



An
Bord
Pleanála

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

Inspector's Report ABP-313361-22

Strategic Housing Development

Demolition of buildings, construction of 415 no. residential units (252 no houses, 163 no. apartments) creche and associated site works.

Location

Lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. (www.broomfieldshd.ie)

Planning Authority

Fingal County Council.

Applicant

Birchwell Developments Ltd.

Prescribed Bodies

Minister for Housing, Local Government and Heritage

Irish Water

Transport Infrastructure Ireland

Irish Aviation Authority
Dublin Airport Authority

Observer(s)

1. Alison MacGrath
2. Andrew Mulvany
3. Ashwood Hall Residents Association
4. Audrey and Emmet Browne
5. Conor and Nikki Delahunty
6. Damien and Emma McMahon
7. Darren and Olivia Macken
8. David Duignan
9. David Healy
10. Fiona O'Connor and David McGee
11. Gavin McCORMack
12. Gregory Hall
13. Hazelbrook Residents Association
14. Janette and Paul Lynch
15. Kate Heneghan
16. Ken and Carol McAllister and David Linehan
17. Kevin Kerrigan
18. Lisa McKey
19. Malahide Community Forum
20. Matthew Poyser
21. Michael Maher
22. Miriam Jackson
23. Paul Collins
24. Robert and Sarah Brewer
25. Ronnie McPartland

26. Irish Rail

Date of Site Inspection

24.01.2023

Inspector

Mary MacMahon

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development is for 415 residential units and a creche. It includes an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The proposed development consists of a northern and southern site, connected by a road and the extension of two existing housing estates, under construction by the same developer.

2.0 Site Location and Description

- 2.1. The proposed development is located on the periphery of Malahide, south of Malahide Demesne and west of the Dublin-Belfast Railway line, known as Broomfield. Kinsealy village is approximately a kilometre to the south. The site is accessed from the Back Road, which connects the Malahide/Dublin Road (R107) with the road from Malahide to Portmarnock (R124), known as The Hill. The town centre of Malahide is approximately 1.1km from the site and the train station 1.4km. The nearest bus stop is circa 900 metres. South of the site is agricultural lands. The Hazelbrook Stream forms part of the southern boundary of the site. East of the railway line is the Malahide Community School and a number of sports clubs and playing pitches are located in the vicinity. There is a large tract of agricultural lands separating the northern section of the site from the southern section.
- 2.2. The site is accessed from the Back Road via Ashwood Hall estate and from Kinsealy Lane via Hazelbrook estate (this second access has been for agricultural use only). Broomfield has been recently constructed and construction is ongoing. The section of the site accessed from Ashwood Hall is the former Malahide Rugby Club. The spine road for Ashwood Hall continues to serve the Brookfield estate. There is a road connection Brookfield to Castleway estate, but there are temporary bollards preventing vehicular access. The second access to the site is from Hazelbrook. The southerly estate road currently terminates in a cul-de-sac. There is a green to the north of the road.
- 2.3. There are footpaths and a pedestrian crossing at Ashwood Hall on the Back Road. There are footpaths on Kinsealy Lane, but parts are very narrow and non-continuous.

The footpath stops after Sleepy Hollow. The recently constructed roads in the area are narrow and winding. Traffic must travel at low speeds to enable safe maneuvering.

- 2.4. The northern section of the site backs onto an ESB transformer station with a 20 metre high telecoms mast and a number of rear gardens, including 'Lermoos'. There are overhead lines running through the site. The southern section adjoins Hazelbrook estate.
- 2.5. The site generally from slopes from a north-east to south direction. There is a fall from circa 20.5 mOD to 11.5mOD across the site. There are a series of drains and ditches cutting through the site.
- 2.6. There are a number of archaeological sites (Record of Monuments and Places) in the vicinity of the site (DU012-071, DU012-033 and DU015-003001 and 002) and more in the general area.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for 415 residential units, with creche, on a site with a stated area of 12.5 ha. The developable area is stated as 11.1 ha (the remainder being the existing road infrastructure).
- 3.2. The proposed development consists of the demolition of the former rugby clubhouse on the site. The northern part of the site is accessed from an existing spur road.
- 3.3. The proposed development is set out into three character areas. The northern part of the site contains two character areas. The area nearest Back Lane provides of 218 units, of which are 83 no. houses, 131 no. apartments and 4 no. duplex units. The area to the south of this provides for 110 units, comprising of 83 no. houses and 12 no. duplex units. The proposed apartment blocks and duplex units are generally located along the railway line. The creche is to be located adjoining the duplex units, overlooking a large area of public open space.
- 3.4. The southern part of the site is accessed from Kinsaley Lane. This provides for 87 no. residential units, comprising of 71 no. of houses and 16 no. duplex units are to be constructed in this area.
- 3.5. The two parts of the site are to be connected by an existing road. The main internal road will provide for a cycling link.

3.6. The proposed housing units are a mix of detached, semi-detached, mid and end terrace units, two storeys in height. The apartment blocks are four to five storeys in height, The duplex units are three storeys in height.

3.7. The following tables summarises the development.

Table 1: Key Statistics

Site Area	12.5 hectares
No. of Houses	252 units
No. of Apartments	135 units
No. of Duplex Units	28 units
Total	415 units
Density –	37.4 units per hectare (net)
Creche (85 places)	476 m ²
Ancillary Residential Amenity Facilities	243 m ²
Site Coverage	Not stated
Open Space Provision	Public - 12% of the net site (1.35 ha).
Car Parking	721 no.
Bicycle Parking	227 no.

Table 2: Breakdown of Houses

Bedrooms	3 Bedroom	4 Bedroom	5 Bedroom	Total
Number of Units	192	48	12	252

% of Houses	76%	19%	5%	100%
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Table 3: Breakdown of Apartments

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
Apartments	0	37	93	5	135
% of Apartments	0%	27%	69%	4%	100%

Table 4: Breakdown of Duplex

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
Apartments	0	8	14	6	28
% of Apartments	0%	29%	50%	21%	100%

4.0 Planning History

- 4.1. The overall area has been subject to the *Broomfield Local Area Plan 2010* and large sections have been constructed. This area includes Ashwood Hall, Brookfield, Castleway and Hazelbrook. A neighbourhood centre was to be provided on the northern part of the plan area. The continuation of the footpath to Kinsealy village was an objective of the plan. The possibility of a bridge over the railway line to Malahide community school was to be explored.
- 4.2. **F22A/0105** – planning permission refused for a primary school on lands to the south of the northern section of the site on 27.04.2023. The primary school is intended to cater for the local population and also the local 8 classroom primary school in Kinsealy, which is currently in temporary accommodation in the former Teagasc lands. The proposed two storey, 16 classroom school was refused planning permission for two reasons. The first reason relates to the planning authority not being satisfied about the connectivity of the site, which would give rise to unsustainable travel patterns, being overly reliant on car based travel. The second reason was due to the greenbelt zoning of the site.
- 4.3. **F21A/0451** – planning permission granted for upgrades of the existing foul water storage tank to provide for a pumping station with increased storage capacity, new

sewer and rising main along Kinsealy Lane on 21.01.2022. An NIS was submitted with the application. The proposed development is designed to serve the existing Connolly Avenue Pumping Station (c.400 units) and cater for zoned lands within the surrounding area of 730 units.

- 4.4. **F20A/0507** – dwelling house granted planning permission on 17.08.2021 in the curtilage of Lermoos.
- 4.5. Site north of entrance road to the first parcel of lands - **F19A/0579** – 2 no. 288 square metre detached dwellings on 12.03.2020. **F19A/0580** and **F19A/0581** are single dwellings on either side permitted 12.03.2020. These are not shown on the site layout plan and are situated on the area enclosed by the drainage ditch and are opposite the permitted **F13A/0459** site.
- 4.6. **F13A/0459** – Phase 1 of Broomfield LAP lands – 61 dwellings. Extension of Duration (F13A/0459/E1) to 10.03.2025. The layout of the permission is shown on the overall site layout (1 of 2) drawing (PL101).
- 4.7. **F13A/0460** (PL06F.243821) – 89 dwellings - Extension of Duration (F13A/0460/E1) to 10.03.2025. This is Ashwood Hall, which is largely built out and Brookfield, where some construction is still ongoing.
- 4.8. **F11A/0386** – 76 dwellings and **F15A/0461** revisions to same. Extension of Duration **F11A/0386/E1** and **F15A/0461/E1** to 12.11.2022. This permission is for Hazelbrook and Castleway.
- 4.9. In the vicinity of the site, An SHD application for 100 residential units with access from the Back Road (**ABP 313361-22**) in the ground of Lamorlaye, has been lodged.
- 4.10. An SHD application has been lodged for 368 no. residential units at Auburn House, which is accessed from the Malahide Road/Dublin Road in proximity to Back Road (**ABP313360-22**). This is the second application on the site, which was refused permission due to the impacts of a new vehicular entrance onto the Dublin Road arising from loss of trees and detracting from the visual prominence of the existing historic entrance and other site specific reasons.

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre-application virtual consultation took place on 27th April, 2022, in respect of the construction of 458 no. residential units (242 no. houses, 156 no.

Apartments and 60 no. duplex units), creche and associated site works. 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 proposed development;
- Residential amenity and compliance with the Apartment Guidelines;
- Transportation, including DMURS issues
- Water Service Issues

5.2. In the Notice of Pre-Application Consultation Opinion dated 14th May, 2022 (ABP-308804-22) An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application for strategic housing development.

5.3. It was considered that the following specific information should be included in an application for permission: -

1. A report, including CGIs, visualisations and cross sections as necessary, which further elaborates upon the relationship of the proposed development with existing development in the area of the site, specifically within the area of the masterplan objective. Details should elaborate upon quantum of development and infrastructure within the area of the masterplan objective, including mix of units, open space, movement hierarchy, water services infrastructure and interaction of the proposed development with the adjoining street network and open space areas.
2. Further consideration and/or elaboration of the documents in relation to core strategy and the zoning of the site, with a site layout plan overlaid on the zoning map.
3. Further consideration and/or elaboration in relation to all relevant objectives and guidance set out in the development plan addressing noise, specifically relating to airport noise and public safety zones.
4. Further consideration and/or elaboration in relation to vehicular permeability through the site and connectivity with Kinsealy Lane. Particular regard should be had to the issues raised in the report of the planning authority Transportation Planning Section, report dated 1st December 2020.

5. Further consideration and elaboration of the documents as they relate to the design and layout of internal streets, specifically the design of the proposed home zones, car and bicycle parking, and positioning of footpaths relative to parking spaces.
6. Further consideration and elaboration of the documents as they relate to sunlight, daylight and overshadowing.
7. Further consideration and elaboration of the documents in relation to open space/landscaping, having regard to the report of the Parks and Green Infrastructure Division dated 1 st December 2020, including clarification of the quantum of public open space being provided, hierarchy of open space having regard to the adjoining developments, interaction with existing adjoining open space, details in relation to levels, and boundary treatment to the Greenbelt. The landscaping plan for the site should clearly set out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all.
8. Further consideration and/or elaboration of the documents as they relate to the treatment of existing trees on the site and existing treeline within Ashwood Hall to the west, to include maps and drawings providing clarity regarding trees to be removed, rationale for removal of trees and implications for protection of existing treeline given proximity of proposed dwellings.
9. Further consideration and elaboration of the documents as they relate to the risk of flooding, in addition to information relating to SUDS, having regard to the issues raised in the planning authority Water Services report, dated 1st December 2020.
10. A Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements and should include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit.
11. A Building Lifecycle Report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should be submitted. Particular regard should be had to the requirement to provide high quality and sustainable

finishes and details which seek to create a distinct character for the development.

12. Universal Access Plan
13. Social Infrastructure Capacity Assessment including Neighbourhood Centre facilities, School Demand Assessment and Childcare Assessment (including clarity in relation to number of children to be accommodated in accordance with the Childcare Facilities – Guidelines for Planning Authorities 2001).
14. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
15. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
16. Waste Management Details.
17. Site Specific Construction and Demolition Waste Management Plan.
18. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
19. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant Development Plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.4. The prescribed bodies to be contacted are:

- Minister for Housing, Local Government and Heritage
- An Taisce
- Irish Water
- Transport Infrastructure Ireland

- National Transport Authority
- Córas Iompair Éireann
- The Commission for Railway Regulation
- Iarnród Éireann
- Irish Aviation Authority
- Fingal Childcare Committee

6.0 Applicant's Response Statement

6.1. The applicant has submitted a statement in response to the An Bord Pleanála Pre-Application Consultation Opinion. For convenience, I have summarised this in a table.

Table 1: Applicant's Statement of Response the ABP PAC Opinion

Item	Issue	Response
1.	A report, including CGIs, visualisations and cross sections as necessary, which further elaborates upon the relationship of the proposed development with existing development in the area of the site, specifically within the area of the masterplan objective. Details should elaborate upon quantum of development and infrastructure within the area of the masterplan objective, including mix of units, open space, movement hierarchy, water services infrastructure and interaction of the proposed development with the adjoining	<p>CGIs and visualisations, architectural drawings and Architectural Design Statement and landscape drawings and documents have been provided.</p> <p>The Traffic and Transport Assessment describes access and movement for pedestrians, cyclists and vehicles. A DMURS statement, Quality Audit and Travel Plan has been submitted.</p> <p>Water services are outlined in the Engineering Assessment Report.</p> <p>The unit mix is varied in terms of the type of units and size of units, from one bedroom apartments to five bedroom houses.</p>

	street network and open space areas.	<p>Public open space provision of 12% of the net area and 1,073m² of Communal Open Space.</p> <p>Two access serve the proposed development. Permeability, linking open space and a street hierarchy have been provided.</p>
2	Core strategy and the zoning of the site, with a site layout plan overlaid on the zoning map.	<p>Malahide has a target of 956 units on 75.5 ha. Some 1,232 no. units have been completed. Development plan policy is to consolidate development in Malahide, maximising the efficient use of existing and proposed infrastructure. The proposed development is on 'RA' zoned lands, where housing is permitted in principle.</p>
3	Noise, specifically relating to airport noise and public safety zones.	<p>The majority of the lands are in Noise Zone C, with a small portion in Noise Zone B. The development plan requires that inappropriate development is strictly controlled and noise insulation is provided where appropriate. A noise assessment has been submitted.</p> <p>The southern portion of the site is located within the Public Safety Zone. An aviation public safety zone assessment report has been submitted. The maximum density recommended is less than 60 persons per 0.5 ha and the proposed development complies with this.</p>

4	Vehicular Permeability and connectivity with Kinsealy Lane.	A second access has been provided at the southern end of the scheme. The alignment of the road will ensure that it is used for local access only and not as a through road.
5	Design and layout of internal streets, homezones, parking (car and bicycle) and footpaths	The scheme provides for interlinked roads. Homezones have been provided to the planning authority's standards. 721 car parking spaces and 227 bike parking spaces. Footpaths have been adjusted to allow for reversing movements.
6	Sunlight, daylight and overshadowing	Daylight and sunlight report provided. Minimal impacts on existing developments expected. All the proposed units exceed the BRE recommendations. Amenity spaces will exceed the BRE recommendations. Apartment blocks have been orientated to maximise available sunlight.
7	Details of open space and landscaping, including quanta, existing open space adjoining, levels and boundary treatments.	Ten areas of open space provided and the size of the areas are detailed. The landscape strategy integrates with existing features. Informal and formal play areas provided. Biodiversity has been considered and suitable public lighting provided. In addition to the 1.35 ha of open space, a green route/cycleway of 0.55 ha has been provided. Ashwood Hall Open space was developed with the intention to cater for this development. The site is proximate to Malahide Demesne.

8	Existing trees and treelines	Tree impacts and tree protection has been assessed in the arboricultural pack. 46 individual trees and 17 groups of trees/hedgerow will be removed or partially removed. Most of the trees to be removed are Category 'C' trees. New tree planting will mitigate this loss.
9	Flooding, SUDS	Site specific flood risk assessment provided. The Engineering Assessment Report deals with SUDS. Attenuation calculations have been revised. Open swales on the perimeter of open space provide above ground treatment and slow run-off. Underground attenuation tanks have been agreed with the planning authority.
10	Housing Quality Assessment	Provided.
11	Building Lifecycle Report	Provided.
12	Universal Access Plan	Provided.
13	Social Infrastructure Capacity Assessment, including for shops, school and childcare places	There are enough places for school and childcare places in the area. A creche catering for 86 children forms part of the proposed development. There are 5,310 primary school places and 2,360 school places. Demand for primary school places are due to fall. The proposed development will add 67 places to a likely demand of 1,648 pupils, which is well below the current enrolment figures. The area has many indoor and outdoor recreation facilities.

		Malahide town centre is proximate to the scheme for shopping facilities.
14	Materials and finishes	The Architect's Design Statement provides information on this. Brick is the main material.
15	Taking in Charge drawing	Provided.
16	Waste management	An Operational Waste Management Plan has been provided. A Swept Path Analysis shows that refuse trucks can manouver.
17	Site specific construction and demolition waste plan	This has been provided.
18	Screening for EIA and Statement in relation to other EU Directives	Not required as an EIAR has been submitted, as a mandatory EIA is required due to the size of the site.
19	Material Contravention Statement	Provided

7.0 Relevant Planning Policy

7.1. *National Planning Framework (2018)*

7.1.1. The *National Planning Framework* is the national plan that sets out the strategic path to growth and development in Ireland until 2040.

7.1.2. Relevant Policy Objectives include:

- **National Policy Objective 3(a):** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **National Policy Objective 3(b):** To deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway, and Waterford, within their existing built-up footprints.

- **National Policy Objective 3(c):** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- **National Policy Objective 4:** To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- **National Policy Objective 11:** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns, and villages, subject to development meeting appropriate planning standards and achieving targeted growth
- **National Policy Objective 27:** Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- **National Policy Objective 28:** Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.
- **National Policy Objective 32:** To target the delivery of 550,000 additional households to 2040.
- **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...
- **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.
- **National Policy Objective 64:** Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.

7.2. Housing for All (2021)

- 7.2.1. This national plan aims to provide for 33,000 homes until 2030. The new housing is to be affordable, located appropriately, compliant with building standards and support climate action. Tenure is to include affordable, social, private rental and private ownership. Increasing housing supply is the most relevant to this application.
- 7.2.2. An adequate supply of zoned and serviced land, which is to be developed at appropriate density is critical. Sanctions are to be imposed on inactive lands that are zoned for residential development.

Climate Action Plan (2023)

- 7.2.3. Spatial and land use planning is crucial to enable transport systems that support a net-zero approach. Land use planning is to reduce or avoid the need for travel. Parking constraint measures are to be increased. Planning authorities should not require specific minimum levels of car parking, save for disabled parking. 'On demand' shared mobility services are to be encouraged.

7.3. Section 28 Ministerial Guidelines

7.3.1. 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 Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.
- Urban Design Manual, A Best Practice, 2009.
- Design Manual for Urban Roads and Streets, 2019.
- The Sustainable Urban Housing: Design Standards for New Apartments, 2020.
- The Planning System and Flood Risk Management Guidelines, 2008.
- Regulation of Commercial Institutional Investment in Housing Guidelines, 2021.
- Childcare Guidelines for Planning Authorities, 2001.

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009

7.3.2. This sets out minimum densities for sites, which is the 35-50 units per hectare on Outer Suburban / 'Greenfield' Sites. It also sets out 12 Criteria for Best Practice Design.

Circular Letter: NRUP 02/2021 - Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

7.3.3. This circular states that:

"The NPF also acknowledges that there is a need for more proportionate and tailored approaches to residential development. This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village".

7.3.4. It advises that discretion may be applied in the assessment of residential density at the periphery of larger towns, with net residential densities below 35 dwellings per hectare and that minimum densities should not be equated with 35 dwellings per hectare in all contexts and may be lower.

7.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2031 (2020)**

7.4.1. The following Regional Policy Objectives are noted in particular:

- **RPO 3.2:** Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- **REP 4.83:** Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

7.5. **Best Practice Guidelines for the preparation of resource & waste management plans for construction and demolition projections – EPA – 2021**

7.5.1. This recommends that a Resource and Waste Management Plan (RWMP) is prepared for development projects during their construction and where appropriate, deconstruction stage. The purpose is to prevent waste, reuse materials, reduce waste and better manage C&D wastes which cannot be prevented. Strategic Housing Developments are categorised as Tier 2 – larger scale projects. The guidelines set out a recommended structure for the RWMP.

