



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-313362-22**

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#### **Strategic Housing Development**

650 no. residential units (265 no. houses, 385 no. apartments / duplex units), a creche, 5 no. retail units, 1 no. café / restaurant unit and all associated site works.

#### **Location**

Lands to the south of Rathbeale Road and to the north and south of Main Street, Mooretown Distributor Road, Celestica/Motorola site, Swords, Co. Dublin. ([www.mooretownshd.ie](http://www.mooretownshd.ie))

#### **Planning Authority**

Fingal County Council

#### **Applicant**

Gerard Gannon Properties

#### **Prescribed Bodies**

Irish Water

National Transport Authority

Transport Infrastructure Ireland

**Observer(s)**

Edward Stevenson

**Date of Site Inspection**

1<sup>st</sup> March 2023

**Inspector**

Elaine Power

## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The subject site has a stated area of 18.378ha and comprises 3 no. separate land parcels. The main development site has a stated area of 16.52ha and forms part of a larger landholding within the ownership of the applicant known as Mooretown. It is located on the western edge of the urban area of Swords, c. 2.5km from the town centre. This site was formerly in agricultural use with 3 no. fields defined by north-south hedgerows and ditches. There is also a partial hedgerow along the sites southern boundary. This site slopes from a height of 58m in the southwest corner to 37m in the north-east.
- 2.2. The area surrounding the main development site is in transition with on-going residential development with associated uses. This site is bound to the north by a school campus, approved under Reg. Ref. F18A/0163 and Phase 2 Mooretown lands, approved under Reg. Ref. F16A/0505. No works have begun to date on Phase 2. The site is bound to the south and south east by Abbeyvale and Berwick housing estates, to the east by agricultural lands and to the west by the previously approved Mooretown distributor road (part of the Western Distributor Link Road or WDLR). There is an existing road 'Main Street' running through the northern portion of the site in an east-west direction, which provides access to the school campus. A pedestrian and cycle path approved under ABP-310034-21, Reg. Ref. 20A/0095 runs in a new east – west direction at the sites southern boundary.
- 2.3. The second parcel of land would comprise public open space with a stated area of c. 1.29 ha, to be provided within the Swords Regional Park, c. 2km north of the main development site. The third parcel of land is located at lands locally known as the Celestica/Motorola site, c. 2km north east of the main development site, at the junction of Glen Ellan Road and Balheary Road, and on Balheary Road. This land parcel has a stated area of 0.56 ha and is associated with engineering works to accommodate the scheme.

### 3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a 10 year permission consisting of the construction of 650 no. residential units comprising 265 no. houses, 187 no. apartments, 6 no. triplex units, and 192 no. duplex units, a childcare facility, 5 no. retail units and 1 no. café / restaurant unit.
- 3.2. The 265 no. houses comprise 240 no. 3-beds and 25 no. 4-beds houses ranging from two to three storey in height. The 192 no. duplex units are provided in 22 no. duplex blocks (Blocks A -V) comprising 113 no. duplex 'house' units and 79 no. duplex 'apartment' units and 187 no. apartments are provided in 6 no. blocks (Blocks A - F). The 6 no. triplex units comprise own door units that form part of Apartment Block A.
- 3.3. The development includes 991 no. car parking spaces, 1141 no. bicycle spaces. New vehicular accesses onto Main Street and onto the Mooretown Distributor Road (Western Distributor Link Road) which was permitted and partly constructed under Reg. Ref. F20A/0096. Upgrades to the public realm including footpaths, a new pedestrian / cyclist link via Abbeyvale Court. Landscaping including play equipment, boundary treatments, public lighting and
- 3.4. The scheme also includes all associated engineering and site works necessary to facilitate the development including the proposed stormwater storage tank and overflow outfall gravity sewer to the Broadmeadow River with associated manholes on lands locally known as the Celestica/Motorola site, junction of Glen Ellan Road and Balheary Road, and at Balheary Road, along with the proposed vehicular / service access onto Balheary Road, Swords.
- 3.5. Key Development Statistics are outlined below:

	<b>Proposed Development</b>
<b>Site Area</b>	18.378 ha gross / 14.47 ha net
<b>No. of Units</b>	650 no. (266 no. houses, 113 no. duplex units, 6 no. triplex units and 265 no. apartments)
<b>Unit mix</b>	76 no. (12%) 1-beds, 193 no. (29.5%) 2-beds, 356 no. (54.5%) 3-beds and 25 no. (4%) 4-beds
<b>Density</b>	45 units per ha

<b>Height</b>	2/3 storey houses 3-storey duplex units 3-5 storey apartment blocks
<b>Dual Aspect</b>	70% apartment / duplex units
<b>Other Uses</b>	1 no. childcare facility (512sqm) 5 no. retail units (693sqm) 1 no. café / restaurant (253sqm)
<b>Public Open Space</b>	43,425sqm comprising 17,232sqm on lands zoned for residential development and 26,193sqm on lands zoned for open space.
<b>Car Parking</b>	991 no.
<b>Bicycle Parking</b>	1,141 no.

3.6. The application included the following:

- Planning Statement
- Urban Design and Architectural Statement
- Statement of Consistency
- Statement of Response to An Bord Pleanála Opinion
- Material Contravention Statement
- Materiality and Finishes Report
- Daylight Sunlight Assessment Report
- Appropriate Assessment Screening and Natura Impact Statement
- Environmental Impact Assessment Report
- Engineering Assessment Report
- Additional Engineering Assessment Report – Stormwater Storage Tank
- Flood Risk Assessment
- Additional Flood Risk Assessment – Stormwater Storage Tank
- Stormwater Overflow and Receiving Stream Assessment
- Hydro G – Stormwater Overflow and Receiving Stream Assessment  
Assimilation Simulation Evaluation Report
- Planning Stage Structural Report
- Childcare Provision Assessment Report

- Community and Social Infrastructure Audit
- School Demand Assessment Report
- Landscape Design Report
- Arboricultural Assessment
- Construction Demolition and Waste Management Plan
- Operational Waste Management Plan
- Traffic and Transport Assessment Report
- Travel Plan
- Building Lifecycle Report
- Part L and Energy / Carbon Dioxide Analysis Report
- Telecommunication Signal Interference Assessment Report
- Housing Quality Assessment
- Universal Assess Statement
- Photomontages / CGI's

## 4.0 Planning History

### ***Subject Site***

- ***Reg. Ref. 20A/0096:*** Permission was granted in 2021 for a 400m long southerly extension to the Mooretown Distributor Road Extension incorporating water supply, foul and surface water drainage, surface water attenuation and ancillary works. The Mooretown Distributor Road forms part of the Swords Western Distributor Road. This site overlaps with the subject sites western boundary.
- ***ABP-310034-21, Reg. Ref. 20A/0095:*** Permission was granted in 2022 for a c. 185m long pedestrian and cycle path along the southern portion of the subject site. This route provides a new east – west connection from Abbeyvale Court to the proposed Mooretown Distributor Road extension and the school campus.

- **ABP-313695-22, Reg. Ref. F21A/0273:** Permission was refused in 2022 by Fingal County Council for a c 457m long extension to an existing 2.5m high boundary wall. This site overlaps in part with the subject sites western boundary. The decision is currently on appeal.
- **Reg. Ref. 14A/0012:** Permission was granted in 2014 for an access road and service enabling works to serve the future school campus. This road runs through the northern section of the subject site. These works are completed and the road is operational.
- **ABP-313302-22 Strategic Housing Development Application:** Permission was granted in 2023 for the removal of temporary site structures and the construction of 377 no. residential units and creche at a site c. 750m north of the subject site. The development included an off-site stormwater tank and overflow outfall gravity sewer at lands known at Celestica / Motorola site at the junction Glen Ellan Road and Balheary Road and on Balheary Road which also forms part of this application.
- **Reg. Ref. 21A/0476 / ABP 313835-22:** Permission was granted by Fingal County Council in 2022 for a stormwater tank and overflow outfall gravity sewer at lands known as Celestica / Motorola site at the junction Glen Ellan Road and Balheary Road and on Balheary Road which also forms part of this application. This decision is currently on appeal.

### ***Surrounding Sites***

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

#### ***Mooretown***

- **12A/0270, PL06F.241634:** Permission was granted in 2013 for a new distributor road forming part of the Swords Western Distributor Road connecting Rathbeale Road to Mooretown Local Area Plan lands to the south and incorporating water supply, foul and surface water drainage, surface water

attenuation and ancillary works. An extension of duration of permission was granted in 2018. These works are completed and the road is operational.

- **Reg. Ref. 15A/0183:** Permission was granted in 2015 for 190 no. houses and 60 no. apartments on lands c. 350m north of the subject site and referred to as Phase 1. An extension of duration was granted in 2020 under Reg. Ref. 15A/0183/E1. This phase is under construction.
- **Reg. Ref. 16A/0505:** Permission was granted in 2017 for 188 no. houses and 50 no. apartments on lands immediately north of the subject site and referred to as Phase 2. An application for an extension of duration was submitted to Fingal County Council in February 2023. Works have not commenced on this site.
- **Reg. Ref. 18A/0163:** Permission was granted in 2018 for 2 no. school buildings incorporating Swords Community College and a new primary school on a site immediately north of the subject site. These schools are completed and occupied.

#### *Oldtown*

- **Reg. Ref. 11A/0436:** Permission was granted in 2012 on a 16.9ha site for 245 no. dwellings and a creche on lands located north east of the subject site. This referred to as Phase 1 by the applicant. An extension of duration of permission was granted under Reg. Ref. F11A/0436/E1 in 2017. This phase is largely complete and occupied.
- **Reg. Ref. 11A/0473:** Permission was granted in 2016 for the construction of 124 no. dwellings and 1,510sqm of commercial development on a site c. 700m north of the subject site. This referred to as Phase 2 by the applicant. An extension to duration of permission was granted under Reg. Ref. F11A/0473/E1 in 2017 and a further extension of duration was lodged with Fingal County Council in January 2023 under Reg. Ref. F11A/0473/E2. This permission is referred to as Phase 2 by the applicant. It is generally complete and occupied.



- **Reg. Ref. 15A/0390:** Permission was granted in 2016 for the construction of 246 no. residential units on lands located c. 1.3km north of the subject site. An extension to duration of permission was granted in 2021 under Reg. Ref. F15A/0390/E1 and a further extension to duration of permission was granted in 2022. This permission is referred to as Phase 3 by the applicant. It is generally complete and occupied.
- **Reg. Ref. 17A/0666:** Permission was granted in 2018 for the construction of 42 no. houses and 54 no. apartments on lands located c. 1.3km north east of the subject site. An extension to duration of permission was granted in 2022 under Reg. Ref. F17A/0666/E1. This permission is referred to as Phase 4A by the applicant. The houses are generally complete and occupied. The apartments are under construction.
- **Reg. Ref. 17A/0735:** Permission was granted in 2018 for the construction of 53 no. houses and 45 no. apartments on lands located c. 1.5km north east of the subject site. An extension to duration of permission was granted in 2022 under Reg. Ref. F17A/0735/E1. This permission is referred to as Phase 4B by the applicant. The houses are generally complete and occupied. The apartments are under construction.
- **Reg. Ref. 17A/0687:** Permission was granted in 2018 for 92 no. houses and a creche on lands located c. 1.2km north of the subject site. This permission is referred to as Phase 4C by the applicant. The scheme is under construction.
- **ABP 313337-22 Strategic Housing Development Application:** Current application for the construction of 621 no. residential units (118 no. houses, 503 no. apartments), creche and associated site works located c. 1.8km north east of the subject site.

## 5.0 Section 5 Pre-Application Consultation -311441

- 5.1. A Section 5 pre-application virtual consultation took place on the 18<sup>th</sup> October 2021 in respect of a development for the construction of 677 no. residential units (266 no. houses and 411 no. apartments) and a creche. Representatives of the

prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Development Strategy, inter alia, communal & public open space, urban design response to the WDLR, typology.
- Traffic & Transport, inter alia, permitted road F20A/0096, DMURS compliance, car parking strategy.
- Residential Amenity

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

5.3. In the Notice of Pre-Application Consultation Opinion dated 29<sup>th</sup> October 2021 (ABP-311441-21) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

#### **1. *Development Strategy***

Further consideration and/or justification of the documents as they relate to the urban design response of the proposed development along the proposed Western Distributor Link Road (WDLR). The documentation should demonstrate how the design, scale and massing of the proposed development takes into consideration the indicative building blocks/line illustrated in the Oldtown Mooretown LAP and complies with the 12 Criteria of the Urban Design Manual – A best practice guide (in particular Criteria No. 1). The further consideration and/or justification may require an amendment of the documentation to ensure the proposed development can ensure a high-quality design response to the permitted WDLR.

#### **2. *Irish Water***

Further consideration and/or justification of the documents as they relate to the proposed treatment of the wastewater. In particular, the consideration/clarification should address the contents of the submission from

Irish Water (dated 18th of October 2021) concerning the need to deliver a storage tank to facilitate an increase in the capacity of the wastewater infrastructure. Clarity is required at application stage as to what upgrade works are required, who is to deliver these works, when are the works to be delivered relative to the completion of the proposed housing development and whether such upgrade works are to be the subject of separate consent processes.

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

1. A quantitative and qualitative assessment which provides a breakdown of the public and communal open space areas.
2. A phasing plan for the proposed development
3. A Traffic and Transport Assessment.
4. A Sunlight/Daylight/Overshadowing analysis.
5. A report that specifically addresses the proposed materials and finishes to the scheme
6. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the existing residential properties surrounding the site and the proposed development at key landmark views.
7. An updated Community & Social Audit.

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce — the National Trust for Ireland
- The relevant Childcare Committee

- The Department of Education and Skills

## 5.6. ***Applicant's Statement***

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

### ***Development Strategy***

An Urban Design and Architectural Statement has been submitted which provides the design approach utilised within the proposed scheme with respect to the 12 criteria set out in the Urban Design Manual, DMURS, and Development Management Standards of the current County Development Plan.

Further consideration was given to the form, height and grain of the building line to the WDLR. It is considered that the proposed development complies with the objectives of the Oldtown-Mooretown LAP for a defined, built edge to the WDLR where the WDLR runs tight to the RA zoning line. Taller, fine-grained buildings with a variety of typologies (own-door triplex units, apartments, own-door duplex units and terraced houses) provide enclosure, activity and variety in elevation and roofscape. Where the building line cannot contravene the RA zoning and 'follow' the road, a large nature park will be provided.

### ***Irish Water***

As a result of known constraints (due to stormwater ingress) within the existing Irish Water gravity foul network, it is proposed to provide a stormwater storage tank and outfall utilising lands on the Celestica site. Delivery / Construction of this critical piece of infrastructure will occur in advance of the subject proposed housing development, by either the Applicant or Irish Water, still to be determined. The planning submission for this infrastructure forms part of this application.

- 5.6.2. The applicant addressed items 1-7 of the specific information to be submitted with the application. Items of note are outlined below: -

1. A detailed assessment of the public and communal open space areas has been provided.
2. A detailed phasing plan for the proposed development has been submitted.
3. A Traffic and Transport Assessment and details of car parking, road hierarchy and layout, bicycle parking, taking in charge, swept path, EV charging and wider transportation infrastructural works outlined in the now expired Oldtown / Mooretown LAP.
4. A Sunlight, Daylight and Overshadowing Assessment was submitted.
5. A Materiality and Finishes Report was submitted.
6. Additional (CGIs) and photomontages were submitted in addition to architectural drawings.
8. An updated Community and Social Infrastructure Audit was submitted.

## 6.0 Relevant Planning Policy

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

The subject site comprises 3 no. separate land parcels. The largest site is subject to 2 no. land use zoning objectives. The vast majority of this site is Zoned RA - Residential Area with the associated land use objective to *'provide for new residential communities subject to the provisions of the necessary social and physical infrastructure'*. A small portion of land at the sites south western corner is zoned OS Open Space with the associated land use objective to *'preserve and provide for open space and recreational amenities'*.

The site of the public open space is also zoned OS Open Space with the associated land use objective to *'preserve and provide for open space and recreational amenities'*. There is an objective on this site to protect and preserve woodlands, trees and hedgerows.

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

*support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.*

There are 2 no. recorded monument objectives located within the site and a Road Objective located at the sites western boundary.

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

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

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

The following policies and objectives are considered relevant: -

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

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

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

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

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

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

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

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

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

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

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

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

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

**Objective SW07** Implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated version of these guidelines. A site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in the SFRA, located in the following areas: Courtlough; Ballymadun; Rowlestown; Ballyboghil; Coolatrath; Milverton, Skerries; Channell Road, Rush, Blakescross; Lanestown/Turvey; Lissenhall, Swords; Balheary, Swords; Village/Marina Area,

Malahide; Streamstown, Malahide; Balgriffin; Damastown, Macetown and Clonee, Blanchardstown; Mulhuddart, Blanchardstown; Portrane; Sutton; and Howth, demonstrating compliance with the aforementioned Guidelines or any updated version of these guidelines, paying particular attention to residual flood risks and any proposed site specific flood management measures.

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

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

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

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

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

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



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

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

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

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

### 6.3. ***National Planning Framework***

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

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 57 Enhance water quality and resource management by: Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities; Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process; Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, to create safe places.
- National Policy Objective 63: Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

#### 6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2022
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

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

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

#### 6.6. **Material Contravention Statement**

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

##### 6.6.2. Local Area Plan Designation

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

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

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

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

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

The applicant controls all the land that amounts to the LAP. The subject land would represent the completion of the Mooretown lands. The sites development is consistent with the previous approach to development in the area and in this regard complies with the objective. Therefore, it is considered that the LAP designation, on now substantially developed land, essentially conflicts with the requirements to prepare an LAP. Thus, it is submitted that the Objective PM13 and Objective SWORDS 27 have either been complied with or by the preparation of this SHD scheme in respect of the remaining lands, the development plan objectives have been superseded. It is submitted that the proposed development does not materially contravene the Fingal Development Plan, however, out of an abundance of caution it has been included in this Material Contravention Statement.

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

It is considered that there are conflicting objectives within the development plan in terms of the preparation and adoption of LAPs prior to the submission of any planning application.

Page 61 of the development plan states that *“an LAP is a statutory document prepared in accordance with Part II, Section 20 of the Planning and Development Act, 2000 (as amended). As a statutory document, the Planning Authority and An Bord Pleanála must take account of the provisions of the LAP when considering an application for planning permission for a development located within the area defined by a local area plan.”*

Page 91 states that LAPs for these lands shall be prepared and agreed by the Planning Authority prior to the submission of any planning application. *“Objectives are provided detailing locations where Local Area Plans (LAPs) and Masterplans are required in a*

*number of urban areas. Details of these LAPs and Masterplans are identified below. In accordance with Objectives PM13 and PM14 (Chapter 3, Placemaking) the LAPs and Masterplans for these lands shall be prepared and agreed by the Planning Authority prior to the submission of any planning application. LAPs and Masterplans shall provide for the phased development of subject lands as appropriate.”*

It is acknowledged that there is currently no LAP in place for Mooretown lands with the former Oldtown-Mooretown LAP having expired in July 2020. Seeking to extend the former LAP by the Planning Authority prior to the lodgement of this planning application can prevent the delivery of housing on appropriately zoned lands, whereby regarding the existing circumstances of the lands and preparation of the new Fingal Development Plan 2023-2029, the Planning Authority are not in a position to further extend such a plan within the lifetime of the new County Development Plan.

Objective SS02 of the Development Plan seeks to *“Ensure that all proposals for residential development accord with the County’s Settlement Strategy and are consistent with Fingal’s identified hierarchy of settlement centres”*.

The Core Strategy of the Development Plan (including Objective SS02) clearly seeks to have residential development take place during the lifetime of this Plan on appropriately zoned lands in the County.

Objective SS02A also notes that 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.

Having regard to the above, it is submitted that there are conflicting objectives in the Development Plan and objectives not clearly stated with regards to the subject lands.

The Draft Fingal Development Plan 2023- 2029 also mentions the significance of *“residential development in Swords and within the establishing areas to the west and south of the town including Oldtown-Mooretown and Ridgewood with the longer-term residential potential of the town focused on the strategic land bank of Lissenhall to the*

*east. It is envisaged that this important reserve could accommodate a significant mixed-use employment district in addition to providing between 6,000 and 7,000 residential units”.*

The Material Contravention Statement also details policies and objectives in the National Planning Framework and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and considers that there is sufficient justification for the material contravention of the development plan.

