



An
Bord
Pleanála

Inspector's Report

ABP-315288-22

Development	432 no. dwellings. (93 no. apartments, 126 no. duplexes and 213 no. houses) and all associated site works.
Location	Ballymastone, Donabate, Co. Dublin. (www.ballymastoneLRD1.ie)
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	LRD0008/22-S3
Applicant(s)	Glenveagh Living Limited
Type of Application	Permission for Large Scale Residential Development
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Donabate Portrane Community Council (2) The Links Residents Association
Observer(s)	Birdwatch Ireland

Date of Site Inspection

04th March 2023

Inspector

Colin McBride

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Opinion	6
4.0 Planning Authority Decision	8
5.0 Planning History.....	10
6.0 Policy Context.....	12
7.0 The Appeal	18
8.0 Assessment.....	23
9.0 Environmental Impact Assessment.....	48
10.0 Appropriate Assessment	72
11.0 Recommendation	92
12.0 Reasons and Considerations	92
13.0 Conditions	96

1.0 Site Location and Description

1.1. The subject lands comprise approximately 15.02 ha, located at Ballymastone, Donabate. The site is located to the east of Donabate. The lands which are irregular in configuration comprise greenfield lands which are located on the western and eastern side of the R126/Donabate Distributor Road. The site is split into a number of fields and levels on site are flat. There is an attenuation pond located along the western side of the R126/DDR on the application site. Lands to the south of the site are currently being developed for housing. Lands to the north are undeveloped greenfield lands, to the west and north west is existing housing development within Donabate (The Spires and The Links). A portion of the site is located to east of the R126 with the majority of the site on the western side. Lands adjoining the eastern portion are greenfield lands to the north and south (agricultural to the north and a football pitch to the south) and an existing golf course to the east (Donabate Golf Club).

2.0 Proposed Development

- 2.1. The proposed development comprises of a 10 year permission for a Large Scale Housing Development at Ballymastone, Donabate, Co. Dublin. The proposed development consist of 432 no. residential units comprising 93 no. apartment units (42 no. one bed units, 41 no. two-bed units and 10 no. three-bed units), 126 no. duplex units (2 to 3 storeys, 10 no. one-bed units, 55 no. two-bed units and 61 no. three-bed units) and 213 no. houses (75 no. two-bed units, 130 no. three-bed units and 8 no. four-bed units) ranging in height from two to six storeys.
- 2.2 The proposed development will also provide for 1 no. crèche facility (909sqm) including a c.430sqm outdoor play area. The development provides for 15.6% public open space of the net site area comprising two small parks and two pocket parks with a total area of c. 15,417sqm.
- 2.3 A total of 544 no. car parking spaces are provided (in-curtilage for houses and a mix of on-street and communal courtyard parking areas for apartments/duplexes and

visitor parking), 10 no. spaces for the crèche. 791 no. cycle parking spaces are provided (717 no. long stay/resident spaces and 74 no. short stay/visitor spaces at surface level) and 40 no. bicycle parking spaces for the crèche.

2.4 Vehicular access from New Road via the Donabate Distributor Road, Portrane Road via The Links Road and directly from the Donabate Distributor Road as well a pedestrian links to all surrounding access points. Upgrade of the existing junction at the Portrane Road/The Links Rd is included for. An east-west pedestrian cycle route is proposed, with associated landscaping, connecting the Donabate Distributor Road to the Links Road to the north of the site. The site also connects via the Donabte Distributor Road to the proposed Ballymastone Recreation Hub. The development includes for the proposed alterations of the permitted routing of the connection from New Road to the Links Road within the site boundary, as permitted under F17A/0373 (PL06F.249206).

2.5 The proposed development includes all enabling and development works. Landscaping works, PV panels, bin stores, plant, boundary treatments, ESB substations, lighting, servicing, signage, surface water attenuation facilities and associated and ancillary works, including site development works above and below ground.

