



An
Bord
Pleanála

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

Inspector's Report ABP-314360-22

Strategic Housing Development

173 no. residential units (159 no. houses, 14 no. apartments) creche and associated site works.

Location

Coolquay Common, The Ward, Dublin
(www.Coolquayshd.ie)

Planning Authority

Fingal County Council

Applicant

Breffini Asset Holdings Limited

Prescribed Bodies

Fingal County Council
Irish Water
Transport Infrastructure Ireland
Meath County Council
Dublin Airport Authority
Department of Housing, Local
Government and Heritage

Observer(s)

1. Albert Rattigan and Others
2. Angela Martin
3. Breffni Conaty
4. Conaty Food and Catering
Supplies Limited
5. Coolquoy Resident's Association
6. Daniel O'Neill
7. Darragh Butler and Brigid Manton
8. Dawn Marie Conaty
9. Dermot and Tara Diamond
10. Eddie Cassiidy
11. Ian Carey
12. Kevin Kenny
13. Kilcoskin National School
14. Lily Conaty
15. Linda and Patrick Bailey
16. Louise Foran
17. Margaret and Derry Cronin (Cronin
Coaches Limited)
18. Marisa Rabbitte
19. Maurice and Marie O'Donnell
20. Michael O'Connor
21. Niamh Cronin
22. Orla and Cathal Conaty
23. Rachel and Stuart King
24. Robert Beyer
25. Serena Taylor
26. St. Margaret's GAA Club

Date of Site Inspection

25.11.2022

Inspector

Mary Mac Mahon

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development provides for 173 no. residential units (159 houses and 14 no. apartments in duplex format and include 17 no. Senior Living units), creche, community centre, retail and office block, and associated site works. It includes a Natura Impact Statement (NIS).

2.0 Site Location and Description

- 2.1.1. Please note that the area is spelled Coolquay in the documentation, including the public notice and associated website and in the *Fingal Development Plan, 2017-2023*, but is also referred to as Coolquoy on Google Earth and in the addresses of various third parties, as it is located in part in the townland of Coolquoy Common.
- 2.1.2. The subject site is circa 15.37ha and is located in the settlement of Coolquay. Coolquay is strategically located on the R135 (the former N2), on the border of Fingal and Meath County Council, Dublin Airport and the M50. The M2 is further west. Ashborne is circa 7 km to the northwest on the R135. Swords can be accessed via the R125. Thornton Hall is located north-east of Coolquay, where a new prison was mooted, but has not been pursued to date. There are road upgrades to the northern end of Coolquay, to facilitate the prison development. Corrstown Golf Club is located to the east of the settlement.
- 2.1.3. Coolquay is a small settlement, where there is a significant amount of commercial development of a logistics nature, facing onto the R135, but where the majority of residential development is accessed from the R130. There is a large petrol filling station on the R135, which is the main shop for the area. Coolquay Lodge is a public house and restaurant. There is a former retail unit at the junction with the two regional roads, which has been renovated and is for let. Other commercial uses include coach depots, stacking services, a builder's compound, Chez Emily (a coffee and chocolate shop), an antiques dealer and a garden centre. Kilcoskan National School is located at the eastern end of the settlement. There are footpaths and bus stops on the R135 and footpaths on the northern side of the R130. The footpaths have public lighting.

The housing in the area is mostly one-off dwellings in a mix of single and two storey, with a range of materials employed. There is no obvious central location, *per se*, in the settlement and no strong architectural character.

- 2.1.4. The site is located on the southern side of the settlement and extends for much of the entire length of it. The site is largely backland in nature, with some limited road frontage to the R135, the R130 and Corrstown Lane, which continues to the Corrstown golf club (this is variously referred to as the L7205 and the L7240. As the planning authority refers to it as the L7240, I will use this reference). The site is accessed from two locations. The more westerly access is from a local road, the L7200, Green Lane. The second and main access is from the R130, where a new access is to be created opposite Kilcoskan School. A number of units would also be directly accessed from Corrstown Lane, the L7240, but do not provide access to the rest of the site. The site is a series of fields in agricultural use. The lands are relatively level, with drainage ditches and hedgerow demarcating the different field boundaries. A tributary of the Ward River (Fleenstown Great) runs through the site on an east west axis.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of 173 residential units, a retail and commercial unit, childcare facility, community centre and public park. The gross floor area of the residential area is stated to be circa 17,714 square metres (however the gross floor area of the total development is circa 19,329 square metres). A new access to the site is provided from the R130 and two new accesses are from the L7200. A pumping station is to be provided. The housing is generally grouped in terraces.
- 3.1.2. The proposed development is laid out with the commercial building and duplex units facing onto the R130, with an urban plaza in front of the commercial building and where the main access to the proposed development is located. The new road continues east before turning and running parallel to the R130. A public open space is provided as one moves into the site, bisected by this road. The community centre and creche building overlook this space. The independent living units for senior persons are located to the rear of the community centre. Housing is provided along the new road

as it continues west. The road comes to an end at the large central area of open space, through which the Fleenstown Great watercourse flows. The pumping station is in this area. Two attenuation ponds are located either side of the watercourse.

- 3.1.3. The second area of housing is located on the other side of the open space and is accessed from the local road, the L7200. Two new accesses will be provided on either side of this road. An area of open space is provided onto the R135, with three houses fronting onto the open space. There is also road frontage onto the L7240, with 10 no. units accessed from it.
- 3.1.4. A network of pedestrian and cyclepaths provide connectivity between the two main development areas of the site.
- 3.1.5. The site extends beyond the 'RV' zoning into the 'RU' zoning. While most of the proposed use of the area is open space, which is permitted in principle, part of Road D extends into the 'RU' zoning.
- 3.1.6. The following tables summarises the development.

Table 1: Key Statistics

Site Area	15.37 hectares
No. of Houses	159
No. of Apartments	14
Total	173 Units
Density –	11.26 units per hectare (gross) 17.11 units per hectare (RV zoning area)
Retail / Office	656.96 m ²
Creche (102 places)	567.7m ²
Community Building	353.12 m ²
Site Coverage	Not stated

Open Space Provision	47% of the site
Car Parking	358
Bicycle Parking	43

Table 2: Breakdown of Houses

Bedrooms	1 Bedroom (Senior)	2 Bedroom (Senior)	3 Bedroom	4 Bedroom	Total
Number of Units	15	2	125	17	159
% of Houses	9%	1%	79%	11%	100%

Table 3: Breakdown of Apartments

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
Apartments	0	0	7	7	14
% of Apartments	0%	0%	50%	50%	100%

3.1.7. The information submitted includes the following:

- Newspaper Notice – Irish Daily Mail
- Letter of Consent from Current Landowners of lands within the red line of the site
- Coolquay Masterplan and Statement of Consistency – CWPA
- Proposed Coolquay SHD Masterplan - CWPA
- Coolquay Village Vision - CWPA
- Material Contravention Statement – CWPA
- Part V details - CWPA
- Social and Community Infrastructure Audit – CWPA

- Housing Quality Assessment - CWPA
- Schedule of Accommodation - CWPA
- Building Lifecycle Report – CWPA
- CGI's Booklet – CWPA
- Materials and Finishes Report – CWPA
- Universal Access Statement - CWPA
- Operational Waste Management Report – CWPA
- EIA Screening Report - CWPA
- Engineering Assessment Report – Waterman Moylan Consulting Engineers
- Traffic and Transport Assessment – Waterman Moylan Consulting Engineers
- Travel Plan – Waterman Moylan Consulting Engineers
- Response to Fingal County Council and An Bord Pleanála – Waterman Moylan Consulting Engineers
- Flood Risk Assessment – Waterman Moylan Consulting Engineers
- Preliminary Construction and Demolition Waste Management Plan – Waterman Moylan Consulting Engineers
- Irish Water Confirmation of Feasibility and Statement of Design Acceptance
- Landscape Rationale Report and Drawings – RMDA Landscape Architects
- Visual Impact Assessment Report - RMDA Landscape Architects
- Arboricultural Report and Drawings – Charles McCorkell Arboricultural Consultancy
- Tree Survey Plans and Tree Removal Plans – Charles McCorkell Arboricultural Consultancy

- Ecology Impact Assessment Report – Moore Group Archaeological and Environmental Services
- Appropriate Assessment Screening – Moore Group Archaeological and Environmental Services
- Stage 2 Appropriate Assessment Screening (NIS) - Moore Group Archaeological and Environmental Services
- Cultural Heritage Impact Assessment Report - Moore Group Archaeological and Environmental Services
- Geophysical Survey Report – Target Archaeological Geophysics GCV
- Verified Views and CGI's – Digital Dimensions
- Daylight, Sunlight and Overshadowing Report - Digital Dimensions
- Outdoor Lighting Report and Associated Layout Plan – Sabre Electrical Services Ltd.
- Noise and Vibration Impact Assessment Report – Amplitude Acoustics

4.0 Planning History

Subject Site

- 4.1. No relevant planning history.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application virtual consultation took place on the 6th April, 2022, in respect of the construction of 200 no. residential units (194 no. houses, 6 no. apartments), creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were :-

- Principle, scale and density of development.
- Compliance with the development plan settlement strategy (variation no. 2) and national policy.
- Design and layout of housing.
- Range of uses.
- Part V.
- Public transport provision.
- Drainage.

5.2. In the Notice of Pre-Application Consultation Opinion dated 27th April, 2022 (ABP-312259-22) An Bord Pleanála stated that it was of the opinion that the documents submitted required amendment to constitute a reasonable basis for an application for strategic housing development.

5.3. The amendments required related to the following:

5.3.1. Further consideration of, and possible amendment to the documentation submitted in respect of the scale of development proposed for this location, identified as a Rural Village in the Fingal County Development Plan.

Application documentation should provide a detailed and robust planning rationale and justification for the nature and scale of development proposed in the context of local and regional planning policy, as well as national policy as set out in the *Sustainable Residential Development in Urban areas, Guidelines for Planning Authorities* (2009). The documentation should describe how the proposed development will provide for managed and sustainable growth of the settlement and avoid over-development, in line with the objectives of the National Planning Framework.

This may require possible amendment to the documents and or design proposals submitted.

- 5.3.2. Having regard to the scale of development proposed, and in the absence of a Local Area Plan or Masterplan for this settlement, the application should give consideration to, and provide further justification for the proposed development in terms of its contribution to the character and structure of the settlement.

In this regard, the application should describe how the development integrates with, and is informed by the existing character, scale and grain of the village. The rationale for the layout of development, including the siting and design of community and commercial elements, and the vision for the future structure of the settlement, should be clearly described.

This may require possible amendment to the documents and/or design proposals submitted.

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

Item 1: A social and community infrastructure audit.

Item 2: A phasing plan for the proposed development, which should include the delivery of associated road and drainage infrastructure and public open spaces. A rationale for such phasing plan having to the sequential development of the settlement should be described.

Item 3: A response to the issues raised in the Written Opinion of the Planning Authority, in respect of the design and layout of development, and concerns regarding the supervision of open spaces and security of housing backing onto open space and surface car parking.

Item 4: In relation to access and transportation, the following information should be submitted:

(a) A revised Traffic Impact Assessment (TTA). The assessment should provide a clear justification and validation for the trip rates used in the assessment and any assumed modal split.

(b) A Travel Plan / Mobility Management Plan and a statement describing how the proposed development will contribute to sustainable travel patterns and a reduced dependency on the private car.

(c) A Quality Audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS) which shall include as a minimum a Street Design Audit, Road Safety Audits and Pedestrian and Cycling Audits.

(d) A review of existing pedestrian and cycle connections to services and amenities in the surrounding area.

(e) A report addressing other matters raised in the report of the Fingal County Council Transportation Planning Section.

Item 5: Plans identifying all areas intended to be taken in charge by the local authority. The application should clearly describe proposals for the ownership, management, and maintenance of the proposed Biodiversity Park and the Community Centre.

Item 6: A report addressing the matters raised in the report of Fingal County Council Water Services Department, dated 05/01/2022.

Application documentation should clearly identify all existing drains and watercourses traversing and bounding the development site and describe their treatment as part of the proposed development.

Item 7: A review of, and rationale for the extent of hedgerow removal, and a complete tree survey including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction - Recommendations.

Item 8: Confirmation that the Ecological Impact Assessment (EclA) Report considers the full extent of hedgerow removal and works / modifications to existing drains and watercourses proposed as part of the development.

The Ecological Impact Assessment (EclA) report should be accompanied by the results of all surveys undertaken as part of the assessment, including bat and breeding / wintering bird surveys.

Item 9: A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

Item 10: A noise assessment demonstrating that good acoustic design has been followed and that relevant internal noise guidelines will be met. Any noise mitigation / insulation measures, and their effectiveness, should be clearly identified and described. The assessment should also include an external amenity area noise assessment.

Item 11: Documentation accompanying the planning application should describe the management of the risk of septicity in the wastewater network and any interim and longer-term requirements for dosing in this regard. The application should clearly set out the intent with regard to responsibility for the management and operation of the proposed pumping station.

The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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
- Inland Fisheries Ireland
- Meath County Council
- Fingal County Council
- Transport Infrastructure Ireland
- National Transport Authority

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 applicant addressed items 1 and 2 of areas that required amendment to make the application a reasonable basis for an application and items 1-11 of the specific information to be submitted with the application.

5.6.2. The first item requiring amendment related to the scale of development, located in a Rural Village and robust rationale and justification for the nature of scale within a planning policy context. The applicant responded that the proposed development has

been reduced in scale from 200 residential units to 173 residential units. This in turn reduces density and provides a more suitable village architectural style. A mix of type and size of residential units are located within a high quality landscape with significant areas of public open space.

- 5.6.3. The application is consistent with the National Planning Framework objective and the Regional Spatial and Economic Strategy (RSES) to provide for compact growth and is a viable alternative to one-off housing. The scale of the proposed development is consistent with Fingal's Settlement Hierarchy of the Development Plan, as revised under Variation No. 2, and would facilitate the Planning Authority in achieving the 2031 population targets for Fingal required by the RSES. The proposed development is consistent with the provisions of the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009).
- 5.6.4. In terms of the proposed development contributing to the character and structure of the settlement of Coolquay, the letter states that the proposed development has been informed by the typical pattern and grain of the existing village and has a distinctive village style layout. The current village is predominately dispersed one-off housing. The proposed development will facilitate a sewerage drainage network, which is an environmental gain.
- 5.6.5. The proposed units include specifically for independent living for Older Persons. A range of other uses are provided for to complement the village, including retail, office, creche and community centre as well as parkland. These have been located along the main frontage, similar to the approach taken in Kinsealy, another rural village that has been developed rapidly in recent years.
- 5.6.6. A balance has been struck between achieving compact growth and providing for over 2 hectares of open space within the residentially zoned lands, supplemented by a biodiversity park of nearly 5 hectares. The open space will be provided in tandem with a phasing plan.
- 5.6.7. The proposed development is an integrated plan, providing for self sustaining growth for services and employment and avoid reliance on Ashbourne or Swords. The site is proximate to 'GE' General Enterprise lands. A masterplan has been provided which earmarks lands for a new school, a primary care centre and nursing home in the future.

5.6.8. All residents will benefit from the proposed development. The proposed development is considered to be “*both sensitive and proportionate to the existing pattern and grain of the area*” (page 7 of Cover Letter to An Bord Pleanála).

5.6.9. Further information in relation to compliance with the RV Zoning and Vision is provided in the Statement of Consistency. A Vision document has also been prepared.