7.6. **Fingal Development Plan 2017-2023 (including for Variation No.s 1 and 2)**

7.6.1. The site is zoned as “RA” Residential Area. The objective of this land use zoning is to:
“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.”

The vision for the objective is:

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

7.6.2. Residential use, childcare facilities and recreational facilities are permitted in principle in this zoning.

7.6.3. The site is located within the Broomfield Masterplan area, which is delineated on Map 9 of the development plan. The development plan objective is indicated as MP 9B (the

Streamstown area being MP 9A). Objective PM14 states that masterplans for areas designated on Development Plan maps will be prepared in co-operation with relevant stakeholders, and that the council will actively secure the implementation of these plans and the achievement of the specific objectives indicated.

- 7.6.4. Masterplans are to provide proposals in relation to the overall design of the site, including house types, mix of housing units, maximum heights, external finishes of structures and the general appearance and design of the masterplan area, including that of the public realm and how these will integrate with the surrounding area. Transport, road network, traffic management, provision of services, including utilities will be provided. Complementary provision of amenities, including creches, community reports and public access to amenity areas is necessary. Objective Malahide 11 seeks to prepare and implement the masterplans for the Malahide area.
- 7.6.5. In 2019, the development plan was varied to take account of the National Planning Framework and the Regional Spatial and Economic Strategy. The core strategy was updated, among other changes. Malahide is located in the Metropolitan Area. It is a self-sustaining town. The variation on page 15 states that:
- “Housing delivery is been provided at a steady pace on local area plan lands. Development on remaining lands is required to be undertaken by a masterplanning process. Having regard to the limited area of land remaining, a 5% population figure is considered acceptable,*
- 7.6.6. Malahide has a remaining capacity of 75.5 ha and the remaining residential units is 1,116 units.
- 7.6.7. Strategic settlement objectives include SS06:
- “Identify and support the provision of key enabling infrastructure at strategic sites in Fingal County to facilitate their release for development in response to the current housing crisis.”*
- 7.6.8. Page 32 states:
- “As a Self-Sustaining Town, Malahide has an important role within the Metropolitan Area and should continue to develop as a self-sustaining centre through the provision of a range of facilities to support the existing and new populations. Population growth in self-sustaining towns shall be at a rate that seeks to achieve a balancing effect and*

shall be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision.”

- 7.6.9. Other relevant policies include Variation No. 1, concerning to Aircraft Noise Zones. The northern section of the site is located in Noise Zone C. This requires applicants to demonstrate the following:

“To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure, where appropriate, noise insulation is incorporated within the development Noise sensitive development in this zone is less suitable from a noise perspective than in Zone D. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed.”

- 7.6.10. The southern section of the site is located in Noise Zone B. The objective for this zone is:

“To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure noise insulation is incorporated within the development.

Noise sensitive development in this zone is less suitable from a noise perspective than in Zone C. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed. Appropriate well-designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines. An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the developments design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels.”

- 7.6.11. In relation to the Public Safety Zone, the site is located in Outer Public Safety Zone. The development plan states on Page 265:

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

Objective DA14 Review Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.

Objective DA15 Take into account relevant publications issued by the Irish Aviation Authority in respect of the operations of and development in and around Dublin Airport.

Objective DA16 Continue to take account of the advice of the Irish Aviation Authority with regard to the effects of any development proposals on the safety of aircraft or the safe and efficient navigation thereof

7.6.12. General relevant development policies include:

Objective SS01: Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the core to towns and villages, as advocated by national and regional planning guidance.

Objective SS02: Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

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

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

Objective DMS171: Ensure that no development, including clearance and storage of materials, takes place within 10m-15m as a minimum, measured from each bank of any river, stream or watercourse.

7.7. ***Draft Fingal Development Plan 2023-2029***

7.7.1. For information purposes, the land use zoning is unchanged but the requirement for the masterplan has been removed. At the Material Amendments Stage, there is a proposed amendment to located a new primary school on the greenbelt lands where the application was made for permission for the school (PA SH9.2)., subject to the provision of adequate access. PA SH9.12 also seeks to provide a primary school, on the northern section of the site. PA SH 9.4 is to change the zoning of the site where there is an extant permission (F13A/0459/E) for residential development from “RA” to Local Centre at Broomfield.

7.7.2. Objective 41 is to provide a walkway and cycleway across the rail line to Malahide Community School.

7.8. ***Applicants Statement of Consistency***

7.8.1. This sets out how the proposed development is consistent with national, regional and local planning policy. It states that the proposed development will provided for a sustainable residential development, on appropriately zoned lands, in an area served by high quality physical and social infrastructure with recreational facilities.

7.8.2. The Design Criteria for Urban Development and how the proposed development responds are described in the Architects Design Statement.

7.8.3. The density of the proposed development is appropriate for this outer suburban site, being within 35-50 dwellings per hectare. It Is also considered an Intermediate Urban Area, as the closest part of the site is approximately 1 km from the town centre and DART station.

7.8.4. In relation to building height, the apartment blocks are located close to the railway line on the eastern part of the northern section of the site. These range in height from 4 to 5 storeys. Having regard to the *Urban Development and Building Height Guidelines*, this is appropriate. The guidelines state:

“newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net’.

7.8.5. In relation to the varied settlement strategy, the statement states that Malahide is a ‘Self Sustaining Town’ and the proposed development will achieve the consolidation

and densification of the area, maximising the return on established physical and social infrastructure.

- 7.8.6. **Objective ED85** seeks to: *“Ensure that settlements and locations within the Metropolitan Area pursue development policies of consolidation, and maximise their economic strengths and competitive advantages such as tourism and marine sectoral activities in Malahide and Howth, while the lands within the southern part of the County maximise their economic potential through the strong functional linkages to the M50.”*
- 7.8.7. This location is close to Malahide, it provides a focal point and the creche and main open space for the proposed development.
- 7.8.8. The southern section of the site is less dense, reflecting its location in the Outer Public Safety Zone for the airport.
- 7.8.9. Car parking for the proposed houses is consistent with development plan standards. Bicycle parking is consistent for the proposed development.
- 7.8.10. The proposed development is consistent with noise policy and public safety zones.
- 7.8.11. The proposed development complies with the Development Management Standards as set out in the *Fingal Development Plan, 2017-2023*.

7.9. Applicant's Statement of Material Contravention

- 7.9.1. Downey Chartered Town Planners has identified seven items where material contravention could arise. These relate to development in the Dublin Airport Noise and Public Safety Zones, public open space and SUDS; playground facilities, tree preservation, car parking provision, preparation of a masterplan and settlement strategy.
- 7.9.2. In relation to noise and public safety zones, the document states proposed development complies with policy and appropriate mitigation measures have been undertaken, in the light of a noise report and lower residential densities in the south of the site.
- 7.9.3. In relation to public open space, the proposed development provides for 12% of the developable area. This exceeds the minimum 10% requirement in the development plan, as set out in **Objective DMS57A**. This figure does not include for the additional green route, which would constitute 5,425 square metres, nor for the additional overprovision of public open space at Ashwood Hall. However, Objective DMS73 only allows for 10% of public open space to have SUDS measures within it. The proposed

development is reliant on underground tanks. The tanks equate to 2,145.4 square metres or 15.8% of the public open space provision.

- 7.9.4. The provision of SUDS measures is compatible with government and development plan policy, which requires the integration of measures to improve the quality of and slow down the speed of water flowing on the site.
- 7.9.5. In relation to playground facilities, **Objective DMS75** requires 4 square metres of playground facilities per residential unit in excess of 50 units. The proposed development provides 210 square metres of play area with formal equipment, 800 square metres of informal play areas and 2,000 kickabout space. This allows for different age groups to benefit from different types of spaces for different kinds of play. The total equates to 7.2 square metres of play area per unit. No material contravention of the development plan is expected as a result, but the design team is being cautious.
- 7.9.6. The removal of trees and hedging could materially contravene **Objective DMS77**, which seeks to protect, preserve and ensure the effective management of trees and groups of trees. However the majority of trees are low value and will be replaced by better quality trees. The main boundary trees are being retained and the remaining trees and hedgerows will be protected during construction.
- 7.9.7. The overall car parking provision may be considered to be less than set out in the development plan (**Table 12.8**) for the apartments (1.25 spaces per apartment, which is less than 1.5 spaces for two bedrooms or 2 spaces for three bedroom).
- 7.9.8. National policy requires the reduction of car parking spaces where public transport is available.
- 7.9.9. **Objective PM14** seeks to prepare masterplans for designated areas and **Objective Malahide 11** seeks to have a masterplan prepared for the Broomfield area. It has not been prepared and at this point in time, seems superfluous given the scale of development permitted in the area. The application will see the completion of the remaining areas. **Objective SS02A** notes that where lands are substantially developed will permission for lands without a framework, be granted. A masterplan is not a statutory plan and these lands were subject to the Broomfield LAP under the previous development plan. The proposed development is in effect, the masterplan.
- 7.9.10. The planning authority has already granted planning permission on lands within the designated masterplan area prior to it being prepared.

7.10. **Objective SS02** requires that proposals for residential development accord with the settlement strategy and are consistent with the hierarchy of settlement centres. Variation No.2 provides for 956 no. housing units in Malahide over the plan period. A possible material contravention may arise as some 646 no units have been permitted in Malahide up to 2023. The remaining capacity is 310 no units and the proposed development is for 415 no. units. However, the actual delivery of units (the activation rate) in Fingal is less than 100% (an average of 60% over 2017-2020). If the permissions granted in Malahide follow a similar pattern, then only 387 units might be constructed, leaving adequate capacity for the proposed development.

7.11. Furthermore, if the town of Donabate is included, then 4,488 no. residential units have to be provided, then there is a significant under delivery of units.

7.12. The site is located in an accessible area for public transport. It will complete construction in this area. The need to increase in housing supply is the main driver of government policy. These lands are zoned and are located within the built-up envelope, where 40% of housing is directed to be located. To refuse permission, would be contrary to the *National Planning Framework* and *Housing For All*.

8.0 Third Party Observations

- 8.1. Twenty-six submissions were received. A large number of these are from residents living in Hazelbrook estate. These are summarised below.
- 8.2. Of the 1,114 dwellings proposed for Malahide, approximately 50% are being located on Back Road. The area cannot cope with the level of traffic the proposed developments will generate.
- 8.3. The residential zoning for the site is caveated by the provision of necessary social and physical infrastructure. That infrastructure is not in place and so residential development should not proceed in its absence. More than 50% of the housing envisaged in the Broomfield LAP has been completed but there is no neighbourhood facility or bus terminus.
- 8.4. The proposed development is car dominated and will give rise to unsustainable travel patterns. The proposed school was refused permission for a similar reason. expects infrastructure to be in place. The nearest bus stop is a 20-25 minute walk. There are

no cycle routes. From Hazelwood, the Dart is a 30-35 minute walk. A bridge over the railway line is necessary for connectivity.

- 8.5. The density of the proposed development at 37.4 units per hectare is nearly double the density envisaged in the Broomhill Local Area Plan of 20 units per hectare. The height of the apartment blocks is out of character for the area.
- 8.6. There is a serious shortage of school places at primary and secondary in Malahide. The new development that has taken place in this part of Malahide are not part of the catchments for existing schools.
- 8.7. The traffic surveys were undertaken during the Covid Pandemic.
- 8.8. The proposed access from Hazelbrook was only mooted after the Tripartite meeting. Access to the site is shown as restricted in the Broomfield LAP. When Hazelbrook was permitted, only an agricultural access was to provided to the site. The road alignment in Hazelbrook is not suitable for a high volume of traffic, given its sharp bends. Children will not be able to use the green safely.
- 8.9. The entrance to Ashwood Hall cannot accommodate the current volumes of traffic or the large construction vehicles.
- 8.10. The relocation of the overhead ESB lines will devalue property.
- 8.11. Flooding from the Hazelbrook Stream.
- 8.12. The area is frequented by wetland and coastal birds, which would be disturbed by the proposed development.
- 8.13. Nuisance from construction, including noise, dirt, service interruptions and construction traffic.
- 8.14. Overlooking, light spill, and impact on the security of the existing dwellings to the north of the site on Back Road, where their properties adjoin a road.
- 8.15. Request for access to the sewer network.

9.0 Prescribed Bodies

- 9.1. Paragraph 5.4 provides the list of prescribed bodies, which the applicant was required to notify prior to making the SHD application issued with the Section 6(7) Opinion. The applicant notified the relevant prescribed bodies. The letters were sent on 19th April,

2022. Six prescribed bodies made submissions. A summary of the comments received are summarised below:

- 9.1.1. **Irish Water:** Confirms that upgrades to water supply are required to connection. The upgrades needed relate to replacement and upsizing of existing pipes (665 metres on the Back Road) and replacement of 170 metres of piping in Ashwood Hall Lane.
- 9.1.2. In respect of wastewater, a new Kinsealy Lane pumping station is required. This will be provided by the applicant. Conditions are requested to be attached to a grant of planning permission.
- 9.1.3. **Transport Infrastructure Ireland:** Confirms that no observations are made.
- 9.1.4. **Irish Rail:** There is limited information in relation to the boundary wall and track, to allow Comparison with Irish Rail records, to ensure that the boundary is accurate. The design of the DART+ Coastal Project is underway. These works will improve capacity and there is the potential that modifications will arise from this scheme. The planning drawings make no reference as to how the proposed development might affect ground levels and the drainage regime beside the site. A detailed submission is required in relation to topography. Historical drainage channels need to be maintained, particularly in relation to the cutting and its supporting structures. A 2.4 metre high wall is required. No additional surface water is to enter the tracks – as appears to be shown in the flooding report. No building should be constructed within 4 metres of the track. Services must be part of a wayleave agreement. The railway works on a 24 hour basis including maintenance and a noise report to inform acoustic design is recommended and that the necessary mitigation measures are implemented.
- 9.1.5. **Dublin Airport Authority:** The site is located in Noise Zone C and appropriate noise attenuation is required. An appropriate condition should be attached.
- 9.1.6. **Irish Aviation Authority:** The site is located within the public safety zone at Dublin Airport. Crane notification is required, in the event of a grant of permission.
- 9.1.7. **Department of Housing, Local Government and Heritage:** The presence of subsurface archaeological remains (a pit, a hearth/burnt pit and two possible enclosure ditches) and potential for more are noted. Archaeological testing in advance and monitoring of ground works is required for parts of the site. Conditions are recommended. Recommendations in relation to the mitigation measures in the NIS, tree felling and bats are also made.

- 9.1.8. No submission was received from **Inland Fisheries Ireland, Fingal County Childcare Committee** or **National Transport Authority** .
- 9.1.9. The **Department of Housing, Local Government and Heritage (DAU)**, having reviewed the archaeological component of the Cultural Heritage Impact Assessment by Moore Group, requests that conditions be attached to any grant of planning permission. The conditions relate to pre-development testing and monitoring. In relation to nature conservation, requests that the removal of hedgerow be undertaken outside the main bird nesting breeding season from March to August. Any finalised lighting scheme should be assessed by a bat specialist, to limit light spill pollution and the said specialist shall confirm to the planning authority that the lighting scheme has been implemented, when completed. Sample conditions are included.

10.0 Planning Authority Submission

- 10.1. The planning authority considers that the proposed development is generally consistent with national policy and relevant guidelines save for matters raised in the submission. The planning authority supports the principle of the proposed development, some aspects require further consideration.
- 10.2. The Elected Members considered the proposed development on 04.05.2022. Issue raised included:
- There were concerns about additional works to Kinsealy Lane.
 - A bridge is needed across the railway line.
 - The layout is very car dominated, but recognition that the site is not readily accessible to public transport.
 - Play spaces for 4 to 9 year olds required.
 - Creche and housing welcome.
 - Concern about Dublin Airport Noise Zone and Outer Public Safety Zone.
- 10.2.1. Two motions were passed relating to the need for a bridge over the railway line and that car parking be concentrated at the entrance to the site and the quantum of car parking revised downwards.

- 10.3. In relation to the submissions received from the prescribed bodies, recommendations regarding the attachment of conditions are made. The Iarnród Éireann submission on ownership boundaries is noted.
- 10.4. Observations were considered. Third parties believe that the scale and density is significantly in excess of the *Broomfield Local Area Plan*. They consider that there is a deficiency in social infrastructure, poor public transport and no cycle network in the area. Connectivity is poor. Access arrangements are problematic. There are environmental issues in relation to the proposed development. The planning authority concurs with the Observers that an additional school premises is required to serve the area.
- 10.5. The density is within the lower ends of the acceptable norm for greenfield sites (35-50 units per hectare) at 37.4, this reflects the overall low density character of the area and the restrictions on the site in relation to the Outer Public Safety Zone of the airport.
- 10.6. The layout is a natural extension to Ashwood Hall and Brookfield. The southern section of the site is considered to be lacking in a central open space, dominated by underground tanks and inadequate separation from Hazelbrook Stream. There is a high quality cycle and pedestrian network, which links into the adjoining lands, but it is considered that there is a deficit of active travel infrastructure. This could be addressed by a new pedestrian cycle infrastructure to tie the adjoining lands to the north and west of Ashwood Hall to the potential school location, allowing for safe connectivity at the pedestrian signal junction on Back Road and across the potential pedestrian bridge over the railway line.
- 10.7. The design approach to the proposed dwellings is consistent with that of adjoining developments. The height of Blocks A and B is considered acceptable, but the width is considered monolithic when viewed from the railway line and the blank walls of the development when viewed from the internal podium (Drawing no. PL207) is of concern. A graduation in heights is proposed. The creche adds significant scale to Block D. This could be a standalone unit or relocated to the main entrance.
- 10.8. Blocks E and F in the southern section of the site has a staggered ridgeline due to level changes. It is recommended that the level change is dealt with by way of excavation. The roof treatment is inconsistent between the front and side elevations – the front being hipped and side being gabled. Hipped is recommended.

- 10.9. In relation to materials, less use of zinc is suggested on the upper floor of the apartment blocks. White render on the creche should be reconsidered. House 101 should use a brick more consistent with the immediate house on Ashwood Hall. A condition for the agreement of materials should be applied.
- 10.10. The unit mix is considered acceptable.
- 10.11. A Housing Quality Assessment describes the residential amenity of the proposed units. All houses meet the requirements of Quality Housing for Sustainable Communities, 2007 and the apartments and duplexes meet the requirements of the Sustainable Urban Housing: Design Standards for New Apartments. 50.3% of units have a floor area 10% greater than the minimum requirements in Blocks A, B and C. The information has not been included for the duplex units. The percentage of dual aspects apartments is 53%. However, Blocks A and B have been designed around a podium to facilitate car parking and this gives rise the ground floor apartments being single aspects with private open spaces on the street. The Average Daylight Factor suggests that all units meet the 2% requirement.
- 10.12. Communal open space to Blocks E and F are considered residual rather than usable quality.
- 10.13. The garden of House Type B, which is a semi-detached dwelling with House Type A, is considered restricted in depth and would be overshadowed by a gable, which might also be overbearing.
- 10.14. At first floor level, House Type A and B have no windows in the rear elevation, however plans indicate that there is a window in the bedroom. It is recommended that the semi-detach units should both consist of House Type A.
- 10.15. Houses No. 25, 43 and 69 adjoin the cycle link and have an access onto it. The planning authority do not consider that there is sufficient buffer.
- 10.16. Noise for units along the rail line seems to have been mitigated, but An Bord Pleanála should confirm that this is adequate. The creche is of substantial stage and should be detached rather than adjoining the duplex units.
- 10.17. The public open space area, based on an occupancy level in the development plan, equates to 2.87 ha. Some 10% of the site has been provided (1,110 square metres), resulting in a shortfall of 2.76 ha. Much of the open space is not per the standards set

out in the development plan and included back-land, incidental areas, riparian corridors and contain underground tanks.