#### 6.6.3. Tree Objective

Objective DMS77 and Objective PM64 of the Fingal Development Plan both seek to *“Protect, preserve and ensure the effective management of trees and groups of trees.”*

In order to facilitate the proposed development, partial removal of group of trees and/or hedgerows would be required. It is considered that the majority of these trees are of little or no potential either due to their physiological and/or structural condition and their removal would be seen necessary either now or in the short-term as the most appropriate management option. The development has been designed to retain the main boundary tree cover and the scheme includes substantial replacement tree planting. It is submitted that the proposed development does not materially contravene the Fingal Development Plan, however, out of an abundance of caution it has been included in this Material Contravention Statement.

#### 6.6.4. Car Parking

In accordance with development plan standards, the quantum of car parking required to serve the proposed development is 1,235 no. spaces. The proposed development provides for an overall total of 991 no. spaces. The scheme provides residents car parking at a rate of 1.5 spaces per dwelling. The development plan requires that each dwelling to be provided with 2 no. car parking spaces. Thus, the reduced car parking provision may be considered to potentially materially contravene the Development Plan.

The excellent connectivity of the subject site, in line with the national and regional policy guidance, would allow for a reduced quantum of car parking space which consequently encourage green modes of transport.

The subject lands are located in accessible suburban location with connectivity to public transport corridor, which provides the lands with an excellent accessibility to Swords town centre via Dublin Bus services that run along Rathbeale Road, as well as Swords Express services facilitating access to Dublin City Centre and Dublin Airport. The proposed quantum is considered to be in line with national policy. The Material Contravention Statement outlines the policies and objectives in the National Planning Framework, Sustainable Residential Development in Urban Areas (2009), Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)

It is submitted that the proposed development is consistent with national policy guidance where it clearly shows the reduced provision of car parking spaces per apartment/duplex unit reflects the location of the development in relation to its connectivity and access to public transport services.

#### 6.6.5. Strategic and National Importance

It is submitted that the proposed development is both of strategic and national importance. The proposed development of 650 no. units, as the completion of the Mooretown lands, complies with the objectives to promote sustainable development through densification of the existing urban form and the provision of residential dwellings where there is a great demand for housing. The proposed scheme is being progressed through the Strategic Housing Development planning process which, in itself, confirms the strategic importance of the current application, in accordance with Section 37(2)(b)(i)

#### 6.6.6. Conclusion

It is requested that An Bord Pleanála have regard to the justification set out within the material contravention statement and permit the proposed material contraventions of the Fingal Development Plan 2017-2023, having consideration to section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the

conflicting objectives within Fingal Development Plan 2017-2023 insofar as the proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing given the current housing crisis.

## **7.0 Third Party Submissions**

7.1. A third-party submission was received Edward Stevenson. The concerns raised are summarised below: -

### ***Physical Infrastructure***

- The inclusion of the storage tank reveals an inability to deliver the Greater Dublin Drainage Project in a timely way. The ability of Irish Water to provide the necessary system improvements, must be questioned.
- Irish Water are no longer allowing connections to the network.
- Effect of climate change are not properly reflected by current projections. If the storage tank it built it must be much bigger.
- The stormwater tank must be taken in charge by Irish Water.
- Concerns of foul odour from the stormwater storage tank.
- SuDS cannot deliver 100% of predicted green solutions to urban drainage.
- Water supply for the wider Dublin area is at critical levels of demand.
- Very little data regarding the Millers Glen retention pond has been included in the documentation presented in support of new development

### ***Transportation***

- Concerns regarding the capacity of the surrounding road network.
- The current layout complicates access to public transport.
- Cycling should be prioritised
- The use of Millers Avenue as a transport option for HGV's is dangerous, due to visibility and road safety risks.
- Concerns raised over the future route of the WDLR to the south of the subject site.



### ***Appropriate Assessment***

- Significant effects to the Malahide Estuary SAC and SPA should not be ruled out when considering the design of the tank.
- The use of a Retention tank to “improve” the water quality of the Estuary is completely specious. The Retention Tank will move pollutants from a known source into a temporary location, which in the worst-case scenario will end up as a toxic dump.

### ***Other Issues***

- Concerns raised regarding the SHD process.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive’s Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 13<sup>th</sup> June 2022. The report includes a summary of the pre-planning history, site location and description, relevant planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context. The views of the elected members of the Balbriggan / Rush-Lusk / Swords Area Committee, at a meeting held on the 29<sup>th</sup> April 2022 are summarised as follows: concerns regarding the requirement for a stormwater attenuation tank; details on SuDS / Green Infrastructure; permeability / connectivity to schools; how the layout compares to the masterplan; variety of housing types required; Western Ring Road required; and concerns raised regarding the SHD process. Reports from the Parks and Green Infrastructure Division, Transportation Department, Water Services Department, Environmental Health Officer, Housing Department, Architectural Conservation Officer, Architects Department, Community Archaeologist / Heritage Officer, Environment Department – Waste Management, Public Lighting Section and Arts Culture Department have also been provided.
- 8.2. The key planning considerations of the Chief Executive’s report are summarised below.

### ***Density, Height, Design and Layout***

- The density of 45 units per ha is generally considered acceptable.

- All residential buildings would 'turn the corner' to increase passive surveillance which is welcomed.
- The 1-5 storey building heights are generally acceptable with landmark buildings provided at prominent corners.
- Urban Blocks 5 and 6 include houses that back onto parking areas, which may impact on the privacy and amenity of these gardens. Advised to consider replacing these units with duplex type units.
- The layout of Urban Block 3 and Apartment Blocks C and D results in narrow strips of land behind the buildings where there is no passive supervision, and only bin and bike storage. The entrance to Block D is off this area, which may feel unsafe. It is recommended that the layout is reconsidered to avoid these narrow spaces and to also address this prominent corner better by providing a prominent key landmark building on the corner with retail elements on the ground floor and a larger civic space along the boundary with the national school.
- The site has a rather steep fall from south west to the north east, c. 22m over 680m (1:30). The layout does not reflect the topography in any way and includes long terraces along the falls, requiring significant steps between the houses. While this is not unacceptable, it has implications for accessibility and results in a step between every house which is not attractive and difficult to detail and construct. It is recommended that the layout is reconsidered to avoid or limit this by reducing the number of terraces along the falls, or, where it is unavoidable by designing the houses so that the number of steps can be reduced to every second or third house. Consideration should also be given to the identification of the views from the higher lands and using the site layout to emphasise and maximise these views.
- The width of the public footpath seems excessive in many areas and could be reduced to include more soft landscaping or be included in the front gardens of houses where appropriate.
- Apartment lobbies in general are long and narrow corridors, consideration should be given to the design to reduce the length of the lobbies or improve proportions.

- Distinctiveness of the scheme could be enhanced by retention of existing hedgerows and the creation of distinct character areas.
- The colour and type of materials for the scheme should harmonise with the existing development in the area whilst also creating distinct character areas. Final details should be agreed with the planning authority.

#### *Architectural Conservation*

- The report of the Architectural Conservation Officer is noted.
- The townland of Mooreland appears to skirt along the western edge of the site and the field systems are divided by hedgerows. Objectives CH34 and DM58 aim to protect townland boundaries and hedgerows.
- The naming of the scheme should be taken from the townland names in accordance with Objective CH54.

#### *Residential Amenity*

- The proposed development would have sufficient separation distances to existing houses, therefore, overlooking or loss of privacy is not a concern.
- The street layouts, open space accessibility, creche, café and retail provision would provide for a pleasant environment for the future residents of Mooretown to reside.
- Concerns regarding backland car parking positioned directly against rear gardens adjacent Roads 3.1 and 3.2.
- Roads within the development should not be gated.
- Overall, the principle of a mixed-use development, specifically in relation to the proposed height and density is considered generally to be acceptable, having regard to national, regional and local policy and taking account of existing permissions in the vicinity.

#### *Access and Transportation*

- The report of the Transportation Section is noted.
- In general, the on-street parking layout is welcomed and considered to be in accordance with DMURS.

- A minimum of 1 no. space should be assigned to each residential unit.
- The junction layout connecting the site to the Western Distributor Road is welcomed however details should be agreed with the planning authority.
- Junction arrangements along the route through the scheme require amendments to ensure pedestrian and cycle priority.
- Final details of bicycle storage should be agreed with the planning authority.
- The taking in charge drawing indicates that the on-street car parking would be taken in charge and therefore can not be assigned to an individual residential unit.
- There are some areas where the swept path of a refuse truck encroaches on a grass verge or footpath. This should be reconsidered.
- A financial contribution is requested to deliver required infrastructure upgrades, in particular the upgrade of Glen Ellen / Balheary Road junction.

#### *Water Services*

- The site-specific Flood Risk Assessment is noted, and the proposal is considered acceptable in terms of flood risk.
- Report of the Environmental Health Officer is noted.
- The foul sewer and water supply proposals are considered acceptable. The submission from Irish Water is noted.
- The surface water drainage proposals are considered acceptable

#### *Open Space and Landscaping*

- The landscape plan is considered acceptable.
- Additional trees should be planted at every 4-5 car parking spaces.
- Play equipment shall cater for inclusive play and wheelchair access.
- Class 1 public open space should be constructed to taking in charge standards.
- A piece of public art should be provided within the scheme.
- The report of the Parks and Green Infrastructure Division is noted.

### *Archaeology*

- The ringfort DU011-147 should be preserved in situ.
- The report of the community archaeologist is noted and conditions for mitigation measures for excavation and archaeological monitoring are recommended.

### *Conclusion*

The proposed development would provide an appropriate standard of residential development and would be acceptable subject to conditions. It is recommended that permission be granted subject to 26 no. conditions. The relevant conditions are noted below:

3. Prior to commencement of development the applicant / developer shall submit revised drawings to address the following requirements of the Architects Department for the written agreement of the planning authority.
  - a. Submit revised drawings to replace 7 houses with rear gardens shown backing onto Road 3.3 and the 5 houses with rear gardens shown backing onto Road 3.2 at Urban Blocks 5 and 6 to duplex blocks.
  - b. Roads within the development shall not be gated
  - c. Submit revised drawings for Urban Block 3 and Apartment Blocks C and D to provide a prominent key landmark corner building with retail on ground floor and a larger civic spaces along the boundary with the national school.
  - d. Submit revised drawings showing changes in roof heights to terraced dwellings reduced to every 2<sup>nd</sup> or 3<sup>rd</sup> house.
  - e. Submit revised drawings showing a reduction in the length of apartment lobbies on site

**Reason:** In the interest of residential and visual amenity.

11. The following requirements of the National Transport Authority NTA shall be adhered to:

- a. The concept of filtered permeability shall be incorporated into the proposed development; this can be achieved via the development of

modal filters, which facilitate through movement of pedestrians and cyclists only, at the following location.

- i. The junction between Central Boulevard and Main Street;
  - ii. The junction between Road 4 and Main Street;
  - iii. At points on Roads 8, 6, 4 and the Central Boulevard between Road 2/7 and Road 5 to discourage north – south traffic movement on these residential streets; and
  - iv. At point on Road 12
- b. The junction between Road 10 and the Western Distributor Link Road shall be reconsidered as an access for walking and cycling only.

**Reason:** In the interest of improved permeability.

## 9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Minister for Culture, Heritage and the Gaeltacht (built heritage)
- Heritage Council (built heritage)
- An Taisce — the National Trust for Ireland (built heritage)
- The relevant Childcare Committee
- The Department of Education and Skills

9.2. The letters were sent on the 19<sup>th</sup> April 2022. A summary of the comments received are summarised below:

### ***Irish Water***

*Water:* A water connection is feasible without an infrastructure upgrade.

*Wastewater:* A wastewater connection is feasible subject to upgrades. In order to accommodate the proposed connection to the Irish Water network a storage tank will be required to manage the impacts of excessive rain fall in the sewer network downstream of the development. Irish Water does not currently have investment plans to carry out the works required to provide this storage as part of the upgrade.

As part of a future connection agreement for this site, the applicant will be requested to provide a contribution towards the costs for the required upgrade in conjunction with other developments in this contributing area. Alternatively, the applicant has the option to wait for the results of the overall DAP in the area, currently at Stage 4.

### ***National Transport Authority (NTA)***

#### ***Principle of Proposed Development***

The requirement to develop Mooretown as provided for in the Regional Spatial and Economic Strategy, which identifies Swords as a Metropolitan Key Town, and as provided for in the Fingal Development Plan and Oldtown-Mooretown Local Area Plan is recognised. Notwithstanding this, there are a number of issues.

#### ***Public Transport Capacity***

The site of the proposed development is not currently served directly by bus and is not proposed to be served directly under BusConnects. The closest stops are on the R125, a 1.2km walk from the centre of the site and served by the low frequency services 197 and 41B. Under BusConnects, these stops will be served by the 197, a low frequency route linking Ashbourne to Swords.

A number of services are also proposed under BusConnects running along Brackenstown Road to the south of the site:

- A4 – Swords – City Centre – Dundrum every 12 minutes
- X84 – Knocksedan – City Centre – UCD – 3 peak hour services
- L89 – Finglas – Toberburr – Airside – 11 services per day

The potential exists to extend buses to serve the proposed development directly as part of the implementation of BusConnects. However, the NTA has not yet been

engaged by the local authority and the applicant in this regard and, as such, there is no agreement in place to do so. It is considered that the site could be served by public transport by ensuring convenient pedestrian links to the planned services are provided and by increasing the capacity of these services to meet the demand.

The development should only proceed where an advantage is conferred on those using public transport, walking and cycling from the proposed development. This is required to ensure that the proposed development is fully consistent with the principles and policies of transport and land use integration as set out in the Transport Strategy, the new Transport Strategy or the National Sustainable Mobility Policy, which seek to support compact growth and transit-oriented development.

### *Filtered Permeability*

The proposed junction arrangement provides the maximum level of permeability for the private car. Providing links for the exclusive use of pedestrians and cyclists is a very effective way to encourage the use of these modes, in particular for local trips to schools and retail.

### *Recommendation*

In order to discourage car use for short trips, it is recommended that in the event of a grant of permission, a condition is attached which ensures that the concept of filtered permeability is incorporated into the proposed development. This can be achieved via the development of modal filters, which facilitate through movement of pedestrians and cyclists only, at the following locations:

1. The junction between Central Boulevard and Main Street;
2. The junction between Road 4 and Main Street;
3. At points on Roads 8, 6, 4 and the Central Boulevard between Road 2/7 and Road 5 to discourage north-south traffic movement on these residential streets; and
4. At a point on Road 12.

It is also recommended that the junction between Road 10 and the Western Distributor link Road is reconsidered as an access for walking and cycling only.



***Transport Infrastructure Ireland (TII):*** No Observations

No response was received from Minister for Culture, Heritage and the Gaeltacht, Heritage Council, An Taisce — the National Trust for Ireland, The Fingal Childcare Committee or The Department of Education and Skills.

## **10.0 Assessment**

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

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

## **10.2. *Principle of Development***

10.2.1. The main residential development site is subject to 2 no. land use zoning objectives. The vast majority of the site is zoned 'RA' Residential Area with the associated land use objective to '*provide for new residential communities subject to the provisions of the necessary social and physical infrastructure*'. The residential units, creche, retail units and café / restaurant unit would be provided within this area, all of which are

permissible uses under this zoning objective. Therefore, the principle of residential development with associated uses and road infrastructure is considered in accordance with the zoning objectives. A small portion of land at the sites south western corner is zoned OS Open Space with the associated land use objective to *'preserve and provide for open space and recreational amenities'*. This area would be used as open space associated with the residential development and is, therefore, permissible under this zoning objective.

- 10.2.2. The parcel of land to be provided as public open space within the Swords Regional Park, located c. 2km north of the main development site, is zoned OS Open Space with the associated land use objective to *'preserve and provide for open space and recreational amenities'*. This area would be used as open space associated which is permissible under this zoning objective.
- 10.2.3. The proposed surface water storage tank is located on a site c. 2km north east of the main development site. This site is zoned ME-Metro Economic Corridor. The vision for these lands is *'to provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential development which focuses on the Metro within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high quality green landscape... in a phased manner subject to the necessary provision of social and physical infrastructure'*. Utility infrastructure is permissible under this zoning objective. I am satisfied that the stormwater storage tank is necessary infrastructure as it would allow for continued development in the Oldtown / Mooretown catchment and is, therefore, in accordance with the zoning objective.
- 10.2.4. Swords is identified in the Core Strategy as a 'Metropolitan Consolidation Town. Section 2.8 of the development plan states the town functions as part of the Dublin Gateway as identified by the National Spatial Strategy (NSS) and will continue to perform the role of the County's primary development centre (in combination with Blanchardstown). The town is identified as a key location for housing, enterprise and retail development, the long term population horizon envisaged in the Regional Planning Guidelines is c.100,000 people. This is supported by Objective SS12 which aims to promote the Metropolitan Consolidation Towns of Swords (and Blanchardstown) as Fingal's primary growth centres for residential development in line

with the County's Settlement Hierarchy. It is my opinion that the proposed development is in accordance with the objectives of the Core Strategy and Objective SS12.

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

10.2.6. The applicant's Material Contravention Statement refers to Objective SWORDS 27 to implement the Oldtown / Mooretown LAP. The subject site is located within the boundary of this LAP, which expired in 2020. It is noted that the proposed scheme and the previous phases of development of lands within the applicant's ownership have been informed by the aims and objectives of this LAP. It is my opinion that the proposed development is generally compliant with the provisions of the now expired LAP and would not be a material contravention of the development plan. It is also noted that the subject site is one of the last remaining substantial undeveloped land parcels within the LAP lands.

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

### 10.3. ***Design Approach***

10.3.1. The subject site is part of a larger landholding within the ownership of the applicant on lands known as Mooretown and Oldtown. A brief planning history of the overall lands is provided in Section 4 above and it is noted that significant development has occurred on these lands since the early 2000's. Phase 1 Mooretown is located to the south of the Rathbeale Road, this scheme which comprised 223 no. residential units and a creche, is part occupied and part under construction and is referred to as 'Cronan's Well' in the applicant's documentation. To the south of phase 1 is the previously

approved phase 2 Mooretown, which comprised 215 no. residential units and a creche. Works have not commenced on this site to date. The proposed development represents the third and final phase of the development within the Mooretown lands.

10.3.2. This site is bound to the north by Phase 2 Mooretown lands, approved under Reg. Ref. F16A/0505 and a school campus, approved under Reg. Ref. F18A/0163, which is constructed and occupied. To the south and south east it is bound by the rear gardens of dwellings in Abbeyvale and Berwick housing estates, to the east it is bound by agricultural lands and to the west by the previously approved Mooretown distributor road (part of the Western Distributor Link Road or WDLR). There is an existing road 'Main Street' running through the northern portion of the site in an east-west direction, which provides access to the school campus. A pedestrian and cycle path approved under ABP-310034-21, Reg. Ref. 20A/0095 runs in an east – west direction at the sites southern boundary. No works have begun on this route to date. Further south are agricultural lands. It is noted that the lands to the north of Rathbeale Road are also undergoing significant development, which when completed will comprise the new neighbourhood of Oldtown .

10.3.3. The proposed scheme comprises the construction of 650 no. residential units, a childcare facility (512sqm), 5 no. retail units (693sqm) and 1 no. café / restaurant (253sqm) in 18 no. urban blocks, which are generally laid out in a grid pattern.