5.6.10. The response to items of specific information are summarised below: -

Item 1: A Social and Community Infrastructure Audit has been enclosed.

Item 2: A Phasing Plan has been set out in the Masterplan and Statement of Consistency document.

Item 3: The response to the issues raised by the Planning Authority is contained in the above Masterplan and Statement of Consistency as well as compliance with the *Sustainable Residential Development in Urban Areas*.

Item 4: Compliance with traffic requirements can be found in the Waterman Moylan documents. The Quality Audit is in an appendix of the TTA.

Item 5: A Taking in Charge drawing has been provided by CPWA - 21025 - PL – 07.

Item 6: Please see Waterman Moylan documents in relation to Water Services.

Item 7: In relation to trees and hedgerow, please see the reports and drawings by Charles McCorkell Arboricultural Consultancy.

Item 8: Please see the reports and survey work by Moore Group Environmental Consultants.

Item 9: Please see the Materials and Finishes Report by CWPA.

Item 10: Please see the noise report from Amplitude Acoustics.

Item 11: The management, including dosing of the pumping station is considered in the Waterman Moylan reports.

5.6.11. A Screening Report for Environmental Impact Assessment has been prepared by CWPA.

5.6.12. I note that the applicant has notified the prescribed bodies as listed in the Board Opinion and these were provided with a copy of the application. Of the six listed, three have responded. The responses are considered in Section 9.0 of this report.

6.0 Relevant Planning Policy

6.1. *National Planning Framework (2018)*

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

6.1.2. Relevant Policy Objectives include:

- ***National Policy Objective 3(a)***: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- ***National Policy Objective 3(b)***: To deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway, and Waterford, within their existing built-up footprints.
- ***National Policy Objective 3(c)***: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- ***National Policy Objective 4***: To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- ***National Policy Objective 6***: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- ***National Policy Objective 11***: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns, and villages, subject to development meeting appropriate planning standards and achieving targeted growth
- ***National Policy Objective 15***: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over development, while sustaining vibrant rural communities.

- **National Policy Objective 27:** Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- **National Policy Objective 28:** Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.
- **National Policy Objective 32:** To target the delivery of 550,000 additional households to 2040.
- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 34:** – Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time
- **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- **National Policy Objective 57:** Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...
- **National Policy Objective 63:** Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society economic development requirements and a cleaner environment.
- **National Policy Objective 64:** Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of

energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.

- **National Policy Objective 68:** A Metropolitan Area Strategic Plan may enable up to 20% of the phased population growth targeted in the principal city and suburban area, to be accommodated in the wider metropolitan area i.e. outside the city and suburbs or contiguous zoned area, in addition to growth identified for the Metropolitan area. This will be subject to: any relocated growth being in the form of compact development, such as infill or a sustainable urban extension; any relocated growth being served by high capacity public transport and/or related to significant employment provision; and National Policy Objective 9, as set out in Chapter 4

6.2. **Housing for All (2021)**

6.2.1. This national plan aims to provide for 33,000 homes until 2030. The new housing is to be affordable, located appropriately, compliant with building standards and support climate action. Tenure is to include affordable, social, private rental and private ownership. Increasing housing supply is the most relevant to this application.

6.2.2. An adequate supply of zoned and serviced land, which is to be developed at appropriate density is critical. Sanctions are to be imposed on inactive lands that are zoned for residential development.

Climate Action Plan (2021)

6.3. Under this plan, apartment development is to increase from 13% of housing units in 2019 to 39% by 2030. It also notes the need to encourage modal shift away from the private car.

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.
- Urban Design Manual, A Best Practice, 2009.
- Design Manual for Urban Roads and Streets, 2019.

- The Sustainable Urban Housing: Design Standards for New Apartments, 2020.
- The Planning System and Flood Risk Management Guidelines, 2008.
- Regulation of Commercial Institutional Investment in Housing Guidelines, 2021.
- Childcare Guidelines for Planning Authorities, 2001.

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

6.4.2. Villages are defined as 400 to 2,000 persons. The guidelines state that planning authorities may prepare either Local Area Plans (LAP) or other non-statutory supplementary local development frameworks. Planning authorities should not consider extensive proposals for new development, in the absence of an adopted LAP.

6.4.3. Page 49 states:

“In some limited circumstances, notably where pressure for development of single homes in rural areas is high, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.”

6.4.4. Page 50 states:

“For villages of under 400 in population, the typical pattern and grain of existing development suggests that any individual scheme for new housing should not be larger than about 10-12 units due to an absence of a sufficiently developed local infrastructure such as schools and community facilities to cater for development.”

6.4.5. In addition, page 60 states:

“Because of the scale of smaller towns and villages, it is generally preferable that overall expansion proceeds on the basis of a number of well integrated sites within and around the town/village centre in question rather than focusing on rapid growth driven by one very large site.”

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

6.4.6. This circular states that:

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

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

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

6.4.8. Coolquay is located in the Core Region. It is a Rural area. The policy response is consolidation and encouragement to become self-sustaining. Page 47 states:

“The translation of these policy responses into core strategies in development plans should also consider the scale and location of settlements and accordingly the requisite nature and scale of development appropriate at these locations. In this regard, higher densities in core strategies should be applied to higher order settlements such as Dublin City, Regional Growth Centres and Key Towns. However there should be a graded reduction in residential densities for Self-Sustaining Growth Towns, Self-Sustaining Towns, towns and villages that are commensurate to the existing built environment.”

The following Regional Policy Objectives are noted in particular:

- **RPO 3.2:** Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

- **REP 4.83:** Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans
- **RPO 9.1:** Local Authorities shall ensure the integration of age friendly and family friendly strategies in development plans and other relevant local policy and decision making, including provisions for flexible housing typologies, buildings and public spaces that are designed so that everyone, including older people, disabled people and people with young children can move around with ease, avoiding separation or segregation.

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

6.4.9. The site is located in Coolquay. Coolquay is designated a village in the Metropolitan Area in the Fingal Development Plan. There is an objective that all villages will have a LAP. The variation mentions a 4% population increase (page 16) would facilitate appropriate development levels within the towns and villages in the metropolitan area. In the Metropolitan Area, growth in villages such as Coolquay, Kinsealy, Rivermeade and Rowlestown will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns. Coolquay is considered a commuter village, on a major route to Dublin city. The future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth pattern. Development within the villages is to be managed through LAPs within the context of the RSES and the Plan. The variation states, on page 47, that the Local Area Plan and the Settlement Strategy will work together to consolidate the existing footprint of each village, while achieving the managed development of the village having regard to Government Guidelines set down in the *Sustainable Residential Development in Urban Areas, 2009*, the settlement strategy for rural villages set out in the RSES and the Core Strategy. *“This expansion will occur in a way which enhances and does not detract from the distinct character of each village”*.

6.4.10. Page 148 of the development plan describes Coolquay as follows:

“Coolquay is a linear settlement located in a rural area focused on the junction of the R135 and the R130. It is a commuter village in the Metropolitan Area. It includes

Coolquay Lodge – a public house and restaurant and Chez Emily, an artisan hand-made chocolate enterprise, all located within the village boundary on the R130. A petrol station is located at the northern end of the village along the R135. The recently refurbished Kilcoskan National School is centrally located within the village settlement. There are a number of ‘one-off’ houses along the R130 between the shop and National School. Given its status as a commuter village, within the Metropolitan Area, the level of growth must be carefully managed to ensure a vibrant sustainable community through the Local Area Plan process. A Local Area Plan will be prepared for this village within the lifetime of the Development Plan. Coolquay has a current population of approximately 100 persons.”

- 6.4.11. Settlement is not limited to a rurally generated need, but the level of growth is to be managed. Page 152 states that *“Rapid expansion will not be permitted as it would put undue pressure on services and the environment and encourage higher levels of unsustainable commuting”*.
- 6.4.12. Having regard to the above, Table 2.4 identifies the four aforementioned villages as well as Portrane in the Metropolitan Area and states that the remaining capacity is 92 ha and can cater for 844 residential units.
- 6.4.13. The site is zoned ‘RV’ and ‘RU’.
- 6.4.14. **‘RV’ Zoning Objective:** *Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved Local Area Plan, and the availability of physical and community infrastructure.*
- 6.4.15. **Vision:** *Protect and promote established villages within the rural landscape where people can settle and have access to community services. The villages are areas within the rural landscape where housing needs can be satisfied with minimal harm to the countryside and surrounding environment.*
- 6.4.16. *The villages will serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed through Local Area Plans to ensure that a critical mass for local services is encouraged without providing for growth beyond local need and unsustainable commuting patterns.*
- 6.4.17. Residential use, childcare facility, community centre, education, health centre, residential care home, restaurant/ café, retail (local) less than 150 square metres and

offices of less than 100 square metres, retirement village and sheltered accommodation are all permitted in principle.

- 6.4.18. **'RU' Zoning Objective:** *Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.*

Vision: Protect and promote the value of the rural area of the County. This rural value is based on:

- *Agricultural and rural economic resources*
- *Visual remoteness from significant and distinctive urban influences,*
- *A high level of natural features.*

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

A community facility, childcare facility and open space are permitted in principle. A health centre is not permitted in principle.

Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.

- 6.4.19. The land use objectives for Rural Villages include:

Objective RF04: Manage the development of each village, within the existing RV boundaries, having regard to:

- Government Guidelines set down in the Sustainable Residential Development in Urban Areas, 2009,
- The settlement strategy for rural villages set out in the RPGs, and,
- The Core Strategy of the Fingal Development Plan.

Objective RF05: Ensure that a suitable mix of housing type and tenure is available within the villages.

Objective RF06: Ensure that Local Area Plans contain provision for the location of serviced sites within the Rural Village boundaries.

Objective RF08: Strengthen and consolidate the built form of the Rural Villages, providing a viable housing alternative to the open countryside with the advantages of a rural setting.

Objective RF10: Promote the provision of essential services for living within the local community including, social, employment and retailing services, health, recreation, leisure amenities and community facilities.

Objective RF11: Assess the need for additional schools provision as part of the preparation of Rural Village LAPs.

Objective RF12: Promote the provision of childcare facilities within Rural Villages to meet local demand and encourage the location of such facilities near schools in order to facilitate parents.

Objective RF13: Promote suitable uses, including care homes, health service clinics, and educational centres, within the areas zoned RV, to a scale appropriate to ensure the proper planning and sustainable development of each village.

Objective RF14: Promote the provision of suitable appropriately sized enterprises within rural villages to minimise the need for commuting.

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

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

6.4.21. General relevant development policies include:

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

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

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

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

Objective DMS170: Protect and enhance the ecological corridors along the following rivers in the county by ensuring that no development takes place, outside of urban centres, within a minimum distance of 30m from riverbank: Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Ballyboghill, Corduff, Matt and Delvin Rivers.

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

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

- 6.5.1. For information purposes, the zoning is unchanged and there is an objective to prepare a Local Area Plan. However there are higher population targets for Portrane and the four villages, including Coolquay. The residential units allocated to these settlements are now 999 residential units.

6.6. ***Applicants Statement of Consistency***

- 6.6.1. 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 the relevant Development Plan or local area plan.

6.6.2. The Statement of Consistency refers to the National Planning Framework, Housing for All, Section 28 Guidelines, regional and development plan policy. In addition, it refers to:

- *Age Friendly Ireland's Suite of Age Friendly Housing Resources* (2021);
- *Urban Development and Building Height Guidelines* (2018);
- *Appropriate Assessment of Plans and Projects - Guidance for Planning Authorities* (2009);
- *Housing Options for Our Ageing Population Joint Policy Statement* (2019).

6.6.3. The following points are noted:

- The site is located in Noise Zone C and a noise report is submitted.
- The development of the site is consistent with Variation No. 2, of the Fingal Development Plan, which aligns the development plan population targets with the NPF and RSES. Variation No. 2 of the Fingal Development Plan provides for a revised Settlement Hierarchy in line with RSES targets, adopted in June, 2020. This Settlement Hierarchy designated c. 844 no. residential units to be provided amongst the four Metropolitan Rural Villages of Kinsaley, Rivermeade, Rowelstown and Coolquay to achieve the 2031 population targets set by the RSES. The proposed development would provide the Coolquay apportionment (circa 30% of 92 hectares).
- A flood risk assessment is provided as Coolquay is susceptible to fluvial flooding, in accordance with Objective SW07.
- A 30 metre corridor is maintained along the tributary to the Ward River, in accordance with Objective WQ05.
- The proposed development provides for a diverse range of uses, ensuring that the village becomes more self-sustaining, reducing reliance on Ashbourne and Swords and consequently less reliant on the private vehicle for travel.
- The net density of the development, at 17.47 units per hectare, or gross density of 11.26 units per hectare is consistent with *Sustainable Residential Development in Urban Areas*, 2009.

- The ‘*Health Service Capacity Review 2018 – Review of Health Demand and Capacity Requirements in Ireland to 2031*’ identifies that the over 65+ age group could reach one million persons by 2031 and there is a need to provide for circa 150,000 smaller houses to accommodate people within existing communities. A similar figure of age friendly dwellings are needed and circa 36,000 nursing home spaces. The application provides for 17 no. of such homes and the masterplan provides for a nursing home. The proposed development has been designed to be Age Friendly.
- The proposed development will assist in the provision of 30,000 to 35,000 homes as required by the NPF until 2027.
- It will increase housing supply, as required by ‘Housing for All’, including for Part V.
- The proposed development complies with the 12 design criteria as set out in the Urban Design Manual Best Practice Guide, 2009:

Context: The proposed development is laid out in a village style, as it is located in a village.

Connections: Connections are identified to the facilities in the village.

Inclusivity: Careful consideration of how all age groups will move around the proposed development and cycling and pedestrian access has been provided for.

Variety of Activity: A range of active and passive open space areas as well as a community centre are provided to encourage a range of activities.

Efficiency: The site is proximate to the bus stops serving the village.

Distinctiveness: The layout, facilities, open space and linkages create a sense of place.

Layout: Safe, secure and overlooked spaces, meandering walks and cycleways.

Public Realm: High quality spaces that are overlooked.

Adaptability: The Senior Living Accommodation allows people to remain in the area. Universal design has been used throughout the buildings.

Privacy and Amenity: All units have well orientated private amenity spaces.

Parking: Parking is in-curtilage or in communal parking area that are overlooked.

Detailed Design: A wide range of housing types are distributed at varying densities, while maintaining a village settlement and providing community facilities, including a biodiversity park. The proposed development is age friendly. Active and passive open space and cycling connectivity is included.

- The applicant has provided a table to demonstrate consistency with the Apartment Guidelines, 2020. I note that the table refers to 6 duplex units. I assume that this should be 7, which would equate to 14 no. residential units. The units generally exceed all standards.
- The two bedroom units contain 3 bedspaces and the guidelines refer to the need to limit the number of such units so as they do not supplant the traditional 2 bedroom 4 bedspace apartment. These units cannot exceed more than 10% of the total units of the proposed development. The percentage of such units are 4%.

6.6.4. The proposed development is stated to be plan-led. It contributes to compact growth. It provides an alternative to individual houses in the countryside, which is consistent with the *Sustainable Residential Development in Urban Areas 2009* guidelines. The proposed development provides for higher densities than currently exists, but is consistent with the level of density of 15 to 20 units per hectare at the edge of smaller towns and villages, as recommended in the above guidelines.

6.6.5. The limitation of a planning application to 10-12 houses does not apply in this instance, as no large scale permission have been granted in the village to date.