- 10.18. The findings and recommendations of the Tree Report, which requires the removal of circa one third of the trees and hedging on site, are accepted.
- 10.19. The proposed development is short of play equipment – 28 play items are required and 14 have been provided. The minimum play provision is 1,080 square metres.
- 10.20. An Ecological Clerk of Works is recommended.
- 10.21. There is a deficit of car parking spaces – 763 no. spaces are required and 721 no. spaces are provided. The deficit is considered acceptable. Car parking for the creche is undersized – 8 to 10 spaces are required.
- 10.22. Bicycle spaces should be increased, in line with National Guidelines.
- 10.23. The layout is acceptable from a transport perspective, save for some concerns in relation to homezones. More than one access to the development is required. Traffic calming measures will prevent rat running through the estate. The Swept Path Analysis identifies tight turning areas on Road 1 and turning head of Road 3.1. Additional space can be conditioned. A junction upgrade at the junction of Back Road and Hill will be required and this can be conditioned.
- 10.24. The planning authority concurs with the approach to archaeology and the townland boundary of preservation by record.
- 10.25. The foul sewer upgrade necessary for the development has been granted planning permission. It will take the foul catchment area out of the Malahide Wastewater Treatment Plant and into the Ringsend Wastewater Treatment Plant. This is acceptable. Water supply is also considered acceptable.
- 10.26. Surface water proposals are reliant on underground tanks and green roofs in the main. These only provide water quantity and quality features and do not provide for measures that incorporate biodiversity and amenity aspects. This could be resolved by way of condition.
- 10.27. The public open space areas are not suitable for taking in charge for maintenance purposes by the council.
- 10.28. The Flood Risk Assessment is considered acceptable.
- 10.29. The board is the competent authority for EIAR and NIS.

- 10.30. The Part V proposal concentrates the housing element of the Part V in one terrace. This should be more widely dispersed.
- 10.31. The proposed development, subject to amendment by way of condition, is considered acceptable, as it would comply with the zoning objective, the pattern of existing and permitted development in the area, meets relevant Section 28 Guidelines, would not seriously injure the residential or visual amenities of the area and would aid in the development of a new character and would be acceptable in terms of traffic safety and pedestrian permeability.
- 10.32. Conditions include amending design, a financial contribution is sought for the shortfall in public open spaces and that a management company is set up to manage the open space in the proposed development. The junction of the Back Road and The Hill shall be upgraded prior to the occupation of the proposed development.

11.0 Assessment

11.1. The main issues in this application in my opinion are as follows:

- Zoning and Masterplan
- Material contravention of the settlement strategy
- The layout, design and height of the proposed development
- Unit mix
- Residential amenities
- Traffic impacts and the suitability of the road network
- Parking, cycling and public transport
- Surface water and flooding
- Water Supply and Foul Network
- Landscaping, Ecology and Biodiversity
- Architectural and cultural heritage
- Construction / Waste
- Operational Matters

- Local facilities
- Part V
- Material Contraventions

Zoning and Masterplan

- 11.1.1. The proposed development is for residential use, including gym and creche. I am satisfied that the proposed development is acceptable in principle in the land use zoning of 'RA' – Residential Area, the objective of which is to provide for new residential communities subject to the provision of the necessary social and physical infrastructure. I am satisfied that the proposed development is wholly located within the Broomfield Masterplan Area and does not intrude on lands zoned for greenbelt uses. The Broomfield Masterplan Area is delineated on the Map 9 Zoning Objectives of the development plan. This is reflected on Drawing PL113 – Zoning Objectives Overlay Site Layout Plan.
- 11.1.2. There is an objective in the development plan for the planning authority to prepare and implement the Broomfield Masterplan for the site. This masterplan has not been initiated by the planning authority. Instead, the applicant's design team has prepared this planning application.
- 11.1.3. I am satisfied that the documents put forward by the applicant addresses the issues that the masterplan policy has identified for inclusion in the masterplan. These documents relate to the overall design of the site, including house types, mix of housing units, maximum heights, external finishes of structures and the general appearance and design of the masterplan area, including that of the public realm and how these will integrate with the surrounding area. Transport, road network, traffic management, provision of services, including utilities will be provided. Complementary provision of amenities, including creches, community reports and public access to amenity areas must be provided. I am also satisfied that the planning authority actively engaged in the Pre-planning consultation process and directed the applicant so the above matters are addressed. The main issue is the absence of public participation in terms of the issues to be addressed in the masterplan and whether the proposed development is a suitable form of development. This latter element has been somewhat compensated for in the statutory time available for third party comment.

- 11.1.4. Does a material contravention of an objective of the development plan occur if a planning application is lodged in the absence of a masterplan? I would consider that material contravention does arise. However, I note that this matter is addressed in the Material Contravention Statement prepared by Downey Planning, the existence of which has been referred to in the public notice. Objective SS02A of the development plan states that where lands are substantially development without a framework, permission may be granted. While the masterplan lands have not been substantially developed at this point in time, development has occurred on the wider lands which were subject to the Broomfield Local Area Plan (2010) which covered 30.7 ha, including the subject site. Of more relevance, in my opinion, are the national policy framework, in particular, '*Housing for All*'. It requires that an adequate supply of zoned and serviced land is needed to provide for 33,000 residential units per annum for the next 10 years. Sanctions are to be imposed on inactive residentially zoned lands. I am satisfied that this *imprimatur* would allow the Board to decide to materially contravene the development plan under Section 9 (6) (c) of the Planning and Development (Housing) and Residential Tenancies Act 2016, where permission can be granted for a proposed development where it materially contravenes a development plan if the proposed development is consistent with relevant policy of the government and the minister (Section 37 (2) (b)(iii) of the 2000 Act, as amended). This national policy postdates the development plan and the variations to the development plan.
- 11.1.5. Does the masterplan objective form part of the zoning of the site? Under Section 6 (b) of the 2016 Act, the Board is precluded from granting planning permission where there is a material contravention of the zoning of the site. There is no material contravention in relation to the uses proposed and these are permitted in principle. In this case, having regard to Objective SS20A, which recognises that planning permission can be granted even when framework plans have not been brought forward, it is evident that the planning authority does not consider the absence of a masterplan to be a material contravention of the zoning of the development plan and provides for development to come forward in its absence. Therefore, I would consider that the absence of a masterplan for Broomfield is not a material contravention of the zoning, in particular, having regard to the conflicting objectives in the development plan, which allows an application to be brought forward in advance of the masterplan being prepared.

Material Contravention of the Settlement Strategy

- 11.2. In the development plan, there is an objective (SS02), that all residential development proposals accord and are consistent with the hierarchy of settlement strategy. The allocation of residential units is 956 units, after variation No. 2 was adopted. The applicant's design team point out the potential, if all planning applications were granted in the area, that the proposed development would exceed this capacity by 105 units – circa 11%. Would this excess (circa 11%) materially contravene the development plan objective?
- 11.2.1. The applicant's design team notes that a grant of planning permission does not necessarily imply that the proposed development will actually be delivered. They point to the completion rates of dwellings in the county of Fingal, which over four years from 2017 to 2020, the activation rate was circa 60%. If such a rate was applied to Malahide, only 387 units would be delivered and there would be significant capacity for more units. I note that the government is clearly concerned about the non-delivery of residential units and has brought in the Residential Land Zone Tax, to financially penalise residential land that is not developed. Objective SS02, which limits the amount of residential development to be brought forward on residentially zoned land, would be contrary to government policy of requiring zoned residential lands be developed. I am satisfied that the Board may consider a grant of permission on the basis of conflicting development plan policy and national policy.
- 11.2.2. The development plan is silent in relation to the realistic delivery of residential units over time. It merely states a figure of units allocated to a settlement. To assume that these figures needed to be increased by 40% to enable the appropriate level of housing consistent with housing demand as set out in the allocation is not appropriate under this iteration of the development plan (notwithstanding the evidential basis submitted). However, the excess of housing that a grant of permission would give rise to is circa 11%. Even if every application is granted planning permission, I would not consider that the 11% would be a material contravention of the development plan. It may be a contravention, but it is not material and may not arise, if any application is refused. I therefore consider that material contravention of the settlement strategy does not arise. I note that the planning authority did not consider that a material contravention of this policy arises either.

- 11.2.3. The applicant's design team has identified other potential material contravention of policies. I will consider these matters later – however, I do not consider these matters as fundamental to the proposed development as the issues of the masterplan and settlement policy.

Design, layout and height of the proposed development

- 11.3. The proposed development consists of a northern and southern section, connected in part by an existing road. The proposed development forms eastern extensions to lands already developed for housing. The northern section is closer to Malahide Town Centre, the DART Station and bus stops. It is also closer to the railway line. The southern section is further from public transport and is located in the public safety zone of Dublin Airport. I would expect that the approach taken to the design of the two sections of the site to be different, given the different circumstances that apply.
- 11.3.1. In the northern section of the site, there are 328 no. residential units - 135 no. apartments, 12 no. duplexes and 181 no. houses, approximately 80% of the proposed residential units. The creche is also located here. The layout provides a parallel spine road to the main spine road in the Ashwood Hall and splits the site into two halves. Vehicular/pedestrian and cycle access to the Ashwood Hall Road is provided at three locations and a fourth access provided for pedestrian and cycle access only.
- 11.3.2. A central hedgerow is to be retained, so the proposed open space on the western half is located to protect the hedgerow, close to the southern boundary. This area of open space (Area 4) connects into the Ashwood Hall open space, so a green ring of public open space is created. An attenuation tank is located here. There is another area of public open space in the northern part of the site (Area 1), which Apartment Block C overlooks. Area 2 of open space is south of Apartment Blocks A and B and where the creche and Duplex Block D is located. The location of the creche is quite internal in the layout of the proposed development. While it has the benefit of overlooking the open space, it requires anyone driving to the creche to come deep into the scheme and then drive out. The creche is not in a very visible location and it is distant from the future neighbourhood centre, making linked journeys more difficult. It is also distant from the site where planning permission was refused for a primary school. I am not convinced that this location is optimal for future users.

- 11.3.3. The northern most part of the site backs onto 'Lermoos' and it separated from the housing by a public road. The **Observers** are not satisfied that their rear boundary would be exposed and only a 1.2 metre high boundary fence is proposed here. They are also concerned about overlooking. This will be addressed later on in this report. Proposed dwellings no.s 01 and 02 will face onto the ESB Substation, separated from it by a strip of open space and pedestrian footpath. Car parking is generally in curtilage, save for the most northerly dwellings, where the car parking is provided on the two roads to the side of the units.
- 11.3.4. Apartment Block C is 4 storeys in height and consists of 25 no. apartments. Car parking is located on the street. Communal open space for the units is located to the north of the block. A cyclepath and footpath runs the length of the eastern boundary with the railway line, with a landscape buffer between. The buffer varies in width from approximately 6 to 10 metres deep. This is described a green route. The gable elevations of the dwellings siding onto the green route have been designed to facilitate surveillance of this area.
- 11.3.5. Apartment Block B faces the railway line and is 5 storeys in height. It consists of 56 no. units. Apartment Block A is east of Apartment Block B. It is also 5 storeys. It consists of 54 no. units, a concierge space and a gym. The blocks form a perimeter around the communal open space, which is circa 28 metres wide. Car parking is available on the street but undercroft parking (90 spaces) sits under the podium between Blocks A and B. Duplex Block D is south facing and the communal open space associated with it is east of the Block. It encloses Area 2 open space.
- 11.3.6. The **CE Report** expresses concerns about the scale of Block B and A when viewed from the railway line (Drawing PL206) and that the internal podium is presented with blank walls when looking north (Drawing PL207) as well as the extensive use of zinc at roof level. As the railway line is in a cut at this point (circa 5 metres below ground level), I do not consider that the apartment block will be very visible from the trainline, particularly given the existing landscaping on the track. In any case, the block is broken up at this point. There is variance in the elevation to the railway line (BB on PL205), which is helped by the use of zinc roofing cladding, so I do not consider this a significant concern. As regards the blank elevations facing the podium, the floor layout shows that there is an opportunity to insert an additional window in the kitchen areas, which would not give rise to overlooking. This would mitigate the blank elevation to the podium. The south of the blocks has been reduced in height to facilitate daylight and

sunlight penetration and I do not consider that any additional reduction in height is needed.

- 11.3.7. The **CE Report** considers that the creche adds significant length to Block D and should be either a stand alone building or relocated to the entrance. From an urban design perspective, the creche continues the building line set by Block A. However, the location of the apartments blocks and creche in general is somewhat surprising.
- 11.3.8. I consider that the apartments should have been located in the northern part of the northern section of the site. The most densely occupied area on the site, with the reduced car parking ratio, should be closest to the retail units and public transport (the car parking ratio associated with the apartments being 1.25 space instead of the 2 no. space per dwelling house). I note that in no iteration examined in the alternatives – either to the north or possibly with the apartment blocks located opposite the larger Ashwood Hall open space, which perhaps from a walking distance perspective, would be closer to public transport, if there is no pedestrian / cycle access permitted though the ESB lands. The height of the units at this location would help enclose the open space, from an urban design perspective. The current location of Apartment Blocks A and B is sub-optimal. I assume that the design team was concerned about the potential for the apartment blocks to break the skyline and so be visible from Malahide Castle Demesne. However, this can be mitigated, by excavation, etc.
- 11.3.9. The creche should be located either close to the entrance of the site (as suggested by the **CE Report**) or in proximity to the potential future school site. The current location adjoining Duplex Block D will result in additional inward traffic movements as people drive to the creche and then have to continue their onward journeys. A site close to the potential school would benefit from an active travel perspective, as parents could drop younger children to creche and walk older children to the school. The relocation of the creche cannot be undertaken without a subsequent grant of planning permission.
- 11.3.10. The height of part of the proposed development is four and five storeys. I note that there is no reference to the Broomfield Masterplan contents in the current development plan written statement, unlike the Streamstown Masterplan. There is no general policy on height in the Fingal Development Plan 2017-2023. The prevailing pattern of development in the Broomfield lands is two storey. The applicant's design team considers that the proposed development should be considered under the *Urban*

Development and Building Height Guidelines. I note that there is reference in the aforementioned guidelines that building to three and four storeys should be the ‘default objective’. Only Blocks A and B which are five storey in part, therefore will be considered in this part of the assessment.

Table 2: Urban Development and Building Height Guidelines Principles, Criterion and Assessment

Principles and Criterion	Assessment
Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?	Yes – the proposed development would otherwise be considered to be inefficient in terms of density on this greenfield site.
Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?	The current development plan predates these requirements.
Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework	Yes.

<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>The Blocks are distant from Malahide Train Station.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>A Landscape and Visual Impact Assessment is provided. The proposed development is not visible from Malahide Castle Demesne, an Architectural Conservation Area, nor the Architectural Conservation Area east of the railway line (having regard to the proposed development not breaking the skyline).</p>
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>The proposed blocks are located along the railway line, deep within the site. The proposed block are attractive and are not of a sufficient height to be overly dominating of proposed dwellings in the vicinity of the site.</p>
<p>The proposal responds to its overall natural and built environment and</p>	<p>Blocks A and B are somewhat lost in the overall development and their main</p>

<p>makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>contribution is to signal the location of the creche.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>The design of the proposed blocks provide for a high quality, varied design due to its interspaced use of balconies and fenestration to add visual interest to the elevations.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>The proposed blocks are located to overlook the public open space to the south and assist in its enclosure.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>Blocks A and B are visible from within the overall site. However, the location is not considered optimal.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>Yes.</p>

<p>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.</p>	<p>This has been achieved.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206- 2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, 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</p>	<p>Yes – see Para 11.6.3 to 11.6.6</p>

regeneration and or an effective urban design and streetscape solution.	
Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.	Not applicable, given the limited heights involved.
In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	An EIAR and Natura Impact Statement has been provided. The materials to be used in the buildings will be visible to bird species and will not pose a significant risk of collision.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	Not provided, given the limited height of the proposed development.
An assessment that the proposal maintains safe air navigation.	Not provided, given the limited height of the proposed development.
An urban design statement including, as appropriate, impact on the historic built environment	A design statement and assessment reports in relation to the built heritage and archaeology and landscape impact assessment has been provided.

Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate	An EIAR and additional supporting reports have been provided.
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- 11.3.11. The heights of the apartment blocks, at 5 and 4 storeys, are not visible in the general area. The issue of overshadowing will be considered elsewhere in this report under residential amenity. However, in principle, I consider the heights acceptable.
- 11.3.12. The housing in the northern section of the site is generally two storey, set out in back to back blocks, with individual units than designed to meet the particular physical circumstances. A number of narrower homes have been introduced. A number of homezones have been created at the ends of cul-de-sacs. The **CE Report** has a number of difficulties with specific unit types, which will be outlined below.
- 11.3.13. There is a mix of housing types in the northern section of the site, including one bedroom apartments to 5 bedroom semi-detached dwelling and 4 bedroom detached dwellings. I am satisfied that the northern section of the site provides for a good variety of housing type. The **CE Report** notes that the materials used in House 101 is different to the brick used in Ashwood Hall. House 101 effectively has two public elevations – that facing the main road and that facing the side road. I would agree that it reads more as a continuation of Ashwood Hall and so harmonising brick would be more appropriate.
- 11.3.14. The southern section of the site provides for 87 no. units – 16 no. duplex units and 71 no. houses. The density is dictated by this part of the site being within the airport public safety zone, where a maximum of 60 persons per 0.5 hectare can reside. The duplex units are located to the northern and southern ends of the site on the eastern axis. The housing is two storey. A number of 4 no. bedroom semi-detached dwellings are located to the side elevations of the existing dwellings on Hazelbrook, with gardens to the side rather than to the rear. Some visual interest is created on the eastern axis by a shifting building line and ensuring surveillance over open space Areas 6 and 7. The roads on this axis are designed for future connection, should the lands to the east be rezoned at a future date. There is a primary road to direct traffic along the eastern axis and a secondary road for local residential access.

- 11.3.15. The **CE Report** notes that Duplex Blocks E and F show the roof ridge popping up, reflecting changes in ground level. The roof profile is inconsistent between drawings, showing a hip and gable. This matter can be addressed by condition and I would recommend one.
- 11.3.16. The main area of public contention in this application is that the access road from the northern section continues through to link up with a road which connects through Hazelbrook estate onto Kinsealy Lane. This is strongly objected to by most of the **Observers**. I note that the road runs south of an area of public open space in the Hazelbrook. Additional areas of public open space is to be located adjacent to the existing open space (Area 9 and Area 5) and a new area of public space is to be located on the boundary at Area 10. Pedestrian connections are proposed to link into Hazelbrook.
- 11.3.17. The opening up of the access through Hazelbrook will allow the housing in the proposed northern section of the site, the dwellings in Ashwood Hall and in Brookfield to access Kinsealy Lane much more directly than is currently the case. I note that there is a road which links Brookfield to Castleway (which is accessed from Kinsealy Lane) but that this road is only available to pedestrians and cyclists as there are temporary bollards on it to prevent vehicular access. I note that an access from the southern end of the Broomfield lands was included in the *Broomfield Local Area Plan*, 2010, where Hazelwood is currently located. This was described as a “restricted access”. There are a large number of dwellings in Ashwood and Brookfield area (circa 149 residential units) and more residential units are permitted that have not yet begun construction. From a road safety perspective, it is good practice that no more than 200 units should be served by a single access. This allows for an alternative access in the event that the primary entrance is blocked for any reason and to facilitate emergency access. Therefore in principle, I consider that the access through Hazelbrook to be acceptable in principle, as recommended by the planning authority. The detail of the access will be discussed in further detail in Paragraph 11.7.12.
- 11.3.18. The southern boundary of the site includes the Hazelbrook Stream. The nearest residential units are located in Duplex Unit F, some 15 metres from the stream. Finished floor levels of these units are 6.3 and 6.75, while the invert level to the stream is at 2.24 metres. This will be discussed further under Section 11.9.

11.3.19. The southern section of the site has been designed to maximise the benefits of shared open space between Hazelbrook estate, Brookwood and the proposed development. The **CE Report** cites a lack of central open space, but the distance of housing to open space or a pocket park is similar to Hazelbrook. In addition, the landscaping design addresses the riparian corridor and adds to its visual and ecological interest, making it an attractive area for recreation. I am satisfied that the open space contributes not only to the proposed development, but the existing open space and the dwellings in the area.