10.3.4. The scheme has a net density of 45 units per hectare. The development plan does not set out any numerical limitations on density. Objective SS16 and Objective PM41 aim to achieve higher densities, where appropriate. Section 5.11 of the Sustainable Residential Development in Urban Area guidelines states that for outer suburban / 'Greenfield' sites the greatest efficiency in land usage would be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities, involving a variety of housing types where possible, should be encouraged generally. Circular NRUP 02/2021 states that *while the Sustainable Residential Development Guidelines clearly encourage net densities in the 35-50 dwellings per hectare...net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations*. The circular further states that given the very broad extent of this range and variety of urban situations in Ireland, it is

necessary for An Bord Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. It is also noted that Objectives 4, 13, 33 and 35 of the National Planning Framework, Section 4.7 of the Regional and Economic Strategy for the Southern Region and SPPR 4 of the Building Height Guidelines all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

- 10.3.5. The subject site is located at the edge of the urban area of Swords in a location that has undergone significant transformation since the early 2000's from rural to suburban in character. The site is zoned, adequately serviced and is located contiguous to the residential developments within Mooretown and Abbeyvale and Berwick residential estates, c.2km west of Swords village. Having regard to the surrounding context, to Objectives SS16 and Objective PM41 to increase residential density at appropriate locations, and to ensure efficiency in land usage as outlined in national and regional policy, a density of 45 units per ha is considered appropriate. The planning authority also considered the proposed density to be acceptable and no concerns were raised by third parties in this regard.
- 10.3.6. The proposed scheme incorporates 3 no. character areas. The applicants Urban Design and Architectural Statement identifies the character areas as Main Street, West Mooretown and East Mooretown with a transitional spaces referred to a Central Boulevard that connects the character areas.
- 10.3.7. *Main Street* is the higher density area in the northern portion of the site incorporating Main Street and adjacent to the school campus and Phase 2 Mooretown. This character area comprises Urban Blocks 01, 02, 03 and the northern portion of Urban Blocks 04, 05, 06 and 07. It accommodates 205 no. residential units (126 no apartments in Blocks A, B, C and D, 64 no. duplex / triplex units in Blocks A, B, F, G, K and V and 15 no. houses), a creche and the retail and commercial uses.
- 10.3.8. *East Mooretown* is a mid-density character area generally comprising the eastern portion of the site. It comprises Urban Blocks 10, 11 and 14, the southern and eastern portion of Urban Block 7 and the eastern portion of Urban Block 18. It comprises 192

no. residential units (46 no. apartments in Block E, 67 no. duplexes in Duplex Blocks H, I, J, L, M, P, Q, R, U and 79 no. houses). It also includes a large public park in the southeast corner which incorporates the subsurface remains of a ringfort be retained in-situ and a central pocket park.

10.3.9. *West Mooretown* is a mid-density character area generally comprising the western portion of the site. It comprises Urban Blocks 8, 9, 12, 13, 15, 16, 17, the southern portions of Urban Blocks 04 and 05 and the western portion of Urban Block 18. It comprises 253 no. residential units (21 no apartments in Block F, 61 no. duplexes in Duplex Blocks C, D, E, N, O, S and T and 171 no. houses). It also includes a large area of public open space in the southwest corner, which is zoned for open space, a central area of open space and has significant frontage onto the WDLR at the sites eastern boundary and incorporates a pedestrian / cycle link to Abbeyvale to the south east.

10.3.10. Each character area has a similar contemporary design approach and would be predominantly finished brick, with a variety in brick colour in the different character areas. The information provided in the applicants Materiality and Finishes Report is noted. It is my opinion that the variation in brick colour between the blocks would complement each other and the adjacent (existing and permitted) housing schemes. Therefore, I have no objection to the proposed brick finish, which I consider to be a robust and durable material. However, it is noted that some elements of the upper levels of the Apartment Blocks are finished in render. Having regard to the high visibility of all elevations of these blocks from within the scheme and from adjacent developments, it is my opinion that render is not an appropriately durable material. The planning authority also recommend that the colour and type of materials for the scheme should harmonise with the existing development in the area whilst also creating distinct character areas. Therefore, if permission is being contemplated it is recommended that the render be omitted from the pallet of external finishes of the apartment blocks and that they be completed in an appropriately durable material and that final details of all materials and finishes should be agreed with the planning authority. It is considered that this could be addressed by way of condition.

- 10.3.11. It is proposed that scheme would be constructed in 3 no. phases. Phase 1 comprises the south western part of the site, adjacent to Abbeyvale housing estate and incorporates Urban Blocks 12, 15, 16 and 17 and a significant area of public open space. Phase 2 generally comprises the central portion of the site and is the largest phase of development including Urban Blocks 04, 05, 06, 07, 08, 09, 10, 11, 13, 14 and 18 and includes a large public park in the southeast corner which incorporates the remains of a ringfort be retained in-situ and a central pocket park. Phase 3 generally comprise the northern portion of the site, adjacent to phase 2 Mooretown and the school campus, comprises Urban Blocks 01, 02 and 03. I have no objection in principle to the proposed phasing of development. However, if permission is being contemplated it is recommended that the final details of the phase be agreed with the planning authority.
- 10.3.12. A Housing Quality Assessment was submitted with the application. The proposed houses reach and exceed the minimum standards for room sizes as set out in the Sustainable Residential Development Guidelines (2009) and the proposed apartment / duplex units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines (2022). It is noted that all houses and duplex units are dual aspect. SPPR4 of the Apartment Guidelines requires that a minimum of 50% of units are required to be dual aspect in suburban or intermediate locations. Overall, 78% of the apartments would be dual aspect, with each block reaching or exceeding 59%. There are no single aspect north facing units within the scheme.
- 10.3.13. As noted above, the scheme also incorporates a single storey childcare facility (512sqm), 5 no. retail units (693sqm) and 1 no. café / restaurant (253sqm). The retail units are provided at the ground floor level of Apartment Blocks B and C and Duplex Blocks B and F. The café / restaurant use is proposed at the ground floor of Apartment Block D. The provision of these non-residential uses at ground floor level immediately adjacent to Main Street is welcomed. In my opinion the location of these uses in combination with the school campus and proposed civic plaza at the sites northern boundary would provide an appropriate active frontage to Main Street which would support the creation of a destination / focal point for the scheme and surrounding residential estates.

- 10.3.14. The height of the scheme varies, with a party single part 2-storey creche, 2/3 storey houses, 3-storey duplex blocks and 3-5-storey apartment blocks. The taller elements comprise Apartment Blocks A, B, and E, which are predominately 5 storeys and Apartment Blocks C, D and F which are predominantly 4-storeys. Apartment Blocks A and B are located on the northern portion of the site and front onto Main Street. I have no objection to the additional height at the sites main entrance and consider that it would aid with placemaking and legibility. Apartment Block E is located at the sites eastern boundary with the linear walkway. This building is bound to the west by 3-storey duplex buildings. I have no objection to the height of the building and considered that it would provide an appropriate urban edge at the sites boundary with future development lands to the east. Blocks C and D are 4 storeys and front onto Main Street / Road 15. I have no objection in principle to the proposed height of these buildings, however, I agree with the concerns raised by the planning authority regarding their design and layout, which are outlined below. Apartment Block F is also 4 storeys in height. This block is located in the south west portion of the site adjacent to public open space (Nature Park 1 and Nature Park 2) and Road 13. It is my opinion that this building provides an appropriate design response to its location and would provide passive overlooking of the areas of open space.
- 10.3.15. The development plan does not set out any numerical limits on building height and I have no objection to the height and consider that the variation in height in combination with the scale and massing of the different urban blocks creates a visually interesting scheme which also allows for passive overlooking of open spaces and streets, which is welcomed. The planning authority also note that the 1-5 storey building heights are generally acceptable.
- 10.3.16. A Landscape and Visual Impact Assessment was carried out and submitted in Chapter 11 of the EIAR, a booklet of 12 no. verified views and a booklet of 5 no. CGI's from within the scheme have also been submitted. The verified views provide a comparison between the existing site, the proposed development and previously permitted development to the north of the site (Phase 2 Mooretown). It is my view that the submitted photomontages provide a reasonable representation of how proposed development would appear. It is acknowledged that the proposed development would result in a scheme that is highly visible in the immediate vicinity of the site (verified



views 03 and 07). However, the scheme would not be visible from the majority of medium and long range view. In my opinion the views indicated that the scheme would successfully integrate with previous phases of development in the area. Having regard to the underutilised nature of this urban site and the information submitted in the Visual Impact Assessment (Chapter 11 of the EIAR) it is my opinion that the long term visual impact of the proposed development would be not significant and neutral.

10.3.17. It is my view that the proposed scheme is reflective of the previous phases of development and I have no objection in principle to the proposed suburban layout. Notwithstanding this, I have some particular concerns regarding the design and layout and it is noted that the planning authority also recommended that the design and layout of some elements of the scheme could be improved by way of condition. These concerns are addressed below. The specific concerns raised by the NTA and the planning authority regarding the internal road layout are addressed below in Section 10.8 Transportation.

#### *Urban Block 03*

10.3.18. The planning authority raised concerns regarding the layout of Urban Block 3, in particular Apartment Blocks C and D which it considers results in narrow strips of land behind the buildings which includes the entrance to Block D, where there is no passive supervision. The planning authority recommend that a condition be attached to any grant of permission that the layout be reconsidered and that drawings for Urban Block 3, to provide a prominent key landmark corner building with retail on ground floor and a larger civic spaces along the boundary with the national school be provided.

10.3.19. Urban Block 3 is located in the Main Street character area on the northern portion of the site, it is bound to the east by the school campus and to the north by Phase 2 Mooretown. Urban Block 3 comprises Apartment Block C and D and Duplex Block V and includes a civic plaza area. Duplex Block V comprises a 3 storey building with 4 no. residential units at the sites northern boundary with Phase 2 Mooretown. Apartment Blocks C and D are located to the south of Duplex Block V. They have a similar design approach and frame the proposed 'west square' public plaza. Both buildings are 4 storeys in height and accommodate 4 no. apartments each with retail / commercial uses at ground floor level. Due to the curved alignment of Main Street,

Apartment Block D would be highly visible from the sites main entrance via the Mooretown Distributor Link Road Extension / WDLR. Urban Block 3 also bookends Central Boulevard. I agree with the concerns raised by the planning authority and consider that the overall design approach to the buildings in Urban Block 3 could be more ambitious, with particular regard to the narrow unsupervised areas to the rear of these Apartment Blocks, the access arrangements which are located to the rear, the streetscape along Main Street and the visual impact from Central Boulevard. In this regard it is my opinion that a larger L-shaped building with increased massing and scale, to provide a strong edge onto Main Street and Road 15 would be appropriate. A revised siting of the block would also allow for an increased public plaza / civic space to be provided to the east of Apartment Block D, which would aid with placemaking and legibility when approaching from Central Boulevard and from the school campus. It is also my opinion that the current siting and design of Apartment Block D appears unbalanced when viewed from Central Boulevard. It is my view that the proposed redesign of Urban Block 3 would be significant and, therefore, it is not considered appropriate to address the design of this Urban Block by way of condition. It is recommended that Urban Block 03 be permanently omitted from the scheme and that a revised planning application with a more appropriate design solution for this prominent corner be submitted.

#### *Urban Blocks 05 and 06*

- 10.3.20. The planning authority raised concerns that Urban Blocks 5 and 6 include houses that back onto parking areas, which it is considered may impact on the privacy and amenity of these gardens. The planning authority recommend that a condition be attached to any grant of permission that the 7 no. houses in Urban Block 05, with rear gardens shown backing onto Road 3.3 and the 5 no. houses in Urban Block 06 with rear gardens shown backing onto Road 3.2 be replaced with duplex blocks.
- 10.3.21. In Urban Block 06, the rear garden of 3 no. houses (no. 32 – 34) back onto car parking spaces, while 2 no. houses (no. 35 and 36) back onto a bin storage area. I have no objection in principle to a limited number of houses adjoining areas of car parking and it is noted that the car parking spaces are provided in enclosed courtyards that comprises car parking and communal open space that would serve the duplex units in Urban Block 06. It is also noted that the rear gardens of the dwellings are a minimum

of 11m in depth. Therefore, it is my view that the privacy and amenity of these units would not be unduly impacted by this design approach.

- 10.3.22. In Urban Block 05, the rear garden of 7 no. dwellings (no. 9-15) back onto car parking. As noted above I have no objection in principle to a limited number of car parking spaces adjoining rear private amenity space. However, in this instance I have some concerns regarding the design approach. Road no. 3.3 which provides access to these car parking spaces also provides access to 4 no. dwellings (no. 16-19). Of these 4 no. dwellings 3 no. would directly oppose the car parking area and the 2m high rear boundary wall of no. 9-15. I have concerns that this design approach would have a negative impact on the visual amenity of the scheme for the future residents of no. 17-19. Therefore, it is recommended that no. 9-15, which comprise 7 no. 3-storey dwellings be omitted and replaced with duplex units, which would provide an active frontage into the courtyard of Urban Block 05. It is also unclear which units these on-street car parking spaces would serve as each of the proposed 4 no. dwellings (16-19) accessed from Road 3.3 have been provided with in-curtilage parking and these spaces are not indicated on the Car Parking Key drawing submitted. Due to the relatively limited number of units (7 no.) impacts it is my view that this concern could be addressed by way of condition.

#### *Apartment Layouts*

- 10.3.23. The planning authority raised concerns regarding the long and narrow corridors within the apartment lobbies. It is recommended that further consideration should be given to the design to reduce the length of the lobbies or improve proportions.
- 10.3.24. The entrance lobby and associated corridors are generally c. 1.8m in width. While it is acknowledged that a 1.8m wide corridor would allow for 2 no. pedestrians to pass, I agree with the concerns of the planning authority and consider that the applicant has given inadequate consideration to the design of the lobbies, with particular regard to the location of the post boxes immediately adjacent to these narrow entrances which has the potential to cause a conflict. It is my opinion that the layout of the lobbies could be improved to provide a higher level of residential within the buildings. This could be addressed by way of condition.

- 10.3.25. With regard to Apartment Block A, given the generous size of the ground floor corner units (01 and 04) it is my view that the entrance lobbies could be increased to a minimum width of 2.2m without significantly impact on the design and layout of the scheme. In Apartment Block B, given the generous size of the ground floor unit (07) and the corner retail unit it is my view that the entrance lobbies could be increased to a minimum width of 2.2m without significantly impact on the design and layout of the scheme.
- 10.3.26. Entrance 01 in Apartment Block E is c. 2.5m in width. The width of the entrance is welcomed. However, this width reduces to c. 1.6m adjacent to the post boxes and c. 1m adjacent to the entrance to Apartment 03. Given the generous size of the ground of Apartment 03 it is my view that the entrance lobby could be increased to a minimum width of 2.2m without significantly impact on the design and layout of the building. Entrance 02 in Apartment Block E is c. 2.2m in width. The width of the entrance lobby reduces to c. 1.8m adjacent to the post boxes. It is recommended that that the post boxes be relocated. Given the generous size of the ground of Apartment 04 it is my view that it could be redesigned to allow for the post boxes to be accommodated at ground floor level without significantly impact on the design and layout of the building.
- 10.3.27. The entrance lobbied to Apartment Block F is c. 2.1m in width this narrows to c. 1.7m adjacent to the post boxes. It is recommended that that the post boxes be relocated. It is my view that apartment 5 or the bin storage area could be redesigned to allow for the post boxes to be accommodated at ground floor level.
- 10.3.28. As outlined above, it is my view that Apartment Blocks C and D should be omitted from the scheme. However, if the board are minded to grant permission it is also recommended that width of the lobby areas be increased to a minimum of 2.2m.

#### *Gates*

- 10.3.29. The drawings submitted indicate that a number of the central courtyard / car parking areas would be gated. While this may be appropriate for some of the duplex units where access is provided to communal open space I agree with the planning authority that roads within the development should not be gated. It is considered that this could be addressed by way of condition and that final details be agreed with the planning authority.

### *Footpaths*

- 10.3.30. The planning authority noted that the width of the public footpath seems excessive in many areas. It is recommended that the footpath could be reduced to include more soft landscaping or be included in the front gardens of houses where appropriate. The drawings submitted indicate that the footpaths within the scheme would vary in width from c. 2m to 4m. The scheme includes a significant number of street trees. These trees are located along the wider streets. I have no objection to the width of the footpaths and consider that they would have a positive impact on the public realm and visual amenities of the scheme.

### *Topography*

- 10.3.31. The planning authority also raised some concerns regarding the levels within the site and how the design inadequately addressed the sites topography. In particular, there are concerns regarding long terraces along the falls within the site. There is a level difference of c. 21m within the site, as it slopes from a height of 58m in the southwest corner to 37m in the north-east corner. The highest portion of the site is proposed as public open space. The elevational drawings submitted indicate that the proposed residential units within the scheme would have differing finished floor levels and ridge heights to reflect the topography. I disagree with the planning authority's assessment this requires a significant number of steps between the dwellings. The terraces have generally been laid out in an east west orientation which reflects the topography and the north – south streets are shown as having gently sloping streets. It is accepted that this may require a limited amount of cutting and filling within the site, which would be normal within any residential scheme. Chapter 14 of the EIAR also notes that as far as practice cut and fill operations would be balanced within the site with any surplus material would be reused on-site for landscaping purposes.
- 10.3.32. It is my opinion that the terraces are not excessive in length, with a maximum of 10 no. dwellings per block, that appropriately respond to the sites topography by including sloping gardens and differing ridge heights, where required. In my opinion this would not negatively impact on the visual amenities of the scheme.
- 10.3.33. The longest terrace within the scheme is Urban Block 18. It comprises a row of 4 no. terraces ranging from 5 no. houses to 11 no. houses with a total of 33 no. dwellings

on the row. As this row of dwellings forms the sites southern boundary with the rear gardens of dwellings in Abbeyvale and Berwick housing estates. It is my opinion that this is an appropriate design response to the existing site boundary and given its context the terrace is not excessive in length. It is also noted that this block contains a variety of house types which would aid with placemaking and provide an appropriate variety within the street.

#### *Public Art*

- 10.3.34. Objective DMS05 requires that new residential developments in excess of 100 units provide for a piece of public art to be agreed with the Council. Public art can aid with legibility and enhance the public realm. Therefore, I agree with planning authority that a piece of public art should be provided within the scheme. It is considered that this could be addressed by way of condition.

#### *Conclusion*

- 10.3.35. This scheme forms the third phase of the Mooretown development and a portion of a significantly larger land parcel within the applicants ownership. The previous phases of development (as outlined in Section 4 above), have a similar suburban layout which is in accordance with the provisions of the now expired Oldtown-Mooretown LAP. It is my opinion that the scheme provides an appropriate scale and massing with sufficient variation between the units and the character areas to create a visually interesting scheme with high quality materials. The height of the development is not excessive, with a maximum of 5-storeys which successfully integrates with the adjacent (existing and permitted) developments and the WDLR. Therefore, it is my view that subject to the recommended conditions outlined above, which would result in minor amendments to the scheme, the proposed scheme would provide a positive contribution to the area and would support the consolidation of the urban environment. I have no objection to the proposed design approach and consider it represents a reasonable response to its context. The planning authority note that the street layouts, open space accessibility, creche, café and retail provision would provide for a pleasant environment for the future residents of Mooretown to reside. The third-party submission raised no concerns regarding the design approach.

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

- 10.4.1. Objective PM38 aims to achieve an appropriate dwelling mix, size, type, tenure in all new residential developments. Concerns were raised by third parties that that larger unit types are required for the Part V provision and that the units should be evenly distributed throughout the scheme.
- 10.4.2. It is proposed to provide 130 no. units in accordance with Part V, which equates to c. 20% of the proposed units. This provision is in accordance with the Affordable Housing Act, 2021 which requires that land purchased on or after the 1<sup>st</sup> of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. The applicants Urban Design and Architectural Statement indicates that the units would be provided in small clusters throughout the scheme and would comprise 37 no. houses, 42 no duplex units and 51 no. apartments, with a mix of 21 no. 1-beds, 33 no. 2-beds and 76 no. 3-beds. I have no objection to the proposed provision and note that the applicant has engaged with the planning authority with regard to the provision of Part V within the scheme.
- 10.4.3. In addition to Objective PM38, Objective PM40 aims to ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents. The proposed scheme comprises 650 no. residential units, 265 no. (41%) houses, 113 no. (17%) duplex units, 266 no. (41%) apartments and 6 no. (1%) tri-plex units. The tri-plex units comprise 6 no. own door 3-storey units which form part of Apartment Block A. The housing mix comprise 76 no. (12%) 1-beds, 193 no. (29.5%) 2-beds, 356 no. (54.5%) 3-beds and 25 no. (4%) 4-beds. The units range in size from a 49.9 sqm 1-bed apartment (Duplex Block U) to a 158 sqm, 4-bed, 3-storey house. I am satisfied that the unit mix, size and type is in accordance with the provisions of the development plan. It is noted that the planning authority raised no concerns in this regard.