6.6.6. The increase in population for the area is not dissimilar in proportion to its size than has been permitted in Kinsealy. The 5% growth recommended by the planning authority in contrast, would equate to 2 houses. Given that the zoned area extends to 28.5 hectares, a growth of 2 houses is entirely inappropriate.

6.6.7. The mixed use development, providing for housing, a creche, a community centre, shops and offices as well as a park is consistent with the guidelines.

6.6.8. The proposed development is consistent with local policy in terms of place making, movement, infrastructure and development management standards.

6.7. **Applicant's Material Contravention Statement**

6.7.1. The applicant's material contravention statement identifies the following policies and objectives that the proposed development is considered to contravene and provides a planning justification as to why this should be done, referring to Section 37 (2)(b) of the Planning and Development Act, 2000, as amended.

6.7.2. **Objective RF16:** *Ensure Rural Villages are developed in accordance with adopted Local Area Plans and accompanying Village Development Framework Plans*

6.7.3. As the population of Coolquay is circa 100 people, the planning authority is not required to prepare a Local Area Plan or other plan for the village, having regard to Section 19 of the Planning and Development Act, 2000, as amended. The OPR has drawn attention to the policy of requiring Local Area Plans to be prepared for Coolquay and other areas, given that the population of these areas is considerably less than 1,500 persons, there is no clear rationale for the policy. Section 6 of the "*Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities – 2009*" identifies that Local Area Plans or alternatives may be prepared for villages with populations of 400 persons. The settlement is below this threshold.

6.7.4. The Objective has been in place for 18 years and no Local Area Plan has been prepared in this time period. The objective effectively limits the development of these zoned and serviced lands, which are served by public transport.

6.7.5. A spatial masterplan has been prepared for the village by the applicant's design team. It provides for the physical, social and green infrastructure of the village. A pumping station is also provided, so as there is no need for future development to rely on individual wastewater systems. A Design Concept document has been provided.

6.7.6. The proposed development is consistent with national policy, including the National Planning Framework and '*Housing for All*', to increase the supply of housing. Objective RF16 is a constraint on housing development and is inconsistent with national policy. The size of the proposed development, in excess of 100 units, renders it 'Strategic Housing'.

- 6.7.7. **Objective RF17:** *Promote local distinctiveness and character through Village Development Framework Plans prepared as part of the Local Area Plan for each of the Rural Villages. The VDFPs will set out comprehensive guidelines for the urban design for all the villages.*
- 6.7.8. Having regard to the arguments made above, a Village Development Framework Plan is not necessary. Notwithstanding this, a masterplan has been prepared for Coolquay.
- 6.7.9. **Objective RF18:** *Prepare a Local Area Plan and VDFP for each of the villages, where necessary, involving public consultation with the local community, to provide a planning framework for appropriate village development. The LAPs will protect and promote:*
- i. Village character through preparation of a Village Development Framework Plan,*
 - ii. A sustainable mix of commercial and community activity within an identified village core which includes provision for appropriately sized enterprise, residential, retail, commercial, and community facilities,*
 - iii. The water services provision within the village,*
 - iv. Community services which allow residents to meet and interact on a social basis, and include churches, community and sports halls, libraries and pubs,*
 - v. A mix of housing types and tenure which will appeal to a range of socio-economic groups,*
 - vi. Retail activity, consistent with the Fingal Retail Strategy, in the form of village shops which will meet the needs of the local community,*
 - vii. A public realm within the village which allows people to circulate, socialise and engage in commercial activity in a manner which balances the needs of all involved,*
 - viii. The provision of Green Infrastructure, including natural, archaeological and architectural heritage, and green networks within the village.*
- 6.7.10. The masterplan, while prepared by the design team, is consistent with the above objective. It is informed by a Social and Community Infrastructure Audit and provides for additional social and community facilities. The proposed development

complements the existing commercial activity in the village. The proposed development will deliver these additional facilities on a phased basis. Locations for a new school, nursing home and primary care centre have been identified.

- 6.7.11. Objective RF17 is considered contrary to Section 19. (1) (a) of the Planning and Development Act 2000 (as amended) and the “*Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities*” 2009.
- 6.7.12. **Objective SS02a:** *Development will be permitted in principle on lands where there is a Local Area Plan or Masterplan in place and only when these lands are substantially developed will permission be granted for the development of lands without such a framework. Should the lands identified within a LAP or Masterplan not come forward for development in the short term, consideration will be given to other lands.*
- 6.7.13. This objective is considered to further delay the development of zoned lands. Furthermore, it is inconsistent with Variation No. 2 of the development plan, which identifies 92 hectares of remaining lands zoned for residential development between the metropolitan rural villages within Fingal (Coolquay, Kinsealy, Rivermeade and Rowelstown) for 844 dwellings. Only Kinsealy and Rivermeade have Local Area Plans in place. The objective will prevent the Settlement Hierarchy, which is consistent with the RSES, from being implemented.

7.0 Third Party Submissions

- 7.1. Twenty-six no. third party submissions were received. The submissions are summarised below.
- 7.1.1. Lack of consultation.
- 7.1.2. Premature pending a Local Area Plan, the process of which Fingal County Council began in 2020. Future components of the masterplan are located on inappropriately zoned land. There should be balanced development on both sides of the R130. Some elements of the proposed development are welcomed.
- 7.1.3. The proposed development is of excessive density, out of scale and inappropriate suburban development. It is contrary to development plan policy to allow for large expansion of a rural village. A more appropriate rate is 5%. It is a material contravention of the zoning objective and An Bord Pleanála is prohibited from granting

planning permission under SHD legislation in these circumstances. There is no rationale for the layout. There is no phasing plan. Too many three bedroom units are provided and more four bedroom units are required. The duplex units are not suitable for the area and the management of these units could be problematic.

- 7.1.4. The proposed development is car dependent, as the bus is at capacity by the time it reaches Coolquay. The Senior Housing is too far from the bus stops. There is no safe access to the bus stop.
- 7.1.5. The cyclelanes linking to other settlements are not likely to happen and the existing pedestrian network is limited.
- 7.1.6. Traffic in the area is problematic, particularly at school drop-off times. The traffic survey underestimates traffic volumes as it was undertaken during Covid.
- 7.1.7. There is no capacity in the primary school, which only takes on circa 10 children per year and there is a waiting list for places. Any additional school should be connected to the existing school. There is no local secondary school in the village. The creche is excessively sized for the immediate demand of the proposed development.
- 7.1.8. Contamination of the watercourse from construction and the pumping station. Power outages in the area are not uncommon and there could be a risk of pollution during this time period. An NIS is required due to the risk of downstream pollution. There is surface water ponding on the R135 and risk of flooding.
- 7.1.9. The proposed development would impact on a private water supply that is located on the site, as well as surface water soakaways.
- 7.1.10. Noise from the new runway at Dublin Airport has not been considered.
- 7.1.11. Boundary treatments are not sufficiently permanent or high and there is concern over trespass, antisocial behaviour and risk of traffic accident near the duplexes due to absence of boundary walls.
- 7.1.12. It is unclear who will own and maintain the community centre and biodiversity area.
- 7.1.13. Loss of hedgerow.
- 7.1.14. Loss of light, overbearing impact and overlooking.
- 7.1.15. Increased dumping in the area.
- 7.1.16. Inadequate provision of renewable energy sources.

- 7.1.17. St. Margaret's GAA club is not mentioned and additional sporting facilities are required for it.
- 7.1.18. Local persons will not be able to build on their own land, as has occurred in Rowlestown.
- 7.1.19. Impact on land values.
- 7.1.20. Serious inaccuracies, inconsistencies and mistakes in the documentation, including not showing the position of existing houses.
- 7.1.21. Failure to deal adequately with the issues raised by An Bord Pleanála in the Pre-Application Consultation Opinion.
- 7.1.22. The public notice is misleading, as the proposed development is served from two accesses from the R130, and this should invalidate the application.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's **(CE) Report**, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 11th August, 2022. The report includes a summary of the proposed development, description of the site and surrounding area, planning history, zoning of the site, a summary of submissions by third parties, prescribed bodies, policy context and Elected Members' views. Refusal of planning permission is recommended.
- 8.2. Internal reports from the Water Services, Transportation Section, Parks and Green Infrastructure Division, Conservation Officer and Architects Department. A letter confirming that the Part V proposal was received from the Housing Section is included.
- 8.3. A summary of the views of the **Elected Members** from Balbriggan/Rush/Lusk/Swords as expressed at a special meeting held on the 7th September, 2022. The elected members considered that Coolquay is a sustainable place to provide additional housing, with a regular bus service. The density is appropriate. Additional schools places and upgrading of local roads are needed. Some concern about infrastructure. The Senior Housing is welcome but the apartments are not considered appropriate.

- 8.4. The observations from prescribed bodies and submissions from observers are summarised in the CE Report.
- 8.5. The key planning considerations of the CE's report are summarised below.
- 8.5.1. **Principle of Development:** Coolquay is a commuter village within the Dublin Metropolitan Area. The level of growth has to be carefully managed to ensure a vibrant sustainable community through the Local Area Plan process. One is to be prepared within the lifetime of the development plan. The population is currently circa 100 persons. The village is not located on an existing or proposed high quality public transport corridor and there are limited local employment opportunities. The absence of walking and cycling infrastructure is likely to give rise to an over-reliance on private car trips. The scale of the proposed development would grown beyond local need and contribute to unsustainable commuting patterns. Therefore the proposed development would not comply with the policies of compact growth as set out in the NPF and RSES and would result in rapid, uneven growth and overs development of an area under strong urban influence. Currently there is no lo Local Area Plan in place to direct growth.
- 8.5.2. Variation No. 2 states that is a growth rate of 5% is appropriate to villages. Table 2.4 allocates 844 remaining residential units to towns and villages in Fingal. Currently there are circa 33 residential units in Coolquay. The proposed development of 173 residential units would add circa 467 persons, which is 360% increase in population and 524% increase in the number of units. The scale of the proposed development would be disproportionate to a single village and would restrict the growth and consolidation of the remaining towns and villages.
- 8.5.3. **Density:** The net density is circa 17.47 units per hectare. The planning authority considers the scale of the proposed development to be excessive and unacceptable.
- 8.5.4. **Architecture, Urban Design, Height, Visual and Residential Amenity:** In some areas, the layout appears haphazard and uncoordinated, with an excessive number of cul-de-sacs. Area 1 in the southern section of the site is considered more successful. The creche, community centre, retail area and proposed school should be relocated around a central hub, perhaps around the village green. The commercial area should look less similar than the housing. Parking for this area should be reconsidered. The plaza's function is unclear. The Senior Housing should all have en-

suite bathrooms. The creche design very striking. Access to the creche garden should not use the main entrance. The Materials and Finishes Report is acceptable. The layout and design is suburban and so would have a negative effect on the visual amenities of area. The quantum of units is excessive in relation to the impact on the rural character of the village.

8.5.5. **Residential Units:** These should meet and exceed Fingal Development Plan standards and the *Design Standards for New Apartments* (2020). The height of the single storey living units at 8.3metres is considered excessive.

8.5.6. **Residential Amenity:** A sunlight and daylight report has been submitted, albeit under the wrong cover. No perceptible impacts are expected on existing residences in relation to adjacent properties or the school. There will be a minor reduction in daylight and the Annual Probable Sunlight Hours in the windows facing the proposed development. There will be some reduction in the available sunlight to some adjacent gardens, but all will meet the BRE standard. The proposed development meets the standards. Given the site layout, design, orientation and separation distances it is not considered that there will be undue adverse impacts on the residential amenities of adjacent properties or the residential amenity of future residents.

8.5.7. There will be an overbearing impact on the residential amenity of the rural village of Coolquay due to the excessive quantum of development proposed, in terms of the character and setting of the village.

8.5.8. **Social and Community Infrastructure:** While the additional social infrastructure is welcomed, the location of these facilities should be more centralised. No sporting facilities are proposed. There is concern about a lack of primary school places.

8.5.9. **Childcare Facilities:** One is proposed.

8.5.10. **Movement and Traffic:** The high density development is overly reliant on the private car given the lack of sustainable mode options. Sightlines are acceptable. There are no designed cycle facilities on the R135 nor any immediate plans for any to be provided. The proposal to relocate the bus stop has not been demonstrated. Pedestrian crossings on the R130 may be a better option. The detail of the boundary treatment to the southern side of the site should be agreed with the planning authority. Internal road widths at 6 metres is excessive. Traffic calming measures need to be detailed. A north-south, direct, coherent and dedicated pedestrian-cycle route

segregated from traffic should be provided. The car parking is quite dominant but has been broken up by landscaping. The road network should lead from street to street rather than cul-de-sacs. Walking and cycling routes should be foremost in design. Details in relation to cross-sections and verges should be agreed.

- 8.5.11. Car parking should be in-curtilage. Some detail is required in relation to Houses no. 28-41 along Road B and Houses 126-129 should be provided with car parking. EV charging needs to be considered - a minimum 10% of parking. Additional cycle parking, above the development plan standards is needed for the duplex units and for terrace units. The security of the parking needs to be reconsidered.
- 8.5.12. The local road junctions will operate within capacity with the proposed development. A swept path analysis is required for the creche turning area. The Taking in Charge drawing is considered acceptable.
- 8.5.13. **Infrastructure and Services:** The Flood Risk Assessment prepared by the applicant's design team is consistent with the studies that the council has undertaken in the area. All the development is away from the 1-in-1,000 year flood plains. Climate change has also been taken into account. Roads and Finished Floor Levels are above flood levels.
- 8.5.14. The pumping station will have 24 hour storage. A 35 metre buffer zone around the pumping station has been provided. Sewage will be pumped via a new 100mm rising main to the Coldwinters Pumping Station, some 6 km away. The rising main will overlay an existing, albeit unused 200mm rising main from Thornton Hall. The sewage will require chemical dosing to prevent septicity.
- 8.5.15. Surface water will drain from both sides of the site to Fleenstown Great. SUDS features are proposed, however, details are lacking.
- 8.5.16. Upgrading of the water supply infrastructure is necessary. 160 metres of 200mm diameter pipe is required to connect to the existing 250mm HPPE main in the R130.
- 8.5.17. **Green Infrastructure:** A Landscape and Visual Assessment, Landscape Rationale, Arboricultural, Ecological Impact Assessment and Lighting reports has been submitted. These are lacking in detail.
- 8.5.18. **Waste Management:** Both construction and operational waste management plans have been submitted. Waste Storage Areas have been detailed.