11.3.20. Having regard to the *Sustainable Residential Guidelines in Urban Areas* 2009, which is addressed by the applicant's design team in the Design Statement I have come to the following conclusions.

Table 3: Sustainable Residential Guidelines in Urban Areas Criterion and Assessment

Criterion	Assessment
1. Context: How does the development respond to its surroundings?	The proposed development has been designed to be integrated into the existing development in the area and is well integrated.
2. Connections: How well is the new neighbourhood / site connected?	The proposal provides for a second vehicular entrance to the area and contributes to the overall permeability of the area.
3. Inclusivity: How easily can people use and access the development?	Pedestrians, cyclist and vehicles can use and access the development. Pedestrian and cyclist access is better than vehicular access.
4. Variety: How does the development promote a good mix of activities?	The proposed development provides for housing, a creche, and gym and

<p>5. Efficiency: How does the development make appropriate use of resources, including land?</p> <p>6. Distinctiveness: How do the proposals create a sense of place?</p> <p>7. Layout: How does the proposal create people-friendly streets and spaces?</p> <p>8. Public realm: How safe, secure and enjoyable are the public areas?</p> <p>9. Adaptability: How will the buildings cope with change?</p> <p>10. Privacy / amenity: How do the buildings provide a high quality amenity?</p>	<p>recreational space. It is proximate to a future neighbourhood centre.</p> <p>The proposed development is not efficiently laid out in the northern section of the site. In the southern section, the density reflects the need to minimise occupancy in the Outer Public Safety Zone of the airport.</p> <p>The proposal creates a strong sense of place, with different character areas.</p> <p>Footpaths and cycleways are generous and attractive and are overlooked.</p> <p>The public spaces are overlooked. Existing public open spaces are enlarged and pocket parks provided elsewhere.</p> <p>Specific provision has been made in the apartments to accommodate Working From Home. A wide variety of housing type is provided to cater for family life cycle. Universal Access is considered.</p> <p>Large separation distances have been provided. House types have been designed to ensure that there is limited impacts on adjoining houses. Some improvements could be made to the privacy of the existing dwellings to the</p>
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<p>11. Parking: How will the parking be secure and attractive?</p> <p>12. Detailed design: How well thought through is the building and landscape design?</p>	<p>north. Units sizes are large and are well lit.</p> <p>Parking is secure. It is generally in curtilage or beneath a podium. Street trees break up parking bays.</p> <p>The buildings designs are attractive and high quality. The landscape design is well considered, maximising existing public open space, retaining existing trees and hedgerow and considerate of ecology and biodiversity.</p>
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Unit Mix

11.4. The unit mix of the proposed development shows considerable variety, as set out in the description of development. Approximately 9% of units are one bedroom; 22% are two bedroom; 47% are three bedroom; 12% are four bedroom and 3% are five bedroom. I also note that desks are shown in the apartment units, to facilitate working from home. I concur with the planning authority that the unit mix is acceptable.

Residential Amenity

11.5. The residential amenity will be considered in terms of the impacts of the proposed development on existing dwellings and the quality of the residential units for future occupants.

11.5.1. Beginning with the north of the site, there are three no. dwellings that back onto the site, as well as the ESB substation. An **Observation** have been received from the owners of two of these properties. They are concerned about security and privacy of their property, among other issues and would also seek to connect to the sewerage network. The layout of the dwellings in this location is that the proposed dwellings form a block with roads on three sides and a footpath to the fourth. The rear of the existing dwellings, which previously had been adjoining private land, is now open to the public.

The boundary treatment proposed is a 1.2 metre fence. I note the presence of trees to be retained, particularly in the vicinity of Lermooos. I consider that an alternative barrier can be provided that would impact on the trees to be retained, while affording the occupants privacy and security. I note that there are no impacts in relation to daylight or sunlight experienced by the existing dwellings, and limited impacts in terms of shadowing. The building line is set back 22 metres from the western boundary line and so is not likely to give rise to overlooking. It is circa 9 metres from the northern boundary and this will be discussed further.

- 11.5.2. The **Observers** are concerned about the location of the road and noise impact. I have concerns about the layout of the proposed development in this part of the site, which I consider to be of an inappropriate density given its location closest to public transport and Malahide town centre. I consider that the layout of this part of the site should be revisited. The Observers concerns in relation to public lighting can be reviewed in any future application, but the lighting appears to be contained within the site. Similarly, the removal of overhead lines and their future routes needs to be considered.
- 11.5.3. Houses numbers 93-101 would back onto the rear of houses in Ashwood Hall. I am satisfied that there is adequate separation distances between the units. In the southern section of the site, house numbers 27, 28, 29 and 30 have been designed to take account of the existing dwellings in Hazelbrook and I am satisfied that no serious injury to residential amenity occurs.
- 11.5.4. The residential amenity of the proposed development is considered next. House numbers 1 and 2 front onto the ESB substation. I consider that this will give rise to serious injury to the future residents of these units. As stated above, this area requires reconsideration and some suitable buffer should be provided to the ESB substation, taking into account the need to provide for secure boundaries for the existing residents.
- 11.5.5. Block C consists of 25 no. units – 9 no. one bed units, 14 no. two bed units and 3 no. three bed units. It is four storeys in height, on a north-south axis. It does not give rise significant overshadowing of the proposed units in the vicinity and has adequate separation distances to these units, so no significant overlooking occurs. The block is orientated towards a large area of open space (Area 1). The block is adjacent to the railway line, but noise mitigation measures have been built into the design. Communal open space is located to the north of the block. 180 square metres of space is provided

- the minimum level is 161 square metres. This area has been missed in the assessment of the amenity areas for sunlight. However, having examined the shadow diagrams, I am satisfied that the area will enjoy an acceptable level of sunshine during the day, notwithstanding its position to the north of the block.

11.6.I have examined Block C in terms of the design standards set out in the 2022 *Apartment Guidelines*. I am satisfied that all the apartments comply with the relevant area standards in relation to unit area, storage area and private open space. Twenty units exceed the minimum size by 10%. The maximum number of units per core is 7. There are 15 units that are dual aspect, which is in excess of 50% of units required for a greenfield location. The units all reach the daylight targets set out in the aforementioned guidelines, both in terms of Average Daylight Factor and Minimum Illuminance. High target illuminance is achieved in 68% of the rooms (i.e. 750 lux). In relation to sunlight, seven units of the 25 do not achieve the annual house of probable sunlight and six units fail the winter probable sunlight hours. I am satisfied that overall, Block C would provide a high level of residential amenity.

11.6.1. Blocks A and B are located adjacent to the railway line. As per Block C, noise mitigation measures have been designed into the facades affected by railway noise. Blocks A and B are essentially a perimeter block, with a podium at first level. Carparking is provided at surface, underneath the podium level. While the blocks are 5 storeys in height on the northern, eastern and western flanks, height is reduced to the south to allow for daylight penetration to three storeys (which reads as two storeys at podium level). The podium is large (circa 42 metres by 27.5 metres), enabling it to achieve 2 hours of sunlight on 21 March over half its area and ensuring adequate privacy for opposing units. The communal open space required is 720 square metres and 1,110 square metres is provided. The landscaping provides for a play area and lawn.

11.6.2. Between the two blocks, there are 28 no. one bed units, 79 no. two bed units and 3 no. three bedroom units. There is a concierge and a gym provided in Block A. In terms of design standards as set out in the *Apartment Guidelines 2022*, there is a maximum of 8 units per core (the cores are located so that more than one core is available per apartment, for fire safety reasons). 56 no. units are dual aspect. This represents 54% of the units, which exceeds the 50% requirement for a greenfield location. I calculate that there are 48 units that have a floor area equal to or greater than 10% in excess of the minimum area. I note that overall, when Block C is included, the standard of 50% with 10% or more floor area requirement is met.

- 11.6.3. In relation to daylight, 100% of the units in Blocks A and B meet the target Average Daylight Factor required in the 2022 Apartment Guidelines of 2% for combined Kitchen Living Dining rooms and 1% for bedrooms. The assessment for daylight provision under EN17037:2018, sets Minimum Illuminance Levels and Target Levels. The analysis finds that no room fails the Minimum Illuminance Level, but a number of bedrooms fail the Target Illuminance Level (the failures are marginal – between 47 to 49% and 50% is required). These bedrooms are located close to flanking walls, which make it difficult to achieve these levels. The use of render on the internal courtyard walls, rather than brick, would improve the Illuminance level. However I am satisfied that these units will achieve adequate daylight, having regard to the findings for Average Daylight Factor.
- 11.6.4. The level of Annual Probable Sunlight Hours is 88%. The same applies for Winter Probable Sunlight Hours. I am satisfied that these units will achieve an adequate level of sunshine.
- 11.6.5. There are three duplex blocks – Blocks D, E and F. Block D consists of 12 units, with a two bedroom unit on the ground floor and three bedroom over the two upper floors. The ground floor units have amenity space north and south, while the upper units have north facing balconies. As these balconies look over open space, I am satisfied that these would provide a pleasant aspect. The **CE Report** considers that their location adjacent to the creche could give rise to disamenity, but I would disagree. I do however consider that the location of the creche is sub-optimal, as set out above. Block D is 100% dual aspect, achieves significantly above the target Average Daylight Factor; is above the Minimum Target Illuminance and achieves the Annual Probable Hours of Sunlight and Winter Probable Hours. Communal open space is provided to east. It is 150 square metres in size – 96 square metres is required,
- 11.6.6. Blocks E and F of a one bedroom unit on the ground floor and a two bedroom unit overhead, consisting of 6 units in each block. In terms of the design standards set out in the 2022 *Apartment Guidelines*, I am satisfied that all duplex units meet the size standards, provide adequate storage and private open space. Blocks E and F are 100% dual aspect, achieve the target Average Daylight Factor; is above the Minimum Target Illuminance and achieves the Annual Probable Hours of Sunlight and Winter Probable Hours. Block E is provided with 150 square metres of communal open space, when a 48 square metres is required. Block F is provided with 70 square metres of communal

open space with 48 square metres is required. I consider that the amenity of Block F could be improved if it was orientated to the south. This can be achieved by way of condition.

- 11.6.7. The dwelling houses meet the current size requirements of Fingal County Council, in terms of house size, storage and private open space. Car parking is generally off street. The **Elected Members** consider that the proposed development is overly car dominated. The **CE report** confirms that the overall provision of car parking is below development plan standards.
- 11.6.8. In relation to the semi-detached dwellings House Type A and B, the **CE Report** recommends that these should be a pair of semi-detached dwellings of Type A only. The concern arises from overlooking of the second bedroom window at first floor in the gable which look towards the private open space of the adjoining dwelling and concern arising from overbearance. The urban design purpose of the gable in House Type B is to enable the house to 'turn the corner', so it addresses both roads that it faces. The gable is circa 11 metres from the shared side boundary with House Type A, so technically, no overlooking arises. However, there is already a window in this bedroom facing the road and I consider this sufficient for daylighting purposes. I do not consider that the gable gives rise to overbearance of the private rear garden – indeed it adds to the privacy of the space. Therefore, I do not consider the condition necessary.
- 11.6.9. In relation to noise, the **CE Report** requests that the Board confirms that the noise mitigation measures are adequate. Having regard to the EIAR, I am satisfied that the noise to the residential units facing the railway line have been adequately dealt with. I am not convinced that the houses in the southern section of the site, which are located in Noise Zone B has been adequately mitigated for. The EIAR acknowledges that mitigation measures cannot be provided for open space from aircraft noise, however, the internal acoustics of the dwellings have not been addressed, notwithstanding that they would experience the same sound pressure levels as the units adjoining the railway line. I consider that this can be dealt with by way of condition at compliance stage.
- 11.6.10. The **CE report** considers that the creche might impact negatively on the duplex units and recommends that it be a standalone unit or moved elsewhere. I agree that

the unit should be moved elsewhere, however I do not consider that it would impact on the residential amenities of the duplex units.

Traffic impacts and the suitability of the road network

- 11.7. The traffic and road network is the most contentious element in this application, in particular the opening up of Hazelbrook estate to through traffic.
- 11.7.1. The **Observers** state that the road connection proposed is unsuitable due to the curvature of the road, which requires that a vehicle navigates two tight bends in a very short distance and could not accommodate the likely flow of traffic safely. The road would bring significantly more traffic passed a main area of public open space where people play. The observers bought their housing on the understanding that the connection through to the subject lands is for agricultural purposes only. They point to Castleway, where there is already a vehicular connection to the existing spine road in Brookfield in existence, but is only closed off by bollards.
- 11.7.2. The applicant's team have undertaken a Traffic and Transport Assessment (TTA). This includes traffic counts which were undertaken on Wednesday 08.09.2021. Recognising that the traffic count could be affected by Covid 19 restrictions, these were tested against 2018 data and found to be consistent when that data was projected forward following national growth estimates. The data has been projected forward again to 2022 levels, using the same approach. I am satisfied that the private vehicular figures relating to traffic counts in TTA have been tested for tolerance. However, I note that in the 'Sensitivity Analysis' provides for the potential flow of traffic from the Streamstown Masterplan and for the proposed school (described as 8 classroom) but not for for the proposed development at Larmorlaye (circa 100 units). I recognise that the school has been refused planning permission, but had not been at the time of this application..
- 11.7.3. The TTA considers the local as well the immediate road network in terms of junction capacity. Junctions 1 and 4 deal with the main junctions leading into Malahide with Back Road. Junction 1 is Malahide/Dublin Road/Back Road; Junction 4 is The Hill/Back Road. Junction 2 is Kinsealy Lane/Back Road; Junction 3 is Ashbrook Hall/Back Road and Junction 5 is Kinsealy Lane/Hazelbrook.
- 11.7.4. The TTA assesses the operation of the junctions the design opening year as 2026, with the development in full operational at 2031 and 2041 (opening year plus 15 years). A 'Do-nothing' Scenario is provided for comparison purposes. A 'Do-

Something' Analysis provides solely for the proposed development in the context of traffic flows and the 'Sensitivity Analysis' for the Streamstown Masterplan area.

- 11.7.5. Traffic may increase at a junction by a significant level, but that does not mean that there will necessarily be a significant adverse impact on that junction. Adverse impacts arise when there is no Reserve Flow Capacity (RFC) (which is considered to be working efficiently at up to 80%, less efficiently at 90% and beyond that, is in difficulty) and traffic queues lengthen to pass through the junction.
- 11.7.6. The analysis shows that traffic at Junction 1 will increase by circa 10% arising from the proposed development but this will not impact on the functioning of the junction. In contrast, Junction 4, traffic flows will only increase by 5%, but this junction is already at overcapacity, whether the proposed development is granted planning permission or not. The **CE Report** looks for a condition that Junction 4 is signalised to accommodate traffic from the proposed development. I would concur with this assessment and consider that the condition is necessary to ensure the flow of traffic in the area.
- 11.7.7. Junctions 3, the main spine road for the Broomfield lands, will experience traffic increases of the order of 30%. However, there is adequate reserve capacity and queue lengths are minimal.
- 11.7.8. Junction 2, the junction of Kinsealy Lane with Back Road, will experience an increase in traffic of 15-20%. Again, there is adequate reserve capacity and queue lengths are minimal at this junction.
- 11.7.9. According to the TTA, Junction 5, the junction with Kinsealy Lane and Hazelbrook, currently experiences 73 in the 0800 to 0900 peak morning period. There are only circa 42 no. units served by the existing junction, which is a cul-de-sac. The proposed development would add 45 additional movements (the number of residential units in the southern section of the site is 87 units). However, this figure seems low given that the existing trip rate is circa 1.74 trips per unit. In addition, traffic from Brookfield may well use this road. From a junction perspective, Kinsealy Lane/Hazelbrook junction would continue to operate, as the TTA demonstrates using much larger figures.
- 11.7.10. The **CE report** states that if the proposed development at Auburn Lodge is granted planning permission, a condition to upgrade the Malahide/Dublin Road/Back Road junction, so the traffic network in the area will improve. It re-iterates the need for upgrades to Back Road/The Hill conjunction, where traffic queues are severe.

11.7.11. It states that the access from Hazelbrook estate is necessary, given the scale of the proposed development and the existing development in Broomfield. Given the indirect route, which would take longer than using the main roads, rat running (i.e. through traffic) is unlikely to occur.

11.7.12. I would concur with the planning authority that an additional vehicular access is required, given the scale of development proposed, not least to provide emergency access, if the main access is obstructed. Improved permeability is an important concept in the *Design Manual for Streets and Roads* (2019). I note that the Broomhill LAP 2010 envisaged that this new quarter would have a minimum of three vehicular accesses – Hazelbrook being one, Castleway being a second and the main access being from the Back Road. Castleway has been delivered, but is not operational for vehicular purposes. The result is that additional traffic will pass through Hazelbrook, than would otherwise occur if Castleway was opened to vehicular traffic. Such traffic would be able to avoid the convoluted ‘c’ arrangement that exists at Brookfield. The opening of Castleway is a matter for the planning authority. I consider that even if this was opened, that there would still be a need for the access at Hazelbrook to be provided, as this would allow traffic be more evenly dispersed. I consider that the curvature of the road through Hazelbrook is very tight over a short length. The **CE report** refers to the Swept Path Analysis showing difficulties at certain turning points and looks for this to be addressed. I note that the Swept Path Analysis did not include the section of the road referred to above. I consider that if permission is granted, a condition could be attached so as this section of the road is re-examined in the light of the increased traffic that would be funnelled through here.

Parking, cycling and public transport

11.8. The Elected Members considered that the proposed development is an overly car dominated layout. Before coming to a conclusion on this point, I will assess the level of public transport and cycle facilities available in the area.

11.8.1. The **CE Report** notes that at 721 no. spaces, the proposed development provides less than the development plan standard (863 no. spaces) but above the 678 no. spaces which the planning authority considered is the practical minimum for parking. It notes that the creche car parking is less than required for a facility for 85 children and should be increased. The TTA notes that the 142 bus to Belfield and 42 bus to Dublin city centre is circa 9 minutes walk from the northern part of the site. The southern section

is circa 20 minutes walk from the 42 bus stop on the Malahide Road. Neither bus route are high frequency. However, a capacity study was undertaken on the 29th of March that showed that there was a capacity of 1,107 spaces between 0730 and 0830. The proposed development would generate a demand for 143 spaces. The study found that only 127 spaces were occupied. Bus Connects will provide for a local route to Malahide town centre from the Hill, which will provide access to the H2 spine route. No.s 20 and 21 on the Malahide Road will provide access to the city centre and Swords.

- 11.8.2. The train station is circa 20 minutes' walk from the northern section of the site, but circa 34 minutes from the southern section. The TTA refers to cycle distance and while cyclelanes are proposed within the proposed development, there are none on the Back Road (although it is indicated as a secondary cyclerooute in the 2013 Greater Dublin Area Cycle Network Plan. There is reference to cycling through Malahide Demesne to the town centre, but access is time limited. The TTA considers that a similar number of persons from the proposed development will use the train as the bus (based on the Census of Population 2016 figures for the area). The 8 carriage DART can take up to 1,400 passengers. Peak hour boarding of 863 persons were recorded, showing adequate capacity for the proposed development.
- 11.8.3. In relation to cycling, 373 cycle spaces are provided for the apartments (163 units), as well as cycle parking for the dwellings. The **CE Report** notes that the planning authority has prepared a feasibility study for cycling facilities in the area, including for Back Road and Kinsealy Lane. However, it acknowledges difficulties in delivering it. The **CE Report** looks to deliver a cycle route through the Ashwood Hall/Brookfield lands to the future school and seeks a condition for this. While such a cycle path is desirable, it would require additional redesign of the proposed development.
- 11.8.4. Having assessed the public transport and cycling network, I return to the concern of the Elected Members, that the proposed development is overly car dominated. While there is public transport available, it is relatively distant from a large part of the site. Cycle facilities are limited and the council, while trying to provide more facilities, it acknowledges that there will be difficulty in delivery. Shopping is also limited, as identified by the **Observers** and the **Elected Members** have identified this in the draft development plan process. Therefore I am of the view that while car parking is relatively generous, it is necessary given the location of site. I note that street trees have been introduced to mitigate the visual impact.