#### 10.5. ***Open Space and Landscaping***

- 10.5.1. Objective DMS57 of the development plan requires a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation,

public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

- 10.5.2. The proposed scheme comprises 269 no. units with 2 or less bedrooms and 381 no. units with 3 or more bedrooms. Therefore, it is considered that the scheme accommodates c. 1,737 no. bedspaces (269 no. units by 1.5 no. persons plus 381 no. units by 3.5 persons). This would generate a requirement for 43,425sqm of public open space, based on 2.5ha per 1,000 population as set out in Objective DMS57.
- 10.5.3. In accordance with development plan standards, it is proposed to provided 43,425sqm of public open space, in this regard 17,232sqm would be provided within the residentially zoned lands. This equates to 11.9% of the net development lands (14.47ha). The remaining 26,193sqm would be provided in 3 no. elements on lands zoned for Open Space. It is proposed that 12,301sqm of public open space would be provided within the Swords Regional Park, c. 2km north of the subject site. Nature Park 1 (4,373sqm) is proposed along the sites boundary with the WDLR and Nature Park 2 (9,519sqm) is proposed to the south of Nature Park 1 and Road 13 in the south west corner of the site. The Architectural Design Statement notes that the applicant has contributed c.47.9 ha of public open space since 1998, exclusive of internal pocket parks and Class 2 open space within individual phases of development.
- 10.5.4. Public open space within lands zoned for open space is provided in 7 no. distinct elements. East Square (1,137sqm) is a civic space in the northern portion of the site. West Square (416 sqm) is a civic square linked to East Square by a wide footpath to the front of Apartment Block D. Pocket Park 01 (735 sqm) is located in Urban Block 06, Pocket Park 02 (500sqm) forms part of the linear walkway along the site eastern boundary, Central Park (5,647sqm) is located in the centre of the scheme and would provide space for active play and a kick about area. Ringfort Park (8,588 sqm) is the largest area of public open space located in the south east corner of the site. This area would provide for active play and includes a kick about area it also connects to the linear walkway at the sites eastern boundary. The smallest area (209sqm) of public open space is proposed at the sites eastern boundary with Abbeyvale. This area would be an extension to an existing green space within the Abbeyvale housing estate. All areas of public open space are passively overlooked by the proposed residential units.



The Daylight and Sunlight Assessment also indicates that the areas of public open space would be well lit. I have no objection to the quantity or quality of the public open space proposed and it is my opinion that it has been well considered by the applicant and would provide a high level of amenity for future and existing residents.

- 10.5.5. The applicants Urban Design and Architectural Statement notes that playground provision is to be provided at a rate of 4sqm per dwelling, which equates to 2,600sqm. It is proposed to provide 14 no. different play areas throughout the scheme. The play provision includes natural play, incidental play, formal playgrounds and exercise units for users of all ages. The planning authority recommended that play equipment provided shall cater for inclusive play and wheelchair access. It is considered that this could be addressed by way of condition.
- 10.5.6. The development plan does not set out communal open space standards. Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments 2022 set out minimum required areas for public communal amenity space in this regard 5 sqm per 1-bed, 7 sqm per 2-bed (4 person) and 9 sqm per 3-bed unit. Therefore, there is a requirement for 2,753 sqm of communal open space. It is proposed to provide 7,035sqm of communal open space. Table 10 of the applicants Architectural Design Statement provides a breakdown of the requirement for each (apartment and duplex) block and it is noted that communal open space for each block is in excess of the apartment standards. All areas of communal open space are passively overlooked by the proposed residential units. The Daylight and Sunlight Assessment also indicates that the areas of communal open space would be well lit. I have no objection to the quantity or quality of the proposed communal open space and consider that it would provide a high quality of amenity for future residents.
- 10.5.7. Objective DMS87 sets out private open space requirement for houses, in this regard a minimum of 60sqm for 3-bed or less houses and 75sqm for 4-bed or more houses. It is noted that the private open space for the houses reach or exceed these standards. Appendix 1 of the Apartment Guidelines sets out minimum standards for private open space for apartments, in this regard 5sqm for a 1-bed and 7sqm for a 2-bed and 9 sqm for a 3-bed unit. It is noted that each apartment / duplex has been provided with private open space which reaches or exceeds the minimum requirement.

- 10.5.8. Overall, it is my view that a sufficient quantum and quality of public, communal and private open space would be provided to ensure high standard of residential amenity to future occupants. It is also noted that the planning authority raised no objection to the provision of open space.

#### *Hedgerows and Trees*

- 10.5.9. The subject site was previously in use as agricultural lands, with 3 no. fields defined by north-south hedgerows and ditches. The sites southern boundary also comprises a hedgerow.
- 10.5.10. The Arboricultural Assessment notes that the site currently accommodates 63 no. trees, 1 no. tree group and 9 no. hedgerows. The proposed development would result in the loss of 25 no. trees comprising, 5 no. category 'U' grade, 4 no. category 'B' grade and 16 no. category 'C' grade trees along with c. 842m hedgerow. To mitigate against the loss of trees and hedgerows it is proposed to incorporate new trees, shrubs and hedge planting.
- 10.5.11. The applicants Urban Design and Architectural Statement notes that consideration was given to the retention of the two north-south hedgerows that divide the subject lands into 3 no. fields, south of Main Street. However, following consultation with Fingal County Council on the feasibility of retaining and managing these hedgerows it is proposed to remove the hedgerow and also to remove 2 no. ash trees, due to concerns regarding ash die-back. It is proposed to retain and reinforce the existing hedgerow along the eastern boundary and the enhance this feature with a linear walkway. The hedge along the southern boundary is in poor condition. It is proposed that it be removed and that concrete post and timber panel fences be provided at the boundary with Abbeyvale and Berwick.
- 10.5.12. The planning authority notes that the distinctiveness of the scheme could be enhanced by retention of existing hedgerows. From the information submitted it is my opinion that the applicant has given due consideration to the potential retention of the hedgerows within the site and has engaged with the local authority in this regard.
- 10.5.13. Having regard to the nature of the existing vegetation within the site, the residential zoning objective for the majority of the site and the high quantity and quality of

landscaping proposed within the scheme I am satisfied that the loss of hedgerow and trees would be adequately compensated for.

- 10.5.14. The planning authority also recommended that additional street trees be provided within the scheme. Having regard to the information provided within the submitted landscape drawings I am satisfied that sufficient street trees have been provided within the scheme.

10.6. ***Residential Amenity***

*Overlooking and Overbearing Impact*

- 10.6.1. As noted above, the scheme comprises 18 no. urban blocks and 7 no. areas of public open space generally laid out in a grid pattern. The residential units comprise a range of houses, duplex and apartment units, ranging in height from 2 – 5 storeys and vary in scale and massing to respond to the existing adjacent properties. Apartment Blocks A and B which are 5-storeys are located at the sites northern boundary and the 5-storey Apartment Block E is located at the sites eastern boundary. The 4-storey Apartment Blocks C and D are located at the sites northern boundary and the 4-storey Apartment Block F is located at the sites south western corner.
- 10.6.2. To the north the site is bound by previously approved houses in Phase 2 Mooretown. These lands are also within the ownership of the applicant. No work has begun to date on Phase 2. The proposed Urban Blocks 1, 2 and 3 sit at the sites northern boundary. Urban Block 1 comprises a terrace of 8 no. 2-storey houses. These dwellings are located c. 20m from the gable end of previously approved dwellings and are on the opposite side of Road 17. The scale and height of Urban Block 1 increases with Apartment Block A ranging in height from 3-5 storeys. Urban Block 03 includes Duplex Block V, which is a 3-storey building. Duplex Block V is located a minimum of c. 15m from the gable end of a previously house in Phase 2 Mooretown. While it is acknowledged that the proposed scheme would be visible from Phase 2 Mooretown, it is my view that due to the relatively limited height, the separation distances and the orientation of Urban Blocks 01 and 03, that they would not result in an undue overlooking or have an overbearing impact on previously approved residential units in Phase 2 Mooretown.

- 10.6.3. Urban Block 2 comprises Apartment Block B, which ranges in height from 3-5 storeys. The 3-storey element is located a minimum of c.15m from the rear elevation of houses previously approved in Phase 2. The windows on the northern elevation of units within Apartment Block B are secondary windows, the main orientation of the apartment is east-west. Therefore, to reduce the potential for any undue overlooking of the previously approved houses in Phase 2 Mooretown it is recommended that a condition be attached that the north facing windows in first floor units 01, 02, 17 and 18 and second floor units 19, 20, 35 and 36 be permanently fitted with obscure glazing or louvres, details of which should be agreed with the planning authority.
- 10.6.4. The southern boundary of the site is partly bound by open space and partly bound by the rear gardens of existing dwellings. Urban Block 18, which comprises 33 no. 2/3 storey houses in 4 no. terraces (no. 233 – 265), is located adjacent to the rear gardens of existing 2-storey dwellings in Abbeyvale and Berwick housing estates. There is a minimum separation distance of c. 29m between the proposed and existing dwellings. While it is acknowledged that the proposed scheme would be visible from the existing dwellings it is my view that due to the relatively limited height and the separation distances that they would not result in an undue overlooking or have an overbearing impact on these existing dwellings.
- 10.6.5. The eastern boundary of the site is partly bound by open space and partly bound by the rear gardens of existing dwellings. 8 no. dwellings (no. 205 – 212) in Urban Block 16 and 5 no. dwellings (224 – 228) in Urban Block 17 are located adjacent to the rear gardens of dwellings in Abbeyvale. The proposed 8 no. 2-storey dwellings in Urban Block 16 are located a minimum of c. 22m from the rear and side elevation of existing dwellings in Abbeyvale. It is noted that the first floor rear windows of the proposed 8 no. dwellings do not serve habitable rooms. The proposed 5 no. 2-storey dwellings in Urban Block 17 are located a minimum of c. 29m from the rear and side elevation of existing dwellings in Abbeyvale. While it is acknowledged that the proposed scheme would be visible from the existing dwellings it is my view that due to the relatively limited height and the separation distances that they would not result in an undue overlooking or have an overbearing impact on these existing dwellings.
- 10.6.6. The site is bound to the west by the previously approved Mooretown Distributor Link Road extension which forms part of the Swords Western Distributor Link Road

(WDLR). The lands on the opposite side of the road are zoned for open space. To the east the site is bound by agricultural lands. Therefore, there is no potential for undue overlooking or an overbearing impact to the east of west of site. It is also my view that the design and layout of the scheme would not inhibit the future development of lands to the east or west.

10.6.7. The houses within the scheme have generally been designed to ensure separation distances of c. 22m between first floor rear windows. In some instances, the separation distances fall below 22m, however, it is noted that these units (house type C) the first floor rear windows do not serve habitable rooms.

10.6.8. I have some concerns regarding the separation distances between the duplex blocks and consider that these this may result in undue overlooking. However, it is considered that this issue could be addressed by way of condition. In the interest of clarity these concerns are addressed individually below:

- *Blocks M and K:* The northern elevation of Block M is located c. 14m south of the southern elevation of Block K, with directly opposing windows. The windows on the northern elevation of units GF01 and FF01 in Block M are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block K.
- *Blocks L and M:* The eastern elevation of Block M is located c. 13m from the western elevation of Block L. The windows on the western elevation of units GF01 and FF01 in Block L are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block M.
- *Blocks H and G:* The northern elevation of Block H is located c. 7m from the southern elevation of Block G. The windows on the northern elevation of units GF02 and FF03 in Block H are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block G.

- *Blocks J and F:* The northern elevation of Block J is located c.9m from the southern elevation of Block F. The windows on the northern elevation of units GF01 and FF01 in Block J are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block G.
- *Blocks C and B:* The northern elevation of Block C is located c. 12m from the southern elevation of Block B. The windows on the northern elevation of units GF01 and FF01 in Block C are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block B.
- *Blocks C and D:* The eastern elevation of Block D is located c. 13m from the western elevation of Block C. The windows on the eastern elevation of units GF04 and FF06 in Block D are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block C.
- *Blocks A and B:* The eastern elevation of Block A is located c. 6m from the western elevation of Block B. It is noted that the windows on both the eastern elevation of Block A and the western elevation of Block B are secondary windows. To prevent undue overlooking it is recommended that a condition be attached that the windows on the western elevation of Block B serving units GF01 and FF01 be fitted with louvres or obscure glazing.
- *Blocks A and E:* The northern elevation of Block E is located c. 9m from the southern elevation of Block A. The windows on the northern elevation of units GF01 and FF01 in Block E are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block A.
- *Blocks E and O:* The northern elevation of Block O is located c. 6m from the southern elevation of Block E. It is noted that the windows on both the northern elevation of Block O and the southern elevation of Block E are secondary windows. To prevent undue overlooking it is recommended that a condition be

attached that the windows on the northern elevation of Block O serving Apartments 05 and 11 be fitted with louvres or obscure glazing.

- *Blocks O and N:* The northern elevation of Block N is located c. 10m from the southern elevation of Block O. The windows on the southern elevation of Apartment 06 in Block O are secondary windows and the windows on the southern elevation of Apartment 01 are secondary and serve a bathroom. Therefore, it is recommended that a condition be attached that these windows on the southern elevation of Block O be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block N.
- *Blocks P and Q:* The eastern elevation of Block P is located c. 7m from the western elevation of Block Q. The windows on the eastern elevation of units GF01 and FF01 in Block P are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block Q.
- *Block R and Q:* The eastern elevation of Block R is located c. 9m from the western elevation of Block Q. The windows on the eastern elevation of units GF03 and FF04 in Block R are secondary windows. Therefore, it is recommended that a condition be attached that these windows be fitted with louvres or obscure glazing to prevent undue overlooking of units in Block Q.

10.6.9. There is a minimum distance of 17m between the eastern elevation of Apartment Block A and the western elevation of Apartment Block B. it is my opinion that the separation distance between the 2 no. apartment buildings is acceptable and would not result in undue overlooking or an overbearing impact.

10.6.10. Overall, the proposed separation distances between the Urban Blocks within the scheme achieves a balance of protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that subject to the minor amendments outlined above, the proposed scheme would not result in undue overlooking or result in an overbearing impact within the scheme.

### *Daylight, Sunlight and Overshadowing*

- 10.6.11. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2022 also state that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. In addition Objective DMS30 of the development plan aims to ensure that all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
- 10.6.12. The applicant's assessment of daylight and overshadowing relies on the standards in the BRE Report Site Layout Planning for Daylight and Sunlight and BS 8206-2:2008: Lighting for buildings. The report notes that BS 8206-2:2008: Lighting for buildings - Part 2: Code of practice for daylighting was replaced with BS EN 17037:2018 Daylight in Buildings.



10.6.13. I have considered the reports submitted by the applicant and have had regard to the documents outlined above.

#### *Internal Daylight and Sunlight*

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

10.6.15. The proposed apartment and duplex layouts include a combined KLD room. As these rooms serve more than one function the 2% ADF value was applied. The applicant's assessment analysed the ADF for all rooms within the apartment and duplex blocks. I have no objection to the submitted analyses and consider this to be a reasonable approach. It is noted that all houses and duplex units are dual aspect.

10.6.16. The information submitted in the applicants Daylight / Sunlight Assessment indicates that all rooms assessed achieve the minimum recommended ADF target of 1% for bedrooms and 2% for KLD. Full details are provided in Tables 1 – 26 of the applicant's report. As outlined above, to prevent undue overlooking it is recommended that some windows be provided with louvres / obscure glazing, however, having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight.

10.6.17. Section 3.3 of the BRE guidelines states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The

applicant's report indicates that all areas of public and communal open spaces would receive at least 2 hours of sunlight on the 21<sup>st</sup> March, which is in accordance with BRE recommended target.

- 10.6.18. Having regard to daylight and sunlight provision and to the overall levels of compliance with BRE targets it is my opinion that the proposed scheme would be well light and would provide a high level of amenity for future occupiers. It is noted that no concerns were raised by the planning authority or third parties regarding overshadowing.

*External Daylight, Sunlight and Overshadowing*

- 10.6.19. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.
- 10.6.20. The applicant undertook a VSC assessment of 3 no. sample properties in Abbeyvale and Berwick to the south of the subject site. It is my view that the properties selected for detailed assessment is reasonable. The impact on these 3 no. dwellings is provided in Table 29 of the applicants report. The analysis indicates that the proposed development would have a negligible impact on the VSC for these existing properties and, therefore, would not result in undue overshadowing of existing properties.
- 10.6.21. The Annual Probable Sunlight Hours (APSH) for these 3 no. properties was also assessed. The analysis indicates that all windows assessed met the recommended criterion for annual and winter APSH. It is considered that the existing rooms would continue to be well lit.
- 10.6.22. The impact on the previously approved properties to the north of the subject site in Phase 2 Mooretown have not been assessed. Notwithstanding the absence of an assessment I am satisfied that due to the separation distances between the previously approved and proposed schemes and the relatively limited height (3-storeys) of the blocks at the sites northern boundary, which have a maximum height of c. 12m that the proposed development is unlikely to have any overshadowing impact on these

previously approved properties or their associated amenity spaces. Therefore, I consider the potential impact to be acceptable.

- 10.6.23. As noted above Section 3.3 of the BRE recommends that at least half of an amenity area should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The applicant's report does not include an assessment of private amenity space associated with existing or previously approved residential dwellings. However, it does include shadow diagrams in Section 6. Due to the site location to the north of Abbeyvale and Berwick the proposed scheme would not result in any overshadowing of the existing rear amenity spaces of these existing dwellings. The diagrams do not include the layout of Phase 2 Mooretown. However, it is acknowledged that the shadow cast by the scheme on the 21<sup>st</sup> of March would extend beyond the site's northern boundary. Notwithstanding this, having regard to the diagrams submitted I am satisfied that the private amenity space of dwellings within the previously approved scheme would receive adequate sunlight, which would be within the norm for a suburban scheme.

#### *Conclusion*

- 10.6.24. I have reviewed the proposals and carried out a site inspection in respect of all potential impacts on the residential amenity of neighbouring properties. I advise the board that the submitted documentation properly describes the performance of the proposed development in relation to the standards on daylight and sunlight set out in the guidance documents cited in the 2018 Building Height Guidelines, the 2022 Apartment Design Guidelines and the development plan. As such the proposed development would be in keeping with the provisions of those Guidelines on daylight and sunlight. The proposed residential units and open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for future occupants and would not result in any undue overshadowing of existing / proposed properties. It is noted that no concerns were raised by third parties or the planning authority regarding the impact of the development on the residential amenities of existing dwellings with regard to overshadowing, overlooking and overbearing impact.

## 10.7. ***Stormwater Storage Tank***

- 10.7.1. The proposed development includes the provision of an underground stormwater storage tank at the junction of Glen Ellan Road and Balheary Road, c 1.5km north east of the main development site. The proposed infrastructure includes an overflow outfall gravity sewer to the Broadmeadow River located c. 350m north of the site, with associated manholes, proposed vehicular / service access onto Balheary Road, landscaping, boundary treatments and all associated works necessary to facilitate the development. The surface of the tanks would be slightly above the road level and would be finished in a permeable hard standing. The boundary of the tank would be finished in grass. This site would not require a stormwater drainage network.
- 10.7.2. There is an objective on this site to protect and preserve woodlands, trees and hedgerows. It was noted during my site visit on the 1<sup>st</sup> March 2023 that there are no mature trees, woodlands or hedgerows within this site. This is also noted in the Assessment of Likely Arboricultural Impacts Report submitted with the application, which states that there are no trees in the area of the works. However, the report does note a number of trees to the east and west (either side) of Balheary Road. It is recommend that were possible the works should be limited to the hard carriageway, to avoid tree related damage. It is my opinion that this could be addressed by way of condition. Having regard to the objective to protect and preserve woodlands, trees and hedgerows the provision of a new native hedge around the boundary of the development site is welcomed.
- 10.7.3. The applicant has states that the subject site of the proposed storage tank was selected as it is the lowest point along the network that can be accessed by existing road infrastructure and would facilitate an overflow to the Broadmeadow River via gravity. I have no objection in principle to the location of the site.
- 10.7.4. Concerns are raised by third parties that there is insufficient capacity of the foul network to accommodate the proposed development and the on-going delays to the Greater Dublin Drainage Project. It is also noted that Irish Water are no longer allowing connections to the network.