- 8.5.19. **Archaeology & Heritage:** A Cultural Heritage Impact Assessment and Geophysical Survey Report have been submitted. There are no protected structures or Architectural Conservation Areas within the boundary of the site. The site appears to traverse two townlands – Coolquoy Common and Coolatrath East.
- 8.5.20. **Public Health:** The site is in Noise Zone C for the airport and an acoustic report has been submitted.
- 8.5.21. **Public Art:** A public art feature is required, in accordance with DMS05 of the Fingal Development Plan.
- 8.5.22. **Appropriate Assessment and EIAR:** A screening report for Appropriate Assessment has been submitted and finds that an NIS is required. One has been submitted. An EIA screening report has been submitted.
- 8.5.23. **Part V:** A condition is recommended for agreement with the planning authority in relation Part V element.
- 8.5.24. **Development Contributions:** A condition for a general financial contribution is proposed, but no rates or estimates are provided. No Section 48 (2)(c) financial contributions are proposed

8.6. **Conclusion and Recommendation**

- 8.6.1. The planning authority concludes that the proposed development is suburban in character, which in turn, diminishes the character of Coolquay as a rural village. The location and layout are developer-led, commuter driven suburban sprawl. It would be car dependent and lead to the excessive growth of the village within a short period of time, contrary to national guidelines and without adequate services.
- 8.6.2. Refusal of permission is recommended for four no. reasons. These are:
- (1) Having regard to the scale of the proposed residential development within the rural village of Coolquay, taking account of Regional Policy Objective 4.83 of the Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031, which seeks to '*support the consolidation of the town and village network to ensure that development proceeds sustainable and at an appropriate scale, level and paces in line with the core strategies of the county development plans*' and the policy of the *Fingal Development Plan 2017 – 2023* for villages which states that '*villages will be managed to ensure that these centres do not expand rapidly, putting pressure on services and*

the environment and creating the potential for unsustainable growth patterns', it is considered that the proposed development would be contrary to the settlement strategy of the *Fingal Development Plan 2017-2023* and as such, would be contrary to the proper planning and sustainable development of the area. The proposed development is not founded in the context of a Local Area Plan or Masterplan which would not accord with Objective SS02a of the Fingal County Development Plan as varied in June 2020, which envisages permission in principle where there is a Local Area Plan or Masterplan in place. The proposed development would also not accord with Objective S02b to focus new development where infrastructural capacity is readily available, along an existing or proposed high quality public transport corridor, in a phased manner alongside the delivery of appropriate physical and social infrastructure; the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

(2) It is considered that the proposed development on the subject site would result in rapid uneven growth of the Rural village, which taking account of:

- National Policy Objective (NPO 15) of the National Planning Framework which seeks to *'support the sustainable development of rural areas...by managing the growth of areas that are under strong urban influences to avoid overdevelopment'*
- Regional Policy Objective RPO 4.83 which seeks consolidation of rural villages
- Rural Village 'RV' land use zoning objective of the Fingal Development Plan 2017-2023 to which the application site is subject which seeks to *'Protect and Promote the character of the Rural Village'*
- Objective RF04 which seeks to manage the development of each village, within the RV boundaries having regard to Government Guidelines set down in the Sustainable Residential Development in Urban Areas, 2009,

Would result in development of the village beyond its assimilative capacity as articulated in national, regional, county and local policy. The development if permitted, would negatively impact on the character of the village, place excessive pressure on local services, contribute to unsustainable travel patterns, would not be commensurate with the existing built environment and would therefore be contrary to the settlement hierarchy for rural villages as set out in the Regional

Spatial and Economic Strategy (RSES), the Core Strategy of the Fingal Development Plan and would be contrary to the proper planning and sustainable development of the area.

(3) The subject proposal would contribute to the excessive growth of Coolquay Village in a short period of time which would undermine the rural village character of Coolquay, and of the surrounding countryside and would therefore contravene materially the 'RV' land use zoning objective set out in the *Fingal Development Plan 2017-2023* which seeks to protect and promote the character of the Rural Village.

(4) The proposed suburban layout and design of the development would set an undesirable precedent for other similar residential development within the rural village of Coolquay, which would in themselves and cumulatively, be harmful to the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the village.

8.6.3. If permission is being contemplated the planning authority has also set out 31 recommended conditions.

9.0 Prescribed Bodies

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

- Irish Water
- Inland Fisheries Ireland
- Meath County Council
- Fingal County Childcare Committee
- National Transport Authority
- Transport Infrastructure Ireland

9.2. The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 16th August, 2022. A summary of the comments received are summarised below:

9.2.1. **Irish Water:** Confirms that connection to water supply can be achieved without any upgrades. In respect of wastewater, a new on-site wastewater pumping station is

required. This will be provided by the applicant and taken in charge by Irish Water. In addition, a new rising main will be carried in the public main. This will be delivered by Irish Water, but funded by the applicant. The design is acceptable. Conditions are requested to be attached to a grant of planning permission.

- 9.2.2. **Meath County Council:** The current county development plan, heritage plan and biodiversity plan are referred to. There are no impacts on protected views.
- 9.2.3. **Transport Infrastructure Ireland:** Confirms that no observations are made.
- 9.2.4. No submission was received from **Inland Fisheries Ireland, Fingal County Childcare Committee** or **National Transport Authority** .
- 9.2.5. In addition, comments from the Dublin Airport Authority and the Department of Housing, Local Government and Heritage (DAU) were received.
- 9.2.6. The **Dublin Airport Authority** notes that the site is located in Noise Zone C. It refers to Objective DA07, where strict control of inappropriate development and the requiring of noise insulation in Zone C. An appropriate condition to ensure noise insulation is requested. During construction, any proposals for crane operations are to be agreed in advance with the Dublin Airport Authority and a condition is requested to that effect.
- 9.2.7. The **Department of Housing, Local Government and Heritage (DAU)**, having reviewed the archaeological component of the Cultural Heritage Impact Assessment by Moore Group, requests that conditions be attached to any grant of planning permission. The conditions relate to pre-development testing and monitoring. In relation to nature conservation, requests that the removal of hedgerow be undertaken outside the main bird nesting breeding season from March to August. Any finalised lighting scheme should be assessed by a bat specialist, to limit light spill pollution and the said specialist shall confirm to the planning authority that the lighting scheme has been implemented, when completed. Sample conditions are included.

10.0 **Assessment**

- 10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having regard to the nature and scale of the proposed development, which is in the

form of 173 residential units, and circa 1,578 square metres of other uses on zoned land where residential use is permitted in principle, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2. 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 CE's Report, Third Party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Quantum of Development
- Design Approach
- Building Height
- Open Space
- Residential Amenity
- Water Services
- Flood Risk
- Connectivity and Transportation
- Part V
- Phasing
- Other Issues
- Chief Executives Report

10.3. **Principle of Development**

10.3.1. There are two land use zoning objectives on the site. The bulk of the proposed development is located on lands zoned 'RV'. The biodiversity park and I would estimate that part of the road network (part of Road D) serving the site are located on 'RU' zoning.

10.3.2. The objective of the 'RV' zoning is: *'Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved Local Area*

Plan, and the availability of physical and community infrastructure. The vision of zoning provides is to protect and promote established villages within the rural landscape, where people can settle and have access to community services. Housing need is to be satisfied where there is minimal harm to the countryside and surrounding environment. The village are intended to serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth are to be managed through Local Area Plans. These plans are to ensure that a critical mass for local services is encouraged, while not providing for growth beyond local need and unsustainable commuting patterns.

10.3.3. Residential use, childcare use, community centre, retail (less than 150 square metres) and office (less than 100 square metres), education, retirement village and sheltered accommodation are all permitted in principle.

10.3.4. Part of the site is located in the 'RU' Zoning. The zoning objective is to *'Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.'* The vision for the zoning is to protect and promote the value of the rural area of the county. Rural value is based on the agricultural and rural economic resources, visual remoteness from significant and distinctive urban influences and a high level of natural features. A community facility, childcare facility and open space are permitted in principle. A health centre is not permitted in principle. Residential development, is only permitted in principle where the applicant is in compliance with the settlement strategy. Education is not listed as permitted in principle nor not permitted.

10.3.5. The 'RV' zoning of the majority of the site requires that a Local Area Plan be approved, prior to any large scale development of the village. The applicant's design team make a strong case that the village is intended for significant development, by virtue of its inclusion in the core settlement strategy, in Variation No. 2, which envisions that 844 residential units can be accommodated on 92 ha of zoned land. The towns and villages listed under the relevant heading are Portrane, Coolquay. Kinsealy, Rivermeade and Rowlestown, within the Metropolitan area. No further breakdown, or explanation of the how the figure of 844 residential units was arrived at, is provided in the variation. The variation is intended to ensure that the development plan is consistent with the RSES. Therefore, it would follow that the development of Coolquay in accordance with an

approved local area plan, is also consistent with the RSES. If one was to apply the 5% growth threshold for a village, as set out in the variation to Coolquay, it would result in an increase of 2 houses. A local area plan could hardly be justified for such an insignificant increase in housing. The OPR considers that the need for a local area plan in villages of less than 400 units, is overly onerous.

- 10.3.6. I note that the requirement to prepare a local area plan has been in place since the 2005 development plan. **Third Party** submissions indicate that work began on the preparation of a local area plan in 2020, but that this has not advanced since. The planning authority has not provided to any timescale for preparing the local area plan. In the draft development plan, the zoning of the site is unchanged and an approved local area plan is required. There is a decrease in the number of hectares to be developed under the Towns and Villages heading, from 92 ha to 89 ha, and an increase in the number of housing units to 999 to be provided in these areas (from 844 residential units), which indicates that an increase in density is anticipated. Coolquay is identified as one of six local area plans to be prepared.
- 10.3.7. The applicant's design team has made a case that the requirement for a local area plan is holding back the delivery of zoned lands, which is contrary to the requirements of '*Housing for All*'. This constraint, it is argued, is contrary to national policy and regional policy, which focuses on the speedy delivery of housing on appropriately zoned lands. Such a conflict would allow An Bord Pleanála grant planning permission for the proposed development, notwithstanding the objective to hold back development until an approved local area plan is in place.
- 10.3.8. Were this an ordinary appeal or an appeal on a Largescale Residential Development, under Section 37 (2) of the Planning and Development Act, 2000, as amended, An Bord Pleanála would be able to materially contravene the land use zoning objective, on the basis of conflicting with national Section 28 guidance. However, the Board has only the authority to materially contravene a development plan, save for in relation to the zoning of the land, under Section 9 (6) (b) of the *Planning and Development (Housing) and Residential Tenancies Act, 2016*
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(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

- 10.3.9. The requirement for an approved local area plan is contained within the zoning objective for the land. **Coolquoy Residents Alliance** have raised this issue of material contravention of the development plan, in relation to the zoning of the land. The use of the land permits residential, commercial and community use in principle. Therefore, the Board may consider granting planning permission on the site, having regard to the land use zoning objective. However, it should be noted that the planning authority considers the proposed development a material contravention of the land use zoning, due to the excessive growth of the village over a short period of time. I would advise that ultimately, I am recommending refusal of permission.
- 10.3.10. It would appear that a part of Road D is outside the 'RV' zoning and is within the 'RU' zoning, where residential development is only permitted in compliance with the rural settlement strategy. Having regard to the first Heather Hill judgement, the provision of infrastructure related to residential development in a zoning where this is not permitted in principle, is a material contravention of the zoning. I note that Section (9) (6) (b) of the above Act refers to part of a proposed development. Given the small extent of the incursion and the ability to condition the road to be wholly located within the 'RV' zoned lands, I am of the view that this incursion is *de minimis*.

10.4. ***Quantum of Development***

- 10.4.1. The proposed development consists of 173 residential units, a childcare facility, a retail/office block with 4 no. retail units (maximum floor area of 140 square metre) with 4 no. office units (maximum floor area of 107 square metres) and a community centre of circa 353 square metres. Within the residential units are 17 no. units for senior living. The gross density of the residential units on the area zoned for 'RV' is circa 17 units per hectare (173 units / 10.11 ha).
- 10.4.2. The **CE Report** is very concerned about the scale of development proposed: that it would overwhelm the existing settlement within a short period of time; that local services and facilities are not available to cater for the proposed development and the proposed development would lead to unsustainable commuting patterns. These

issues are also reflected in the **Third Party** observations. The **CE Report** considers this quantum of growth to be contrary to national guidance and policy, regional policy and development plan policy. It would lead to unsustainable commuting patterns. There is no public transport or cycling connection to Swords. Variation No. 2 limits growth to a 5% increase in the absence of a local area plan.

- 10.4.3. Both the applicant's design team and the **CE Report** refer to national policy to justify arguments for and against the proposed development.
- 10.4.4. Coolquay is unusual in that it has many of the attributes of a village, in terms of a large retail unit in the petrol filling station, a school, a public house / restaurant, a garden centre and café, while having a very low population. There is a significant amount of transport and construction related industry, far greater than one would expect for a village of 33 residential units. The potential for local employment would be higher than most villages of an equivalent size. It is well served by the 103 Bus Eireann route, which is a double decker service and runs every 20 minutes. Third parties have highlighted that as the bus comes via Rathoath and Ashbourne first, it is largely full by the time it reaches Coolquay in the morning. There are footpaths and public lighting on both sides of the R135 and on the northern side of the R130. The village, notwithstanding the absence of a church, has many of the attributes necessary for an increase in population. The scale of the population increase is at issue.
- 10.4.5. The planning authority has not indicated the extent of population increase it would envisage for the village. The proposed development at 173 residential units would utilise most of the undeveloped land within the settlement. The applicant's design team has provided for commercial, community and open space use in its masterplan concept, that could be provided as part of a phased development. While the phasing is indicated on Drawing No.21025-PL-08, no clarity is provided in terms of what triggers each phase. The time to develop the permission is the standard 5 years and 45 days. The bulk of the development will be provided in the first phase, including the community centre, creche, shops and offices. The proposed development is likely to be built out within three years. Given the extent of the proposed development, this would lead to the creation of a new village, slotted into the mosaic that is the current village.

- 10.4.6. Planned settlements are feature of Irish settlements and have much to offer in terms of setting up a strong network of streets, retail, educational and community facilities and public mains drainage. One of the difficulties of relying on organic growth at circa 5% is that critical mass for services may not be arrived at for a very long time. The potted layout of the linear village shows the ad-hoc nature of organic development, with no consistent architectural style and no real central space. There is no village 'grain' to speak of. The applicant's design team has prepared a masterplan to demonstrate how facilities could be provided during development. There are significant infrastructure proposals as part of the proposed development and potential additional facilities suggested, located on 'RU' zoned lands. These lands do not form part of the village zoning, as the Third Parties have indicated.
- 10.4.7. I would have serious concerns that for the scale of development proposed. The proposed development would dominate the existing village. The existing village itself is even somewhat of a misnomer. There is a national school, Kilcoskan National School. In 2021/2022, the school roll was of the order of 54 boys and 65 girls (119 in total). The submission made by the **Board of Management** notes that there are 111 students attending in 2022/2023 (which would indicate a decline in school pupils). Two specialist classrooms for children on the autism spectrum (catering to 12 pupils). This year's intake was 10 children, however with 6 more on a waiting list. Many of the children attending the school are likely to be coming from the hinterland, rather than directly from the very small, immediate population of the village. A submission from the school notes that traffic management is an ongoing concern at drop-off and collection times. The proposed development would significantly increase demand for the school, within a short period of time following completion. The proposed solution (a potential second school, distant from the existing school and no shared services) does not seem realistic, given the lead-in time for the provision of a new school.
- 10.4.8. The extent of supporting facilities proposed in the development are significant – four retail units, four office units, a community centre and a creche for a population of circa 600 persons in total (existing and potential future population), which is already served by a large petrol filling station retail unit.
- 10.4.9. The need to prevent septicity in the pumping station may indicate that there is not enough volume of discharge being generated by the proposed development, leading

to the risk of septicity and the need for chemical dosing. The necessity to pump this discharge 6 km back to Coldwinters cannot be considered ideal. The alternative to a pumping station is reliance on individual proprietary wastewater treatment systems, which would require large sites and a much less dense development.