Surface water and flooding

- 11.9. The surface water from the site at present mostly drains to Hazelbrook Stream, save for an element that drains to a static ditch in the northern section of the site. The Hazelbrook Stream is a tributary to the Sluice River, which in turn drains to Baldoyle Bay, which is a Special Area of Conservation (SAC) and a Special Protection Area (SPA). The Engineering Assessment Report sets out the surface water regime, as described below.
- 11.9.1. The surface water from the proposed development will continue to follow this route. However SUDS measures will ensure that surface water from the proposed development will be free from pollutants and that the flow of water will be attenuated to a lower rate. The site is divided into 6 no. catchments. The final catchment will flow via a petrol interceptor into the Hazelbrook Stream. The speed of the surface water will be limited to either the greenfield runoff rate or 2 litres per second (l/sec).
- 11.9.2. SUDS measures include permeable paving on car parking spaces, filter drains and green/sedum roofing for the apartment blocks, roadside bioretention trees, swales and underground tanks.
- 11.9.3. Surface water rates have been calculated for the 1 year, 30 year and 100 year storm event, recognising that soil infiltration on the site is low. A 20% increase has been allowed for climate change. Flood risk from internal and external sources has been designed into the system.
- 11.9.4. The **CE Report** does not consider that the underground attenuation tank an acceptable solution, as a more nature based solution is preferred. It recommends that this could be redesigned by way of condition. I note that the planning authority does not consider nature based surface water measures, such as detention basins, as acceptable as public open space, where more than 10% of the surface area public open space is used for this purpose. There is a conflict between requiring nature based solutions and excluding the land used for this purposes as attributable to being counted as public open space. The result would be significant portions of zoned, serviced lands effectively sterilised from use as developable land. That is not efficient use of scarce lands. Having regard to national policy requiring compact development, I am satisfied that the measures proposed are acceptable both from a SUDS and public open space perspective.

- 11.9.5. A site specific flood risk assessment has been carried out. It finds that the site is not at risk from tidal flooding. In relation to fluvial flooding, notwithstanding the presence of the Hazelbook Stream on site, the OPW FEM FRAMS study found that none of the site is within the 1 in 1000 year flooding event. However, the finished floor levels of the residential units is set at 5.85mOD, providing 1.55m freeboard from the upstream 1 in 1000 year flood level. This is 300mm above road levels. An overland flood route has been designated. For pluvial flooding, the risk of surcharging has been mitigated by the sizing of the attenuation area and provision of hydrobrakes. For groundwater flooding, the finished floor levels are elevated. Mechanical failure may lead to flooding and maintenance is required.
- 11.9.6. The **CE Report** considers that the site is wholly contained in Flood Zone C and considers that the proposed development is acceptable from flood risk. I note that **Observers** have raised concerns on this matter, but having regard to the consistency of the finds with the OPW FEM FRAMS, I concur with the planning authority that adequate mitigation measures have been employed. **Irish Rail** have also referred to flooding downstream, but I am satisfied that the attenuation regime ensures that the proposed development will not contribute to it.

Water supply and Foul Network

- 11.10. Water supply and foul drainage relies on the Irish Water network. Irish Water has provided a letter of confirmation of feasibility, subject to upgrades and a statement of design acceptance. These are confirmed in the observation from Irish Water to An Bord Pleanála.
- 11.10.1. The population of the site is expected to be 1,221 persons, assuming a population of 2.7 persons per residential unit. The Engineering Assessment Report assumes that the demand per person is 150 litres per day and 90 litres for the proposed creche. This gives rise to a water demand of 194,782.5 litres per day. This equates to 2.254 l/s, with a peak demand of 14.090 l/s. A similar volume will be discharged to the foul water network, with a total dry weather flow from the development of 2.254 l/s, with a peak flow of 6.762 l/s.
- 11.10.2. Water supply is via the existing system, but upgrades are necessary. Irish Water has identified that circa 395 m of 6" CI to 200 mm MDPE in Back Road, circa 270 m of 4" AC to 200 mm MDPE in Back Road and 170 m of 100 mm uPVC to 160 mm MDPE in Ashwood Hall Lane is required.

- 11.10.3. The foul network system in the area currently flows to the Connolly Pumping Station and from there to Malahide Wastewater Treatment Plant. However, there are difficulties during times of heavy rainfall, so Irish Water has decided to redesign the system, so that a new pumping station, permitted under F21A/0451, Castleway, will pump wastewater to Chapel Road and from there to the North Fringe Interconnector, which ultimately discharges to Ringsend Wastewater Treatment Plant and into Dublin bay.
- 11.10.4. The lands for the Castleway pumping station are included in the blue line submitted with the application and there is a letter from the applicant for the pumping station, providing both consent to the current applicant both to use the pumping station and to construct it. I am satisfied that the current applicant has sufficient legal standing to construct and deliver the permitted pumping station.
- 11.10.5. The CE report confirms the information and has no objection. I am satisfied that the water supply and drainage arrangements for proposed development are acceptable from a public health perspective, subject to condition.

Landscaping, Ecology and Biodiversity

- 11.11. The northern section of the site has trees and hedgerow, unlike the southern section of the site. There will be some removal of existing vegetation, but the general intention is to reinforce what is present and create a network of usable open space, while contributing to biodiversity.
- 11.11.1. The Arboricultural Report prepared by Charles McCorkell Arboricultural Consultancy provides an assessment of the vegetation on site, the impacts arising from the proposed development and tree protection measures. There are 250 survey entries for the site. The proposed development will result in the removal 46 no. individual trees, 12 no. groups of trees/hedgerows and partial removal of 5 no groups of trees/hedgerows. Of the 63 elements to be removed, 6 no. trees are Category B, 42 no. trees and hedgerows are Category C and 15 no. are Category U. The impact is describes as limited for the majority, due to their limited public amenity. There will be an impact on local canopy.
- 11.11.2. I note that the proposed development involves the removal of T138, a sycamore categorised as B2, with a life of 20-40 years. I consider that this tree is necessary to provide screening for the ESB, as does the group G211. The main tree line and

hedgerow running through the site on the western side is generally being maintained and reinforced, save for necessary road breaks.

- 11.11.3. The landscape plan has been prepared by Kevin Fitzpatrick Landscape Architecture. There are two main open main open spaces in the northern part of the site. The first one serves Block C and two areas of housing. It contains two underground attenuation tanks. A footpath is provided around the periphery, separating the car parking from the area of open spaces. A turning area has been provided here in the eastern section. This is not ideal and I consider that the turning area should be located more easterly and the area more clearly shown as roadspace. A number of trees are being retained and more being planted – however, there is limited area for kick about space. I note the location of the badger sett in this area, which seems to have been abandoned.
- 11.11.4. The second main area is to the south of Blocks A and B and north of Block D. A play space is provided here. There are two underground tanks located here. The creche is located in this area.
- 11.11.5. The third area of open space is really two spaces. One area provides for the continuation of the central spine of hedgerow, where another abandoned badger sett is located. The other area provides for two attenuation tanks. This area, albeit on the far side of the road is overlooked by housing opposite.
- 11.11.6. In the southern part of the site, riparian corridors are provided for in the north and the south and each has an attenuation tank. These area extensions of existing open space. Four pocket parks area provided. The housing has been designed to overlook these areas.
- 11.11.7. Ecology and biodiversity has been considered and the ecologist, Faith Wilson collaborated on the design. Retaining the hedgerow, creating green corridors and providing additional greenery is part of the strategy. It includes wildflower meadows and pollinator plants. Trees are broadleaf, deciduous trees and evergreen used to provide structure. I could not find the total number of trees proposed to be planted. I note that trees are planned for the rear gardens of dwellings.
- 11.11.8. Boundary treatments are proposed. The boundary to the railway line is a 2.4 metres high mesh fence. I note that Irish Rail has sought a wall in this location. While a wall would provide additional noise reduction, there would impacts on the established green corridors and potentially on the historic drainage patterns. I note

the company's concerns about lack of detail in this area and that no topographical survey has been provided with the application. This could be rectified in a later application for this area.

11.11.9. 1.2 metre high timber post and rail fences are provided to the edge of ditches and the stream to the south. I am not convinced that this approach is actually the safest and consider that a barrier might increase the severity of any falls, rather than reduce the number of falls.

11.11.10. For the dwellings, blockwork walls boundaries are limited to public areas and 1.8 metre high concrete post and timber panels are provided. To the front hedges are proposed. Hedges are also proposed to separate ground floor apartments from footpaths. These measures are considered acceptable.

11.11.11. The **CE Report** considers that the open space is mainly incidental areas and narrow tracts of lands where underground tanks are located. The public open space is deemed not 'fit for purpose'. The spaces are not suitable for taking in charge, so an owner's management company is recommended for the control and management of these areas. There is concern about the location of play space in proximity to the stream, which should be 30 metres from water features. No designer's risk assessment has been provided. As most of the areas are discounted as public open space, a financial contribution for Malahide Castle Demesne is recommended. Conditions are recommended in relation to tree protection, the installation of the open space and play areas. A revised play proposal is recommended. The ecological mitigation measures shall be implemented, including the monitoring of Japanese Knotweed.

11.11.12. I consider that the public open space areas to be acceptable, save for comments made above. I do not consider that there is a significant shortfall of public open space on site given that the net developable area is 11.1 ha and 1.35 ha has been provided on site.

Architectural and cultural heritage

11.12. The site is proximate to 2 no. ACAs – Malahide Castle Demesne and Malahide – The Bawn, Parnell Cottages and St. Sylvester's Villas. A Landscape and Visual Assessment forms part of the EIAR, prepared by Kevin Fitzpatrick Landscape Architecture and photomontages have been provided by Digital Dimensions. The LVIA

finds that the proposed development is not visible from Malahide Castle Demesne. However, no equivalent view has been taken of the second ACA, east of the railway line. I am satisfied that as the treeline along the railway line is being largely retained, that the proposed development will not be visible from here either.

11.12.1. The architectural and cultural heritage section of the EIAR has been prepared by Dermot Nelis. While there are no buildings within the site on the National Inventory of Archaeological Heritage, the buildings and graveyard in Malahide Castle Demesne are listed. There is no impact on these structures. The site was formerly part of the historic park and garden of Broomfield House, but no features survive. There is a townland boundary on the site, which will be impacted in 6 no. locations. Preservation by record is recommended.

11.12.2. The general area has a large number of Recorded Monuments and Places. Test trenching has been undertaken in adjoining fields which found 13 no. features of archaeological interest. Another field to the south was test also and no such features found. Geophysical surveys have been carried out, to assess potential archaeological areas. A number of sites of archaeological potential has been found. Test trenching followed, where 4 no. features of archaeological significance were found. Two of these relate to an enclosure found in the other field and the over two were pits. No archaeological findings were made in other fields. The proposed development will directly impact on these features and preserve by record is recommended.

11.12.3. The **CE report** concurs with this recommendation for both the archaeology and townland boundary. Monitoring of topsoil stripping is recommended. The Department of Housing, Local Government and Heritage suggest the same. I would agree that the approach is appropriate to ensure that the archaeological and cultural heritage of the site is preserved.

Construction / Waste

11.13. A Preliminary Construction, Demolition and Waste Management Plan has been prepared by Waterman Moylan. Site investigations has been carried out by Ground Investigations Ireland. The proposed development involves the demolition of the existing rugby club and shed, which have been previously vandalised. The buildings are 225 square metres in area. I do not consider the demolition of the buildings significant in terms of Environmental Impact Assessment, given its scale and recent vintage. The waste generated by the proposed demolition has not been

quantified. Any material removed from the site will be subject to assessment for hazard (trace asbestos fibres were found, but no asbestos containing materials so the waste is non-hazardous). Topsoil is expected to be re-used on site.

- 11.13.1. Site investigations have been undertaken. The soil type is brown boulder clay, which is not very permeable. An area of fill material is located in the southeast of the site (circa 17,280 cubic metres). It appears to be construction and demolition waste and non-hazardous material has been found. This will be removed to an authorised licensed landfill. The fill material does not appear to have impacted on the watercourse in adjoining ditch, as confirmed by laboratory testing.
- 11.13.2. Excavation for the underground attenuation tanks is estimated to be 2,130 cubic metres, which will be reused on site. No fill material will be required.
- 11.13.3. The haul route will be via the Malahide Road to the Ashwood Hall junction on the Back Road. No construction traffic will enter via Hazelbrook.
- 11.13.4. Dust and dirt control measures are proposed.
- 11.13.5. Excavation below groundwater is not expected. A discharge licence will be required for water pumped from excavations and will be treated for silt and other matter. Measures on site are also contained in the Preliminary Construction Management Plan, which acknowledges the potential threat to Baldoyle Bay. This plan details the runoff pollution control measures and refers to the Inland Fisheries Ireland Guidelines on Protection of Fisheries During Construction Works Adjacent to Waters 2006 (this has since been updated). The headwall into the Hazelbrook Stream will be carried out isolated from the stream by a temporary dam. Sediment basins and traps and fences will be used to clean runoff. Measures include straw bales and silt barriers.
- 11.13.6. Noise mitigation measures are proposed.
- 11.13.7. Construction is anticipated to take 36 months – circa 160 units per year. Construction will begin in the southern site, then move northwards in three phases. Two site compounds will be used. Hoarding will be erected. A detailed traffic management plan will be prepared by the Main Contractor. It is anticipated that HGV movements will be circa 30 movements each day and that a similar number of private cars movements will be generated. The majority of the movements will be off-peak.
- 11.13.8. The height of tower cranes may be restricted, given the proximity to Dublin Airport (a concern of the **Dublin Airport Authority**).

11.13.9. The **CE Report** requests that a Construction and Demolition Resource Waste Management Plan for C&D projects be prepared as a condition. I concur and do not consider that the construction of the proposed development would not seriously injure the amenities of the area or public safety.

11.13.10. An operational waste management plan has been prepared by Enviroguide Consulting. This outlines the types of waste that the proposed development will generate. The housing will generate 310 litres per unit per week. A 3 bin system will be provided, which can accommodate 600 litres per unit per week. Communal waste facilities will be provided for the apartments and duplex blocks. This has been sized on an individual block basis allowing for 100 litres per bedroom. The creche will have its own bin storage facility, which can accommodate 2,440 litres per week.

Local Facilities

11.14. The provision of local facilities is perhaps the second most contested point raised by **Observers**. They strongly argue that there very limited school places available to the residents. The applicant's design team has submitted a *School Demand Assessment Report*, which shows that there are 7 no. primary schools within a radius of 2 km. One more is slightly outside this area. These combined provide some 3,822 school places. Historically, an additional 100 pupils have been catered for. However, roughly around the time of the application, an application has been made for a 16 classroom school in the field to the south of the northern section of the site. The proposed school includes for St. Nicolas of Myra, temporarily located in the former Teagasc offices in Kinsealy. That application has been refused planning permission, on the grounds of the greenbelt zoning of the site and the connectivity of the site would lead to it being over reliant on car based travel.

11.14.1. I note that the draft development plan looks at rezoning sites in the vicinity of the proposed development to cater for the proposed school. I am of the view that while there is a shortage of school places, this issue is likely to be dealt with prior to the completion of the construction of the proposed development and that it should not form a reason for refusal of planning permission.

11.14.2. The proposed development provides for a creche to cater for 85 places. I am satisfied that this would provide enough childcare places for the proposed development. I am not satisfied that it is located optimally, which would either be in the north near the proposed neighbour centre, or in proximity to the future school site.

- 11.14.3. The final issue in relation to local facilities is the proposed pedestrian cycle railway bridge, leading to Malahide Community School. I note that the original permission required the widening of the Back Road railway bridge to provide for pedestrians and this has been delivered. An additional bridge would be of benefit, but not one that lands in schools grounds and subject to the hours of school opening. A bridge designed to land in the public open space of Galtrim Grange would have the advantage of being open continuously and providing faster access to the bus stop. However, attractive though that option might be, it is not a matter for the proposed development as I do not consider that it is essential to the proposed development.

Part V

- 11.14.4. The Part V proposal is for 15 units in Blocks A and B. The planning authority has confirmed that this is acceptable in principle, but are looking for the units to be more dispersed. A condition will be attached to facilitate Part V.

Other Issues

- 11.15. Public lighting has been discussed in relation to ecology and I am satisfied a suitable condition can be attached.
- 11.15.1. An energy statement has been submitted by Waterman Moylan. This identifies the Part L Renewable Energy requirements. The proposed units will be built to a Near Zero energy standard. Suitable ducting will be provided in the apartments blocks for Electrical Vehicles. Natural gas and electricity will be the main forms of energy. Solar panels or heat pumps will be used.
- 11.15.2. A structural report has been submitted by Waterman Moylan. This details the foundations, loadings and fire protection.
- 11.15.3. The blocks are multi-unit developments. I note that the **CE Report** will not take in charge the public open space. A condition to establish a management company can be attached to any grant of permission.

Material Contraventions of the Development Plan

- 11.16. I have considered the potential material contravention of the masterplan zoning, the settlement strategy and public open space above and am satisfied that none arises.

Other material contraventions suggested by the applicant's design team relate to playground facilities, car parking provision, Dublin Airport Noise Zones, Public Safety Zones and maintenance of trees. The planning authority did not refer to material contravention in their report. I do not consider a shortfall in provision of either play space or parking to be a material contravention of the development plan, in the current circumstances where the majority of facilities have been provided. The site is zoned for residential use, so I do not consider that providing residential use in either the Noise Zone or Public Safety Zones to be a material contravention of the development plan. I am satisfied that the Board is not precluded from granting planning permission or reliant on Section 37(2) (b) to do so.

12.0 Appropriate Assessment

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate Assessment of implications of the proposed development on the integrity each European site

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). The requirements of Article 6(3) as related to

screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.3. *Screening the need for Appropriate Assessment*

12.3.1. The applicant has submitted a report entitled '*Broomfield SHD...Natura Impact Statement Final Report*' by Faith Wilson – Ecological Consultant. Ms Wilson has undertaken field surveys of the Broomfield lands since 2013. Badger, bat surveys and otter surveys have been carried out over this time period.

12.3.2. The report provides a description of the proposed development.

12.3.3. The European Sites within a possible zone of influence of the proposed development are identified. The relationship with a site outside a Natura site is by way of connectivity: i.e. through the source-pathway-receptor connectivity. It identified that there are a number of SACs and SPAs that would come within the 15km radius generally adopted as a filtering limit. I undertook a review of the EPA Assessment tool on 16.02.2023 and confirmed that the SACs and SPAs that are identified are:

No.	Site Code	Name	Distance (approximate)
1.	000205	Malahide Estuary SAC	1.2 km
2.	004025	Malahide Estuary SPA	1.2 km
3	000199	Baldoyle Bay SAC	2 km
4.	004016	Baldoyle Bay SPA	2 km
5.	000206	North Dublin Bay SAC	5.4 km
6	004006	North Bull Island SPA	5.4 km
7.	003000	Rockabill to Dalkey Islands SAC	5.4km?

8.	000208	Rogerstown Estuary SAC	6.2 km
9	004015	Rogerstown Estuary SPA	6.2 km
10	004117	Ireland's Eye SAC	6.4 km
11	00293	Ireland's Eye SAC	6.4 km
12	004024	South Dublin and River Tolka Estuary SPA	8.1 km
13	000202	Howth Head SAC	8.4 km
14	004113	Howth Head Coast SPA	8.4 km
15	000204	Lambay Island SAC	9.8 km
16	004069	Lambay Island SAC	9.8 km
17	000210	South Dublin Bay SAC	10.7 km
18	004122	Skerries Islands SPA	14.9 km

12.3.4. The report identifies that while there are no Natura 2000 sites within or adjacent to the site, the Hazelbrook Stream, runs through the southern end of the site. This stream drains to the Sluice River, which in turn discharges to Baldoyle Bay, providing a hydrological link to the two Natura Sites therein (Baldoyle Bay SAC, Site Code 000199, Baldoyle Bay SPA, Site Code 004016, 3km to the east). The distance by river is circa 3km. There is no other direct connection with the designated sites. I note that there are 4 other Natura 2000 sites that would be indirectly connected by way of the foul water drainage network, as the Ringsend Wastewater Treatment Plant (Ringsend WWTP). The Natura 2000 sites are: South Dublin Bay SAC (Site Code: 000210), South Dublin and River Tolka Estuary SPA (Site Code: 004024), North Dublin Bay SAC (Site Code: 000206) and North Bull Island SPA (Site Code: 004006). The report states that indirect effects are ruled out, given that the Ringsend WWTP has capacity

for this connection. Having regard to the improvements commissioned and under construction in Ringsend WWTP, I would concur with this.