- 10.7.5. The existing constraints within the foul network are acknowledged by the applicant and the Additional Engineering Assessment Report notes that in December 2020, Irish Water confirmed that they would not be issuing further Connection Agreements in this area until such time that the capacity constraints are either fixed or have an agreed solution and programme in place.
- 10.7.6. There is a current application (PA06F.312131) for the Greater Dublin Drainage Project which consists of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility. The Greater Dublin Drainage (GDD) project would develop a new regional wastewater treatment facility and associated infrastructure including pipelines to serve the Greater Dublin Area and parts of the surrounding counties of Kildare and Meath. It is proposed that the project would be operational from 2026 (source: [www.greaterdublindrainage.com](http://www.greaterdublindrainage.com)). It is noted that in the interim of Greater Dublin Drainage Project being operational, a 10 year permission for this stormwater storage tank was granted permission by Fingal County Council (Reg. Ref. F21A/0476) in 2022. This decision is currently subject to a third party appeal (ABP-313835-22). This infrastructure also formed part of Strategic Housing Development Application ABP-313302-22 which was granted permission in February 2023. As the existing constraints within the foul network are currently inhibiting development I agree with the applicant that it is appropriate that the proposed stormwater storage tank and the associated works form part of this SHD application and should be assessed on its merits.
- 10.7.7. Currently during heavy rainfall events surface / storm water and foul waters discharge, uncontrolled into the River Ward, c. 200m upstream of the subject site. The Ward River flows to the Broadmeadow River and ultimately discharges to the Malahide Estuary. The proposed storage tank would store stormwater that is currently discharged unimpeded to the Ward River. The information submitted by the applicant states that Irish Water have undertaken a model review of the constraints within the network and determined that a tank of 2,250m<sup>3</sup> volume (1 in 5 year event) is required. The proposed storage tank would provide sufficient capacity to serve not only the proposed development but the catchment of Oldtown / Mooretown / Holybanks.
- 10.7.8. The infrastructure includes an overflow outfall pipe to the Broadmeadow River. However, this would only function when the storage tank surcharges beyond the

proposed (2,250m<sup>3</sup>) capacity of the tank. Flood mapping undertaken by the OPW indicates that any overflow outfall from the tank would be discharging to a fast moving heavily diluted / surcharged river. It is also noted that the overflowing waters from the tank would be largely surface water. The tank would discharge back to the foul water sewer by gravity once the rainfall passes and the levels of surface water in the foul network drops.

- 10.7.9. Having regard to the information submitted I am satisfied that the tank would improve the capacity of the foul network and prevent the discharge of pollutant material to the Broadmeadow River, and ultimately the Malahide Estuary during a 1 in 5 year storm event. Section 4 of the applicants Stormwater Overflow and Receiving Stream Assessment Assimilation Simulation Evaluation Report notes that the tank would also result in significant reductions over the existing situation for the 1 in 10 year event (81% reduction), the 1 in 20 year event (72% reduction) and the 1 in 30 year event (68% reduction). While the concerns of the third parties are noted, I am satisfied that the provision of this storage tank would alleviate existing constraints in the network and would significantly improve the existing situation, where uncontrolled flooding of foul network currently occurs.
- 10.7.10. The third party submission also raised concerns regarding the potential for foul odour from the storm water storage tank. It is noted that the tank is designed with air vents which would mitigate against any odour. It is also noted that the tank is located a minimum of 70m from the nearest building (National Museum of Ireland - Collections Resource Centre) and c. 200m from any residential properties. The Additional Engineering Assessment Report also notes that a washout facility would be provided at the site to facilitate Irish Water to clean the tank as required. I am satisfied that the proposed infrastructure would not result in any undue odour.
- 10.7.11. I have no objection to the proposed stormwater storage tank and associated works and I am satisfied that it would help to alleviate the current constraints within the foul network and in my opinion is an appropriate solution. It is noted that the submissions from Irish Water and the planning authority raise no objection to the proposed element of the development.

## 10.8. ***Transportation***

### *Existing Road Network*

- 10.8.1. To facilitate the development of the Oldtown / Mooretown LAP lands, the surrounding road network has undergone extensive changes and upgrade works in recent years. Access to the site is proposed from the Rathbeale Road via the Mooretown Distributor Road, which was constructed under Phase 1 of the development of the Mooretown Lands to the north of the subject site. Rathbeale Road provides a link between Ashbourne to the west and Swords to the east. A section of the Rathbeale Road was recently upgraded by Fingal County Council to include new pedestrian and cycle facilities, crossing facilities and a signalised junction of the intersection with Millers Avenue, to the north, and the Mooretown Distributor Road (which both form part of the Swords Western Distributor Link Road / WDLR) to the south. Sections of Millers Avenue are still under construction.
- 10.8.2. The site is bound to the west by the previously approved Mooretown Distributor Road extension (Reg. Ref. 20A/0096). This road would connect to the existing Mooretown Distributor Road. The Mooretown Distributor Road extension is located on lands within the ownership of the applicant and has not been constructed to date. It is envisioned that the Mooretown Distributor Road extension would also provide a future connection to Brackenstown Road (L2030), to the south of the site. Concerns are raised in the third party submission over the future route of the WDLR to the south of the subject site. These concerns are noted. However, these works are outside of the remit of this planning application and the proposed scheme is not reliant on these works to facilitate the development.
- 10.8.3. The existing Mooretown School Campus Access Road, identified as Main Street on the applicants drawings, is an existing road which runs through the northern portion of the site. This road was approved under Reg. Ref. 14A/0012 and is currently constructed and operational.
- 10.8.4. Permission was also granted (ABP-310034-21, Reg. Ref. 20A/0095) for a c.185m long pedestrian and cycle path along the southern portion of the subject site, which when constructed would provide a new east-west connection from Abbeyvale Court to the

proposed Mooretown Distributor Road extension and the school campus. This site is also within the applicants ownership.

- 10.8.5. The applicants TTA outlines cycling infrastructure in the vicinity of the site. Having regard to the recently constructed and proposed roads with associated cycle and pedestrian routes surrounding the scheme, it is my opinion that the site is well served by high quality cycle and pedestrian infrastructure, in particular along the WDLR, Rathbeale Road and Glen Ellan Road and the approved cycle / pedestrian route along the sites southern boundary.

#### *Internal Road Layout*

- 10.8.6. The Architectural Design Statement outlines the street hierarchy within the scheme. The existing east-west Main Street would be the primary route within the scheme. The proposed layout of the road network allows for full vehicular permeability through the site. It is proposed to provide 2 no. additional vehicular connections (3 no. total) and 4 no. additional pedestrian and cycle connections to the WDLR extension to the west. The layout also includes 2 no. vehicular links to Phase 2 Mooretown to the north, 2 no. potential future links to undeveloped lands to the east and 1 no. potential future connection to undeveloped lands to the south. The scheme also includes a pedestrian and cycle access from the south east corner of the site to the established Abbeyvale residential estate. This connection was previously approved under ABP-310034-21, Reg. Ref. 20A/0095.
- 10.8.7. The submission from the NTA raises concerns that the proposed junction arrangements within the scheme provides the maximum level of permeability for the private car and recommends that links be provided for the exclusive use of pedestrians and cyclists, as this is a very effective way to encourage the use of these modes, in particular for local trips to schools and retail. The NTA recommended that the following junction be considered for pedestrians and cyclists only: -
- The junction between Central Boulevard and Main Street;
  - The junction between Road 4 and Main Street;
  - At points on Roads 8, 6, 4 and the Central Boulevard between Road 2/7 and Road 5 to discourage north-south traffic movement on these residential streets;



- At a point on Road 12; and
- The junction between Road 10 and the Western Distributor link Road.

10.8.8. The third party submission considers that the layout should prioritise cyclists and that the current layout complicates access to public transport. I agree with the concerns raised that the proposed layout maximises permeability for the private car and it is my view that a number of minor amendments could be made to improve pedestrian and cycle priority within the scheme, without unduly impact on the design and layout of the development. If permission is being contemplated it is my view that this could be addressed by way of condition. The particular concerns are outlined below.

10.8.9. Central Boulevard (Road 3) is a one-way (south bound) street with access from Main Street only. Central Boulevard provides access to surface car parking areas at Road 3.1 and Road 3.3. While the recommendation of the NTA is noted, if the junction of Central Boulevard and Main Street was redesigned as pedestrian and cycle access only it would impede access to these car parking areas and would require the widening of Central Boulevard to allow for two-way traffic. It is my view that this redesign is unwarranted in this instance as it would have wider implications for the design and layout of the scheme.

10.8.10. I agree with the NTA recommendation that the junction of Main Street and Road 4 could be redesigned as pedestrian / cycle access and that this junction could provide a more direct route to the school campus site for pedestrians and cyclists.

10.8.11. To discourage north south vehicular traffic movements on residential streets the NTA recommended that pedestrian and cycle access only points be provided on Roads 4, 6 and 8 and at point on Central Boulevard between Road 2 and 7 and Road 5. As outlined above, it is recommended that the junction of Main Street and Road 4 be redesigned as pedestrian / cyclist only. Therefore, this would limited north – south bound movements on Road 4. Road 6 is one-way (north bound) street. Having regard to the overall size of the site and the number of residential units to be served I have no objection to this south bound route and consider it appropriate to provide a vehicular connection from the eastern portion of the site towards Main Street. Road 8 is a one-way (south bound) street located between the Central Park (public open space) and a terrace of 10 no. houses (no. 68-77). If Road 8 was redesigned with a pedestrian and

cycle access only point it would impede vehicular access to these houses and would require the widening of Road 8 to allow for two-way traffic. It is my view that this redesign is unwarranted in this instance as it would have wider implications for the design and layout of the scheme.

- 10.8.12. Central Boulevard is a one-way (south bound) street. It is my view that this street would primarily be used for local access for residents entering the site from Main Street. It is my opinion that the redesign of the street is unwarranted in this instance.
- 10.8.13. It is proposed to provide 2 no. additional vehicular accesses onto the previously approved Mooretown Distributor Road Extension along the sites western boundary. These accesses are proposed from Road 10 and Road 13 at the southern end of the site. I agree with the recommendation of the NTA that the junction between Road 10 and the Western Distributor link Road be redesigned for walking and cycling only.
- 10.8.14. The NTA also recommended that a point on Road 12 be amended to provide access for pedestrians and cyclists only. Road 12 a one way (east bound) street. It is located parallel to Roads 10 and 13 and is accessed from Road 11 at the sites eastern boundary, which is also a one-way street. It is my opinion that if the junction of Road 10 and the WDLR extension is amended to pedestrian and cyclist access / egress only then due to the circuitous nature of the one-way system in place on Roads 11 and 12, vehicles would be unlikely to use Road 12 to access the wider site. Therefore it is my view that there is no requirement to alter it for cycle and pedestrian access only.
- 10.8.15. The report of the Transportation Planning Section of the planning authority also notes that the submitted swept path drawings indicated that there are some areas where larger vehicles / refuse trucks would encroach on the footpath / verges. This is unacceptable in terms of pedestrian safety. Therefore, it is recommended that a condition be attached to any grant of permission that prior to commencement of development the detailed design of the internal road layout be agreed with the planning authority.
- 10.8.16. In conclusion, it is my view that subject to the recommended amendments above an appropriate balance has been achieved between providing permeability for pedestrians and cyclists while also ensure that all residential units are accessible by private car and avoid unnecessarily circuitous routes through the site. The proposed

vehicular, pedestrian and cycle connectivity to the surrounding lands are also welcomed.

### *Public Transport*

- 10.8.17. There are east and west bound bus stops on Brackenstown Road, located c. 350m from the south west corner of the subject site. This stop is the terminus for the no. 41 and 41C which provides a link to Dublin centre. Both buses operate every 20 minutes in the peak. The timetable available on [www.dublinbus.ie](http://www.dublinbus.ie) indicates that a bus leaves the terminus on Brackenstown Road every 10 minutes in the peak period. The submission from the NTA notes that there are a number of services proposed under BusConnects running along Brackenstown Road to the south of the site. In this regard, the A4 connecting Swords to City Centre which would operate every 12 minutes, the X84 connecting Knocksedan to UCD via the City Centre with 3 peak hour services and the L89 which would connect Finglas to Airside with 11 no. services per day.
- 10.8.18. There are also bus stops on the Rathbeale Road c. 700m north of the subject site from the north west boundary of the subject site. These stops are served by the no. 41B and 197. The 41B is an infrequent service with only 5 no. buses operating per day (Monday to Friday). It provides a link between Rowlestown and Dublin City Centre (Irish Life Centre). The 197 is also an infrequent service and generally operates once per hour (Monday to Friday). It provides a link between Ashbourne and Swords. It is my opinion that this is not a frequent bus service.
- 10.8.19. The submission from the NTA notes that the subject site is not currently served directly by bus and is not proposed to be served directly under BusConnects. However, the potential exists to extend buses to serve the proposed development directly as part of the implementation of BusConnects and by increasing the capacity of these services to meet the demand. The NTA further note that they have not been engaged by the local authority and the applicant in this regard.
- 10.8.20. While it is acknowledged that the subject site is not directly served by bus, I am satisfied that the site is adequately served by public transport and that access to high frequency and high capacity public transport is available on Brackenstown Road, c. 350m south east of the subject site and that there is potential to significantly improve

connectivity to the site in the short to midterm with Bus Connect infrastructure. It is noted that the planning authority and TII raised no concerns in this regard.

### *Road Capacity*

10.8.21. Concerns were raised by the third party regarding the capacity of the surrounding road network to accommodate the proposed increase in vehicular trips. To determine the volume of traffic movements at key points on the road network surrounding the subject site, traffic count data was assessed for 4 no. junctions

- Junction 1: R125 Rathbeale Road / R108 Naul Road (Priority T-junction);
- Junction 2: R125 Rathbeale Road / Western Distributor Link Road (Signalised Crossroads);
- Junction 3: R125 Rathbeale Road / Murrough Road (Signalised Crossroads);
- Junction 4: Glen Ellan Road / Glen Ellan Road Extension (Four-armed Roundabout).

10.8.22. Having regard to the impact of covid on travel patterns the applicant has utilised existing Traffic Count data from May 2019 for the Glen Ellan Road four armed roundabout (junction 4) and existing data from October 2017 for the Rathbeale Road (R125) / Millers Avenue junction (junction 2). The applicant also utilised existing traffic count data from 2005/2006 for the Rathbeale Road / Naul Road (junction 1) and Rathbeale Road / Murrough Road junction (junction 3). While it is noted that growth factors have been applied to the traffic counts, it is my view that more recent traffic surveys should have been carried out as part of the assessment to ensure the analysis is robust, as the 2005/2006 data is not appropriate and is unlikely to form a reasonable reflection of vehicular movements in the area.

10.8.23. To estimate the number of trips potentially generated by the proposed scheme the applicant utilised the TRICS Database and the 2016 car ownership data for the surrounding area. Section 9 of the applicants TTA provides a breakdown of the vehicular trip rates for each of the proposed uses within the subject scheme, however, the impact of this scheme, as a standalone development, on the surrounding road network has not been modelled. The TTA notes that by the opening year (2027) a number of other schemes in the surrounding area would also be operational. Table 13

provides a summary of the total trips potentially generated in the AM peak and PM peak for both Mooretown and Oldtown lands, the majority of which are in the applicant ownership. In this regard 1,639 no trips in the AM peak (602 no. inbound and 1,029 no. outbound) and 1,055 no. trips in the PM peak (654 no. inbound and 401 no. outbound). These are the figures that are used to model the impact on the surrounding road network. Having regard to the substantial development in the surrounding area on lands which are generally owned by the applicant, it is my opinion that this is a reasonable approach.

- 10.8.24. The information submitted indicates that Junction 1: Rathbeale Road (R125) / Naul Road (R108) (priority T junction), Junction 2: the Rathbeale Road (R125) / Millers Avenue junction (signalised crossroads) and Junction 4: Glen Ellan Road Roundabout all currently operate within their design capacity and would continue to operate within this capacity for all future scenarios.
- 10.8.25. The information submitted in Table 16 indicates that Junction 3 Rathbeale Road (R125) / Murrough Road (signalised junction) exceeds its design capacity in the base year (2022) and in the Opening year 2027, in both the AM and PM peak. Details of future years (2032 and 2042) have not been provided in the TTA or the EIAR. The planning authority recommend that a financial contribution is requested to deliver required infrastructure upgrades. Having regard to the lack of up to date traffic count data, the information submitted within the TTA which indicates that the surrounding road network does and would continue to experience congestion with the development of the overall LAP lands, which the majority are in the ownership of the applicant, it is my view that it is reasonable to request a financial contribution under Section 48(c) with regard to upgrading the capacity of the surrounding road network.
- 10.8.26. The concerns raised by the third-party regarding the capacity of the surrounding road network are noted. Notwithstanding my concerns regarding the submitted traffic count data, I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network and that improvements could help to alleviate traffic congestion currently experienced. It is my opinion that this could be addressed by way of a Section 48(c) financial contribution.

It is noted that the planning authority and TII raised no objections to the impact of the proposed development on the capacity of the road network.

### *Car Parking*

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

<b>Standard</b>	<b>Proposed Use</b>	<b>Recommended Provision</b>
House (3+ beds) 2 spaces (within curtilage)	265 no. 3 + bed houses	530 no. (2 per unit)
Apartment / townhouse (1 bed) 1 space plus 1 visitor space per 5 units.	76 no. 1- bed apartments	91 no. spaces (1 per unit plus 15 no. visitor spaces)
Apartment / townhouse (2 bed) 1.5 spaces plus 1 visitor space per 5 units.	193 no. 2-bed units	329 no. spaces (1.5 no. per unit plus 39 no. visitor spaces)
Apartment / townhouse (3+ bed) 2 spaces plus 1 visitor space per 5 units.	116 no. 3-bed duplex units	255 no. spaces (2 per unit plus 23 no. visitor spaces)
Creche 0.5 spaces per classroom	6 classrooms	3 spaces
Retail (Convenience) 1 no. space per 30sqm GFA	5 no. units (693sqm)	27 no. spaces
Café / Restaurant 1 no. space per 15 sqm GFA	1 no. unit (253sqm)	
<b>Total</b>		<b>1,128 no. residential spaces</b> <b>77 no. visitor spaces</b> <b>27 no. retail / café spaces</b> <b>3 no. creche spaces</b>

10.8.28. As outlined in the table above, in accordance with development plan standards the proposed scheme would require 1,235 no. car parking spaces. It is proposed to provide a total of 991 no. car parking spaces, which includes 19 no. disabled spaces and 72 no. communal EV spaces. The applicant has provided a breakdown of the proposed car parking for each of the Urban Blocks in Table 25 of the TTA. However,

it is unclear how the car parking spaces would be assigned. It is noted from the drawings submitted that the car parking is predominantly on-curtilage for the houses, at undercroft level for Apartment Blocks A and B and on-street for Apartment Blocks C, D, E and F and the duplex units. I agree with the report of the Transportation Planning Section of the planning authority that 1 no. space should be permanently assigned to each unit. However, it is noted that as the on-street spaces would be taken in charge they cannot be assigned to individual units.

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

10.8.30. Swords is identified in the development plan as a 'primary economic growth town'. The site is located in close proximity to large centres of employment centres in this regard it is located c. 4km north of Dublin Airport, c. 2.3km north west of Pavilions Shopping Centre and c. 2.8km north west of Airside Retail Park. The site is also located c. 2km west of a wide range of services and facilities within Swords village. As outlined above, I am satisfied that the site is adequately served by public transport and that access to public transport would significantly improve in the short to midterm with Bus Connect infrastructure. It is my opinion that the subject site is situated at an intermediate location and, therefore, a reduction in car parking standards is permissible in accordance with the Apartment Guidelines. It is also noted that the proposed car parking standard does not relate to a policy of the development plan. It is my opinion that the proposed level of car parking is appropriate at this location and is not a material contravention of the development plan.

10.8.31. It is my view that having regard to the site's urban location and its proximity a range of services and amenities and the sites proximity to public transport, that sufficient car

parking has been provided in this instance and complies with the provisions of the development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network.

- 10.8.32. In conclusion, having regard to the sites location within the urban area, its proximity to public transport, centres of employment and a wide range of services and facilities within Swords village. I am satisfied that the provision of 991 no. spaces is acceptable in this instance and complies with the standards set out in the Apartment Guidelines and the development plan. A Travel Plan was submitted which outlines measures that would be put in place during the operational phase of the development. It noted that this includes the management support and commitment and a Transport Co-ordinator to oversee the Plan. It is my view that the proposed scheme is in accordance with the provisions of the development plan and the provisions of the Apartment Guidelines and that a reduction of car parking is permissible in this instance.

#### *Cycle Parking*

- 10.8.33. Table 12.9 of the development plan sets out bicycle parking standards which provide a guide on the number of required parking spaces acceptable for new developments. In this regard, 1 no. space per apartment plus 1 no. visitor space per 5 no. units. There is also a requirement of 0.5 no spaces per classroom in a childcare facility, 1 space per 100sqm of retail use and 1 no. space per 150sqm of café use. Therefore, there is a requirement for 474 no. bicycle parking spaces to serve the scheme. It is proposed to provide 1,141 no. bicycle parking spaces throughout the scheme, which is significantly in excess of the development plan standard. While the quantum of cycle parking is welcomed, I agree with the concerns raised by the Transportation Planning Section of the planning authority and consider that bicycle parking for the apartment / duplex units should, where possible, be provide in individual lockable compartments, preferably within the footprint of the blocks. If permission is being contemplated it is recommended that a condition be attached that the final details of the cycle parking storage areas be submitted to and agreed in writing with the planning authority. It is noted that this may result in a reduction in the overall number of number of bicycle parking spaces.