10.4.10. I am of the opinion that the scale of facilities is excessive for the population to be created. However, the population of the proposed development is excessive for the village. Yet the scale of the proposed development is not sufficient to foster the normal functioning of the septic tank without recourse to chemical dosing. A middle ground which would provide for more housing (given the extent of zoning proposed and the role allocated to Coolquay in the core strategy in the *Fingal Development Plan, 2017-2023*) while at the same time avoiding the need to rely on a pumping station to discharge sewerage for 6 km could be an option. However, the planning authority may consider that a higher level of development is more appropriate, to ensure the sustainable use of facilities, within the framework of a local area plan. I consider that the issues raised by the applicant's design team has in their masterplan and vision statement, combined with the matters raised in the planning authority's and third party submissions, demonstrate that a local area plan or masterplan, that has been through a public consultation process is necessary, given that the development of this site is integral to the future development of the village. I consider the proposed development is therefore premature.

10.4.11. The density of development is low for zoned land, at a gross density of circa 17 units per hectare. National guidance refers to villages as being defined as having a population of 400 persons or more. Coolquay does not fit this criterion. For villages of less than 400 persons, *The Sustainable Residential Development in Urban Areas Guidelines* recommend that no application should be larger than about 10-12 units. It warns against rapid growth of a village driven by one single site. The guidelines acknowledge that lower densities of development may be acceptable on serviced lands within the environs of a town or village, as an alternative to develop a house in an unserviced rural area, where services are not available within walking and cycling distance - an argument put forward by the applicant's design team. However, Coolquay is unusual in that both services and public transport are available within walking distances, but there is no public drainage system. The **CE Report** states that

lower density development of less than 20 units to the hectare in towns and villages should not constitute more than 20% of the housing stock. The Circular Letter NRUP 02/2021 acknowledges the need for more proportionate and tailored approaches to residential development in towns and villages to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village. I would concur with this advice in relation to the scale of Coolquay. Therefore, the density, while low from an urban planning perspective, is too high for a village without mains drainage.

10.4.12. Another test of the appropriate density of a proposed development is access to public transport. I would consider that Coolquay has much greater access to public transport than most villages, due to its location on the former N2. While **Third Parties** state that early morning buses may not stop because they are full, bus services are flexible and can be improved if there is greater demand for bus services. The current level of demand for public transport in Coolquay may be very low. I note that the Small Area Population statistics for the 2016 Census showed that out of 180 persons at work in Coolquay, 176 persons travelled to work by car or as a car passenger. While these figures are out of date and will change with the 2022 Census, it reveals an existing high dependency on the private motor car for commuting. The Travel Plan prepared by Waterman Moylan have other statistics, based on TRICS, which may be more appropriate, given the increase in working from home since the pandemic and the potential for public transport available to Coolquay, I am considered that a density that reflects that access to public transport, but balanced by the absence of mains drainage, is appropriate.

10.4.13. A **Third Party** has raised the issue of the predominance of the three bedroom type dwelling unit, which constitutes 79% of the houses and 50% of the duplex units. Others have suggested that larger houses are more appropriate. Circa 10% of the proposed development is 2 bedroom and a further 9% one bedroom units, leaving 10% at four bedroom. All the houses are well above minimum area. They are generally detached and semi-detached. From a climate change perspective, the dwellings do not represent best practice, as terraced housing typically perform better in terms of reducing the use of carbon. I would concur that a smaller proportion of 3 bedroom units in terraced groups is more appropriate and a greater mix provided.

10.5. Design Approach

- 10.5.1. The proposed development is essentially divided in two by the Fleenstown Great watercourse. The lower density elements of the scheme are located at the southern end of the site, closest to the R135, which is nearest to the existing bus stops, retail, restaurant public house and café. This approach is at variance to the norm, where a higher density would be expected at this location. One might also expect that the retail and commercial block would be located here, to maximise passing trade and concentrate businesses where the majority are already located. This would also allow for shared trips, where one could park in one place and walk between the different businesses. The duplex units would also be expected to be located close to the bus stops. Noting the size of the childcare facility, which will in the long run, be reliant on children not from the local area, one would consider the southern part of the site more appropriate, notwithstanding the other location close to the school. The school is within easy walking distance, subject to the provision of safe crossing to the other side of the R130. The advantage of this approach is to free up space for more community based activity, with potential for a sports field near the school. The Senior Living Units should be located where facilities are within easy walking distance of shops and public transport, as noted by a **Third Party**.
- 10.5.2. A **Third Party** is concerned about the provision of duplex units in a country. I note that the site is zoned 'RV', rural village and apartment living – i.e. living above shops and offices is not out of character in a village.
- 10.5.3. The main part of the site is accessed from the R130, close to the school. As currently designed, the duplex units and commercial units face onto the road, with parking to the rear. The duplex units are located at either end of the central entrance, which gives some height and punctuation to the proposed development. The retail and office block is located on the northern side of the entrance. There is a plaza in front and car parking is located to the rear. The **CE Report** is concerned that the absence of views of parking from the main road would affect the viability of these units and questions the role of the plaza area in front of the shops. I would accept that some outdoor area is needed for the units to facilitate outdoor eating, should the units become cafes or restaurants. However, I would consider that the absence of parking on the R130 in this location will

result in unofficial parking. This can be prevented by providing for this, while still providing for an outdoor area. Therefore, this area should be redesigned in my opinion.

- 10.5.4. The **CE Report** considers that the splayed residential units located at the main entrance and associated parking to the rear is inappropriate at this location. In my opinion, the units are splayed to reflect the alignment of the commercial units and help enclose the village plaza, creating an entrance.
- 10.5.5. The communal open space associated with the duplex units is located to the north of the site. I do not consider that the block of duplex units to the south of the main entrance road would benefit from this open space. While an area of landscaping has been provided to the rear of this block, I would consider this as providing visual relief only. Some dedicated communal open space should be provided in proximity to the southern block of duplexes.
- 10.5.6. **Third Parties**, Cathal Conaty and Lily Conaty are concerned about the duplex units in close proximity to his business, in terms of overlooking and anti-social behaviour. I am satisfied that the duplex units will not give rise to significant overlooking due to their orientation. Another **Third Party** is concerned about the absence of suitable boundary treatments to ensure that suitable boundary treatments are provided to the front of the units so as to prevent traffic accidents. I note that a 1.2 metre high boundary fence is proposed in front of the duplex units. This could be conditioned, should a grant of permission issue.
- 10.5.7. Ten residential units will face onto the L7240 Corrstown Lane and are accessed directly from this road. As noted by a **Third Party**, this is not referred to in the public notice. These units are detached and terraced. Corner units provide some overlooking of Open Space Area 7. The terraced units might be more appropriately located nearer the duplex units and the detached units nearer the current neighbours. I note that a **Third Party**, Angela Martin, is concerned that her septic tank and soakage area is located in the vicinity of the terraced housing or senior living units. Any grant of planning permission does not entitle development to be commenced. Ms. Martin's drainage matters would have to be resolved by the developer of the site. Similar issues arise in relation to the **Third Party**, Orla and Cathal Conaty in relation to the pump for their well.

- 10.5.8. The main spine road curves around towards the rear of the site, traversing an area of open space, which includes a playground. The community centre and childcare facility overlook this open space but are separated from it by the road network.
- 10.5.9. The Senior Living units are clustered around the community centre. The parking for these units and the community centres is to the south of the main spine road. These units are set in a communal landscaped area and no individual private open space is provided. A potential location for a future nursing home is indicated in 'RU' zoned lands, south of the senior living units.
- 10.5.10. The childcare facility has its own secure play area and set down parking is provided. The design of the facility is very attractive and provides a landmark building in the proposed development.
- 10.5.11. The remaining residential units in this section of the site are located on or off the main spine road.
- 10.5.12. Access to the southern part of the development is via the L7200. I note that Cronin's Coaches are accessed from this road also. A raised table is provided at the junction, encouraging traffic to slow down in this location, where traffic conflicts might arise. Footpaths, cyclepaths and traffic calming measures are proposed on the road. The proposed development will be accessed on both sides of the road, with approximately 27 units on each side. Small areas of open space are provided. A larger area of open space, where the Fleenstown Great traverses separates the two parts of the scheme. A pedestrian and cycle bridge links the open space on either side of the development. The open space continues onto the biodiversity area in the southeastern corner. A playground and small pitch is located here.
- 10.5.13. The pumping station is located on the open space near the Fleenstown Great watercourse and close to the biodiversity area. **Third parties** have expressed concerns in relation to its position, due its proximity to the watercourse and inconsistent locations on different drawings. The location is the lowest point on the site. The appropriateness of the location is addressed in Section 10.8. Concerns in relation to noise and smells from the pump station are noted. However, there is a 35 metre buffer zoned around the pump station, so I am not convinced that noise and smells will have a serious impact on residential amenity.

- 10.5.14. The **CE Report** considers that the layout of the proposed development appears somewhat haphazard and suburban in nature. It suggests that the creche, community building, commercial/ retail block and possible future school site be located closer together, potentially around the village green area. While the creche and community buildings are successfully distinctive, the commercial block is less so, being too similar in style to the housing. As the car parking area is hidden from view from the R130, this may undermine the viability of these units. The purpose of the plaza to the front of the units is unclear. More duplex units may be more appropriate in this area, rather than the splayed residential unit. The parking for these units is unclear. The external staircases should be internalised.
- 10.5.15. The open space areas and the biodiversity park are not sufficiently overlooked.
- 10.5.16. Refusal of planning permission is recommended on the basis of the suburban layout being harmful to the visual and residential amenities of the village.
- 10.5.17. I would concur that the layout of the proposed development could and should be improved.
- 10.5.18. The masterplan document submitted with the application is confined to lands that are in the control of particular landowners, as is appropriate. The accompanying design vision document takes a broader perspective. However, I am not convinced that potential future development is directed to the best location. For example, if an additional school is needed, or the current school needs to be expanded, the appropriate location is adjoining the existing school, rather than on the L7200.
- 10.5.19. I note the submission by **St. Margaret's GAA Club** and the **CE report** identifies the lack of sporting facilities in the village. I would concur that there would be significant benefits for a playing pitch for the village, again ideally close to the school. However, the road frontage on the applicant's site is not the best place for this, as suggested by the **Third Party**. Such facilities are water compliant, and a pitch could be located in areas that are subject to flooding. Retaining zoned and serviced land that is not subject to flooding for more appropriate village uses is more appropriate, in my opinion.
- 10.5.20. The **CE Report** considers that the social infrastructure proposed is too dispersed and would be more usefully concentrated around a hub. While the applicant's design team

has located the community building to serve the senior living accommodation, and the creche overlooking the attractive village green space, there is merit in locating the community centre on the main road frontage. I would concur with the **CE Report** that some parking would be necessary along the main road, as otherwise it would arise in an ad hoc and unofficial fashion.

10.5.21. A **Third Party** observation has suggested that the senior living accommodation is too far from the bus stops. The senior living accommodation is located in an enclave in the east of the site, with no through traffic and proximate to where a future nursing home may be located. Again, there is merit in this location. Equally if the units were located closer to the retail units where more parking is available and with views over the village green, this may aid physical independence.

10.5.22. The site's configuration, with the narrow central area, does not lend itself to an easily integrated development. The design approach, where the lowest density housing is located the most closely to the bus stops serving the village, is not consistent with national guidelines, which favours higher density development closest to public transport route. In contrast, the duplex units are located at a distance. The location of open space adjacent to the proposed relocation of the bus stop does not provide for sufficient passive surveillance.

10.5.23. The northern side of the L7200 is populated by a row of housing, which are accessed directly from this country road. This requires the removal of hedgerow, so the rural quality of the road is lost. There is sufficient space in my opinion, to provide for an internal service road to serve these houses. This would reduce the area of open space but there is a generous provision of opens space already. The buffer along the Fleenstown Great watercourse is too wide in my opinion. The Inland Fisheries Ireland recommend in *Planning for Watercourses in the Urban Environment Guidelines* that a stream of less than 10 metres wide (which the Fleenstown Great is) requires a buffer of 20 metres. The buffer proposed is 30 metres. The change could be done by way of condition, if the Board is minded to grant planning permission. The houses along the R7200 are varied in size and step forward and backward so as no strong building line is created. This has been done, in my opinion, so as the houses appear more organic and less suburban. Road C, which is curved, faces onto the main open space area, where the watercourse is located. The current *Fingal Development Plan 2017 to 2023*,

states that for the Ward River, a riparian strip of 30 metres is required outside of urban areas. The Fleenstown Great watercourse is a tributary to the Ward River, but not the river itself. Therefore, I am satisfied that a riparian strip of between 10 to 15 metres at a minimum is maintained on either side of a water course is adequate, and the open space achieves this objective. The pumping station is located outside of this buffer. The attenuation basins on either side the watercourse are designed that these areas will hold water continuously. The pond in the biodiversity area does not fulfill a surface water role.

10.5.24. The pumping station is located in the open space area. I am satisfied that the location to be assessed is shown on the Proposed Site Plan, drawing no. 21025-PL-02.1 It is generally a below ground structure and is fenced off. A buffer of 35 metres is proposed. I note that the location of the proposed second school however, would fall within this buffer.

10.5.25. Two bridges provide access over the Fleenstown Great watercourse and a third bridge provides access to the biodiversity area, over the drain. The first bridge to the east is the main pedestrian / cycle link from the northside of the site to the southside.

10.5.26. The road network in the middle, narrow section of the site is quite convoluted. However, it allows most houses to back onto another house. Open Space Area 5 is less successful, with limited overlooking.

10.5.27. Overall, the layout of the proposed development fails to respond to Coolquay, does not locate commercial development proximate to existing commercial area, does not locate higher density development close to public transport and fails to provide sufficiently for active recreational use. I would recommend refusal on this ground.

10.6. **Residential Amenity**

Overlooking and Overbearing Impact

10.6.1. **Third Parties** are concerned that the provision of duplex units would give rise to overlooking and overbearing impacts. Others have concerns of overlooking from housing proposed in proximity to boundaries. The **CE Report** considers that the given the site layout, design, orientation and separation distances to existing dwellings, the

proposed development would not have an undue adverse impact on residential amenities by way of overlooking or overshadowing. I am satisfied that the location of housing has been carefully considered to avoid impacts on residential amenity due to location and separation distances. I would have some concern over the orientation of House No. 55 at the end of Road D. However, a condition to re-orientate the dwelling could be conditioned in the event of a grant of permission. I am satisfied that duplex units are acceptable within a village location.

10.6.2. *Sunlight, daylight and shadowing*

10.6.3. The impact of the proposed development on adjacent residential properties has been assessed by Digital Dimensions in terms of sunlight and daylight. In relation to sunlight, it finds that there will be a small reduction in in the available private and public amenities spaces but that all continue to exceed the BRE Guidance manual 2022, *Site Layout Planning for Daylight and Sunlight* 3rd Edition (BRE209 2022). The report acknowledges this and notes that other documents, including EN 17037 *Daylight in Buildings* – European Guidance which pre-date the Apartment Guidelines 2020 and a British Annex, which adapts the European standards to the UK - *BS EN 17037*. The *Apartment 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*'. I am satisfied that this guidance document is similar to the recommended 2011 BRE Guideline 2nd Edition, *Site Layout Planning for Daylight and Sunlight*.

10.6.4. The report assesses the daylight and sunlight impacts to the existing residential properties and quantifies the extent of daylight likely to be experienced by the apartments and the sunlight in open space. In addition, the Annual Winter Probable Hours of Sunlight is assessed for the existing and some of the proposed residential units.