12.3.5. I note that winter field surveys were carried out in October, 2019, October 2020, January 2021 and February 2022. Birds were included in these surveys. No findings of protected bird species are made. Therefore, I am satisfied that the site is not one where wintering birds use.

12.3.6. The proposed development will discharge surface water when operational. The Biodiversity chapter in the EIAR, considers that there is potential for contamination from the development to enter the stream from surface water. I do not consider this likely, given that petrol interceptor proposed prior to discharge to the stream.

12.3.7. The Qualifying Interests / Special Conservation Interests of the 2 no. designated sites are set out below:

<i>European Site Site Code</i>	List of Qualifying interest/Special conservation Interest
Baldoyle Bay SAC 000199	Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410]

<p>Baldoyle Bay SPA</p> <p>004016</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>
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- 12.3.8. The conservation objectives for the above sites are in relation to the SACs to maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected and for the SPA's, to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA. For this, it is necessary to maintain the favourable conservation condition of the wetland habitat in the SACs. The SACs are reliant on the deposit of sediment from the rivers which flow into the estuary and bay.
- 12.3.9. The proposed development is not close to the Natura 2000 sites, so no loss of habitat or disturbance to species located therein is likely to arise, in my opinion. The report does not identify the nature of the impacts that have potential direct and indirect impacts that may result in significant effects on the Natura 2000 sites.
- 12.3.10. Disturbance to species from noise and lighting associated with construction and operation of the proposed development is not considered in the screening stage of the report. I note the Biodiversity Chapter in the EIAR recognises that the lighting scheme when operational could impact on bats. Mitigation measures are proposed.
- 12.3.11. The screening stage of the report does not consider cumulative effects with other applications in the area. However, I am satisfied that the other permitted developments have been permitted with the necessary mitigation measures to prevent pollution of watercourses either during construction or operation, as required by law.
- 12.3.12. The screening statement concludes that, the proposed development could pose a risk of likely significant effects on the Baldoyle Bay Sites. A Stage 2 Appropriate

Assessment is considered warranted, due to the hydrological connection via the Hazelbrook Stream.

- 12.3.13. I agree with the findings of the report and consider that the designated sites Baldoyle Bay SAC (Site Code: 000199) and Baldoyle Bay SPA (Site Code 004016) therefore 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.
- 12.3.14. I am also satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage due to the presence of Ringsend Wastewater Treatment Plant or the absence of a hydrological link, the separation distance between the European site and the proposed development site, the nature and scale of the proposed development and 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.

Screening Assessment

- 12.3.15. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase. The report sets out a series of potential impacts and discusses these. I would concur that the main impacts are likely to arise in relation to surface water. The indirect impacts from the operation of the foul water have been considered and dismissed.
- 12.3.16. Mitigation measures are proposed. These have been detailed and consist of standard construction methods and when operational, standard water pollution prevention methods.
- 12.3.17. 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 Baldoyle Bay from surface water run-off can be excluded given the distance and opportunity for settlement, dilution and dispersal.

- 12.3.18. 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.
- 12.3.19. The foul discharge from the proposed development would drain, via a new pumping station, the Chapel Lane pumping station and north fringe sewer to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. The capacity at Ringsend WWTP has been increased from 1.64 million PE to 2.1 million PE in 2023 and will be 2.4 million PE by 2025. There is adequate capacity for the proposed development.
- 12.3.20. The Preliminary Construction and Waste Management Plan and the Preliminary Construction Management Plan and the 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.
- 12.3.21. The site has not been identified as an ex-situ site for qualifying interests of a designated site, following a number of years of survey, notwithstanding a submission from a third party. The habitat is not suitable for foraging purposes for wintering birds.

In-combination Effects

- 12.3.22. Section 3.3 of the NIS lists the development under construction in Brookfield and Ashford Hall, permissions for development in Streamstown Wood and a number of pre-applications for SHD applications. As the decision to grant planning permission for the SHD applications has not yet been made, these can be discounted for cumulative effects. The number of units associated the lands at Streamstown Wood is 57 (F19A/0452 – ABP307020-20). The number of houses currently under construction at Brookwood and Ashfield are limited, as these estates are largely built out. The *Fingal Development Plan 2017-2023* has a target housing number for Malahide, which has been subject to SEA. The target housing number for Malahide of 956 residential units. This would be exceeded by circa 10% arising from the proposed development. Given that there is adequate capacity in the Ringsend WWTP, I do not consider this exceedance significant. Therefore, I consider that the in-combination effects with other plans or projects are not significant. The Cumulative Effects are ruled out in Section 3.3 of the report. I would concur with this finding, but not for the reason stated.

Screening Determination

12.3.23. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project and having regard to the submitted reports, I have concluded the project individually or in combination with other plans or projects, would be likely to have a significant effect on the Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016), which are hydrologically directly connected with the site. As significant effects cannot be excluded an NIS is therefore required and has been submitted. The possibility of significant effects on other European sites has been excluded on the basis of lack of a direct hydrological link, distances involved and lack of substantial ecological linkages between the site and the European Sites in question.

Natura Impact Statement

12.3.24. The application included a NIS which examines and assesses the potential adverse effects of the proposed development on the Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016). It provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed.

12.3.25. The report describes the physical conditions of the site, noting treelines, drains, and habitats. It states that Japanese knotweed has been found on site on the former rugby club lands but has been appropriately treated. Badger sets (no longer in use) and the use of the site by bats is described. Bat foraging takes place, but the former rugby club building is no longer used as a roost.

12.3.26. The NIS then describes the proposed development and identifies potential impacts. Sixteen different impact types are examined. It finds that the only main potential impacts from the proposed development are a decline in water quality in the Hazelbrook Stream and in local drains, arising from harmful discharges and runoff from site during construction and occupation, which would ultimately drain to the Baldoyle Bay SAC and SPA. I would agree with this finding.

12.3.27. Mitigation measures are proposed to deal with these risks. During construction sediment control is required. This includes diverting uncontaminated surface water from the work area; minimise erosion during construction and prevent silt from leaving the site.

12.3.28. During operation, the SUDS measures will prevent surface water from polluting the Hazelbrook Stream. I consider that these mitigations measures will be adequate and effective in preventing significant effects on the Natura 2000 sites.

12.3.29. In-combination effects are ruled out in the report as no other permission affects the Baldoyle Bay SAC and SPA. This is incorrect as the surface water from Streamstown Wood permission (F19A/0452 ABP307020-20) for 57 no. houses also discharges to the Hazelbrook Stream. However, this permitted development includes for surface water protection measures during construction and SUDS and petrol interceptor measures during operation and so will not give rise to contamination of the watercourse. Therefore I am satisfied that in-combination effects will not arise and the Baldoyle Bay SAC and SPA.

Conclusion

12.3.30. Having regard to the proposed environmental management and controls integrated into the project design and for other projects planned or proposed in the area cumulative and in-combination effects relating to other developments are not considered to be relevant in this case. I am satisfied that the proposed project will not have an effect individually or together with any other plan or project.

12.3.31. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).

12.3.32. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its / their conservation objectives.

12.3.33. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016), or any other European site, in view of the site's Conservation Objectives.

12.3.34. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of both the Baldoyle Bay SAC (000199) and the Baldoyle Bay SPA (004016).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of both the Baldoyle Bay SAC (000199) and the Baldoyle Bay SPA (004016).

13.0 Environmental Impact Assessment

13.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The proposed development provides for 415 no. residential units and a 476sqm creche on a site area of 12.5 ha. The site is located within the administrative area of Fingal County Council.

13.1.2. 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.

13.1.3. The proposed development relates to a site of 12.5 ha and is located within an area which falls under the definition of 'other parts of a built up area'. It is, therefore, 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 because the size of the site exceeds 10 ha. The EIAR comprises a non-technical summary and the Main Report. Table 1.1 identifies the EIAR Project Team and Environmental Specialists and their relevant qualifications. 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.

- 13.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct 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). Consideration of indirect effects is limited. However, I do not consider that the indirect effects are significant in this case, being largely related to the Ringsend Wastewater Treatment Plant, which has capacity for the proposed development. 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. Please see the next section in relation to this.
- 13.1.5. 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 8, 9 and 10 of this report above. I am satisfied that the participation of the prescribed bodies has been effective. I am also satisfied that the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that some third parties have raised issues concerning the various findings and conclusions of the EIAR and that they are flawed, particularly with regard to the assessment of population and human health, biodiversity, and traffic. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

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

- 13.2.1. 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. A paragraph is provided on this issue (2.9). It states that the site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. Therefore, this is not a source for potential for impacts.
- 13.2.2. The paragraph does not address the southern part of the site's location in the Outer Public Safety Zone of the airport, which would indicate that there is the potential for a major accident, such as a plane crash, affecting the site. A separate report has been prepared by Cyrrus, which is an Aviation Public Safety Zone Assessment. The report identifies that the site is close to the extended runway centre line of Dublin Airport Runway 28R (circa 5 km from the runway threshold). It recommends that the residential density is limited to a maximum density of less than 60 residents in any half hectare grid square in the southern section of the site. This population figure arises from a report prepared by Environmental Resources Management Ireland in 2003 on the Aviation Public Safety Zones. It notes that the current layout ensures that this density is not exceed and the proposed development would not compromise the density of pre-existing dwellings.
- 13.2.3. The southern part of the site includes the Hazelbrook Stream. A Site Specific Flood Risk Assessment has been carried out and Chapter 7 – Water of the EIAR refers to Flood Risk. It categorises the risk of fluvial flooding being of low likelihood and flowing mitigation measures, the residual risk is extremely low.
- 13.2.4. While the EIAR does not appropriately deal with the risk of major accidents and or disasters, I am satisfied that enough information has been provided in accompanying reports to enable an Environmental Impact Assessment to be carried out.

13.3. ***Alternatives***

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

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

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

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

- 13.3.2. Chapter 2 of the EIAR provides a description of the project and the alternatives considered. A do nothing scenario was considered in respect of the site, which would represent an unsustainable and inefficient use of strategically important lands for the delivery of residential development. It is stated that alternative designs of the site were considered during the design process. Both designs were for a greater density of units. Alternative 1 was for 477 no. residential units (same number of houses as the current application but more duplex and apartment units). A different location was proposed for the creche. Concerns were raised in relation to the density of development on lands located in the Outer Public Safety Zone and compliance with the core strategy of Fingal County Council at a Pre-application Consultation Meeting with Fingal County Council.
- 13.3.3. Alternative 2 provided for 458 no. residential units (slightly less houses and more duplex units and apartments, with creche and a gym. This iteration was presented at the Tripartite Meeting with Fingal County Council and An Bord Pleanála. Again, the extent of development in the southern part of the site was questioned and compliance with the core strategy. In addition, the permeability of the site was questioned and connectivity with Kinsealy Lane was identified as an issue.
- 13.3.4. The current application forms the final design and layout for the proposed development at 415 no. residential units. It includes an additional access via Hazelbrook, on foot of a recommendation from Fingal County Council. Connectivity between the northern and southern parts of the site is provided.

Commentary

- 13.3.5. The environmental impacts of the different alternatives has not been considered in the EIAR, which is a requirement of the EIA Directive.
- 13.3.6. The design has been progressed with design amendments and considerations with regard to density, housing mix, unit size and connectivity. I am satisfied that the

alternatives have been adequately explored for the purposes of the EIAR, save for an explicit assessment of the consideration of the environmental impacts of the three alternatives.

13.3.7. The proposed development provides for the least amount of development, it is therefore most likely to have the least impact from an environmental perspective.

13.4. ***Consultations***

13.4.1. 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.

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

13.5.1. The likely significant direct effects of the proposed development are considered under the headings below which follow which is in accordance with 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 impact
- material assets – traffic and transport;
- cultural heritage;
- material assets: utilities and waste;
- interactions and cumulative effects
- summary of mitigation and monitoring.

Commentary

13.5.2. Indirect effects or secondary effects of the proposed development are not generally considered in the EIAR, which is a requirement under Schedule 6 of the Planning and Development Regulations 2001-2022, if there are likely to any significant effects. However I have address this above at Para 13.1.4, I consider that the main indirect effect / secondary effect is in relation to Dublin Bay, where Ringsend Wastewater Treatment Plant is located that would deal with the wastewater from the proposed development. As there is sufficient capacity in this plant for the proposed development, I am satisfied that the proposed development will not have a significant effect on the estuary.

13.6. ***Population and Human Health***

- 13.6.1. 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, socio-economic and health trends are examined. The principal findings are that there is significant population growth in the area and a shortage of housing is likely in the future. The proposed development may give rise to a population of up to 1,162 persons. In terms of human health, the most likely impact will be from air quality (dust), noise and vibration and traffic during the construction phase of the development. However, this can be mitigated via a construction management plan.
- 13.6.2. **Observers** have raised concerns that there is insufficient information to assess the impact on risk to human health arising from traffic, particularly traffic accidents. The absence of sufficient school places for the future population is of concern.
- 13.6.3. Community Infrastructure and social facilities are considered. These include childcare facilities, primary schools and post primary schools. Difficulties in obtaining information are cited. Only one primary school is within 1 km of the site, but seven more are identified within 2 km. One post primary school is identified (Malahide Community School) and a second post primary school is located in Portmarnock. A School Provision Assessment is provided under separate cover. The report considers that there is adequate school capacity in the area.
- 13.6.4. There are significant indoor leisure and recreational facilities in the area. Retail facilities are concentrated in Malahide Town Centre. There is a Londis on the Yellow Walls Road. Healthcare facilities are similarly concentrated in the town centre.

- 13.6.5. The operational impacts are considered to be an increase in traffic, additional demand on community services and service infrastructure and impacts on the landscape and appearance of the area.
- 13.6.6. There may be cumulative impacts of construction and operational phases with other developments in the area. These are considered short term. A 'Do-Nothing' scenario is not considered appropriate as the lands are zoned for residential development.
- 13.6.7. The proposed development is stated to not impact on human health.

Commentary

- 13.6.8. Having regard to the site's location in the Outer Public Safety Zone for Dublin Airport, I consider that this issue should have been addressed under Human Health. I note that mitigation for this issue has been designed into the scheme, having regard to the density of the southern section of the site. I estimate that this section has been designed at circa 31 units per hectare, which is significantly less than 59 units per half hectare, required under the 2003 ERM study prepared for Dublin Airport. Therefore, the risk to human health is at an acceptable level.

13.7. **Biodiversity**

- 13.7.1. 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 a standalone document. The proposed development site is not located within any designated nature conservation area. However, there are 18 no. Natura 2000 sites located within 15km of the proposed development site. As assessed in section 12 above, the proposed development was considered in the context of sites designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 13.7.2. A desk study was undertaken and included review of available ecological data within zone of influence. Field surveys of the wider Broomfield area were carried out since September, 2014. Additional habitat surveys were conducted on six occasions from 2020 to 2022, covering the four seasons. Rare and scarce botanical species were checked for but none found. The nature of the habitats on the site make such findings unlikely. Invasive species studies were also undertaken. Bat surveys were undertaken as well as a tree inspection for bat roosts, in accordance with relevant guidance

documents. Badger surveys and monitoring work have been carried out. An otter survey of the Hazelbrook Stream on five occasions, in accordance with relevant guidance documents. Surveys for other mammals (including pine marten, Irish State, Irish Hare, red squirrel, hedgehog and pygmy shrew and non-native mammals). Eight no. bird surveys were undertaken over the seasons. There is no evidence of significant use of the site by wintering birds, as suggested by **Observers**.

- 13.7.3. The site accommodates a variety of habitats. The northern part of the site, the former rugby grounds, predominately comprises of the former buildings (BL3), grassland (GS2) and scrub (WS1). There are treelines along the boundary with the Dublin-Belfast Railway line (WL2) and other treelines. Drainage ditches exist (FW4) and evidence for former use of the area for badger setts can be found. Earthen banks (BL2) and hedgerow (WL1) is also present. Ploughed ground (BC3), planted crops (BC1) and recolonising set aside (Ed2) is present. Invasive species, including Japanese knotweed and buddleia are present on the rugby grounds. The Japanese knotweed has been subject to a programme of treatment in situ and has not spread.
- 13.7.4. The southern part of the site includes stored topsoil (RD3, ploughed ground (ED2) arable crops (BC1), drainage ditch (FW4) and the Hazelbrook Stream (FW2). It has been canalised and deepened. It drains to the Sluice River and discharges to Baldoye Bay.
- 13.7.5. A Badger and Biodiversity Management Plan has been prepared for the development of Ashwood Hall and Broomfield Phase 1. It is considered that the setts are outlier setts to the main territory within Malahide Castle Demesne. A camera trap on four occasions has found no evidence of use between 01.12.2020 and 24.01.2022.
- 13.7.6. The rugby clubhouse which is to be demolished was previously used by 2 to 3 common pipistrelle and soprano pipistrelle bats in 2017 – 2018. Other buildings on site have been demolished under licence, under the supervision of the ecologist. In 2019, the clubhouse was resurveyed but no bats were found emerging. The clubhouse has been the subject of arson. Foraging bats were recorded and again in 2022. This included a Leisler's Bat. A derogation licence is included in the appendices.
- 13.7.7. The bird fauna is described as rich, including swallows in summer. No ponds for amphibians were found.

Potential Impacts

- 13.7.8. The potential impacts of the proposed development are the loss of all grasslands, arable croplands, some treelines and hedgerow, and removal of 46 individual trees and 5 groups of hedgerow. The majority of the losses are of low quality or poor quality. Damage to areas of retained vegetation and potentially the Hazelbrook Stream. There will be a loss of foraging areas and the bat roost in the clubhouse.

Mitigation Measures

- 13.7.9. The lighting scheme will need to be sensitive to bats. Run-off from soil disturbance will require remedial measures. Run-off during operation will have to be mitigated.
- 13.7.10. Avoidance of impact is the principle mitigation measure. Planting of native species, tree protection measures and a riparian buffer to the Hazelbrook Stream. Excavation of the Japanese knotweed is required. Mitigation measures for the two badger setts, to ensure that they are not disturbed during construction and when operational. An ecological clerk of works will be appointed. During construction, opportunities for safe crossing of the construction site for wildlife will be provided and unsafe areas closed off.
- 13.7.11. A list of mitigation measures for bats, badgers, birds and watercourse rehabilitation is provided. Sediment control is critical and protection measures for fisheries will be provided. Soil handling measures are described. SUDS measures will be included in operation.

'Do-nothing Scenario'

- 13.7.12. A 'Do-nothing' Scenario would result in the northern part of the site being dominated by scrub and woodland over time. The southern part would be used for agriculture.

'Worst Case Scenario'

- 13.7.13. A 'Worst Case' Scenario would be not implementing the mitigation measures. A clerk of ecological works is essential.

Residual impact

- 13.7.14. The overall impact is deemed as moderate negative. The level of interest would be local, but as the area is becoming more urbanised, such areas are less available. The site is zoned for residential development.

Interactions

- 13.7.15. There is interaction with Water, Landscaping and Transport.

Cumulative Impacts

- 13.7.16. There are cumulative impacts with other permitted construction, but this project represents the completion of the construction of the residentially zoned lands in the area.