## 10.9. ***Water Services and Flood Risk***

- 10.9.1. Foul drainage networks have been constructed / are under construction as part of the Mooretown School Campus, Phase 1 and Phase 2 residential developments and as part of the Distributor Road and Distributor Road extension projects to the north and west of the subject site. It is envisioned that all the development within the Mooretown lands would drain in a northerly direction to the existing foul sewer that crosses the Rathbeale Road. This public sewer flows northwards through Oldtown, to the Glen Ellen Road, and ultimately to the Swords Wastewater Treatment Plant which has a P.E. (population equivalent) of 90,000. It is noted that these public networks have been designed and constructed to accommodate the proposed development.
- 10.9.2. Concerns were raised by the third party regarding the capacity of the network. The submission from Irish Water notes that a wastewater connection is feasible subject to upgrades. It is stated that in order to accommodate the proposed connection to the Irish Water network a storage tank would be required to manage the impacts of excessive rain fall in the sewer network downstream of the development. Irish Water does not currently have investment plans to carry out the works required to provide this storage as part of the upgrade.
- 10.9.3. The subject application includes an off-site Stormwater Storage Tank. The proposed tank is located c. 1.5km north east of the subject site at the junction of Glen Ellan Road and Balheary Road. It is intended that the proposed tank would alleviate existing constraints within the foul network, which occur during heavy or prolonged periods of rain, resulting from surface water and foul water infiltration. Concerns are also raised by the third party regarding the requirement for the off-site stormwater storage tank and consider that the development should be delayed until the Regional Waste Water System is operational. The constraints within the foul networks are considered to arise from the limited capacity of the network (pipe) where it crosses the R132 towards the Swords Treatment Plant. The surcharging of this foul water network results in frequent overflow into the Ward River, immediately upstream of Swords WWTP. The Ward River Connects to the Broadmeadow River c. 1km upstream of the Malahide Estuary. The proposed tank would be operated and maintained by Irish Water and would form part of the Swords Wastewater Treatment Plant.

- 10.9.4. The applicants Engineering Report notes that the storage tank was designed in conjunction with Irish Water, regarding input on volumetric storage capacity. This storage tank was lodged as a separate planning application to Fingal County Council by the applicant (Reg. Ref. F21A/0476) and permission was granted in 2022. This decision was appealed by a third party and it is currently awaiting a decision (ABP.PL06F.313835). This infrastructure also formed part of Strategic Housing Development Application ABP-313302-22 which was granted permission in February 2023. As the proposed scheme is reliant on the storage tank to alleviate constraints in the system, the applicant considered it appropriate to include it as part of this application. I am satisfied that this is a reasonable approach. It is noted that Irish Water and the planning authority raised no concerns in this regard.
- 10.9.5. The proposed storage tank would store stormwater that is currently discharged unimpeded to the Ward River. The Ward River flows to the Broadmeadow River and ultimately discharges to the Malahide Estuary. The tank would capture the surface / storm water and foul waters that are generated during heavy rainfall events. Therefore, reducing the potential for contaminants currently present from entering the stream. Having regard to the information submitted I am satisfied that the proposal would significantly improve the existing situation where uncontrolled flooding of foul network currently occurs.
- 10.9.6. The subject site lies within the catchment of the Broadmeadow River. The site is drained by surface ditches which flow east to the Mill Stream. The Mill Stream flows north to the Rathbeale Road where it is culverted and discharges to the Broadmeadow River and ultimately the Malahide Estuary.
- 10.9.7. The previous phases of development were designed to accommodate the attenuation volumes for the entire Mooretown LAP, before discharging at restricted greenfield rates to the Mill Stream. Surface water from the subject site would either be attenuated within the Watermill Park or Mooretown Road detention basins and ponds, before discharging at restricted greenfield rates to the Mill Stream to the north.
- 10.9.8. The surface water network within the proposed scheme would be designed to accommodate flows from the 1 in 5-year storm. Surface water from the 1 in 100 storm

events (plus 20% to accommodate climate change) would be catered for in the permitted Watermill Park and Mooretown Road detention basins and ponds.

- 10.9.9. SuDS would be utilised on-site, including the provision of filter drains, permeable paving and bio-retention systems / green roofs. Concerns are raised by third parties regarding the long-term effectiveness of SUDs and notes that very little data regarding the impact of the existing retention pond at Millers Glen has been included in the documentation. Having regard to the information submitted, which is robust and evidence based I have no objection to the proposed surface water management proposals and note that the planning authority raised no objection in this regard and consider that the proposed drainage strategy is in accordance with the provisions of the now expired LAP that has been implemented under the on-going phases of development.
- 10.9.10. There is no existing watermain within the subject site. The proposed scheme would ill connect to the existing watermain under Rathbeale Road to the north of the site. The submission from Irish Water raised no objection to the proposed water supply.

#### *Flood Risk*

- 10.9.11. The site comprises 3 no. distinct elements. The vast majority of the site comprises lands for the residential and creche development. There is a second area of public open space proposed within the Regional Park located c. 2km north of the larger site and a third area is located c. 1.5km north-east of the main development site at the junction of Glen Ellan Road and Balheary Road. This site would accommodate a stormwater storage tank associated with the scheme. The OPW maps indicate that all parcels of land associated with the subject site are located within Flood Zone C. There is no record of historic flooding on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding and mitigation measures. The first section of this assessment relates to the majority of the site, which comprises the larger site for residential and creche development. The second part of this assessment relates to the site of the proposed stormwater storage tank. A site specific Flood Risk Assessment was submitted with the application for this site. As the area of public open space is not at risk of flooding and there is no need for a further assessment of this site.

### *Residential Development Site*

- 10.9.12. *Tidal Flooding:* There is no risk associated with coastal flooding for this site as the site is located c. 3.5km from the Irish Sea and ground levels for the site are much higher (37m) than the highest recorded tide. No mitigation measures are necessary.
- 10.9.13. *Fluvial Flooding:* The subject site is located within the Broadmeadow River catchment. The Mill Stream is located at the eastern boundary of the main development site. There is no identified risk from this stream. The River Ward is located c. 650m south of the subject site. Due to the finished floor levels and the distance from the watercourse the risk from fluvial flooding is very low and no mitigation measures are necessary.
- 10.9.14. *Pluvial Flooding:* The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. Surface water from the proposed site would flow to the existing surface water drainage network that has been designed to accommodate the proposed development. Due to the increase in hardstanding as a result of the proposed development, there is an increased likelihood of overland flooding from the site leading to downstream flooding. Section 4.6 of the FRA outlines Flood Risk Management measures which include an appropriately designed overland flood route, which directs flood waters towards the Mill Stream and towards the dry detention basin and attenuation pond, with sufficient volume for the 1-in-100 year storm (accounting for a 20% increase due to climate change), to limit the runoff from the site and minimise the discharge rate into receiving waters and the finished floor levels are above the road network to minimise risk. As a result of these measures I am satisfied that the risk of pluvial flooding is low.
- 10.9.15. *Groundwater Flooding:* There is no known history of ground water / springs in this area. However, it is possible for ground water to rise and cause potential flooding on site during prolonged wet periods. Section 5.7 of the FRA outlines Flood Risk Management measures including the finished floor levels are above the road network, the building design would incorporate suitable dampproof membranes and any groundwater would be directed towards the overland flood route. As a result of these measures I am satisfied that the risk of groundwater flooding is low.
- 10.9.16. *Human / Mechanical Error:* There is a high likelihood of flooding if the surface water network were to become blocked. Section 6.7 of the FRA outlines Flood Risk

Management measures including an appropriately designed overland flood route, which directs flood waters towards the Mill Stream, the finished floor levels are above the road network to minimise risk and any surface water would be directed towards the overland flood route. It is recommended that the surface water network be regularly maintained. As a result of these measures the risk of flooding from human / mechanical error is low.

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

*Stormwater Storage Tank*

- 10.9.18. As noted above, this site is also located within Flood Zone C. A separate site-specific Flood Risk Assessment was submitted for the stormwater storage tank.
- 10.9.19. *Tidal Flooding:* There is no risk associated with coastal flooding for this site as the site is located c. 1.5km from the Irish Sea and ground levels for the site are c. 3m higher than the highest recorded tide. No mitigation measures are necessary.
- 10.9.20. *Fluvial Flooding:* The subject site is located within the Broadmeadow River catchment. The site is located outside of the 1-in-1,000-year (0.1% AEP) flood plain, however, there is a pathway between the proposed overflow outfall line to the Broadmeadow River. Therefore, there is potential for the overflow tank to fill via the outfall pipe during storm events. The potential of fluvial flooding occurring at the proposed development is considered high. To mitigate against this risk the proposed tank site has been designed to be above the adjacent road network through which overland flood routing drains to the Broadmeadow River and a one-way non-return flap is proposed at the outfall, ensuring that the overflow tank and overflow outfall remains functional during extreme fluvial events. I am satisfied that subject to the proposed flood risk management measures. The risk of fluvial flooding is low.

- 10.9.21. *Pluvial Flooding*: The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. Due to the increase in hard standing area as a result of the proposed development, there is an increased likelihood of overland flooding from the site leading to downstream flooding. The storage tank has been designed to accommodate a capacity of 2,250m<sup>3</sup> which indicates that on average the internal system may surcharge during rainfall events with a return period in excess of five years. The proposed installation of an overflow outfall pipe to the Broadmeadow River for events in excess of the capacity ensures that the likelihood of surcharging is considered low.
- 10.9.22. The risk of flooding is minimised with adequate sizing of the tank and the associated overflow outfall line to the Broadmeadow River; the provision of open grassed areas and permeable finish to the maintenance access road would ensure that these areas significantly slow down and reduce the amount of surface water runoff from the site. I am satisfied that subject to the proposed flood risk management measures the risk of pluvial flooding is low.
- 10.9.23. *Groundwater Flooding*: The site is located within an area of low to moderate groundwater vulnerability. The likelihood of groundwater rising through the ground and causing potential flooding on site during prolonged wet periods is moderate. To mitigate against this risk the finished levels of the ground have been set above the adjacent road levels. In the event of ground water flooding on site, this water can escape from the site via the overland flood routing. The tank design would also incorporate measures to protect water ingress from below ground level. I am satisfied that subject to the proposed flood risk management measures the risk of groundwater flooding is low.
- 10.9.24. *Human / Mechanical Error*: There is a high likelihood of flooding on the subject site if the surface water network became blocked. To mitigate against this risk the finished levels have been designed to be above the adjacent road network; the surface water can still escape from the site by overland flood routing; the surface water network (tank outfall pipe and maintenance access track) would need to be regularly maintained and where required cleaned out. A suitable maintenance regime of inspection and cleaning should be incorporated into the safety file/maintenance manual for the development. I

am satisfied that subject to the proposed flood risk management measures the risk of flooding from a human / mechanical error is low.

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

#### 10.10. ***Other Issues***

10.10.1. The third party raised concerns with regards the strategic housing development process. An Bord Pleanála are obliged to implement the provisions of planning law, including the SHD process laid down in the Planning and Development (Housing) and Residential Tenancies Act 2016. They are also obliged under section 9 of that Act to have regard to, inter alia, the policies of the Government and the Minister, including guidelines issued to planning authorities and to the provisions of Development Plans.

#### 10.11. ***Material Contravention***

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

##### *Local Area Plan*

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

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

The Oldtown – Moortown Local Area Plan (LAP) 2010-2016 was extended up to 12th July 2020. The subject site is located within the boundary of this LAP. However, this plan has expired and, therefore, it is no longer a statutory document. The previous phases of development of lands within the applicants ownership have been informed

by the aims and objectives of this LAP and it is my opinion that the proposed development is generally compliant with the provisions of the now expired LAP. I am satisfied that the proposed development is not a material contravention Objective SWORDS 27.

#### *Tree Objective*

- 10.11.3. Both Objective DMS77 and Objective PM64 seek to *“Protect, preserve and ensure the effective management of trees and groups of trees.”*
- 10.11.4. The Arboricultural Assessment notes that the site currently accommodates 63 no. trees, 1 no. tree group and 9 no. hedgerows. The proposed development would result in the loss of 25 no. trees comprising, 5 no. category ‘U’ grade, 4 no. category ‘B’ grade and 16 no. category ‘C’ grade trees along with c. 842m hedgerow. To mitigate against the loss of trees and hedgerows it is proposed to incorporate new trees, shrubs and hedge planting. Given the high quantity and quality of landscaping proposed within the scheme it is my opinion that the loss of trees and hedgerow would be adequately compensated for. Having regard to the wording of both Objective DM77 and Objective PM64, site I am satisfied that the proposed scheme would not be a material contravention of either Objective.

#### *Car Parking*

- 10.11.5. Table 12.8 of the development plan sets out car parking standards which requires 1,235 no car parking spaces. The proposed development provides for an overall total of 991 no. spaces. Section 12.10 of the development plan states that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport.
- 10.11.6. Having regard to the site’s location within the urban area, its proximity to a variety of public transport modes and proximity to centres of employment and a wide range of services and facilities. I am satisfied that the provision of 991 no. spaces is acceptable in this instance and complies with the standards set out in the development plan. It is also noted that the car parking standards do not related to a policy of the plan. I am



satisfied that the proposed quantum of car parking is not a material contravention of the development plan.

### *Conclusion*

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

## **11.0 Environmental Impact Assessment (EIA)**

### **11.1. *Environmental Impact Assessment Report***

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The proposed development provides for 650 no. residential units, a creche, 5 no. retail units and 1 no. café / restaurant,. The site is located within the administrative area of Fingal County Council.

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

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

11.1.3. The scheme comprises 650 no. residential units. It is an urban development project that would be in the built-up area of a city but not in a business district. The gross area of the site (18.378 ha) exceeds 10 ha. Therefore, it is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory. The EIAR comprises a non-technical summary, a main volume and supporting appendices.

Section 1 of the EIAR identifies the EIA Team and describes the expertise of those involved in the preparation of the EIAR.

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

11.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Fingal County Council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

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

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR addresses this issue in Section 2.12 Risk of Major Accidents and / or Disasters. I note that the development site is not regulated or connected to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. There is a SEVESO II Directive site (96/82/EC & 2003/105/EC) within 0.8km from the proposed stormwater storage tank site. Given the nature of the proposed development I am satisfied that there is no risk of a major accident or disaster in relation to a major chemical accident.

There are no significant sources of pollution in the development with the potential to cause environmental or health effects. The site is not at risk of flooding as the proposed development will not have an impact on floodplain storage and conveyance. The likelihood of flooding is further minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. In addition, as the proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use is unlikely to be a risk of itself. Having regard to the sites zoning objectives and its urban location, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

### 11.3. **Alternatives**

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

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

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

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

#### 11.3.3. Section 2.4 of the EIAR outlines the consideration of alternatives. The Do Nothing alternative was considered. If left undeveloped the site would revert to agricultural use. The Mooretown Distributor Link Road Extension would have no immediate purpose, the school campus would remain detached from urban area, the approved pedestrian and cycle link from Abbeyvale to Mooretown and the school campus would not be overlooked or successfully integrated into the urban area, cycle and pedestrian movements for children attending the school campus would be negatively impacted

and the housing demand for the area would not be met. This would be inconsistent with the zoning objective to facilitate a new residential development, and with the provisions of the National Planning Framework, Regional Spatial Economic Strategy and Urban Development and Building Height Guidelines.

11.3.4. The consideration of alternative locations for the development was addressed and decided during the preparation and adoption of the Fingal Development Plan 2017-2023. Given the extensive landholding of the applicant, the previously approved and constructed schemes and the zoning of the lands, no major alternative uses were considered reasonable. The now expired LAP formed the basis for the design strategy of the overall Mooretown lands, which in turn formed the basis for the proposed site layout. The detailed design of the LAP lands indicates that the indicative route for the link road and pedestrian connections were not compatible with DMURS and current policy for best practice urban design. In addition, the connections indicated on the LAP would not make legible connections to the earlier phases of development. The location, quantity and nature of open space was considered in the course of pre-planning consultation with the Local Authority.

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

#### 11.4. ***Consultations***

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

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

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

- Population and Human Health
- Biodiversity
- Lands and Soil
- Water
- Air Quality
- Noise and Vibration
- Climate
- Landscape and Visual Impact
- Material Assets - Traffic and Transport
- Cultural Heritage
- Material Assets - Utilities and Waste
- Interactions and Cumulative Effects
- Summary of Mitigation and Monitoring Measures

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

- 11.6.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic and socio-economic trends are examined.
- 11.6.2. The development would have a positive and temporary impact on employment and would also have a beneficial impact on the local economy due to the additional income and expenditure that will arise during the construction phase. However, it has the potential to give rise to a negative impact on the health and safety of human beings if activities are not managed or mitigated appropriately. The main negative effects would be in relation to noise, transport and air quality. Mitigation measures are proposed throughout the relevant sections and in Chapter 16. The predicted impacts of the construction phase would be temporary.
- 11.6.3. During the operational phase the proposed development would have a significant positive impact on the local community as it would contribute to the population growth, with an estimated population of between 1,779 and 1,931 persons, increased

economic activity from the retail / commercial units and would provide open space and a creche. The long-term effect would be a positive and permanent.

11.6.4. Cumulative Impacts with other projects are outlined in Section 4.19. It is considered that multiple sites under construction at the one time may result in cumulative impacts in terms of noise and vibration during the construction period. However, such impacts are short-term, and the implementation of appropriate mitigation measures will ensure that noise and vibration impact is kept to a minimum. During the operational phase, there would be residential, recreational, and commercial developments in proximity to the proposed project which will generate a synergy of uses. This would result in a long term positive and permanent impact.

11.6.5. I am satisfied that potential effects during the construction phase would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

#### 11.7. ***Biodiversity***

11.7.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 12 below, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

11.7.2. A desk study was undertaken and included review of available ecological data. Site visits were undertaken in March 2021 and April 2021. A comprehensive Wintering Bird Assessment was also carried out on numerous dates during 2021 and 2022 and bat detector and emergent surveys were carried out on 20th April 2021.

11.7.3. The site is relatively poor in terms of biodiversity value. The vast majority of the site comprised of a tilled land (BC3) and several areas of the site had undergone recent disturbance and were recolonising (ED3). Hedgerows and drainage ditches within the site, separate the fields. The hedgerows within the site are of higher biodiversity value

than the hedgerows on the southern portion of the site. No species of conservation importance were noted on site. The impact of the development during construction phase would be a loss of existing habitats and species on site. It would be expected that the flora and fauna associated with these habitats would also be displaced. The biodiversity value of the site would be expected to improve as the landscaping matures and that the ecological impacts in the long term would be positive.

- 11.7.4. During the construction phase there is potential for pollutants to enter the onsite drainage ditches and adjacent watercourses. Standard pollution control measures would be put in place to ensure that water entering the onsite drainage ditches and the Mill Stream (which discharges to the Broadmeadow River), is clean and uncontaminated. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters.
- 11.7.5. *Mammals*: No badger setts or signs of mammal activity was noted on site. A disused badger sett was noted outside the site outline to the west of the site. The loss of habitat and habitat fragmentation may affect some common mammalian species. Mitigation is recommended in the form of standard pre-construction site inspection. The overall impact of the development on common species is considered as not significant.
- 11.7.6. *Bats*: The results of the bat detector and emergent surveys are provided in Appendix 5.1 of the EIAR. Soprano pipistrelle (*Pipistrellus pygmaeus*) bats were observed foraging on site. There were no bat roosts within the site. However, several trees of bat roosting potential were noted. Therefore, mitigation is recommended in the form of inspection of trees of bat roosting potential prior to construction. While some foraging areas may be lost, as the proposed landscaping matures foraging activity would also be expected to increase. The overall impact of the development is considered as not significant.
- 11.7.7. *Birds*: In March 2021, 4 no. Wintering Bird Surveys were conducted at lands at Mooretown (which includes the subject site), the results are provided in Appendix 5.1.2. Over the entire survey area 51 no. bird species were recorded. The species recorded were transitory in nature and in small numbers. Between November 2021 and March 2022, an additional 9 no. winter bird surveys were carried out at lands at

Mooretown (which includes the subject site), the results are indicated in Appendix 5.1.3. Over the entire survey area 44 no. bird species were recorded. Of the species recorded during all the surveys, 2 no. (Snipe and Redwing) are listed as species of conservation concern. In addition, 3 no. breeding bird surveys were conducted in June 2021, the results are indicated in Appendix 5.1.4. The survey notes that over survey period 37 no. bird species were recorded at the subject site. Of these 13 no. species were proved breeding, 2 no. (Meadow Pipit and Grey Wagtail) are listed as species of conservation concern. The results from the surveys suggest that the site is not an ex-situ foraging, roosting or breeding site for species of qualifying interest from nearby Special protection areas (SPA's). Therefore, it is considered that no significant impacts on are likely on wintering birds.

