahide Estuary SAC (000205) or Malahide Estuary SPA

(004025), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

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

14.0 Reasons and Considerations

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Fingal County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. 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;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;

- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

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

15.0 Recommended 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 13th day of April 2022 by Downey Planning, on behalf of Gerard Gannon Properties.

Proposed Development:

15.1. The proposed development comprises The proposed development comprises the removal of the temporary site office / site compound structures and the construction of a total of 377 no. residential units, 173 no. houses, 134 no. apartments, and 70 no. duplex units and 1 no. childcare facility in 10 no. Urban Blocks. The residential units comprise the following:

- Houses: 173 no. houses comprising 9 no. 2-bed, 147 no. 3-bed and 17 no. 4 bed semi-detached, end-terraced and mid-terraced houses ranging from 2-3 storeys in height.
- Duplex Block A: 18 no. units comprising 9 no. 1-beds, 8 no. 2-beds and 1 no. 3-bed, in a 3-storey building.
- Duplex Block B: 8 no. units comprising 4 no. 1-beds and 4 no. 2-beds, in a 3-storeys building.

- Duplex Block C: 8 no. units comprising 4 no. 1-beds and 4 no. 2-beds, in a 3-storey building.
- Duplex Block D: 20 no. units comprising 10 no. 1-beds, 9 no. 2-beds and 1 no. 3-bed, in a 3-storey building.
- Duplex Block E: 8 no. units comprising of no. 1-beds and 4 no. 2-beds, in a 3-storey building.
- Duplex Block F: 8 no. units comprising 4 no. 1-beds and 4 no. 2-beds, in a 3-storey building.
- Apartment Block A: 48 no. units comprising 18 no. 1-beds and 30 no. 2-bed units in a 4-5 storey building.
- Apartment Block B1: 32 no. units comprising of 17 no. 1-beds and 15 no. 2-beds in a 4-5 storey building.
- Apartment Block B2: 32 no. units comprising of 17 no. 1-beds and 15 no. 2-beds in a 4-5 storey building.
- Apartment Block C: 22 no. units comprising of 11 no. 1-beds and 11 no. 2-beds in a 4-5 storey building.
- 1 no. childcare facility in a 1-2 storey building, with associated outdoor play area.

15.2. The development will provide for a total of 600 no. car parking spaces and 440 no. bicycle spaces. The completion of Meadowbank Road adjoining Park Avenue. A new vehicular accesses onto Miller's Avenue. Proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting and all associated engineering and site works necessary to facilitate the development including the proposed stormwater storage tank and overflow outfall gravity sewer to the Broadmeadow River and the proposed vehicular / service access onto Balheary Road.

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.

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Fingal County Development Plan 2017-2023
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. 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;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report;

- o. Inspectors Report; and
- p. Submissions and observations received

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

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, 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, planning authority, third parties 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 associated documentation submitted by the applicant and submissions made in the course of the planning application.

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice.

- Design measures to reduce to a minimum CO2 emissions.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Cultural Heritage would be mitigated by incorporating features into the landscaping plan. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area.
- Resource and Waste Management impacts would be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan

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 not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, quantum of development, and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

16.0 **Conditions:**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 – Summary of Mitigation and Monitoring Measures shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. The proposed development shall be amended as follows: -
 - a. The section of Road 1 at the sites western boundary between Road 6 and Road 7 and to the west of public open space (Park 03) shall be omitted. The additional area shall be integrated into the public open space provision.
 - b. Apartments 01, 02, 03, 22, 23 and 24 in Apartment Block A; Apartments 01 and 02 in Apartment Block B1; Apartments 01 and 02 in Apartment Block B2; and Apartments 01, 02 and 03 in Apartment Block C shall be provided with own door access.

- c. The proposed play equipment at the pocked park between Road 1.1 and Road 1.2 shall be omitted. Prior to commencement of development details of the type and location of all play equipment proposed within the site shall be agreed in writing with the planning authority.
- d. The windows on the northern elevation of apartments 08, 09, 16, 17, 24, 25, 30 and 31 in Apartment Block B2 shall be permanently fitted with louvres or obscure glazing.
- e. The windows on the southern elevation of apartments 04, 05, 12, 13, 20, 21, 28 and 29 in Apartment Block B2 shall be permanently fitted with louvres or obscure glazing.
- f. A door shall be provide between the bedroom and the external terrace in apartment 17 in Apartment Block C.
- g. The 11 no. visitor car parking spaces proposed along the southern end of Miller's Avenue shall be omitted from the scheme.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

- 4. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

5. Prior to commencement of development details of cycle parking and associated storage for cycling equipment shall be agreed in writing with the planning authority.

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

6. All trees along Balheary Road shall be retained and maintained with the exception of the following: -
 - a. Specific trees, the removal of which is authorised in writing by the planning authority to facility the development.
 - b. Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaces with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of 12 months following the completion of the stormwater storage tank, any planting which is damaged or dies shall be replace with others of similar size and species, together with replaces planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity and biodiversity.

7. Prior to commencement of development the applicant shall submit a detailed phasing plan for the written agreement of the planning authority.

Reason: In the interest of residential amenity.

8. The proposed render finish from Apartment Blocks A, B1, B2 and C and the cladding at the top floor level of Apartment Blocks B1, B2 and C shall be permanently omitted and replaced with a suitably high quality material. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and 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 and to ensure an appropriate high standard of development.

9. Details of signage and hours of operation of the creche unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

11. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity

12. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

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

13. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. 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.

14. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

15. A minimum of 10% of all car parking spaces shall be provided with functioning 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. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

16. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel and residential amenity.

17. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

18. 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.
- d) 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.

19. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other

external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

20. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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.

21. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

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

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.

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 and surface water management

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

25. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

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

Reason: In the interest of sustainable waste management.

27. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

28. Prior to commencement of development, the developer 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.

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,

drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

30. The developer shall pay to the planning authority a financial contribution 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.

31. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of upgrading the junction of Glen Ellan Road and Balheary Road. The amount of the contribution 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 for determination. The contribution shall be

paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Elaine Power

Senior Planning Inspector

20th December 2022