Commentary

- 13.7.17. The indirect effects of the proposed development are not considered – such as the impact on the Malahide Estuary SAC and SPA, which is the receiving waters for the Malahide WWTP. However, given that there existing capacity in the wastewater treatment plant, I do not consider that this indirect effect is significant.
- 13.7.18. Having regard to the proposed environmental management and controls integrated into the project design for this development and for other developments planned or proposed cumulative and in-combination effects relating to other developments can only be considered in terms of the Appropriate Assessment prepared for the current development plan. The other construction and constructed sites in proximity to this site and up or down stream of the Hazelbrook Stream and when operational, the Malahide Estuary SAC and SPA.
- 13.7.19. Having regard to the present condition of the site, which is of local value, I am satisfied that the development of the site and the proposed landscaping and planting provides adequate protection, when balanced against the zoning of the site. I draw the Boards attention to the Appropriate Assessment 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.

13.8. ***Land and Soils***

- 13.8.1. Chapter 6 of the EIAR deals with land, soils and geology. I note that Chapter 4 considers Land take, in relation to the zoning of the site. The land take is considered acceptable as it is consistent with the zoning of the site. The methodology for assessment is described in Section 6.2 as well as the receiving environment in Section 6.3. Both parts of the site are described as sloping from north to south, from 20.5m to 11.5m and from 6m to 4.7m, with localised high points. It states that the dry ditch to the southern part of the north of the site is not connected to any watercourse.
- 13.8.2. The proposed development is located in an area defined by urban soils, tills and estuarine sediments. The GSI 100k Bedrock Geology map indicates that the entire site area is underlain by the Tober Colleen Formation, described as calcareous shale and limestone conglomerate. The area is described as having Poor Aquifer qualities. Groundwater is described as being within an area of high to extreme groundwater vulnerability.
- 13.8.3. Site investigations were carried out by Site Investigations Ltd. 12 no. trial pits were excavated using a tracked excavator. Geotechnical laboratory testing was carried out. Soakaway tests were undertaken in 50% of the trial pits. In the northern and southern part of the site, ground conditions were found to be cohesive firm brown slightly gravelly silty clay with medium cobble overlying stiff black slightly sandy slightly gravelly silty clay with medium cobble and low boulder content. No groundwater was encountered in the north of the site. The Soakaway tests to the south of this section failed, which is consistent with the clay soil. To the south, ground water was encountered in two trial pits. Similarly to the north of the site, the Soakaway tests failed.
- 13.8.4. Ground Investigations Ireland undertook a Site Investigation to the north of the site, where historic infill is known to have occurred. 14 no. trial pits were undertaken by a tracked excavator and chemical testing undertaken. Made ground deposits were found, consistent with Construction and Demolition waste. No evidence of contamination was found in the surface water samples. However, some evidence of asbestos fibres was detected, but below the hazardous level. All samples were classified as non-hazardous. In terms of waste disposal, the samples tested fell into the Waste Acceptance Criteria A (suitable for an unlined facility), B (inert landfill) and C (non-hazardous landfill). The volume of historic landfill is circa 17,280 cubic metres, based on an area of 11,520 square metres, to a depth of 1.5m.

- 13.8.5. The Japanese knotweed will have to be excavated.

Potential Impacts

- 13.8.6. During construction, potential impacts include erosion of soil, compaction of subsoil along haulage routes, silt discharges to the local ditch and Hazelbrook Stream, dust and soil spillages. No impacts are expected during operation.

Mitigation Measures

- 13.8.7. Mitigation measures for the Japanese Knotweed include pre-treatment, and excavation of soils to a 3 metre depth for a radius of 7 metres. A competent professional will supervise. Excavation of the Non-Hazardous historic infill is also required. For the rest of the site, cut and fill should minimise the amount of soil to be removed from the site. Topsoil will be stored carefully to enable its reuse. Silt traps, silt fences and tailing ponds will be provided to prevent silts and soils from being washed away. Dampening measures during dry weather will be used to reduce dust levels. If groundwater is encountered during excavation, sumps will be employed to remove it. A Preliminary Construction and Demolition Waste Management Plan and Preliminary Construction Management Plan have been prepared by Waterman Moylan.
- 13.8.8. During operation, a planting programme will prevent soil erosion. SUDS and filtration devices will remove pollutants from rainwater. These will need to be maintained. No adverse impacts are expected if the mitigation measures are adhered to. Monitoring will be undertaken in relation to the mitigation measures.

'Do-nothing' Scenario

- 13.8.9. In a 'Do-nothing' Scenario, there would be no change.

Human Health

- 13.8.10. Risks to human health may arise during construction but none are anticipated during operation.

Interactions

- 13.8.11. No significant interactions are anticipated.

Commentary

13.8.12. I note that cumulative impacts during construction are not considered. This is relevant in relation to the necessity for the new Castleway Pumping Station to be developed for the proposed development. This development is minor in scale, it will have impacts on Kinsealy Lane during construction.

13.8.13. The volume of soil to be removed from the site is considered in terms of the historic made ground, but no figures have been provided to show that there will be a soil balance between 'cut and fill' or if soil may have to be imported from the site. The volume of the export or import of soil to the site has implications in relation to the volume of construction traffic the works would generate. Similarly, while the scale of demolition is limited, there will be removal of waste from the proposed development. The chapter is deficient in relation to this information, but most of it is available in supporting reports.

13.9. Water

13.9.1. The site is a greenfield site. Generally, the local ditches eventually flow to the Hazelbrook Stream, save for the dry ditch on the southern boundary to the northern part of the site. And percolates surface water away locally. Groundwater is considered to be of good status. As referred to above, the groundwater is as a Poor Aquifer.

Flooding

13.9.2. Flooding has been evaluated and a Site Specific Flood Risk Assessment has been prepared. Coastal, fluvial, pluvial and groundwater flooding has been assessed. The coastal flooding risk is considered negligible; fluvial extremely low; pluvial, groundwater and human error are all categorised as low. Finished floor levels have been set to an appropriate freeboard and an overland flood route has been provided.

Water Supply

13.9.3. Water supply is from the public mains on Kinsealy Lane and Back Road. Upgrades of the public network are required. Water supply is to be from 3 no. connections to the 3 no. spurs constructed as part of the Ashwood Hall development, which anticipated this proposed development. The south of the site will be served by 3 no. connections from

the existing 5 no. spurs (one in Brookfield and two from Hazelbrook). Letters of consent to connect are provided.

- 13.9.4. The proposed network consists of 150mm trunk watermain running along the main access roads, with 100mm diameter branched serving the side streets. Water demand is based on an average occupancy ratio of 2.70 persons with a daily domestic consumption of 150 litres per capita and a 10% allowance factor. The population is anticipated to be 1,220.5 persons, with a daily water demand of 194,782.5 litres (194.75 cubic metres per day or 2.254litres per second) Irish Water has provided a letter of confirmation of feasibility and a statement of design acceptance.

Foul Water

- 13.9.5. The foul water network in the area will have to be upgraded. Currently, the existing developments flow to Kinsealy Lane, which outfalls to Connolly Avenue Pumping Station, which flows to the Malahide Wastewater Treatment Plant. Irish Water has commissioned a new pumping station on Chapel Road. This will discharge to the North Fringe Interceptor Sewer in Clongriffin. The Floraville Pumping Station can now drain via gravity to the Chapel Road Pumping Station. This will help relieve Connolly Avenue Pumping Station. However, Irish Water has suggested that a new 'Castleway Pumping Station' on Kinsealy Lane, which could pump foul water to Chapel Road Pumping Station. The Malahide Wastewater Treatment Plant can accommodate the proposed development.
- 13.9.6. Planning permission has been granted for the Castleway Pumping Station – F21A/0451. The current applicant for this site, has obtained a letter to allow it to develop the Castleway Pumping Station, so the proposed development is not reliant on a third party to enable the development of the site.
- 13.9.7. Foul water drainage is for a similar rate as water supply. Dry weather flows are 2.254l/s and peak flow is 6.762l/s.

Surface Water

- 13.9.8. Surface water is divided into a northern and southern catchment, reflecting the site. The northern site is subdivided into 6 sub-catchments, each with its own attenuation

tank. The outfall is to the existing ditches in the south-west. The southern catchment will have 2 sub-catchments with their own attenuation tank. These will outfall to the ditch on the northern boundary and to the Hazelbrook Stream.

- 13.9.9. SUDs measures include permeable paving, filter drains, green/sedum roofing, bio retention systems / rain gardens, roadside trees, swales, attenuation tanks, flow control devices and petrol interceptors.
- 13.9.10. Attenuation calculations are based on the 1 year, 30 year and 100 year return, assuming 100% runoff from paved areas. The climate change allowance is 20%.

Potential Impacts

- 13.9.11. During construction, site stripping and excavation will be required. There will be potential for erosion due to run-off, which in turn could increase sediment being washed into receiving water courses. Contaminants from concrete / cement or from accidental spillages of oils/diesel could be washed into these water courses. Foul water could be inadvertently connected to surface water drains, or if there is damage to foul pipes, contaminants could leak into groundwater.
- 13.9.12. During operation, greater amounts of impermeable area will lead to increase in surface water run-off, which could in turn lead to increased downstream flooding. Contaminants on the road surfaces or from spills could seep into drains (particulates, oil, soluble extracts from the bitumen binder) particularly after prolonged dry spells. Leaks in the foul water system could result in the contamination of the groundwater. Water supply for the rea will increase. Leaks from water supply could increase the amount of water permeating in the soil. The operational impacts are described as slight, adverse, temporary and residual impact on receiving watercourses and groundwater.

Cumulative Impacts

- 13.9.13. The report states that there are no anticipated cumulative impacts from the proposed development or further development, other than those already noted. It is not clear whether this is referring to the construction of the Castleway Pumping Station (F21A/0451), which included an NIS. I am satisfied that having regard to the scale of the permitted pumping station, that the additional works in the area are not significant.

Do-Nothing Scenario

- 13.9.14. The 'Do-Nothing' Scenario states there would be no change from the current levels of runoff.

Risk to Human Health

- 13.9.15. A risk to human health could arise should the ground water or existing water supply be contaminated or when the proposed development becomes operational. Mitigation measures are proposed.

Mitigation Measures

- 13.9.16. A Preliminary Construction Management Plan has been prepared, which will be updated by the appointed contractor. Standard measures are proposed in Section 7.8 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water. Monitoring of measures are necessary to ensure that best practice is achieved. At operation stage, standard measures are proposed, including the restriction to greenfield run-off rates, petrol interceptors, SUDS measures. Again, monitoring of these measures is required.

Predicted Impacts

- 13.9.17. As a result of the mitigation measures, the predicted impacts are limited to the increase in demand for water and for foul water discharge.

Worst Case Scenario

- 13.9.18. Contamination of surface water and ground water.

Interactions

- 13.9.19. Interactions are expected with Land and Soils, Biodiversity and Material Assets.

Commentary

13.9.20. In relation to flooding, the flood zone category (A, B or C) is not stated in the EIAR. However, as confirmed by the CE Report, the proposed development is located within Flood Zone C.

13.9.21. I have considered the relevant contents of the file including the EIAR. 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.

13.9.22. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water quality.

13.10. ***Air Quality***

13.10.1. Air Quality is assessed in chapter 8 of the EIAR. The methodology for assessment is described as well as the receiving environment. 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. Main impacts during operation will be from traffic sources.

Potential Impacts

13.10.2. During construction, there is a potential for dust and dirt emissions associated with construction vehicles and plant to occur during the construction phase, however, standard construction practices are proposed to mitigate against any potential negative impacts. Traffic emissions to air from HGVs may arise over the short term. Monitoring of these measures is required.

13.10.3. During operation, the increase in NO₂ is demonstrated to be negligible. Concentrations of PM₁₀ are in compliance with the annual limit value. The potential impact is considered to be long-term, localised, negative and imperceptible, so no mitigation measures are proposed.

Do-Nothing Scenario

13.10.4. The ambient air quality will remain as is. The proposed development will be neutral.

Risks to Human Health

13.10.5. The risk to human health arises from dust emissions during construction. Best practice measures will seek to control these emissions at source. All traffic emissions will be below the air quality emission standards.

Mitigation Measures

13.10.6. A detailed dust management plan has been prepared for the construction phase. The mitigation measures are set out in Section 8.6.1 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air quality.

Predicted Impacts

13.10.7. During construction, provided the Construction Environment Management Plan is adhered to, air quality impacts will be short-term, negative, localised and imperceptible.

13.10.8. At operation stage, the impact is long term, localised, negative and imperceptible.

Cumulative Impacts

13.10.9. There may be some cumulative impacts if construction coincides with other developments within 350 metres of the site, but these are not predicted to be significant. Air quality impacts from traffic impact is long term, localised, negative and imperceptible.

Interactions

13.10.10. Interactions with Material Assets arise in relation to waste and traffic.

Commentary

13.10.11. The chapter is considered acceptable.

13.11. **Noise and Vibration**

13.11.1. Noise and Vibration are outlined in chapter 9 of the EIAR. There are residential units in proximity to the site and Malahide Community School is approximately 180 metres east of the site. The northern part of the site is located in Noise Zone C in relation to Dublin Airport. The southern part of the site is located in Noise Zone B. The site is

proximate to the Dublin-Belfast Railway Line. Notwithstanding the above, the EIAR finds that the background noise level on the site (L_{A90}) is between 40 to 50 dB during the daytime. The maximum noise levels (L_{Amax}) are along the railway line. Some vibration is also experienced along here. The maximum PPV levels are 0.47 PPV (this level may give rise to adverse comment by persons occupying a building).

Predicted Impacts

- 13.11.2. The EIAR describes the typical construction related activities that are expected to generate noise and vibration, including use of plant and machinery, both on, and travelling to, the subject site. The nearest noise sensitive location is circa 20 metres from the southern part of the site and 30 metres from the northern part of the site. There are dwellings east of the railway line approximately 50 metres from the site and the school is 180 metres. Demolition will give rise to the most noise, but I note that the scale of buildings on site is not extensive. Construction traffic is not expected to have a significant noise impact. During operation, noise may arise from plant associated with mechanical services. No negative impacts are expected at nearby noise sensitive locations. Noise from the additional traffic generated by the proposed development is considered negligible. The impact is neutral, imperceptible and long term.
- 13.11.3. Vibrations impacts may occur during the construction phase as a result of demolition, ground preparation works and plant and machinery movements. Vibration levels are not likely to be above the level which would give rise to cosmetic damage to buildings and most vibrations are likely to be too low level to be noticed. No significant sources of vibration from the site are expected to arise during the operational phase of the development. Impacts are expected to be negative, not significant and temporary.
- 13.11.4. In relation to the noise likely to be experienced in the proposed development, arising from rail, the EIAR finds that the predicted impacts are of the order of 56-64 dBL_{aeqT}. This is considered medium risk. Facades where a minimum sound insulation performance specification is required for windows and vents are identified. A similar noise pattern arises in relation aircraft noise, which I assume affects the southern part of the site, being located in Noise Zone B. However the proposed dwellings in the southern part of the site is not considered in this regard for additional noise measures.

13.11.5. External amenity areas would experience noise levels in excess of 55dB $L_{Aeq,16hr}$. This cannot be reduced, but the layout has tried to locate private amenity space to the rear of houses and the apartment blocks.

13.11.6. The railway line is not considered to be perceptible in relation to vibration.

Mitigation Measures

13.11.7. Mitigation measures are described in Section 9.6 of the EIAR. These include the selection of quiet plant, noise control at source, provision of hoarding and monitoring. Limit values have been provided for vibration.

Predicted Impacts

13.11.8. For dwellings within 30 metres of the construction activity, the residual impacts are negative, moderate to very significant and short term. At greater distances, the residual impacts less to negative, slight to moderate and short term. Noise from construction vehicles is negative, not significant and short term.

13.11.9. During the operational phase, the noise from additional traffic or plant will be negligible. The inward noise impact can be mitigated by appropriate fenestration and ventilation. The residual impact of the operational phase of the proposed development will be of neutral, not significant, permanent impact.

Cumulative Impacts

13.11.10. If there are additional construction sites in operation, liaison should be on-going to schedule work. No noise increase is expected in relation to traffic when operational.

Commentary

13.11.11. No specific section on human health is provided, but the nature of the chapter is concerned with human. No interactions are provided, but I do not consider this necessary. However, I am not satisfied that the impacts of noise in the southern part of the site has been adequately addressed, given the noise level to be experienced is similar to the northern section. This could be rectified by way of condition, to ensure a satisfactory indoor noise environment for future residents.

13.12. *Climate*

13.12.1. Chapter 10 of the EIAR considers the likely climate impact associated with the proposed development.

Predicted Impacts

13.12.2. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. This is considered in relation to construction traffic. No significant impacts were found. However, due to the size of the proposed development, the impact on national greenhouse gas emission is predicted to be insignificant in terms of Ireland's obligations under the EU 2020 target. I am satisfied that the EIAR complies with all the relevant national and international requirements on climate change.

13.12.3. During operation, the impact of the traffic generated by the proposed development is considered. Flooding is also considered but allowance has been made for this in the size of attenuation tanks. The buildings have to achieve a Nearly Zero Energy Building, with a BER of A2/A3. Part L renewable energy requirements will apply. Electric vehicle charging points will be incorporated and walking and cycling encouraged. A Climate Impact Assessment Table is provided.

Do-Nothing Scenario

13.12.4. In a 'Do-Nothing Scenario', there will be no impacts on Greenhouse Gas Emissions.

Mitigation Measures

13.12.5. Mitigation measures are provided for during construction. Mitigation measures are designed in at operation stage, as outlined above. Residual impacts during construction are neutral, imperceptible and short-term. At operation stage, these are long term, negative and imperceptible.

Cumulative Impacts

13.12.6. These are considered neutral at construction stage and when considered with Streamstown, long term, negative and imperceptible in relation to climate change.

13.12.7. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

13.13. ***Landscape and Visual Assessment***

13.13.1. Chapter 11 outlines the landscape and visual impacts that would arise from the proposed development. It sets out the relevant legislation and guidance documents.

13.13.2. The site is categorised in the Fingal Landscape Character Assessment in the development plan as having a 'Low Lying Character Type'. The site has a low to medium sensitivity and is described a modest value. The principles for development are that the skyline be protected and retention of trees and hedging and new hedging being a way to integrate new development. There are no protected views or prospects and no Tree Preservation Orders within the site. Furthermore, the site is zoned for development within the Development Plan. The site is not very visible in the surrounding area due to its level topography.

Potential impacts

13.13.3. During construction there will be visual impacts due to the construction works. There will be impacts arising from the removal of trees and vegetation and changes in ground level and earthworks. The removal of vegetation will be negative, slight and short term in duration. The construction works will be negative, moderate and short term in duration.

13.13.4. At operation stage, there will be visual impacts from the new buildings, infrastructure and change in character from the change in use. The impacts in relation to landscape are described as positive, slight and long term. The EIAR states that the new buildings will not be visible from locations surrounding the site and so there will be no visual impacts associated with these views. This is not entirely correct. I note that in View 4, to the south of the site from Kinsealy Lane, the new dwellings are visible. The red brick proposed as the main material is quite urban for this rural setting and I would recommend that a softer, brown brick is used, similar to the existing Hazelbrook estate, should the Board consider granting planning permission for the proposed development.

Mitigation Measures

- 13.13.5. Design mitigation measures include the retention and enhancement of existing trees, perimeter planting and woodland planting.

Cumulative Impacts

- 13.13.6. None are anticipated.

Do nothing Scenario

- 13.13.7. The lands would fall into disrepair and scrubland would dominate. Future development would occur due to the zoning of the site.

Worst Case Scenario

- 13.13.8. The worst case scenario would be failure to implement the landscaping plan.

Interactions

- 13.13.9. The interactions are with population and human health, biodiversity and cultural heritage.

Commentary

- 13.13.10. 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. I am, therefore, satisfied that the proposed development would have an acceptable direct, and cumulative effects on the landscape and on visual impact. I have considered the urban design and placemaking aspects of the proposed development in my planning assessment above and do not consider that these issues have been adequately resolved.

13.14. ***Traffic and Transportation***

- 13.14.1. Chapter 12 of the EIAR assesses the likely traffic and transportation impacts on the receiving environment. This issue is the main focus of most **Observers** – particularly those from Hazelbrook estate and the appropriateness of a second access to the proposed development. I also note that the planning application for the proposed primary school (F22A/0105) was lodged on 04.03.2022. This SHD application was

lodged on 19.04.2022, before a decision to refuse planning permission was made on 37.04.2022.