- 11.7.8. Clearance, reprofiling and construction of the site will result in the loss of nesting and foraging habitat for common bird species. Therefore, mitigation is needed to ensure that site clearance is outside of bird nesting season. Landscaping proposed as part of the development would result in increased foraging and nesting habitat for birds. The overall impact on bird species is considered as not significant.
- 11.7.9. *Amphibians and Reptiles*: Water filled drainage ditches are present within the hedgerows on the sites. During a site walkover, frogspawn of the common frog (*Rana temporaria*) was noted in a pond within the hedgerow. No lizards were noted on site. Mitigation is recommended in the form of inspection of hedgerows for frog activity prior to construction. As open attenuation areas have been created under a previous planning permissions, this created new habitat for wetland amphibians and invertebrates. The overall impact on amphibians and reptiles is considered as not significant.
- 11.7.10. *Invasive Species*: There are no alien invasive species.
- 11.7.11. A new surface water holding tank and overflow pipe to the river Broadmeadow are also proposed as part of this development which would reduce the frequency and intensity of existing combined overflows to The River Ward. This aspect of the project would contribute to improvements in water quality status in the Malahide Estuary.
- 11.7.12. Cumulative Impacts with other projects are outlined in Section 5.4.3. It is considered that in combination effects with other existing and proposed developments in proximity



to the application area would be unlikely, neutral, not significant, and localised. It is concluded that no significant effects on European sites will be seen as a result of the proposed development alone or combination with other project.

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

#### 11.8. ***Lands and Soil***

11.8.1. Chapter 6 of the EIAR addresses land and soils. The methodology for assessment is described as well as the receiving environment.

11.8.2. Extensive site investigation works were carried out, comprising 12 no. cable percussive boreholes; 62 no. trial pits with dynamic probes; 3 no. soakaway tests; 20 no. California Bearing Ratio tests; and Geotechnical & Environmental Laboratory testing. Full details of which are provided in the Site Investigation Report, attached as Appendix 6.1 of the EIAR.

11.8.3. The proposed development of the site will incorporate cutting and filling of subsoil and rock to form finished floor levels and development roads; excavations for utilities and services; potential importation of suitable material; reinstatement of excavations and topsoil; and potential removal off-site of unsuitable and surplus material. It is intended that cut and fill within the site would be balanced and any surplus of materials generated on the site would be re-used within the landscaping.

11.8.4. During the construction phase the removal of topsoil and the earthworks would expose subsoil to weathering and may result in some minor erosion of the soils. The lack of topsoil is also likely to give rise to dust from the subsurface during dry periods. During adverse weather conditions surface water runoff across the exposed sub-soil could result in increased levels of silt being deposited in the public foul network or surface water drainage network.

- 11.8.5. Construction traffic movements may result in local compaction of the subsoil along haulage routes and there is a risk of damage the structure of some of the adjoining road networks and increase the amount of mud and dust on the roads providing access to the site. It is recommended that a dilapidation survey should be undertaken. There would also be a temporary increase in traffic volumes due to deliveries of fill materials and removal of surplus unsuitable cut materials. Subject to the appropriate mitigation measures, as outlined in Section 6.10 negative impacts during the construction phase would not be significant and would be short term in duration.
- 11.8.6. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No significant long-term impacts on land and soils, resulting from the proposed development are predicted during the operational phase.
- 11.8.7. There are no anticipated cumulative impacts.
- 11.8.8. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soils.

## 11.9. **Water**

- 11.9.1. Chapter 7 of the EIAR addresses the impact of the proposed development on the surrounding hydrological (surface water), hydrogeological (groundwater), foul water, water supply, and flood risk. The methodology for assessment is described as well as the receiving environment. My assessment of Water Services and Flood Risk in Section 10.9 above also considers these matters and I refer the Board to same.
- 11.9.2. During the construction phase significant amounts of site stripping and excavation are required, layers of sub-soil will be exposed to weathering and there would be potential for erosion due to rainfall and subsequent runoff. The erosion of soil can lead to sediments being washed into the receiving watercourses /sewers at higher rates of runoff. There is potential that contaminants could be washed into the receiving watercourses / sewers. There is also a risk of pollution of groundwater / watercourses

/ soils by accidental spillage of oils / diesel from temporary storage areas. Furthermore, if there is damage to any foul pipes, there is potential for contaminants to seep into the groundwater. The construction of the proposed development has potential to cause a slight, adverse, temporary, residual impact on receiving watercourses / groundwater. However, these would be mitigated against by measures outlined in Section 7.9 of the EIAR. Due to the proposed mitigation measures and the implementation of a Construction Management Plan, the impact during construction stage on the hydrology and hydrogeological aspects of the lands is not significant.

- 11.9.3. During the operational phase the site would be served by existing water supply and foul water network. There would be an increase in hardstanding area associated with the development area. Therefore, there is potential for an increase in risk of higher rates of surface water runoff leading to increased downstream flooding. However, surface water discharge from the site would be restricted by means of attenuation and no adverse impact in respect of flooding downstream would arise from the proposed development. The impact following the operational phase mitigation measures is imperceptible
- 11.9.4. The third party submission raised concerns that the proposed stormwater storage tank would have a negative impact on water quality. The proposed stormwater storage tank would have an overflow outfall to the Broadmeadow River. This overflow outfall pipe would only function when the storage tank surcharges beyond the proposed 2,250m<sup>3</sup> capacity of the tank. Flood mapping undertaken by the OPW at a point c. 200m upstream of the outfall location, indicates that any overflow outfall from the tank (beyond a 1 in 5-year event) would be discharging to a fast moving heavily diluted / surcharged river. It is also noted that the overflowing waters from the tank would be largely surface water. The proposed infrastructure would result in a vast improvement when compared with the existing arrangement of uncontrolled discharge to the Ward River and in turn Broadmeadow River.
- 11.9.5. Monitoring and maintenance of the water metering telemetry, SUDS features, road gullies, attenuation and flow control devices are and of the frequency and volume / duration of overflows from the proposed storage tank are recommended. The impact following the operational phase mitigation measures is imperceptible

11.9.6. There are no anticipated cumulative impacts.

11.9.7. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water.

#### 11.10. ***Air Quality***

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

11.10.2. The construction phase of the development has the potential to generate short term dust emissions that may have the potential to impact air quality in the short term. While dust from construction activities tends to be deposited within 200m of a construction site, the majority of the deposition occurs within the first 50m. Existing dwellings in Abbeyvale / Berwick residential estate to the south, are within a 20m - 50m and the school campus to the north is within 50m of the site. Where dust impacts are likely, avoidance and mitigation measures will be put in place to reduce the impact levels such as windbreaks, barriers and frequent cleaning and watering of the construction site roads. Mitigation measures are outlined Section 8.5. subject to dust minimisation measures, the air quality impacts during the construction phase would not be significant.

11.10.3. The proposed development would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. However, the operational phase of the proposed development also has the potential to result in an impact on local air quality primarily as a result of the increased traffic movements associated with the development. The availability of public transport will significantly reduce the number of private vehicles exiting and entering the development. The impact on air quality during the operational phase was determined by an assessment using the DMRB air quality model. Results showed an expected small increase in annual NO<sub>2</sub>, PM<sub>10</sub>, benzene and CO, however, each parameter would remain significantly below the limit values for EU regulations. This predicted increase would have a negligible impact and would not result in a perceptible change in the existing local air quality environment.

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

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

#### 11.11. **Noise and Vibration**

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

11.11.2. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. A daytime background noise survey was carried out on 1st and 2<sup>nd</sup> December 2021 (outside the covid lockdown period). Details of average noise levels are provided in Table 9.4. Average ambient noise levels were in the range 58 to 60dB LAeq. Average background noise levels were in the range 48 to 52dB LA90. Average LA10 values, typically used to describe traffic noise were in the range 60 to 69dB, indicating that most of the measured noise levels would have arisen from traffic noise. Noise mapping of Dublin Airport indicates that the subject site is located outside the area of Dublin Airport's noise contour map.

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

11.11.4. Vibrations impacts may occur during the construction phase as a result of ground preparation works and plant and machinery movements. These impacts will be unlikely to propagate beyond the construction site boundary.

11.11.5. The anticipated operational phase noise impacts would mainly be a result of increased vehicular traffic. However, the increase in traffic associated with the proposed development scheme is not expected to give rise to any significant noise nuisance in the area. No significant sources of vibration are expected to arise during the operational phase of the development.

11.11.6. There are no significant cumulative impacts predicted for the construction or operational phases.

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

#### 11.12. ***Climate***

11.12.1. Climate Change are outlined in Chapter 10 of the EIAR. The methodology for assessment and the receiving environment is described.

11.12.2. CO<sub>2</sub> would be emitted in the construction phase and in the operational phase. The construction phase is a relative short phase and its impact on CO<sub>2</sub> is limited when compared with the operational phase. The operational phase is based on the life cycle of a building or dwelling covering a 60-year period. Construction emissions represent approximately 5% to 10% of the operational emissions in a standard specification building or dwelling

11.12.3. CO<sub>2</sub> in the construction phase is emitted by construction vehicles, machinery, and equipment and also by CO<sub>2</sub> attributed to construction materials. Therefore, selecting materials for the construction of buildings/dwellings which have a low embodied carbon factor like wood, local stone rather than steel, zinc, aluminium or other metallics which have high carbon factors would be beneficial to global CO<sub>2</sub> emissions. A number of CO<sub>2</sub> reduction measures have been applied and are outlined in Section 10.5. A reduction in CO<sub>2</sub> emissions in the construction phase was achieved over current standard or average emissions.

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

#### 11.13. ***Landscape and Visual Impact***

- 11.13.1. Chapter 11 of the EIAR addresses landscape and visual impact that would arise from the development. The methodology for assessment is described and the receiving environment is described. A separate booklet of verified views and CGI's of the scheme were also submitted.
- 11.13.2. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.
- 11.13.3. The site was previously in agricultural use with mature hedgerows between the fields. The site is bound to the east and west by agricultural lands, to the south partly by

agricultural lands and partly by mature residential estates and to the north by the school campus and phase 2 Mooretown residential development. The proposed development site is located mainly in the Rolling Hills Landscape Character Area (LCA) with the eastern section in the Low-Lying Agriculture Landscape Character Area. The Rolling Hills LCA has a medium sensitivity.

- 11.13.4. There are two National Monuments within the site area. Neither have any above-ground visible evidence of their presence. A ringfort (DU011-147) is located in the south-eastern corner of the site. This monument would be retained in-situ and incorporated into a landscaped area of open space. A ring ditch (DU011-146002) is located at the north-western part of the site, and this is to be fully excavated and recorded as part of the development works.
- 11.13.5. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. The main impact on the landscape would be the removal of hedgerows and the loss of agricultural land. Given the low level of visual amenity of the existing landscape the visual impact during the construction stage is considered to be moderate and negative. Such temporary negative townscape and visual effects are unavoidable and not unusual in the urban context where change is continuous.
- 11.13.6. The proposed development will constitute a significant intervention in the local landscape which would change the character of the site and influence the character of the locality. The site is currently underutilised and of low visual quality. The context is already changing with significant suburban development to the north and east, therefore, the broad changes that would arise from the proposed development would not have a negative effect on the landscape. The layout of the site aims to minimise the visual impact of the development. There is a protected view c. 650m north of the site along the Rathbeale Road (R125). The proposed development would not obstruct this view. The overall effect of the scheme on the landscape is considered to be neutral - positive.



11.13.7. The on-going development of the earlier phases could be considered as cumulative development. Therefore the impact is moderate - positive as it is the final phase of development and would complete the residential development in this area.

11.13.8. I have considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the layout and design of the proposed scheme, in particular the variation in height and scale of the buildings. It is also noted that the Planning Authority raised no objection to the visual impact of the scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

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

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

11.14.2. There is potential for construction traffic to impact on noise levels, whilst dust may result from vehicles travelling along gravel roads and from general earthwork activities. There is also potential for traffic congestion. The potential for haphazard parking may also impact local road users. Therefore, it is considered that there is potential for construction traffic to have a moderate effect on the surrounding environment. However, the duration of this impact will be short-term (1 – 3 years).

11.14.3. The submission from the third party also raised concerns regarding the use of Millers Avenue as a transport option for HGV's during the construction period, as this route is dangerous, due to visibility and road safety risks. As is standard practice with any construction site, a detailed Construction and Traffic Management Plan would be prepared by the contractor and agreed with the Local Authority prior to commencing works on site.

11.14.4. The modelling indicates that Junction 1: Rathbeale Road (R125) / Naul Road (R108) (priority T junction), Junction 2: the Rathbeale Road (R125) / Millers Avenue junction (signalised crossroads) and Junction 4: Glen Ellan Road Roundabout all currently operate within their design capacity and would continue to operate within this capacity for all future scenarios. Junction 3 Rathbeale Road (R125) / Murrough Road (signalised junction) exceeds its design capacity in the base year (2022) and in the Opening year 2027, in both the AM and PM peak. Details of future years (2032 and 2042) have not been provided in the TTA or the EIAR. The planning authority recommend that a financial contribution is requested to deliver required infrastructure upgrades. Having regard to the lack of up to date traffic count data, the information submitted within the TTA which indicates that the surrounding road network does and would continue to experience congestion with the development of the overall LAP lands, which the majority are in the ownership of the applicant, it is my view that it is reasonable to request a financial contribution under Section 48(c) with regard to upgrading the capacity of the surrounding road network.

11.14.5. A Mobility Management Plan has been prepared to manage and mitigate the impacts of private vehicle usage and promote sustainable travel trends to and from the proposed development.

11.14.6. The potential cumulative effects in the context of traffic have been included in the overall assessment as traffic associated with development proposals and background growth have been included in the traffic forecasts and subsequent analysis.

11.14.7. I have considered all of the written submissions made in relation to Traffic and Transportation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions including a Section 48(c) financial contribution as requested by the planning authority. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Traffic and Transportation.

## 11.15. ***Cultural Heritage***

11.15.1. Chapter 13 of the EIAR assesses the impact of the proposed development on cultural heritage, archaeological and architectural heritage and proposes measures to

safeguard any monuments, features, finds of antiquity or features of architectural or cultural heritage merit. The methodology for assessment is described and the receiving environment is described.

- 11.15.2. The overall Mooretown – Oldtown lands have been subject to archaeological investigations since 2003, comprising desk studies, field walkover surveys and licenced geophysical surveys, test excavations, archaeological monitoring and archaeological excavations. There are no structures of architectural heritage merit within the application area or in its environs. A ringfort (RMP DU011-147) of probable early medieval date has been identified and its preservation in situ has been incorporated into an area of open space. A burnt mound and possible ring-ditch (RMP DU011-146001 & 002) have also been identified.
- 11.15.3. The ringfort (RMP DU011-147) is located in the south west corner of the site. It is entirely subsurface in nature and comprises a circular ditched enclosure c.30m in diameter with an entrance to the north-northeast. During the construction phase a protection zone will be placed around the ringfort. The protection zone will encircle the area with a buffer zone of 20m beyond the extent of the monument to protect it from any construction related activities. The landscape design incorporates the below-ground remains into the development, retaining it as an amenity area in the landscape. The landscaping proposals serve both as a protective measure and to facilitate interpretation of the site. Provision of signage to interpret the below-ground remains for the general public will be placed adjacent to the site. It will form part of a network of historic information throughout the Mooretown - Oldtown lands. Having regard to the above, the proposed development would have a positive impact on the archaeological remains.
- 11.15.4. There is a burnt mound or fulacht fiadh (RMP DU011-146001) overlying a possible ring-ditch (RMP DU011-146002) that is in the northwest of the subject site. The proposed development would have a negative, direct and significant impact on the burnt mound and possible ring-ditch. However, this would be mitigated by the full excavation and recording of the site, which would result in their preservation by record and the addition of valuable information to the archaeological record, which until recently was largely unknown in the surrounding area.

- 11.15.5. It is recommended that topsoil removal within the subject site be monitored by a suitably qualified archaeologist. In the event of the discovery of archaeological remains, the area will be cordoned off and protected until the archaeologist has made a decision on how best to deal with the remains in consultation with the DHLGH. This could be in the form of preservation in situ or full archaeological excavation (preservation by record).
- 11.15.6. No protected structures or properties recorded in the Record of Protected Structures or within the National Inventory of Architectural Heritage (NIAH) will be impacted by the proposed development. Therefore, no predicted impacts are envisaged regarding architecture or cultural heritage
- 11.15.7. The proposed development site has already been subjected to extensive excavation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures and conditions which form part of proposed scheme

11.16. ***Material Assets - Utilities and Waste***

- 11.16.1. Chapter 14 of the EIAR addresses utilities and waste. The methodology followed for the assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems. This is addressed in Section 10.9 of my planning assessment, and I refer the Board to same.
- 11.16.2. *Surface Water*: The previous phases of development were designed to accommodate the attenuation volumes for the entire Mooretown area, before discharging to the Mill Stream. Surface water from the subject site would either be attenuated within the Watermill Park or Mooretown Road detention basins and ponds, before discharging at restricted greenfield rates to the Mill Stream to the north. SuDS would be utilised on-site, including the provision of filter drains, permeable paving and bio-retention systems / green roofs. The surface water network within the proposed scheme would be designed to accommodate flows from the 1 in 5-year storm. Surface water from the 1 in 100 storm events (plus 20% to accommodate climate change) would be catered for in the permitted Watermill Park and Mooretown Road detention basins and ponds.

- 11.16.3. During the construction phase there is a risk of increased amount of silt entering watercourses in the runoff, of pollution of groundwater / watercourses / soils by accidental spillage. There could be damage to existing buried utilities during excavations works resulting in temporary loss of supply to existing properties. Negative impacts during the construction phase will be short term only. The proposed development will not give rise to any significant long term adverse impact. It is noted that that measures outlined in Section 14.11 are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites
- 11.16.4. *Foul Network:* There are currently no foul drainage networks located within the site. Foul drainage networks have been constructed / are under construction as part of the Mooretown School Campus, Phase 1 and Phase 2 residential developments and as part of the Distributor Road and Distributor Road extension projects to the north and west of the subject site. The proposed development would connect to this network. It is envisioned that all the development within the Mooretown lands would drain in a northerly direction to the existing foul sewer that crosses the Rathbeale Road. This public sewer flows northwards through Oldtown, to the Glen Ellen Road, and ultimately to the Swords Wastewater Treatment Plant which has a P.E. (population equivalent) of 90,000. It is noted that these public networks have been designed and constructed to accommodate the proposed development. During the construction phase there is a risk of the ingress of ground/surface water to the foul water network and of damage to existing buried utilities during excavations works resulting in temporary loss of supply to existing properties. There is also a possibility cross connection between foul and surface water pipes. The proposed development will not give rise to any significant long term adverse impact. Negative impacts during the construction phase will be short term only.
- 11.16.5. *Stormwater Storage Tank:* It is proposed to provide a stormwater storage tank on the public foul network is to alleviate constraints within the public foul network during times of heavy rainfall events, whereby stormwater enters the public foul network temporarily reducing available capacity. The proposed stormwater storage tank has been designed in conjunction with Irish Water and will not only facilitate the connection

requirement of this subject application but will also have capacity to allow for continued development in the Oldtown / Mooretown catchment

- 11.16.6. *Water Supply:* There are currently no water mains within the site. Public networks have been constructed / are under construction as part of the Mooretown School Campus and as part of the Distributor Road and Distributor Road extension projects to the north and west of the subject site. The proposed development would connect to this public network. During construction phase there is a risk of contamination of the existing water supply, of damage to watermain fittings and a potential loss of supply. The proposed development will not give rise to any significant long term adverse impact. Negative impacts during the construction phase will be short term only.
- 11.16.7. *Gas:* A new gas connection would be made at Mooretown Distributor Road extension, to the west of the subject site, or at Main Street, traversing the northern portion of the site. The exact extent and location of these connections will be agreed with Gas Networks Ireland during the design stage of the project. The installation of the gas utilities for the development will be conducted in parallel with the other services. Potential loss of connection to the Gas Networks Ireland infrastructure while carrying out works to provide service connections. This likely adverse impact may be characterised as a temporary, regionally short term, moderate impact
- 11.16.8. *Electricity:* A new connection would be made to the existing ESB network at the sites boundaries. The exact location of these connections would be agreed with ESB during the design state of the project. The installation of the ESB utilities for the development will be conducted in parallel with the other services. The relocation or diversions of the existing overhead ESB lines may lead to loss of connectivity to and / or interruption of the supply from the electrical grid to the surrounding areas. Any loss of supply will be managed by ESB Networks to minimise impact on neighbouring properties. The site compound will require a power connection. This likely adverse impact will be temporary and negligible.
- 11.16.9. *Telecommunications:* A new connection will be made to the existing Eir network at Mooretown Distributor Road extension, to the west of the subject site, or at Main Street, traversing the northern portion of the site. The exact extent and location of these connections will be agreed with Eir during the design stage of the project. The

installation of the telecommunications utilities for the development will be conducted in parallel with the other services. Potential loss of connection to the telecommunications infrastructure while carrying out works to provide service connections. This likely adverse impact may be characterised as a temporary, regionally short term, moderate impact. The site compound will require a telecommunications connection. This likely adverse impact will be temporary and negligible.