Table 1: Key Figures

Gross Site Area	15.02 hectares
Net Site Area	9.09 hectares
Site Coverage	34% (net developable area)
Plot Ratio	0.14 (gross site area) 0.22 (net site area)
No. of Houses	213
No. of Apartments	93
No. of Duplexes	126
Total	432
Commercial/childcare	Crcehe 909 sq m
Density – Total Site Area	43.6 units per hectare (net density)
Public Open Space Provision	1.154 hectares

Communal Open Space	0.345 hectares
Car Parking – Apartments/ Residents Crèche/Office/Retail	544 10
Total	554
Bicycle Parking	831 (791 residential, 40 crèche)

Table 2: Unit Mix

	Bedrooms				Total
	1 Bed	2 Bed	3 Bed	4 Bed	
Apartments	42	41	10		93
Duplex	10	55	61		126
Dwellings		75	130	8	213
Total	52 – 12%	171– 39.5%	201 – 46.5%	8 – 2%	432

3.0 Planning Authority Opinion

3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on 05th April 2022. The record of that meeting is attached to the current file.

3.2. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted constitute a reasonable basis one which to make an application. Pursuant to Article 16A(7) of the Planning and development regulations (as amended), the applicant was noted that in addition to the requirements as specified in Articles 20A, 22 and 23 the follow specific information should be submitted with any application for permission.

- A justification for the height proposed having regard to planning policy.
- Justification of visual impact in the context of the residential of future occupants with a number of examples cited relating to scale of development, quality of balconies, boundary treatments, private/semi/private amenity space, separation distances, open space provision.

- Provision of an educational audit considering childcare and school demand.
- Provision of a phasing plan.
- Demonstration of maximum surveillance of proposed pedestrian/cycling paths.
- Submission of Housing Quality Assessment demonstrating compliance with the Apartment Guidelines.
- Proposal to address transportation requirements including bicycle parking, clarification of proposal for existing Links Road, full details of cycling infrastructure, delivery and treatment of east-west pedestrian/cycle path being delivered in Phase 1, appropriate cross sections and details in relation to roads, draining footpaths, cycleways, raised tables/crossings, a taking in charge drawing, swept path analysis, Road safety Audit (1 and 2).
- Provide comprehensive justification for proposal to address surface water treatment with the Local Authority favouring green/blue drainage infrastructure with the proposal reliant on pipes and tanks.
- Consideration of the Parks and Infrastructure requirements including provision of class 1 Open Space or a financial contribution in lieu, enhanced surveillance of open space, delivery of Baile Uisce Park open space in the first phase, tree retention proposals/tree protection plan, clarification of level of pruning of hedgerows, provision of level open spaces, omission of hillocks from public open spaces, clearly defined boundary treatment on landscape plans, tree planting plan and tree protection measures for new planting, clarification of shortfall of play provision, details of play spaces, compliance with Fingal's play policy, provision of an ecology survey and a taking in charge drawing.
- Location mapping of archaeological sites, examination of desktop sources, analysis of potential proposed buffer zones and impact on landscape plans and a detailed assessment of the impacts of the development on cultural, and architectural heritage.
- Provision of a site specific management plan for communal and public space.

- Provision of a Construction Waste Management Plan, Construction and Environmental Management Plan and an Operational Management Plan.

4.0 **Planning Authority Decision**

4.1 **Decision**

Permission granted subject to 35 conditions. Of note are the following conditions...

Condition no. 2: Permission is for a 5 year period.

Condition no. 3: Revisions to design of Blocks BA01, BA02, BZ21, BZ22 and BZ08 including revisions to balconies, external finishes, roof profiles and provision of obscure glazing.

Condition no. 6: Restriction of all units to first occupation by individual purchasers.

Condition no. 8: Archaeological monitoring.

Condition no. 12: Submission of a Site Badger Conservation Management Plan required.