- 13.14.2. The EIAR notes that there are two other SHD applications in the area (ABP313265-22 and ABP313360-22). ABP313265-22 would add 100 units onto the Back Road and ABP313360-22 would add 368 units onto the Dublin/Malahide Road. These units are not permitted and so need not be considered under cumulative development. However, they have been included in the traffic chapter and analysed under the Sensitivity Analysis. This is considered the 'Worst Case Analysis'. A 'Do Nothing Scenario' is also provided.
- 13.14.3. The Traffic and Transport chapter includes for public transport, pedestrian, cycling as well as private vehicles. It considers physical infrastructure as well as the capacity of the network. The main roads in the local road network are described. Footpath provision on the main roads is narrow, limited and at points, non-continuous.
- 13.14.4. Five junctions are analysed. The two main junctions are Junction 1 – R107 Malahide Road/Back Road and Junction 4, Road / The Hill. The three other junctions are the main entrance to Ashwood Hall/Back Road (Junction 3), Kinsealy Lane/Back Road (Junction 2) and Kinsealy Lane/Hazelbrook (Junction 5).
- 13.14.5. The modelling submitted with the Traffic and Transport Assessment indicates that at Junction 1, traffic would increase in the order of 10/11% during the morning and evening peaks. For Junction 4, the increase is of the order of 5% for both peaks. For Junction 3, the increase in traffic would be 29/30%% for the morning and evening peaks. Junction 2, the increase in traffic would be 15% and 20% for the morning and evening peaks. Junction 5, the increase in traffic would be 25% and 36% for the morning and evening peaks. This information was modelled from a traffic survey undertaken in 2019, but has been calibrated with an earlier traffic study in 2018 to ensure its reliability.
- 13.14.6. Cycle routes are available along the roads and through Malahide Castle grounds to Malahide Town Centre. The grounds are closed outside of daylight hours and there is no dedicated cycle space on the roads.

- 13.14.7. The Malahide Train Station is circa 1.6km from the northern site and 2.7 km from the northeast of the southern section of the site. It is served by DART and commuter rail services, with a 20 minute frequency.
- 13.14.8. The nearest bus stops are on the Hill Road (circa 900 metres from the entrance to the site), which is served by the 42 and 142 and the Malahide Road (circa 1.7 km from the southern site). The 42 comes from Portmarnock, turns into Malahide Town Centre before coming out the Malahide Road. Neither bus routes are high frequency.
- 13.14.9. The proposed internal road are circa 6 metres wide with 2 metre wide footpaths. Traffic calming measures are included and a design speed of 30 kph is expected. Pedestrian crossing points are provided.
- 13.14.10. Cycle parking for the apartments (163 units including duplex units) at 227 spaces exceed development plan standards.
- 13.14.11. Car parking is provided at a rate of 1.25 spaces per unit for the apartments and duplexes and at 2 per dwelling house. The creche included 6 set down spaces and 10 staff spaces, which serve as visitor car parking outside of creche operating hours. Seven electrical charging points for cars are provided.
- 13.14.12. During operation, the northern section of the site is likely to generate 149 traffic movements in and out in the morning peak and 161 movements in the evening peak. The southern section of the site is likely to generate 48 traffic movements in and out in the morning peak and 54 movements in the evening peak [there is a minor error in the number of units in southern section of the site – 89 units rather than 87 no. units].

Potential impacts

- 13.14.13. Construction traffic may impact in terms of noise and dust in the surrounding road network. Traffic congestion could increase. Inappropriate parking could obstruct traffic. The impact is considered negative, moderate and short term.
- 13.14.14. During operation, there will be some impacts on Junction 1, but the impact is unlikely to be significant in 2026, the opening year. By 2041, there will be a moderate impact. If all the additional applications are permitted, by 2041 there will be significant queues on the Back Road and Dublin Road and the ratio of flow to capacity (RFC) would be over 90% in the morning. Evening peaks are less severe.

13.14.15. At Junction 4, by 2026, there will be significant queues in the morning peak onto the Back Road and the RFC would be at 94%. By 2041, the RFC would be 113% and if all the additional applications are permitted, the RFC would be 132%. The reverse movements in the evening are more impactful, with RFC at 156%. The EIAR notes that the contribution of the proposed development is approximately 6%.

13.14.16. Junction 3 (the main entrance to the site), will operate with no significant queuing over the time period modelled.

13.14.17. Junction 2 (Kinsealy Lane/Back Road), will operate with no significant queuing over the time period modelled.

13.14.18. Junction 5 (Kinsealy Lane/Hazelbrook) will operate with no significant queuing over the time period modelled.

Do-nothing Scenario

13.14.19. In the 'Do-nothing Scenario', Junction 1 will still experience a moderate increase in traffic. Junction 4 will still experience significant queuing.

Mitigation Measures

13.14.20. At construction, a Traffic Management Plan will be prepared by the main contractor. This will detail construction traffic and activities that will impact on the surrounding road network. Appropriate care will be taken of pedestrians and cyclists and traffic diversions applied where necessary.

13.14.21. At operation stage, modal shift away from the private car will be encouraged. A Travel Plan is provided.

Cumulative impacts

13.14.22. Cumulative impacts have been described in the sensitivity analysis. This analysis may overstate the future projections, as it assumes that all proposed development in the area will be permitted and developed.

Commentary

13.14.23. The number of truck movements that the proposed development would generate during construction has not been quantified, nor a proposed haul route identified in the EIAR, but have been in the TTA and PCDWMP. Therefore, the impacts can be considered within the EIA, but the chapter is deficient in regard to this.

13.14.24. The main issue of concern of the Observers, about the adequacy of the internal road network, particularly where traffic would turn on a sharp bend with Hazelbrook estate is not considered in the EIAR or TTA. However, I consider that this can be dealt with by way of condition.

13.15. Cultural Heritage

13.15.1. This chapter considers both direct and indirect effects during the construction and operation phases of the proposed development on archaeological, architectural and cultural heritage features.

Archaeology

13.15.2. There are a large number of archaeological sites in the general area and four are located between the northern and southern sections of the proposed development (DU012-071, DU012-033 and DU015-003001 and DU015-003002). DU012-071 and DU012-033 are cropmarks. DU015-003001 and DU15-003002 are ringforts. None of these monuments are visible above ground.

13.15.3. There has been a number of flint artefacts found in Broomfield in the 1960's.

13.15.4. Test trenching was undertaken in a field immediately south west of the northern section of the site and north of the southern section found 13 features of archaeological significance. Test trenching west of the northern section found 4 features. However, none were found when another field south of the northern section.

Architectural Heritage

13.15.5. Malahide Castle Demesne is an Architectural Conservation Area circa 40 metres from the site. There are four structures on the NIAH with 500 metres of the site relating to Malahide Castle Demesne. The demesne is also an historic park and garden.

13.15.6. The Bawn, Parnell Cottages and St. Sylvester's Villas, east of the railway line, are also an Architectural Conservation Area.

- 13.15.7. The site was formerly part of the lands associated with Broomfield House, which is no longer in existence. Broomfield House has a historic park and garden, but no features remain.

Cultural Heritage

- 13.15.8. The western side and part of the southern side of the northern section of the site is a townland boundary.

Geophysical Survey and Test Trenching

- 13.15.9. A geophysical survey was undertaken of parts of the site where it was possible to do so. In the northern section, two possible enclosures were found and four curvilinear trends were identified. There may be additional archaeological features in the former rugby grounds. In the southern section there may be some archaeological features also.

- 13.15.10. Test trenching was undertaken in 2020. Two fields revealed evidence of archaeological features (a pit, a hearth/burnt pit and two possible enclosure ditches).

Potential Impacts

- 13.15.11. Construction works will have a significant permanent direct impact on the archaeological features already found and any that may be discovered during the construction works. There are no indirect impacts. There will be no direct impacts when operational.

- 13.15.12. The proposed development will have an imperceptible, permanent visual impact on the architectural heritage. There will be no impacts on Broomfield House.

- 13.15.13. The proposed access roads and footpaths will impact the townland boundary in 6 locations. This will have an imperceptible, permanent direct impact.

'Do nothing' Scenario

- 13.15.14. There will be no impact.

Mitigation Measures

13.15.15. The four archaeological features should be fully excavated. Monitoring of all groundworks, carried out under licence, should be undertaken in the fields where potential archaeological finds are identified (Fields 1, 2 and 5). In relation to the townland boundary, written and photographic records should be created in advance of ground works.

13.15.16. No residual impacts are likely on the archaeological and cultural heritage. There will be a permanent, imperceptible impact on the architectural features.

Interactions

13.15.17. There are no interactions.

Commentary

13.15.18. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I, therefore, consider that the proposed development would have an acceptable level of direct or indirect impacts on archaeology, architecture and cultural heritage.

13.16. **Material Assets – Utilities and Waste**

13.16.1. Chapter 14 of the EIAR addresses Utilities and Waste associated with the construction and operational phases of the proposed development. This chapter is informed by the site-specific preliminary Construction and Demolition Waste Management Plan (CDWMP) and Operational Waste Management Plan (OWMP) submitted with the application.

13.16.2. Electricity, gas and telecommunications utilities are available to the site. Overhead lines traverse the site. The undergrounding of the overhead lines is to be agreed at detailed design stage. Underground networks have been constructed to the site.

Construction Phase

13.16.3. There will be impacts on the existing population during the construction phase and these have been discussed in the relevant chapters.

13.16.4. Hoarding and security fencing will surround the site. A detailed traffic management plan will be implemented. The number of construction vehicle movements will be low.

75% of the construction traffic will from M50 / Swords and 25% from the Dublin / Baldoyle direction. A construction management plan (CMP) will be in place. A new foul sewer will be laid on Kinsealy Lane. This impact will be temporary and slight.

13.16.5. There may be temporary impacts to the local electricity, gas and telecommunications network during connection, but the impact will be slight and temporary.

13.16.6. Waste generated during construction will be managed in accordance with the CDWMP.

Operational Phase

13.16.7. At operational phase, there will be an increase in demand in electricity, gas and telecommunications. The potential impacts will be neutral, imperceptible and long term.

13.16.8. Waste storage has been incorporated into the design of the area. It will be segregated, where practical. The impacts are long term, not significant and negative.

Mitigation Measures

13.16.9. Implementation of the CDWMP is the main method to ensure that impacts are appropriately dealt with.

Do-nothing Scenario

13.16.10. There would be no impacts in a Do-nothing Scenario.

Cumulative Impacts

13.16.11. Multiple sites under construction at the same time may result in noise and vibration, but these are temporary. At operation stage, the proposed development will increase the efficiency of the waste contractors currently serving the area.

Interactions

13.16.12. Interactions arise with water, air quality and human health.

Commentary

13.16.13. There is little information on the quantity of waste in this chapter. I note the PCDWMP and OWMP provide figures in this regard. No description of the earthworks has been provided.

13.16.14. Section 16 of the EIAR sets out mitigation measures to ensure that the scheme will have a minor impact on the services. Subject to adherence to best practice requirements of the relevant providers and implementation of best practice mitigation measures, I am satisfied that will be no significant permanent adverse impact on material assets: built services as result of the proposed development.

13.17. ***Interactions***

13.17.1. A specific section is provided in each chapter on interactions between the topic described and how it relates to and interacts with other chapters. Chapter 15 addresses Interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 15.1 provides a matrix of interactions. Cumulative effects are also considered.

Population and human health interact mainly with water; air; noise and vibration and traffic. During construction these interactions are negative but are temporary. There will be visual disturbance to the landscape. During operation, the same interactions will occur, but are not considered significant. The cumulative impacts during construction may be negative but these are short term and will be managed. During operation, there will be a synergy of uses that will be a permanent positive impact on the area and the town.

I note that population and human health would impact on health. I am satisfied that this is considered in the chapter on waste.

Biodiversity interacts mainly with water, landscape and traffic. Mitigation measures will deal with impacts in relation to water and landscape, but mortality from traffic cannot be mitigated entirely. The urbanisation of the area is a reflection of the zoning of the area.

Land and soils is not considered to interact with other chapters after construction save water arising from spillages or foul water.

Water interacts with lands and soils, biodiversity, utilities and roads and traffic. The impacts may lie in water quality or the disruption of services during construction. During operation, this may arise from contamination from foul water or spills as the water environment and impact on water quality with consequential impacts on biodiversity. There are no cumulative impacts.

Air Quality interacts with population and human health; noise and traffic due to dust soiling and possible exposure to air quality pollutants. Cumulative impacts during construction would be short term and negative. During operation, arising from traffic, these will be long term, negative and imperceptible.

Noise and Vibration interacts with population and human health, air quality and traffic during construction. Cumulatively, the impacts during operation are negative, imperceptible to moderate and long term.

Climate in this case is not expected to interact with other disciplines. The potential for significant CO₂ and N₂O emissions cumulative impacts to climate are considered low and neutral. The operational stage impact for the proposed development in cumulative terms is predicted to be long term, neutral, and imperceptible.

Landscape and Visual Impact interact with population and human health; and biodiversity as the proposed project generates visual effects. Cultural heritage will be impacted also. No cumulative effects during operation is expected.

Traffic and Transport interact with human health during the Construction Phase caused by noise, dust, air quality, water and visual impacts. Cumulative impacts with other developments are considered also.

Cultural Heritage - No interactions are identified.

Material Assets Utilities and Waste are expected to interact with water, air quality, and population and human health. There may be cumulative impacts with other sites but these are short term. During operation, these effects will be imperceptible and neutral.

Commentary

- 13.17.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including permitted housing developments in the vicinity.

Such development would be unlikely to differ from that envisaged under the county development which was subject to Strategic Environment Assessment. The 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 significant environmental effects that were not envisaged in the plans that were subject to SEA, given the modest increase in population. 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.

13.18. ***Environmental Commitments / Mitigation Measures***

Chapter 16 of the EIAR provides a consolidated list of all the environmental commitments / mitigation and monitoring measures that have been recommended by the various specialists throughout the Chapters of the EIAR. The mitigation and monitoring measures have been recommended on that basis that they are considered necessary to protect the environment during both the construction and operational phases of the proposed project.

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

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

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of these greenfield lands to residential. Given the location of the site, its zoning and the public need for housing in the region, this would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of non-hazardous material

from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.

- Potential effects on water which will 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 arising from noise and vibration during construction which will be mitigated by appropriate management measures. Potential effects during operation having regard to noise from the railway line and aircraft noise. This will be mitigated by the use of appropriate insulation, fenestration and ventilation where relevant.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential effects on traffic and the road network from the increase in traffic in the wider road network area. Such effects can be mitigated by use of more sustainable modes of traffic.

The EIAR has considered that the main significant direct effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory, but there are some that have shortcomings. These shortcomings can be overcome by the wide range of reports submitted by the application, particularly in relation to aviation safety. I am satisfied with the information provided to assess the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The indirect effects have generally not been considered in the EIAR. However, I consider the indirect effects are not significant, given that there is adequate treatment capacity in the Ringsend Wastewater Treatment Plant. Overall, the environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

14.0 Recommendation

- 14.1. For the reasons outlined below, I consider that the southern section of the proposed development is in compliance with the proper planning and sustainable development of the area and I recommend that permission is GRANTED, under section 9(4) of the Act subject to conditions set out below. However, the northern section of the proposed development requires further consideration and this section should be REFUSED planning permission.

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 19th day of April, 2022 by Downey Planning, on behalf of Birchwell Developments Limited.

Proposed Development: The development will consist of:

The demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows: • 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storey in height; • Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B

containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units, and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room; • Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store; • Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking; • Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking; • Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking. The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); 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 proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul

network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.

Decision:

GRANT permission for 87 residential units in the southern section of the site in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below and REFUSE permission for the proposed development located in the northern section of the site, reasons and considerations under.

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:

- The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- Housing for All – A New Housing Plan for Ireland, 2021;
- Climate Action Plan, 2023
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2020;
- 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;
- 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 and revised in 2019;

- Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2022 ;
- The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- The site's location on lands with zoning objective 'RA', to '*Provide for new residential communities subject to the provision of the necessary social and physical infrastructure*';
- The policies and objectives in the Fingal Development Plan 2017 – 2023;
- The location of the site within the Outer Public Safety Zone of Dublin Airport;
- Nature, scale and design of the proposed development;
- The planning history of the site;
- Chief Executive's Report;
- Inspector's Report; and
- 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 amenities of the area or of property in the vicinity, would not interfere with protected views, 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 and would provide for suitable connections to Brookfield and Ashwood Hall estates. The proposed development would not give rise to a risk of flooding upstream or downstream of the site. 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 designated European Sites, taking into account the nature, scale and location of the proposed development

within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than the Baldoyle Bay SAC (IE000199) and Baldoyle Bay SPA (IE004016) which are European Sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the Baldoyle Bay SAC (IE000199) and Baldoyle Bay SPA (IE004016) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

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

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete

assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

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

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development,
- The location of the site on lands zoned RA in the Fingal Development Plan 2017-2023 with the associated land use objective '*Provide for new residential communities subject to the provision of the necessary social and physical*

infrastructure'. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).

- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003).
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Environmental Impact Assessment Report, the Aviation Public Safety Zone Assessment Report, the Site Specific Flood Risk Assessment, Appropriate Assessment Final Report including NIS, the Preliminary Construction and Demolition Waste Management Plan, the Preliminary Construction and Environmental Management Plan, the Operational Waste Management Plan, the Traffic and Transport Assessment and Engineering Assessment Report.
- The submissions from the Planning Authority, the prescribed bodies and the general public in the course of the application.
- 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.

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

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective or other objective of the Development Plan.

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

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. The number of residential units permitted by this grant of permission is 87 no. residential units and all associated works.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:

(a) Rotate Block F so as it orientated to the south;

(b) Amend Blocks E and F so as there is a consistent roof ridge height and a hipped roof profile is provided.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority

Reason: In the interest of residential and visual amenity.

4. A Swept Path Analysis shall be submitted to the Planning Authority, prior to commencement of development, from the junction of Hazelbrook with Kinsealy Lane to the existing agricultural entrance. This should demonstrate that the carriageway is sufficient to accommodate the increased traffic generated by the proposed development and future developments and if not, specify the road widening works required.

Reason: In the interest of traffic convenience.

5. Prior to commencement of development,

(a) details of the materials, colours and textures of all the external finishes to the proposed dwellings/ buildings shall be as submitted with the application save for the brick, unless agreed in writing with, the Planning Authority/An Bord Pleanála prior to commencement of development. A compliance submission shall be made in relation to the brick used, prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Such materials shall be consistent with the level of noise insulation required having regard to the site's location within Noise Zone B of Dublin Airport.

Reason: In the interests of visual and residential amenity.

6. 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 17 of the EIAR 'Schedule of Mitigation Measures and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

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

Reason: In the interest of urban legibility.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of

which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be certified as having appropriate lux levels by a bat specialist. It provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

9. 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.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

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

(b) No unit shall be occupied until the pumping station permitted under F21A/0451 has been commissioned.

Reason: In the interest of public health.

12. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

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

- (a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the Planning Authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have

responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

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

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

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

16. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and

locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.
- n) Notification to Dublin Airport Authority in relation to crane use.

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

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

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

19. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.

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.

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

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

21. 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.

22. 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.

23. Section 48 (2) © unspecified for the signalisation of the junction of the Back Road and The Hill.

Reason: In the interest of road safety to facilitate the flow of traffic and pedestrian safety.

Reason for Refusal:

1. Having regard to the northern section of the site, which is closest to existing public transport facilities, retail and other services and to the layout of the proposed development in the northern section of the site, where the apartments and duplex units, which are reliant on a reduced car parking provision, are

located distant from these services, it is considered that the layout of the proposed development fails to respond to the characteristics of the site.

Furthermore, the location of the proposed creche would not encourage active travel and would invite unnecessary vehicular trips. The proposed development would constitute disorderly development, would not mitigate for reduced private vehicular travel and would therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Mac Mahon
Senior Planning Inspector

23 March 2023