10.6.5. It notes that a zone of influence of a proposed building is three times the height of the proposed buildings on boundaries and the direction of the window wall on adjacent residential properties. BR209 2022 states:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small.”

- 10.6.6. On that basis, Rosewood Cottage, which is to the north of the duplex units on the opposite side of the L7240 was assessed in more detail. The report finds that as the 25 degree angle through the ground floor windows would not be interfered with. In relation to the Vertical Sky Component, the windows to the front of the dwelling would experience a minor reduction of 7%. This effect will not be noticeable. The Annual Probable Hours of Sunlight to the two front windows closest to the proposed development will experience a similar reduction, which the report describes as negligible.
- 10.6.7. In relation to sunlight in amenity areas, Rosewood was also assessed. No impact was found. Two other dwellings were assessed, S2 and S3, the two dwellings northeast of the site. I believe that Angela Martin, an observer, may be owner of one. There is a 1.1% reduction in sunlight to S2 and no impact in S3.
- 10.6.8. In terms of shadowing, there minor impacts on some properties. I would consider that S2 is affected at 1700 on 21 March. However, for most of the day the rear private amenity area is unaffected.
- 10.6.9. For the proposed development, the duplex units were assessed. The report finds that all duplex LKD (living kitchen dining rooms) and bedrooms achieve 100% of the target illuminance (200 lux for LKD and 100 lux for bedrooms). The living spaces were assessed for sunlight hours. All units achieved more than 4 hours of sunlight, which is considered High (the minimum is 1.5 hours).
- 10.6.10. The amenity areas for the proposed development were assessed. This includes the communal area for the duplex units. Save for the creche amenity space, all achieve 100% of two hours of sunlight on March 21. The creche amenity space achieves 99%.
- 10.6.11. In relation to shadowing for the proposed development, the site generally aligns to the north. All rear gardens receive some sunlight to their rear private amenity space. The row of proposed dwellings to the north of the L7200 receive the least sunlight to the rear gardens. However, I am satisfied that these gardens achieve 50% of sunlight over a 2 hour period on March 21.

Aspect and Floor to Ceiling Heights

- 10.6.12. The *Apartment Guidelines 2020* require that in suburban, green field sites, a minimum of 50% of units should achieve dual aspect. 100% are achieved in the proposed development. The units face east and west. In terms of floor to ceiling height, 2.7 metres at ground floor is achieved.
- 10.6.13. The units are not served by a lift. The CE Report suggests that the external stairs to the front and side of the units should be internalised. I do not consider that the external stairs is visually dominant and do not consider the condition necessary. I consider that the bin store to 'A' duplex block is very close to the external stairs and should be moved to enable free movement of bulky items. This can be done by way of condition, if the Board is minded to grant planning permission.
- 10.6.14. In the case of the second and third bedrooms in the three bedroom duplex units 123, 124, 135, 136 and 137 and the second bedroom in the two bedroom duplex units, these are single bedrooms. While technically, these units are part of a larger residential development and are not bound by the restriction that no more than 10% of units be 2 bedroom, three person units, in the *Apartment Guidelines*, I would question the extent of the use of the single bedrooms in the duplex units.
- 10.6.15. The Senior Living Units have been welcomed by the **Elected Members** as a positive aspect of the proposed development. The CE Report has made a suggestion that a 'soft spot' be provided to allow direct access to the bathroom from the bedroom where appropriate. The height of the roof is questioned, given the single storey nature of the units. However, I would consider that the ability to create additional space at roof level is needed to allow for adaption in the future. Fifteen of seventeen units are one bedroom, so the potential for carers to stay overnight is currently very limited.
- 10.6.16. All units comply with minimum room widths, storage and private amenity space. The communal open space is 540m² when 105m² is required.

Noise

- 10.6.17. The site is located in Dublin Airport Noise Zone C. The *Fingal Development Plan 2017-2023* as varied requires that a noise assessment is carried out to demonstrate the

good acoustic design has been employed. Generally, the external amenity acoustic environment should fall within 50-55dB $L_{Aeq\ 16hr}$. Amplitude Acoustic prepared a noise report, which took into account the operation of the two runways in the airport.

10.6.18. The site is located in an area where aircraft take-offs from Dublin Airport occur in the direction of the site. Two noise monitoring devices were erected on site for a period of a week. One was located near to the R135 and the other near Kilcoskan School. The device near the R135 found that the day time noise for 90% of the time was 55 dB, with 45dB at night. However, there were clear peaks associated with aircraft take off, with maximum noise of between 66 and 71dB. No equivalent daytime maximum was provided. The second device near the school found the area away from the regional road to be quieter. The daytime L_{A90} was 48 dB and night time 38 dB. This part of the site experienced lower noise peaks of from 61-64 dB.

10.6.19. Overall, the site is categorised as low to medium risk. Internal noise criteria can be achieved, with specified façade materials. This includes glazing with specific acoustic performance and passive trickle vents. The issue of overheating has also been considered. I am satisfied that the internal amenity of the proposed development has been adequately considered.

10.6.20. The *Fingal Development Plan 2017-2023* policy refers to external amenity areas. The southwestern corner of the site, near the R135, has been identified as experiencing the loudest noise environment. I have stated that I consider this area more suitable for commercial use and this supports my opinion. Given that mitigation measures for aircraft noise in external areas is limited, the location of external amenity areas further from areas that suffer from noise from aircraft and road is the more sensible approach.

10.6.21. A Materials and Finishes Report by CWPA is included in the application. The **CE Report** finds the report satisfactory. The materials are long lasting, have a commonality and look attractive. The varied use of Selected Stone Finishes helps to unify the proposed development. Details are provided on hard landscaping.

10.6.22. A Building Life Cycle Report accompanies the application. It refers to an Owners Management Company for the proposed development. A taking in charge drawing is also provided. I note that the applicant's design team expect that the open space areas, including the biodiversity area is the taken in charge by Fingal County Council.

The community centre will remain in the ownership of the management company, as will the car parks and shared common areas. The management company will also be responsible for cleaning, waste, insurance, etc. The pumping station is to be provided to Irish Water, although this is shown as being taken in charge by Fingal County Council. In the event of a grant of permission for the proposed development, the houses would require to be sold to individual purchasers, under the *Regulation of Commercial Institutional Investments in Housing – Guidelines for Planning Authorities 2021*, by way of condition.

10.7. Water Services

Water and Wastewater Networks

- 10.7.1. Irish Water has confirmed that a new on-site Wastewater Pumping Station is required to be constructed and delivered by the developer, then handed over to Irish Water. A new rising main is then needed, located in the public road, to transport the pumped effluent to Coldwinters Wastewater Pump Station, some 6km southeast of the site. The developer is expected to fund the necessary network upgrades.
- 10.7.2. It is noted that there is an existing, unused rising main provided for the prison proposed at Thornton Hall. At the time, the prison was expected to cater for some 2,200 prisoners. The rising main for the proposed development would be separate from this.
- 10.7.3. The Waterman Moylan Engineering Assessment Report refers to the above sewer and states that an asbestos drain, circa 150mm is located in the R135 and is currently pumped to the Coldwinters Pumping Station.
- 10.7.4. Wastewater from the site will be discharged via gravity to the pumping station located near the watercourse. This the lowest point on the site. The majority of the pumping station is below ground, save for the kiosk. The kiosk will be screened by planting (please note that no drawing has been provided for kiosk. There are various designs required by Irish Water, depending on the size of control unit needed. The smallest se are generally 1800mm high, set on a concrete plinth of 150mm and vary between 1500mm wide. They provide the housing for the power cable and telemetry for the monitoring of the pumping station). The wastewater pumping station will have 24 hour storage (circa 100m³). The pump station is sized for a peak flow of 6 DWF of 6.924

l/s(dry weather flow of 1.154l/s). The retention time is 11.34 hours, so chemical dosing is required to avoid septicity (any retention time after 6 hours triggers this requirement). A 35m diameter buffer to other buildings is to be provided so as to abate any odour.

10.7.5. In relation to water supply, this will be taken from a supply in the R135, constructed in 2011. Irish Water indicates that no upgrades are required for this. The average demand is 1.154 l/s, with a peak demand of 7.211 l/s.

10.7.6. Having regard to the above and the information provided within the design team's Engineering Assessment Report which is supported by Irish Water and the **CE Report**. I would have serious concerns about the proposed pumping station. The scale of the proposed development is modest in relation to the capacity of the pumping station. Hence the difficulty in achieving flow rates back to Coldwinters Wastewater Pumping Station, with a retention time of 11.34 hours. In contrast, to avoid chemical dosing, a retention of time of 6 hours is the maximum required. Yet the scale of the development in comparison to the number of existing units in Coolquay is very large. The scale of development would have to increase again to achieve a discharge flow that would not require chemical dosing.

10.7.7. *Surface Water*

10.7.8. Waterman Moylan's Engineering Assessment Report notes that the Fleenstown Great watercourse is a tributary to the Ward River, contains brown trout, indicating that it is suitable for fish stocks. The report identifies the lowest point of the site to be circa 69m OD Malin at the watercourse. A series of ditches follow the existing field boundaries. Only one ditch which runs through the centre of the site is to be diverted, with the remaining being kept in place or connected to the surface water system.

10.7.9. Surface water will be attenuated in two attenuation ponds, either side of the watercourse. Water from these ponds will be then released at a greenfield rate to the watercourse. The ponds have sufficient volume to cater for the 1-in-100 year storm, with a 20% allowance for climate change.

10.7.10. Additional SUDS measures include green roofs on the duplex units. I note that the duplex units have pitched roofs so I am unclear as to the extent of attenuation these can provide. Other measures are permeable paving, tree pits and roadside swales.

10.7.11. The volume of storage of runoff for the northern pond is circa 331 m³ and circa 206 m³ for the southern pond. The calculated greenfield run-off rate is 16.5l/s for the northern catchment and 10.25l/s for the southern catchment. I would consider that maintaining the surface water run-off rates to greenfield rates is not satisfactory as it does not help to limit surface water flows downstream and prevent flooding elsewhere. Surface water in urban developments are typically limited to 2 to 2.5 l/s/ha. I note that the **CE Report** does not seek to limit the surface water limit to less than the greenfield rate. The *Fingal County Council Planning & Strategic Infrastructure Department Green/ Blue Infrastructure for Development – Guidance Note 2020* recommends where there are existing flooding issues downstream of the subject site, the Qbar shall be limited to 2l/s/ha. The Ward River, to which the tributary connects to flows to Swords, where fluvial flooding is experienced. I would consider that the greenfield limit is not appropriate and the attenuation ponds are not sufficiently sized. Having regard to the extent of area available in the site, I am satisfied that this can be dealt with by way of condition.

10.8. **Flood Risk**

10.8.1. A Site Specific Flood Risk Report has been prepared for the site by Waterman Moylan. The report finds that the majority of the site is outside the flood zone, but a portion is in Flood Zone C, at risk of flooding from the watercourse, in the 1 in 1000 year storm. The report considered that as most of the site is outside Flood Zone C, no justification test is required. No tidal flooding affects the site. The CFRAM Fluvial Flood Extents Map identifies that parts of the site is subject to fluvial flooding. The likelihood is low at the 1-in-1000 year event.

10.8.2. To minimise risk, at least a 20m riparian corridor on each side of the watercourse is proposed. Finished floor levels have been set at least 250mm over the road channel line, which is above watercourses 1-in-1000 year flood level. The finished floor levels of the houses are set 500mm higher than the 1-in-100 year flood events.

10.8.3. The report makes no reference to the pumping station. The structure is largely underground and watertight to prevent effluent escaping from the structures. The pipes that connect to the pumping station come in underground. However, there is a manhole to allow for inspection and a kiosk which encloses the electrical equipment

and telemetry associated with the pumping station. No drawings or finished floor level is shown for the kiosk. **Third Parties** have expressed concerns over the location of the pumping station and the absence of reference to it in the Flood Risk Assessment. They have also pointed that more than one location has been indicated for the pumping station.

- 10.8.4. Drawing No.P2020 SUDS Layout shows the extent of the 1-in-1000 year CFRAMS Estimated Flood Extent. The extent reaches as far as the fencing line of pumping station but does not go beyond this. In addition, grading of the attenuation pond comes within the flood extent. This would influence the flow of flood water, most likely encourage more flood water to flow to the attenuation pond, creating a preferential path, so the flood extent would be affected by this. I would expect that this would reduce the flood extent near to the pumping station. I am satisfied that the location of the pumping station is outside the 1-in-1000 year flood event and would not therefore be a risk of pollution in the event of a 1-in-1000 storm event.
- 10.8.5. In relation to pluvial flooding, a heavy rainfall, leading to flooding, this is considered in the Flood Risk Assessment Report. Possible risks includes the surcharging of the on-site drainage system, surcharging from the surrounding drainage system, surface water discharge from the site, overland flooding from surrounding areas and overland flooding from the site. In response, the on-site surface water networks has been sized to accommodate the flow from the 5 year return event and SUDS measures have been proposed to slow down the and reduce the volume of surface water. Overland flood routing has been designed into the road levels, so that excess surface flows to the open space wither side the water. The attenuation ponds will be fitted with a hydro-brake, to limit flows to greenfield run-off rates. The ponds have been sized for the 1-in-100 year storm, plus 20% climate change. The residual risk of flooding is therefore low, according to the report.
- 10.8.6. Groundwater flooding has been dealt with through design of the finished floor levels of buildings. The risk of flooding from human / mechanical errors is also considered low.
- 10.8.7. **Third Parties** are concerned about flooding and I note the presence of deep drainage ditches on the field boundaries. Another has mention flooding on the R135. The

CFRAM Fluvial Extent Map shows flooding to the edges of the R135 further north and not at Coolquay. Waterman Moylan have prepared a drawing P2030 concerning the treatment of existing ditches and watercourse, as part of the response to specific information requested by An Bord Pleanála. The **CE Report** outlines that the council commissioned its own flood risk assessment and stormwater management plan for the Coolquay area in 2019. Roughan O'Donovan Consulting Engineers modelled results tie in the with CFRAM mapping. Overall, given the clarity provided in the overland flow paths and proposed finished floor levels and taking climate change into account, the level of flood risk is deemed acceptable. I would concur with this assessment.

10.9. ***Connectivity and Transportation***

- 10.9.1. The proposed development provides for 358 no. car parking spaces and 43 no. bicycle spaces. **Third Parties** have highlighted that a number of figures in relation to car parking have been used, but these are the figures stated on the public notices.
- 10.9.2. A Traffic and Transport Assessment (TTA) and Travel Plan were prepared by Waterman Moylan, which also includes a Quality Audit. The TTA is based on the TRICS Database for modal split. Peak hours are taken as 0800-0900 for the morning and 1700 to 1800 for the evening. I note that the assumption is that the traffic for the creche, retail/commercial and community centre is generated from employees, rather than residents. This would give rise to an underestimation of traffic in my opinion as both the creche and commercial units would generate traffic from the wider area. The morning peak is expected to generate 91 trips from the proposed development and 42 trips into the proposed development (133 vehicles). The evening peak is expected to generate 78 trips into the proposed development 60 trips out (138 vehicles). Later in the report, it acknowledges that the 'morning rush' is spread out over two hours in rural areas. The TTA predicts that most of the trips will be in a westerly direction on the R130, with the majority turning south on the R135 i.e. towards Dublin.
- 10.9.3. The traffic at three junctions are assessed – the junction of the R135 and R130, the junction with the R135 and M2 overpass and the local junction of the L7200 and R130. All junctions would continue to function within operating capacity. A traffic survey was carried out by IDASO, which undertook the survey on Wednesday, 15th December,

2021. I am of the opinion that the traffic survey is a reasonable reflection of the level of traffic experienced in the area and is not significantly affected by Covid restrictions. I note that there are still large numbers of persons working from home and this situation may well continue into the future.