Condition no. 13: Provision of 50% of Baile Uisce Park from phase 1B shall be provide with Phase 1A.

Condition no. 18: Crèche to be operational and playground completed prior to occupation of the 76th residential unit on site.

Condition no. 19: Transport section requirements including a number of design details to be agreed.

Condition no. 21: Provision of a piece of public art or sculpture.

Condition no. 27: Development not be gated.

Condition no. 29: Noise and vibration condition.

Condition no. 34: Development contribution in lieu of open space.

4.2 **Planning Authority Reports**

4.2.1 **Planning Report**

The report reviews the characteristics of the site and the proposed development and various national policies and provisions of the development plan. In relation to phasing it is considered appropriate to limit permission to 5 years despite the request for a 10 year permission. The density proposed and unit mix is considered satisfactory and in compliance with national policies. The design and scale of the development is considered acceptable subject to some revisions to the six-storey apartment blocks and a number of the duplex blocks. Level of public open space is considered acceptable subject to a contribution in lieu of shortfall and a condition requiring provision of 50% of Baile Uisce Park in phase 1A. There is a shortfall of play space by 780sqm such should be provided or a contribution lieu provided. The proposal was considered acceptable in terms of impact on adjoining residential amenities. The proposal is considered acceptable in terms of traffic impact, access arrangements, car parking and bicycle parking. The application site is within Flood Zone C with no concern regarding flood risk. The proposal was deemed acceptable in the context of foul drainage and surface water drainage. A grant of permission was recommended subject to the conditions outlined above.

4.2.2 Other Technical Reports

Property Services Division, Economic, Enterprise, Tourism & Cultural Development department: No comment just a description of development proposed.

Executive Scientists: Requires condition providing a Construction and Demolition Resource Management Plan.

Transport Planning Section: No objection subject to conditions relating to final design details of a number of elements, provision of a finalised Construction Stage Traffic Management Plan and Road Safety Audits.

Water Services Department: No objection subject to conditions.

Parks and Green Infrastructure Division: No objection subject to conditions including tree protection measures, amendments to landscaping proposals, contribution in lieu of open space shortfall, provision of 50% of open space area in phase 1B with Phase 1A, provision of play space shortfall or a contribution in lieu and provision of taking-in-charge drawing.

Archaeological Report: No objection subject to conditions including archaeological monitoring under license.

4.3 Prescribed Bodies

4.3.1 Department of Housing, Local Government and Heritage: The provision of residential development provided for by the Donabate LAP in the context of the provision of greenway/pedestrian infrastructure designed to minimise impact of increase population and subsequent disturbance qualifying interest of designated European sites in close proximity is stated. In undertaking AA consideration should be given to the potential adverse of the development in combination with other developments in terms of increased population and its disturbance of qualifying interests of designated sites in close proximity (Rogerstown Estuary). In the event of a grant or permission conditions are required including provision of a Construction Environmental Management Plan, a lighting scheme to minimise light spill and a badger Conservation Management Plan.

4.4 Third Party Observations

4.4.1 Submissions to the planning authority on the application raised issues similar to those raised in the subsequent third party appeal and observations to the board.

5.0 **Planning History**

None on the application site.

On adjoining lands...

ABP-314643-22: Fire Safety Certificate for construction of a new duplex over duplex building. Pending decision.

ABP-313192-22: Permission sought for 154 no. apartment and duplex units. This application is on a site to the south at the junction of New Road and the R126. Application withdrawn.

ABP-311447-21 (F20A/0510): Permission granted for 36 houses and 28 apartments and associated site development works. Temporary permission (5 years) for the erection of 3 advertising signs on a site to the south at the junction of New Road and the R126. Granted February 2022.

PL06F.249260 (F17A/0373): Permission granted for a residential development of 151 no. residential units and associated site works on a site. Granted February 2018.