11.16.10. *Waste:* A site specific Construction and Demolition Waste Management Plan and an Operational Waste Management Plan have been submitted as standalone documents. A C&D Waste Manager would be appointed and have overall responsibility for the implementation of the project Waste Management Plan (WMP) during the construction phase. Due to the proposed mitigation measures outlined in Section 14.10 for the construction phase phase C&D waste is considered not significant.

11.16.11. The final connection details for all utilities are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. Due to the proposed mitigation measures in both construction and operational phase, the impact on the utilities and construction and demolition waste is considered not significant. Implementation of the mitigation measures and adherence to the Construction and Environmental Management Plan prepared for the project will ensure that any potential residual impacts will be short term and negligible.

11.16.12. In the event of future development adjacent to the proposed development, there are no predicted cumulative impacts arising from the construction or operation phase related to the material assets – built services provided that the other developments implement appropriate mitigation measures.

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

## 11.17. *Interactions and Cumulative Effects*

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



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

Chapter 16 provides a summary of the recommended mitigation measures

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

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

- Potential effects on population and human health that will be mitigated by appropriate construction and operational management plans, with no likely significant residual negative effects. Direct positive effects with regard to population and material assets due to the increase in housing.
- Potential Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. No significant residual effects are likely in this regard
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction, with no significant likely residual effects
- Potential impacts on water during construction will be mitigated by management of surface water run-off to prevent run off discharging directly into watercourses and by appropriate management measures to control the emissions of sediment, with no significant likely residual effects.
- Potential indirect effects on water during the occupation of the development will be mitigated 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, with no likely significant residual effects..
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme, with no likely significant residual effects.

- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. with no likely significant residual effects
- No likely significant effects on the climate
- A positive effect on the landscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Potential impacts on the material assets of roads will mitigated by the management of construction traffic by way of Construction and Environmental Management Plans with no likely significant residual effects. Positive effects on material assets by an upgrade of utilities and telecommunications. Potential impact on Waste Management assets would be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan with no likely significant residual effects
- Potential effects on Cultural Heritage would be mitigated by incorporating features in situ into the landscaping plan or recording of archaeological features by record. No significant adverse direct, indirect or cumulative effects are likely to arise.

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

## 12.0 **Appropriate Assessment**

### 12.1. ***Introduction***

12.1.1. The applicant has prepared an AA Screening and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that hydrological pathways

exist to the Malahide Estuary. It is considered that there is potential for silt laden material and pollution to be washed into the Estuary, via surface water drainage and proximate drainage ditches. An NIS has been prepared in respect of the effects of the project on Malahide Estuary SAC and Malahide Estuary SPA. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

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

- 12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 12.2.2. The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Screening Report was prepared by Altamar Marine and Environmental Consultancy. The report sets out the stages of the Appropriate Assessment, provides a description of the site location, a brief description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects.
- 12.2.3. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

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

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

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

- 12.4.1. The Screening Report (page 4) provides a description of the project. The development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction of 650 no. residential units, a creche and 946sqm of retail / commercial uses. The surrounding area is in transition with both agricultural lands and suburban housing estates. The site is serviced by public water supply and foul drainage networks. It is proposed that the foul sewer will be sent to the Swords Wastewater Treatment Plant which discharges (under licence from the EPA) to the Broadmeadow Estuary, which in turn discharges to the Malahide Estuary. Surface water will flow to the Broadmeadow River from open drainage ditches via the Mill Stream. Surface water on site is drained by open ditches, which flow to the Mill Stream. The Mill Stream flows north where it is culverted before ultimately discharging to the Broadmeadow River. The proposed drainage system will use a variety of SuDS measures. A stormwater tank is proposed to eliminate a source of ongoing and uncontrolled pollution from the River Ward. Stormwater would be diverted into the tank and any overflows from the tank would discharge to the Broadmeadow River. The net impact on water quality will be positive, primarily by reducing the frequency and magnitude of uncontrolled overflow events. The development site is located in a urbanised environment close to noise and artificial lighting. The site is highly modified. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

## 12.5. ***Submissions and Observations***

- 12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. The third party submission considers that significant effects to the Malahide Estuary SAC and SPA should not be ruled out.

## 12.6. ***Zone of Influence***

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

- 12.6.2. The third party submission notes that significant effects to the Malahide Estuary SAC and SPA should not be ruled out when considering the design of the stormwater storage tank.

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

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

- 12.6.4. Designated sites within 15km of the subject site are indicated in Table 1 and are noted below:

- Malahide Estuary SAC (000205), 2.5 km from the subject site
- Rogerstown Estuary SAC (000208), 5.0 km from the subject site

- Baldoyle Bay SAC (000199), 8.6 km from the subject site
- North Dublin Bay SAC (000206), 11.1 km from the subject site
- Rockabill to Dalkey Island SAC (003000), 11.7 km from the subject site
- Ireland's Eye SAC 13.3 km (002193), from the subject site
- Howth Head SAC (000202), 14 km from the subject site
- South Dublin Bay SAC (000210), 14.2 km from the subject site
- Lambay Island SAC (000204), 14.2 km from the subject site
- Malahide Estuary SPA (004025), 2.8 km from the subject site
- Rogerstown Estuary SPA (004015), 5.7 km from the subject site
- Baldoyle Bay SPA (IE004016), 8.6 km from the subject site
- North Bull Island SPA (004006), 11.1 km from the subject site
- South Dublin Bay and River Tolka Estuary SPA (004024), 11.3 km from the subject site
- Ireland's Eye (004117), SPA 13.0 km from the subject site

- 12.6.5. The qualifying interests and features of interest for these designated sites are provided in Table 2 of the AA Screening Report.
- 12.6.6. The proposed development has no potential source pathway receptor connections to any other European Sites.
- 12.6.7. I agree with the AA Screening Report and consider that only the designated area of sites within the Malahide Estuary could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.
- 12.6.8. I am also satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites

## 12.7. Screening Assessment

12.7.1. The Conservation Objectives and Qualifying Interests of sites of the Malahide Estuary SAC and the Malahide Estuary SPA are outlined below.

<b><i>Malahide Estuary SAC (000205) c. 2.5km north east of the subject site</i></b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
<b><i>Malahide Estuary SPA (004025) c. 2.8km north east of the subject site</i></b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Pintail ( <i>Anas acuta</i> ) [A054] Goldeneye ( <i>Bucephala clangula</i> ) [A067] Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Wetland and Waterbirds [A999]

## 12.8. ***Consideration of Impacts***

- 12.8.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 12.8.2. Surface water drainage from the subject site would be directed to surface water attenuation basins and ponds, which are constructed / to be constructed under previously approved phases of development on the Mooretown lands to the north of the subject site. Attenuated surface water would outfall to the Mill Stream, which is culverted (under the school site) at the north of the subject site to the Broadmeadow River, and ultimately discharges to Malahide Estuary. The habitats and species of Natura 2000 sites in the Malahide Estuary are located c.2.5 km downstream of the site and water quality is not a target for the maintenance of any of the QI's within the Malahide Estuary. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the Malahide Estuary. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the Malahide Estuary from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the Malahide Estuary (dilution factor).
- 12.8.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area and as such the proposal will not generate significant demands on the existing municipal sewers for surface water.



- 12.8.4. The foul discharge from the proposed development would drain, via the public sewer, to the Swords WWTP for treatment and ultimately discharge to the Malahide Estuary. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Malahide Estuary due to the wastewater pathway. The subject site is identified for development through the land use policies of the Fingal County Development Plan 2017-2023. This statutory plan was adopted in 2017 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note that the Annual Environmental Report (AER) for the Swords WWTP for 2020 indicated that the discharge was fully compliant with emission limit standards. The treatment capacity is 90,000 P.E. (population equivalent). According to the AER the remaining capacity is 11,391 P.E. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Swords WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- 12.8.5. The proposed development includes a Stormwater Storage Tank at a separate site at the junction of Glen Ellan Road and Balheary Road. The third party submission raised concerns that the stormwater storage tank would improve the water quality of the estuary. The applicants Stormwater Overflow and Receiving Stream Assessment (Broadmeadow) Assimilation Simulation Evaluation Report assessed the impact of proposed tank on the Broadmeadow River and the Malahide Estuary which hosts Natura 2000 sites. Currently during heavy rainfall events surface / storm water and foul waters discharge, uncontrolled into the River Ward, c. 200m upstream of the subject site. The Ward River flows to the Broadmeadow River and ultimately discharges to the Malahide Estuary. The proposed storage tank would store stormwater that is currently discharged unimpeded to the Ward River. The infrastructure includes an overflow outfall pipe to the Broadmeadow River. However, this would only function when the storage tank surcharges beyond the proposed 2,250m<sup>3</sup> capacity of the tank. It is noted that the overflowing waters from the tank would be largely surface water and that any overflow outfall from the tank would be

discharging to a fast moving heavily diluted / surcharged river. The capacity of the tank was agreed with Irish Water and modelling indicates that it represents the 1 in a 5 year flood event. Therefore, the proposed storage tank would reduce the potential for contaminants, currently present, from entering the designated sites within the Malahide Estuary. The tank would discharge back to the foul water sewer by gravity once the rainfall passes and the levels of surface water in the foul network drops.

- 12.8.6. Having regard to the information submitted I am satisfied that the tank would significantly improve the capacity of the foul network and prevent the discharge of pollutant material to the Broadmeadow River, and ultimately by extension, the Malahide Estuary during a 1 in 5 year storm event. Section 4 of the applicants Report notes that the tank would also result in significant reductions over the existing situation for the 1 in 10 year event (81% reduction), the 1 in 20 year event (72% reduction) and the 1 in 30 year event (68% reduction). While the concerns of the third parties are noted I am satisfied that the provision of this storage tank is required in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites and that the proposal would significantly improve the existing situation, where uncontrolled flooding of foul network currently occurs.
- 12.8.7. The Preliminary Construction Demolition and Waste Management Plan and Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.
- 12.8.8. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site.
- 12.8.9. In March 2021 4 no. Wintering Bird Surveys were conducted at lands at Mooretown (which includes the subject site), the results are indicated in Appendix I. Over the entire survey area 51 no. bird species were recorded. The species recorded were transitory in nature and in small numbers. Between November 2021 and March 2022, 9 no. winter bird surveys were carried out at lands at Mooretown (which includes the subject site), the results are indicated in Appendix II. Over the entire survey area 44 no. bird species were recorded. The survey notes that a great proportion of the bird species were utilising the mature hedgerow habitat that borders the subject site. Of the species

recorded during all the surveys, 2 no. (Snipe and Redwing) are listed as species of conservation concern. In addition, 3 no. breeding bird surveys were conducted at the in June 2021, the results are indicted in Appendix III. The survey notes that over survey period 37 no. bird species were recorded at the subject site. Of these 13 no. species were proved breeding, 2 no. (Meadow Pipit and Grey Wagtail) are listed as species of conservation concern. The results from the surveys suggest that the site is not an ex-situ foraging, roosting or breeding site for species of qualifying interest from nearby Special protection areas (SPA's).

12.8.10. Having regard to the information submitted which is robust and evidence based I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the characteristics of the subject site, the separation distances between the European sites and the proposed development site, the limited number of relevant qualifying interests observed in the vicinity of the works and the absence of ecological or hydrological pathway.

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

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

12.9.1. Table 3 of the AA Screening Report outlines planning applications granted permission on lands in the immediate area of the proposed development. The information submitted indicates that there has been a combined total of 929 no. residential units have been granted planning permission in the vicinity of the proposed development since 2011. Given the nature and scale of the proposed development and the distance to any European sites I am satisfied that there will be no potential cumulative effects.

#### 12.10. ***AA Screening Conclusion***

12.10.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in

the vicinity, the proposed development would not be likely to have a significant effect on the Malahide Estuary SAC (000205) or Malahide Estuary SPA (004025), or any European Site in view of the conservation objectives of such sites.

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

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

12.10.4. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Malahide Estuary SAC (000205) or Malahide Estuary SPA (004025), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 13.0 **Recommendation**

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

## 14.0 **Reasons and Considerations**

Having regard to: -

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Fingal County Development Plan 2017-2023
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2022
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

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

## 15.0 Recommended Order

**Application:** for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 19<sup>th</sup> day of April 2022 by Downey Planning, on behalf of Gerard Gannon Properties.

### **Proposed Development:**

The development consists of the construction of 650 no. residential units comprising 265 no. houses, 187 no. apartments, 6 no. triplex units, and 192 no. duplex units, a childcare facility, 5 no. retail units and 1 no. café / restaurant unit. The 265 no. houses comprise 240 no. 3-beds and 25 no. 4-beds houses ranging from two to three storey in height. The 192 no. duplex units are provided in 22 no. duplex blocks (Blocks A - V) comprising 113 no. duplex 'house' units and 79 no. duplex 'apartment' units and 187 no. apartments are provided in 6 no. blocks (Blocks A - F). The 6 no. triplex units comprise own door units that form part of Apartment Block A.

The development includes 991 no. car parking spaces, 1141 no. bicycle spaces. New vehicular accesses onto Main Street and onto the Mooretown Distributor Road (Western Distributor Link Road) which was permitted and partly constructed under Reg. Ref. F20A/0096. Upgrades to the public realm including footpaths, a new pedestrian / cyclist link via Abbeyvale Court. Landscaping including play equipment, boundary treatments, public lighting and

The scheme also includes all associated engineering and site works necessary to facilitate the development including the proposed stormwater storage tank and overflow outfall gravity sewer to the Broadmeadow River with associated manholes on lands locally known as the Celestica/Motorola site, junction of Glen Ellan Road and Balheary Road, and at Balheary Road, along with the proposed vehicular / service access onto Balheary Road, Swords.

### **Decision:**

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

## **Matters Considered:**

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

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

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

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

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

### **Appropriate Assessment:**

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

### **Environmental Impact Assessment**

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third party and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.



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

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

- Potential effects on population and human health that will be mitigated by appropriate construction and operational management plans, with no likely significant residual negative effects. Direct positive effects with regard to population and material assets due to the increase in housing.
- Potential Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. No significant residual effects are likely in this regard
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction, with no significant likely residual effects
- Potential impacts on water during construction will be mitigated by management of surface water run-off to prevent run off discharging directly into watercourses and by appropriate management measures to control the emissions of sediment, with no significant likely residual effects.
- Potential indirect effects on water during the occupation of the development will be mitigated 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, with no likely significant residual effects..
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme, with no likely significant residual effects.

- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. with no likely significant residual effects
- No likely significant effects on the climate
- A positive effect on the landscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Potential impacts on the material assets of roads will mitigated by the management of construction traffic by way of Construction and Environmental Management Plans with no likely significant residual effects. Positive effects on material assets by an upgrade of utilities and telecommunications. Potential impact on Waste Management assets would be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan with no likely significant residual effects
- Potential effects on Cultural Heritage would be mitigated by incorporating features in situ into the landscaping plan or recording of archaeological features by record. No significant adverse direct, indirect or cumulative effects are likely to arise.

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

***Conclusions on Proper Planning and Sustainable Development:***

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, quantum of development, and in terms of pedestrian and traffic safety. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

## 16.0 **Conditions:**

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

**Reason:** In the interest of clarity.

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

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

3. The proposed development shall be amended as follows: -
  - a) Urban Block 03, which comprises Apartment Blocks B and C and Duplex Block V, shall be permanently omitted and replaced with public open space until such time as a revised application is lodged for planning permission.

- b) House numbers 9, 10, 11, 12, 13, 14 and 15 (7 no. houses) in Urban Block 05 shall be permanently omitted and replaced with duplex units.
- c) The junctions of Road 10 / Mooretown Distributor link extension and Main Street / Road 4 shall be redesigned for walking and cycling access only.
- d) The width of the entrance lobbies in Apartment Blocks A, B, E and F shall be increased to a minimum width of 2.2m. It is noted that this may require minor amendments to the design and layout of the adjoining ground floor units.
- e) In Apartment Block B, the north facing windows in first floor units 01, 02, 17 and 18 and second floor units 19, 20, 35 and 36 shall be permanently fitted with obscure glazing or louvres.
- f) In Duplex Block B the windows on the western elevation of serving units GF01 and FF01 shall be permanently fitted with obscure glazing or louvres.
- g) In Duplex Block C the windows on the northern elevation of units GF01 and FF01 shall be permanently fitted with obscure glazing or louvres.
- h) In Duplex Block D the windows on the eastern elevation of units GF04 and FF06 shall be permanently fitted with obscure glazing or louvres.
- i) In Block E the windows on the northern elevation of units GF01 and FF01 shall be permanently fitted with obscure glazing or louvres.
- j) In Duplex Block H the windows on the northern elevation of units GF02 and FF03 shall be permanently fitted with obscure glazing or louvres.
- k) In Duplex Block J The windows on the northern elevation of units GF01 and FF01 shall be permanently fitted with obscure glazing or louvres.
- l) In Duplex Block L the windows on the western elevation of units GF01 and FF01 in Block L shall be permanently fitted with obscure glazing or louvres.
- m) In Duplex Block M the windows on the northern elevation of units GF01 and FF01 in Block M shall be permanently fitted with obscure glazing or louvres.
- n) In Block O the windows on the northern elevation of apartments 05 and 11 and the windows on the southern elevation of Apartment 06 shall be permanently fitted with obscure glazing or louvres.
- o) In Block P The windows on the eastern elevation of units GF01 and FF01 shall be permanently fitted with obscure glazing or louvres.

- p) In Block R The windows on the eastern elevation of units GF03 and FF04 shall be permanently fitted with obscure glazing or louvres.

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

**Reason:** In the interest of residential and visual amenity and sustainable travel

4. Access to the development shall be permanent, open 24 hours a day, with no gates or security barriers along the roads.

**Reason:** In the interest of residential amenity and social inclusion and to secure the integrity of the proposed development including open spaces.

5. Prior to commencement of development the applicant shall agree in writing the final details of all play equipment to be provided within the scheme.

**Reason:** In the interest of residential amenity

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

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

7. All trees along Balheary Road shall be retained and maintained with the exception of the following: -

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

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

**Reason:** In the interest of visual amenity and biodiversity.

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

**Reason:** In the interest of residential amenity.

9. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of areas to be taken in charge.

**Reason:** In the interest of residential amenity.

10. The proposed render finish from all elevations of the Apartment Blocks shall be permanently omitted and replaced with a suitably high quality material. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

11. Details of signage and hours of operation of the creche, retail units and café / restaurant unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

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

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

**Reason:** In the interest of place making and visual amenity

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

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

15. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

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

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

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

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

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

19. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to



commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

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

- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist
- c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters
- d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
- e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

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

external plant, telecommunication aerals, antennas or equipment, unless agreed in writing with the planning authority.

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

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

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

23. 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.

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

**Reason:** In the interest of public health.

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

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

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

27. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

28. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for

Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

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

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

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

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

31. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute

(other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

32. 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

33. 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.

34. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of upgrading the surrounding road network, in particular the upgrade of Glen Ellen / Balheary Road junction. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

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Elaine Power

Senior Planning Inspector

13<sup>th</sup> March 2023