- 10.9.4. An analysis of the distance the site is from local amenities is provided, to demonstrate that these local amenities can help to reduce the need for the use of the private car. The local amenities include a school, retail, restaurant, café and creche within 400-800m. Further facilities are available within 15 minutes cycle time. A crossing over the R130 to the school is to be provided. Cyclepaths are to be provided within the site and along the two regional roads.
- 10.9.5. The report refers to the NTA's 2013 *Greater Dublin Cycle Network Plan*. This identifies an inter-urban route on the R135 from Ashbourne to Finglas and connecting across to Swords.
- 10.9.6. The level of service associated with the two bus stops in Coolquay is provided. Bus Eireann provides the 103 route to Rathoath, which has a frequency of every twenty minutes. Two other routes serve the village – the 105X from Fairyhouse to UCD and the 109A from Kells to Dublin Airport. The report finds that there circa 140 services on a weekday and 130 services at weekends. It states that this level of bus service is equivalent to that serving Skerries and significantly exceeds other commuter villages in Fingal. Once buses reach Finglas, there is access to a wide range of Dublin Buses, including orbital routes from Clongriffin to Blanchardstown. The Greater Dublin Area Transport Strategy 2022 to 2042 envisages a series of Park and Ride in the hinterland to encourage people not bring private vehicles. Ashbourne is identified as providing a Bus based Park and Ride. Finglas is anticipated to a Luas based Park and Ride.
- 10.9.7. A modal split for the proposed development is provided of 60% by car, 30% by bus, 2% by bicycle and 8% walking for the year 2026 is expected.
- 10.9.8. The **CE Report** states that the high density of residential development would be largely dependent on the private car, given the lack of sustainable mode options. There are no designated cycle routes on the R135, nor plans to provide such facilities, notwithstanding the 'Inter Urban Route' status in the Greater Dublin Area Cycle Network Plan.

- 10.9.9. The traffic impact on the junction of the R130 and R135 demonstrates that this junction and the junction with the R135 with the M2 overpass, operate within capacity.
- 10.9.10. In terms of the details of the proposed development, it considers that sightlines are acceptable. The report questions the need and rationale for the bus stop to be relocated to the site and the provision for a pull-in bay. Rather, the provision of a pedestrian crossing across the R130 and retention of the bus stop in its current position might be a better option. The width of the roads at 6 metres is considered overly wide and further consideration of the road hierarchy is required. Traffic calming measures need to be teased out. A direct, segregated, pedestrian cycle route north south through the proposed development has not been provided. Additional details in relation to cross-sections and grass verges is required.
- 10.9.11. The level of car parking at 326 residential spaces is considered acceptable. It is suggested that the design of the four houses that lack in-curtilage car parking spaces be reconsidered. Eight EV car parking spaces are required.
- 10.9.12. The set-down area for the creche could be improved upon. Swept Path Analysis for a car tuning in this area to be demonstrated. Swept Path Analysis for the proposed development for a refuse truck has been provided.
- 10.9.13. Additional bicycle parking spaces are required for the duplex units is required (42 in no. instead of the 18 no. proposed). Bicycle parking for the 13 no. terraced houses where there is no access to the rear private open space needs to be considered. The detail the commercial bicycle parking is not acceptable from a security perspective.
- 10.9.14. In terms of taking in charge, the proposal is generally acceptable and the proposed development should be carried out in accordance with council standards.

10.10. ***Childcare and Social and Community Audit***

- 10.10.1. The proposed development provides for a childcare facility, centrally located in the site with its own dedicated outdoor area. The facility can cater for 102 children. The estimated demand from the proposed development is circa 42 children. An existing facility provides sessional care in the mornings of the school term and is currently full.

- 10.10.2. A Social and Community Infrastructure Audit has been prepared by CWPA and supplemented by a survey by Waterman Moylan on facilities within walking and cycling distances. The Audit finds that the site comes with the Small Area Population Area of 2677098001. The population for the village cannot be calculated exactly. In 2011, 341 persons lived in the area. In 2016, the population grew by 8 persons. The Audit considers the population of the village to be circa 100 persons. Since 2011, three dwellings have been granted planning permission in the area.
- 10.10.3. The Audit finds 11 community/commercial facilities within 2 km of the area. **Third Parties** have disputed the accuracy of these facilities and state that there is no pharmacy in the area and the soccer pitches relate to another club. The Audit finds that the area is lacking in certain services and the proposed development includes a community centre that could serve for a wide range of community services. It notes the absence of a secondary school and refers to the masterplan, which identifies a location for a second primary school.
- 10.10.4. A shortage of recreational space is identified, which is stated to be provided for in the proposed development. Additional retail and office space is proposed. The Social and Community Audit, while not exact, provides sufficient information for the proposed development.

10.11. Landscaping and Ecology

- 10.11.1. The site consists of a number of fields in agricultural use, bounded by ditches and hedgerow. The proposed development would significantly transform the landscape, not only in terms of the proposed buildings but also in the landscaping approach adopted.
- 10.11.2. Charles McCorkell Arboricultural Consultancy has prepared a Tree Survey, Arboricultural Impact Assessment and Method Statement. Some 73 no. trees and hedgerows were identified. The majority of the trees were early-mature and mature and came within the C Category or U Category. Hedgerows were of moderate quality and value (B and C Category). Four of these are to be removed. The report notes that there are a substantial number of elm and ash trees that were dead or in decline due to disease. It considers that the loss of trees and hedgerows will have an initial impact on the character and appearance of the immediate surrounding area. However, the planting of new trees and hedgerow and the quality of the open space will have a

positive impact in the future. I would concur that the loss of trees is not significant and that there would be a significant increase in the number of trees on site following the proposed development.

10.11.3. RMDA Landscape Architects and Consultants have prepared a landscape rationale. Three types of public open space are provided – parkland, pocket parks and a hard landscaped plaza in front of the commercial building. Communal open space is also provided for the duplex units and the senior living units. The spaces are connected by footpaths / cycle paths. These routes are meandering. The **CE Report** considers that a more direct north-south route should be provided. I would concur that this is appropriate, so that public transport can be accessed efficiently. Otherwise, informal desire lines will arise and impact on the landscaping.

10.11.4. The Biodiversity area is circa 5 ha and is located along the Fleenstown Great watercourse and the most southeasterly field. A series of 7 no. pocket parks are then provided though the site, providing circa 0.8783 ha of open space. Area 3 adjoins the biodiversity area, creating a large central area. The two attenuation ponds and a third pond in the biodiversity area is provided. The watercourse that feeds into the Fleenstown Great Watercourse to the west of the biodiversity area is retained. The biodiversity area provides for footpaths and calisthenic equipment, as well as wildflower planting. The two areas are heavily planted, significantly increasing the biodiversity value of this area. The hedgerows (circa 2,289 linear metres) are retained and augmented where appropriate. Wooden bridges are proposed for crossing of the ditches. The **CE Report** notes that the ponds should be risk assessed in terms of safety and the headwalls should be aesthetic rather than purely functional. I consider that the ponds should be larger and less deep and contain a greater volume of water so as surface water is attenuated to a reduced rate rather than the current greenfield rate.

10.11.5. There will be some loss of hedgerow (1,074 linear metres). I consider that there is scope to retain some of this hedgerow, if a reduced riparian width is provided, to enable the housing to move away from the hedgerow on the L7200. This would reduce the visual impact of the proposed development in this area. The **DAU** notes the loss of hedgerow and requests a condition that this is carried out only between September and February – outside the main bird nesting season.

- 10.11.6. Play facilities are provided in the pocket park to the north of the site and natural play features are distributed throughout. A play area and kick about pitch is provided near the northern attenuation pond. Given the size of the proposed development, I consider the kick about area is limited and that additional space is required.
- 10.11.7. An area of open space is provided adjacent to the R135, where there is a proposed bus lay-by. I am less convinced by this area and would consider that commercial development should be located along here, not least to reduce noise levels from the road.
- 10.11.8. The Senior Living units have individual area of private open space and are located in an attractive tree area. I consider that some part of this area could be given over to a more formal lawn, where residents could sit and enjoy the space communally.
- 10.11.9. The village plaza provides an opportunity for social interaction and is located between the retail area and the school, which would be appropriate. I have expressed the opinion that some on-street parking is necessary in this location, but there should be sufficient space to allow for both.
- 10.11.10. A range of boundary treatments are proposed, including low metal railings and wooden post and rail fencing and 2 metre high wooden panel, brick and plastered walls. **Third Parties** have expressed concern about the height and materials of some of the perimeter boundary treatment. I am satisfied that this can be subject to a suitable condition.
- 10.11.11. A public lighting plan has been prepared by Sabre Electrical Services Ltd. It shows that most of the lighting is street based, with limited lighting of the open space areas, save where the main route through to the proposed bus route and the western crossing of the Fleenstown Great and to the pumping station. The **DAU** requests that a condition that the finalised lighting design scheme is reviewed by a bat specialist and when implemented, approved by the bat specialist and a report sent to the planning authority. This can be conditioned, if a decision to grant permission is made.
- 10.11.12. RMDA have prepared a Landscape and Visual Impact Assessment. This is supported by Digital Dimensions' Verified Photomontages and Computer Generated Imagery (CGIs). They note that the *Fingal Development Plan* categorises Coolquay's landscape as 'Rolling Hill Character type. There are no protected views, structures monuments or sites on the site.

- 10.11.13. The report finds that due to the disposition of open space, much of the character of the site will be retained. The site has currently, a pleasant open quality. The hedgerows to be retained will aid assimilation. The main changes arise from the height and extent of buildings across the landscape. The design approach and specific mitigation measures are intended to address these issues. The mitigation measures include the extensive planting of trees and shrubs, using native and polinator species; the connected areas of open space and the augmentation of hedgerow. These will take time to mature. While initially, the visual impact on the surrounding landscape is categorised as moderate negative in the short term, it will be moderate to neutral in the long term. I would concur with this finding.
- 10.11.14. Moore Group – Environmental Services has prepared an Ecological Impact Report. Four site surveys were carried out, on 25 February, 30 June, 8 September and 20 October 2021. The report states that the dates cover the optimal botanical, bird and bat, otter and badger survey periods. The bat survey took place on 30 June, 2021. The number of bats recorded is not stated. The report refers to the two Natura 2000 sites – the Malahide Estuary SAC (8.67 km from the site) and the Malahide Estuary SPA (8.98 km from the site). It states that there is no connectivity or ex-situ potential for interactions with other European sites.
- 10.11.15. The habitats on the site are freshwater course and drainage ditches, grassland, woodlands (scrub and hedgerow) and cultivated and arable land. No invasive species were found. No badgers nor otters were found. Three species of bats were found. No roosts were found. The bat transects largely followed the hedgerows and ditches. No rare or Annex 1 bird species were found, including winter birds. A small flock of Yellowhammer birds were observed in February but moved on.
- 10.11.16. The report did not refer to amphibians. No reference was made to the Ward River, to which the Fleenstown Great watercourse flows to, having trout populations.
- 10.11.17. The report states that there will be no direct impacts on the Fleenstown Great Stream from construction works. There will be a minor loss agricultural grassland. The scrub area are considered low value. The loss of hedgerow is described as being circa 300 metres. This does not tally with the RMDA Landscape report, which estimate it to be circa 1,074 metres.

10.11.18. The indirect effects considered relate to a potential deterioration in water quality during construction. This is not considered likely and specific measures to control water pollution during construction will be in place.

10.12. **Archaeology and Heritage**

10.12.1. Moore Group prepared a Cultural Heritage Impact Assessment. Historic maps show that the area has been in use for arable land, since the mid-17th Century. There are no recorded monuments in the site or the immediate area. There is a ringfort rath (Dunmucky Fort) 440 metres west of the site. There are 33 RMP sites within 2km of the site.

10.12.2. The **CE Report** notes that the site traverses the historic townland boundary of Coolquoy Common and Coolatrath East, which appears to be formed by hedgerow.

10.12.3. Target Archaeological Geophysics GCV undertook a geophysical survey of the site. No definitive response of an archaeological character were found. Some potential responses were and should be subject of further testing.

10.12.4. The **DAU** recommend pre-development testing and monitoring. This can be conditioned if a decision to grant permission is made.

10.13. **Construction and Phasing**

10.13.1. A *Preliminary Construction, Demolition and Waste Management Plan* has been prepared by Waterman Moylan. The report notes that there are no buildings on site. The duration of construction is stated to be 18 months. The main source of waste will be from topsoil, subsoil and site clearance and from construction waste. Topsoil will be stored separately from other waste. The report is quite general and refers to elements that are not part of the proposed development.

10.13.2. The report is specific in relation to the construction of the two new pre-cast headwalls for the discharge of attenuated surface water from the two ponds adjacent to the Fleenstown Great Watercourse. It references that the works will be completed in agreement with Inland Fisheries Ireland. An Ecological Clerk of Works is to be appointed. Regard will be had to the NRA Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes. Run-off to ditches will be prevented by temporary measures to remove sediments, oils and pollutants.

10.13.3. Dust and Dirt and Noise mitigation measures are proposed.

10.13.4. CWPA have prepared a phasing drawing. The first phase includes the northern part of the site and the open space area for the Fleenstown Great watercourse. Phase 2 is the central area of the site. Phase 3 is the southerly part of the site and the Biodiversity Park.

10.13.5. The phasing programme is logical with the bulk of development and substantial open space being provided in the first phase. However, there is no sense that this proposed development will not happen other than in relatively quick succession.

10.14. **Waste Management**

10.14.1. An operational waste management plan has been prepared by CWPA. Estimated waste volumes from the residential, commercial and childcare elements of the proposed development are provided. It is not clear which heading the waste from the community centre is included under. Waste storage areas are provided proximate to the duplex, commercial and childcare facilities. Waste will be segregated according to type.

10.15. **Part V**

10.15.1. It is proposed to provide 36 no. Part V units, representing 20% of the overall development. It includes 34 no. houses and two ground floor apartments. The **CE Report** requests a condition requiring the developer to enter into an agreement with the planning authority in accordance with Part V of the Planning and Development Act, 2000, as amended.

10.15.2. I note the provisions of the *Regulation of Commercial Institutional Investment in Housing Guidelines*, in relation to the dwelling houses and that a suitable condition can be attached, in the event of a grant of planning permission, to make the dwelling houses available for private purchase, subject to Part V requirements.

10.16. **Chief Executives Recommendation**

10.16.1. The planning authority recommended that permission be refused for four no. reasons. These relate to the scale of the development being excessive, leading rapid expansion

of the village, contrary to the settlement strategy in the development plan, in the absence of a local area plan.

10.16.2. My recommendation similarly is to refuse planning permission, on grounds that given the scale of the proposed the proposed development is premature pending the adoption of an approved local area plan, would represent a rapid transformation of Coolquay in a short period of time, when fundamental issues about the scale of development and layout of the settlement have yet to be resolved.

11.0 **Environmental Impact Assessment**

Environmental Impact Assessment Screening Report

11.1.1. This section examines the Environmental Impact Assessment Screening Report submitted in relation to the proposed project, to assess whether the proposed development comes within the scope of Environment Impact Assessment (EIA).

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 number of residential units is less than 500. The proposed development relates to a site of 15.37 ha and is located within an area which does not come under 'other parts of a built up area'. Rather it comes under the 'elsewhere' category, where the threshold is 20 ha. The proposed development is therefore 'subthreshold'. It does not, therefore, come 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 not mandatory.

- 11.1.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: 'Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'. The applicant submitted an EIA Screening with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.
- 11.1.5. The information contained in the EIA Screening Report has been prepared by CWPA and they state that competent experts have prepared the report. The qualifications of the authors or contributors are not provided.
- 11.1.6. Having analysed the screening report and other supporting documentation, a 'Statement pursuant to Section 299B of the Planning and Development Regulations 2001 (as amended)' can be compiled. This statement identifies a number of documents that have been considered and include:
- An Appropriate Assessment (AA) Screening prepared by Moore Group – Environmental Services
 - Ecological Impact Assessment Report prepared by Moore Group – Environmental Services
 - Preliminary Construction Demolition Management Plan by prepared by Waterman Moylan Consulting Engineers
 - Operational Waste Management Plan prepared by CWPA
 - Engineering Assessment Report prepared by Waterman Moylan Consulting Engineers
 - Flood Risk Assessment prepared by Waterman Moylan Consulting Engineers
 - Coolquay SHD Acoustic Design Statement prepared by Amplitude Acoustics
- 11.1.7. From these documents, the results from other relevant assessments of the effects on the environment carried out pursuant to European Union legislation has been taken into account. The EU Directives include the following.
- Directive 92/43/EEC – Habitats Directive

- Directive 2009/147/EC – Birds Directive
- Directive 2018/851/EC – Waste Directive
- Directive 2007/60/EC – Floods Directive
- Directive 2002/49/EC – Environmental Noise Directive
- Directive 2000/60/EC – Water Framework Directive
- Directive 2001/42/EC – SEA Directive
- Directive 2008/50/EC – Clean Air for Europe Directive
- Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.

11.1.8. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.

11.1.9. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

11.2. I have completed an EIA screening assessment as set out in Appendix A of this report.

11.3. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In

these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

11.4. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

11.5. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 **Appropriate Assessment**

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

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

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

12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is

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

12.3. Screening the need for Appropriate Assessment

12.3.1. The applicant has submitted a report entitled '*Report for the Purposes of Appropriate Assessment Screening*' by Moore Group – Environmental Services

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

12.3.3. The European Sites within a possible zone of influence of the proposed development are identified. The relationship with a site outside a Natura site is by way of connectivity: i.e. through the source-pathway-receptor connectivity. The report notes that there is not connectivity or ex-situ potential for interactions located in the wider potential zone of influence. It identified that there are a number of SACs and SPAs that would come within the 15km radius generally adopted as a filtering limit. I undertook a review of the EPA Assessment tool on 24.11.2022 and confirmed that the SACs and SPAs that are identified are:

No.	Site Code	Name	Distance (approximate)
1.	000208	Rogerstown Estuary SAC	10.39 km
2.	004015	Rogerstown Estuary SPA	12.26 km
3	000205	Malahide Estuary SAC	8.7 km
4.	004025	Malahide Estuary SPA	9 km
5.	000199	Baldoyle Bay SAC	13.84 km
6	004016	Baldoyle Bay SPA	13.85 km

7.	000206	North Dublin Bay SAC	14.9 km
8.	004006	North Bull Island SPA	14.9 km
9	004024	South Dublin and River Tolka Estuary SPA	13.16

12.3.4. While there are 9 no. Natura 2000 sites within a 15 km radius, I would concur with the finding that there are only two which might be impacted by the proposed development (Malahide SAC, Site Code 000205, 9.6km and Malahide Estuary SPA, Site Code 004025, 9km to the east). The distances measured are from one point to another. However, the connection is via the Fleenstown Great watercourse to the Ward River to the coast. Therefore, the accurate distance to the Natura 2000 via the source-pathway-receptor route is circa 11.5 km via the river.

12.3.5. The Qualifying Interests / Special Conservation Interests of the Malahide Estuary SAC (000205) and Malahide Estuary SPA (004025) are set out below:

<i>European Site Site Code</i>	List of Qualifying interest/Special conservation Interest
Malahide Estuary SAC 000205	Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410] Marram Dunes (White Dunes) [2120] Fixed Dunes (Grey Dunes) [2130]

<p>Malahide Estuary SPA 004025</p>	<p>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]</p>
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12.3.6. The proposed development is distant from Natura 2000 sites, so no loss of habitat or disturbance to species located therein is likely to arise. The report lists a range of impacts that have potential direct and indirect impacts that may result in significant effects on the Natura 2000 sites. This list seems generic rather than specific to the sites in question. In relation to construction, the report states that a significant pollution event is not considered likely to have a significant effect on the habitats or species in Malahide Estuary. I would concur with this assessment, due to the distance to the Natura 2000 site, the dilution, dispersal and settlement of sediment or contaminants prior to reaching the site. However, the report refers to the preparation of a Construction Management Plan to enforce best practice construction methods.

12.3.7. The proposed development will discharge surface water when operational. The report considers that the surface water will be discharged to urban drainage systems in the first instance so no real likelihood of significant effects.

- 12.3.8. Foul water is considered and the report notes that its will be contained on site and discharged via the public drainage systems. **Third parties** have raised concerns about the pumping station and whether it would be a threat of pollution in the event of a power outage or flooding. This issue is discussed at Section 10.8. The pumping station contains sufficient storage for 24 hours in the event of a power failure. The station is outside Flood Zone C, so will not be flooded.
- 12.3.9. Disturbance to species from noise and lighting associated with construction and operation of the proposed development is considered. The species identified as likely to be effected are otter and bird species. The SPA bird species are considered too distant so as to remain unaffected.
- 12.3.10. The report considered cumulative effects with other applications in the area. None are considered likely. The report concludes that in the absence of implementation of suitable mitigation, during construction, the proposed development could pose a risk of likely significant effects on the Malahide Estuary Sites. A Stage 2 Appropriate Assessment is considered warranted, due to the hydrological connection.
- 12.3.11. I would concur that there are no appropriate assessment issues during operation of the proposed development. During construction, I would not agree that there is potential for the proposed development to have a significant effect on habitats or species in Malahide Estuary, even without the use of mitigation measures. The reason for this is because the report has underestimated the distance to the Natura 2000 sites, which is over 11km distant via the river. I would accept the statement in the report that a significant pollution event is not considered likely to have a significant effect on the habitats or species in Malahide Estuary.
- 12.3.12. *Screening Determination*
- 12.3.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, the project individually or in combination with other plans or projects, would not be likely to have a significant effect on habitats or species in Malahide Estuary SAC (00205) or Malahide Estuary SPA (004025).

In-combination Effects

12.3.14. Cumulative Effects are ruled out in Section 5.2 of the report. I would concur with this finding.

13.0 **Conclusions**

13.1. The application was made on lands zoned '**RV** Zoning Objective: Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved Local Area Plan, and the availability of physical and community infrastructure. There is no approved Local Area Plan in place. Coolquay is a very small settlement and the scale of the development proposed on a very large landbank within the village is very significant. While the applicant's design team has prepared an interesting masterplan and set out a vision statement for the settlement, I remain unconvinced that the major decisions in relation to the appropriate size of settlement, the location of commercial development, and the need and type community and sporting facilities, is best achieved through a planning application, which has not been subject to some form of public consultation. I therefore consider that the proposed development is premature pending the approval of a Local Area Plan.

13.2. The proposed development is reliant on the pumping of sewerage effluent 6 km. The scale of development however, is potentially around half of what it should be to avoid septicity in the pipes. This calls into question whether the target population of Coolquoy should be nearly double of what is proposed in this application or whether the appropriate level of population is one that can be accommodated on individual proprietary wastewater treatment systems. The *Fingal Development Plan 2017-2023* is not helpful in this respect, as it has not disaggregated the share of population envisaged in Table 2.4 where Portrane and four villages including Coolquay, are intended to cater for 844 residential units. The draft development plan anticipates that this number of residential units is to rise to 999. However, Coolquay is not listed under the towns and villages in the metropolitan area. The draft plan notes that Coolquay is to be subject to a Local Area Plan, as it is an area with a substantial landbank with

significant redevelopment and regeneration potential and well as requiring significant social and infrastructure requirements.

- 13.3. The layout of the proposed development would not reflect some of the constraints or opportunities that affect the site and I would consider that the layout could be improved for any future application.
- 13.4. Questions have arisen in relation to the public notice, as the proposed development will front onto the R7240, with houses directly accessed from the road. The public notices for Strategic Housing Development is governed under SI 2017. Form No. 13 Article 294 requires that the location, townland or postal address of the land or structure to be provided in the public notice. The public notice refers to Coolquay Common, which should technically be Coolquoy Common. The biodiversity area also extends into Coolarath East Townland. Two public roads are listed – the R130 and the L7200-0. The L7240 should have been referred to the public notice and the additional townland. However, while the location on the site notice could have been more accurate, given the presence of the site notice on the L7240 (site notice 5) I am satisfied that this does not mislead the public as it is evident where the location of the site is.

14.0 **Recommendation**

Having regard to the above assessment, I recommend that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

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 16th day of August, 2022 by CWPA Planning and Architecture, on behalf of Breffni Asset Holdings Limited.

Proposed Development: The development will consist of:

1. The construction of 173 no. residential units (125 no. 3-bed dwelling units of 13,320.8 m², 17 no. 4-bed dwelling units of 2,178.6 m², 17 no. senior living units of 1006.9 m² and 14 no. duplex units of 1,244.6 m²).

2. Provision of 358 no. surface car parking spaces, including accessible spaces, electric vehicle charging points and 43 no. bicycle parking spaces (18 no. resident and visitor spaces for duplex units and 25 no. spaces associated with supporting commercial development).
3. Provision of a two storey mixed-use building of c. 656.96 m² GFA providing for retail and commercial units, associated car and bicycle parking and a dedicated landscaped plaza.
4. The provision of a two storey childcare facility of c. 567.7 m² GFA with capacity for in the order of 102 no. children with associated car and bicycle parking and dedicated secure open play area.
5. Provision of a two storey community centre of c. 353.12 m² GFA with associated car and bicycle parking and dedicated hard and soft landscaping areas.
6. Provision of Class 2 public open space of c. 22,670 m² (22.41 % of residentially zoned area), communal open space of 540 m² and Class 1 public open space of c. 4.91 Ha on adjoining RU "Rural" zoned lands forming a multifunctional biodiversity park.
7. Vehicular access to the development site will be via a new vehicular entrance on the R130 to the north and via 2 no. new vehicular entrances on the L-7200-0 to be upgraded as part of this strategic housing development application.
8. Road widening and improvement works are also proposed to the existing road network bounding the subject site including the provision of c. 602.5 meters of pedestrian and cycleways.
9. Provision of internal roads and pathways, hard and soft landscaping and boundary treatments, pumping station, plant, solar panels, attenuation tank and related SUDS measures, signage, public lighting and all associated site development and excavation works above and below ground necessary to facilitate the development.

The total gross area of the proposed residential development is 17,750.9 m² with a net residential density c.17.47 units per hectare. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

Decision:

Refuse permission for the above proposed development based on the reasons and considerations 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.

16.0 Reasons and Considerations

1. The current development plan is the *Fingal Development Plan 2017-2023*. Under this plan, the land use zoning of the site is 'Rural Village' and 'Rural'. The land use zoning of the 'Rural Village' is to '*Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved Local Area Plan, and the availability of physical and community infrastructure.*' Having regard to the scale, quantum and disposition of development proposed, on a site which is integral to the development of the settlement of Coolquay, it is considered that the proposed development is premature pending the adoption of a local area plan.
2. The size and scale of the proposed development would transform the existing settlement within a rapid period time. It is considered that such change should be considered only where there is an agreed target population and the needs of the community be given physical expression in the form of a Local Area Plan. The proposed development would therefore be contrary to National Policy Objective 15, which seeks to '*support the sustainable development of rural areas...by managing the growth of areas that are under strong urban influences to avoid overdevelopment*'. Regional Policy Objective 4.83 of the *Regional Spatial and Economic Strategy for the Eastern and Midlands Area 2019-2031*, seeks to '*support the consolidation of the town and village network to ensure that development proceeds sustainable and at an appropriate scale, level and paces in line with the core strategies of the county development plans*' and the policy of

the *Fingal Development Plan 2017 – 2023* for villages which states that '*villages will be managed to ensure that these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable growth patterns*', it is considered that the proposed development would be contrary to national, regional and local development plan policy. The proposed development, would therefore be contrary to the proper planning and development of the area.

3. Having regard to National Policy Objective 33, which seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location, the proposed development of 173 residential units, creche, retail and office units and a community centre, is reliant on a wastewater pumping station to enable sewerage to be pumped by way of a new rising main to Coldwinters Wastewater Pump Station, some 6 km south of Coolquay. It is considered that the length of this pumping distance is excessive and cannot be justified having regard to the population. It is considered an indication of the unsuitability of the proposed development for expansion of the scale proposed. The proposed development would therefore be contrary to proper planning and sustainable development.

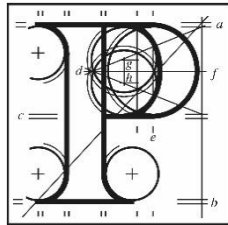
4. Having regard to the configuration of the site, with limited road frontage, it is considered that the layout of the proposed development, with commercial development located remotely from existing commercial development, fails to respond to the layout of Coolquay; is not conducive to strengthening the village's commercial core and does not locate higher density development closest to public transportation. Such commercial development would also help provide an acoustic barrier to the heavily trafficked R135. The location of Senior Living Units should be proximate to commercial facilities and public transport, to minimise walking distances. The location of the lowest density housing proximate to public transport stops and housing of highest density at a remove from this location would be contrary to the recommended approach in the *Sustainable Urban Housing: Design Standards for New Apartment 2020*. In addition, the areas of active recreation space relative to the size of population are limited and distant from existing

facilities. The layout of the proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.

Mary Mac Mahon
Senior Planning Inspector

16th December 2022

17.0 Appendix 1: EIA Screening Determination for Strategic Housing Developments



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference	
Development Summary	
	Yes / No / N/A
1. Has an AA screening report or NIS been submitted?	Yes
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes

B. EXAMINATION	Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)	
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No
1.10 Will the project affect the social environment (population, employment)	Yes

<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>
<p>2. Location of proposed development</p>	
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes
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3. Any other factors that should be considered which could lead to environmental impacts	
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3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.
3.3 Are there any other relevant considerations?	No

C. CONCLUSION	
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No real likelihood of significant effects on the environment.	Yes
Real likelihood of significant effects on the environment.	

D. MAIN REASONS AND CONSIDERATIONS	
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Having regard to: -

a) The guidance set out in ‘*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*’ (2018) issued by the Department of Housing, Planning and Local Government,

b) The guidance set out in the “*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*”, issued by the Department of the Environment, Heritage and Local Government (2003),

c) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and

- d) the nature and scale of the proposed development, which is below 50% of the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- e) the location of the site on lands within the existing 'Rural Village' boundary and which are on zoned lands in the Fingal Development Plan, 2017-2023,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The greenfield nature of the site and pattern of development in surrounding area,
- e) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- f) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction and Demolition Management Plan (CMP), the Construction and Demolition Waste Management Plan, the operational waste management plan, the NIS and the Flood Risk Assessment

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.