ABP-311059-21: Permission granted for 1,365 no. units (346 no. houses, 1,019 no. apartments), crèche and associated site works on a site to the south west on the southern side of New Road. Granted November 2022.

PARTXI/004/21: Part XI development approved for Ballymastone Recreational Hub Development projects which provides for sporting and recreational facilities including an athletics track, grass soccer pitch, all-weather GAA pitch, playground/skate park, two all-weather soccer pitches and walking and cycling infrastructure on a site to the east on the opposite side of the R126. Granted September 2021.

6.0 Policy Context

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2 Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)

6.2.1 The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

6.2.2 Donabate is recognised as a strategic development area. Table 5.1 ‘Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing’ identifies Donabate as having significant residential capacity, in a strategically located rapidly growing coastal village.

6.2.3 Table 7.1 ‘Strategic Natural, Cultural and Green Infrastructure Assets in the Region’ identifies Donabate as a maritime town and beach. RPO 7.22 – Green Infrastructure requires the identification, protection, enhancement and management of green infrastructure through development and local area plans.

Other policies include:

- 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.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.
- RPO 4.3 -Consolidation and Re-Intensification- seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 4.3 – Dublin City and Suburbs, Consolidation and Re-intensification- Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

- The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.
- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.
- Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student housing, smaller units, shared living schemes and flexible designs that are adaptive for people’s full life cycle to meet their housing needs today and into the future.

6.3 Local Policy

6.3.1 Development Plan

The relevant development plan is the Fingal County Development Plan 2017-2023 and the site is located within the area subject to the Donabate Local Area Plan 2016. The site is zoned RA residential Area with a stated objective to ‘provide for new residential communities subject to the provision of the necessary social and physical infrastructure’.

6.3.2 Variation no.2 of the Development Plan outlines that in the period 2016-2019 2,170 units have been constructed in Fingal in locations including Donabate. Donabate is identified as a Self-Sustaining Growth Town, with a development strategy to promote the creation of a vibrant town core by providing a high-quality living environment for the existing and future population and providing for the development of necessary community, commercial, cultural and social facilities in tandem with new residential development and accordingly a 10% increase in population is appropriate. Table 2.4 ‘Total Residential Capacity provided under the Fingal Development Plan 2017-2023, updated as of September 2019’ identifies remaining capacity in Donabate of 101ha equating to 3,532 remaining residential units.

6.3.3 Objective SS17 – states that the development and growth of Donabate should be managed in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.

6.3.4 Variation no.2 also states the following in relation to Donabate: is also identified on the North – South Strategic Corridor (DART expansion) in the RSES. The DART Expansion Programme, to be delivered by 2027 will increase capacity on the northern commuter line and support ongoing urban expansion of Donabate. The Donabate Peninsula enjoys many natural areas including the Rogerstown and Malahide Estuaries, European Sites which form part of the Natura 2000 network. In addition, there is Newbridge Demesne and The Square ACA. While Donabate has experienced substantial housing development in recent years, there remains extensive areas of undeveloped residential zoned lands. Donabate is envisaged as performing a strong role for continuing future growth as a well served commuter location.

6.3.5 General objectives regarding the settlement strategy are set out in the plan including SS01 to “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 hinterland to towns and villages, as advocated by national and regional planning guidance”, SS02 is to “Ensure that all proposals for residential development accord with the County’s Settlement Strategy and are consistent with Fingal’s identified hierarchy of settlement centres” and SS15 to “ Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services”.

6.3.6 Chapter 4 of the plan refers to urban Fingal. It includes specific Development Plan Objectives for Donabate relating to connectivity, education, social and community

infrastructure. DONABATE 9 ‘Prepare an Urban Framework Plan for Donabate (including a Public Realm and Integrated Traffic Management Strategy) to guide and inform future development, to include measures to improve and promote the public realm of the village.’

6.3.7 Other objectives of the plan are PM33 “Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages”.

6.3.8 Objective NH09 – maintenance of favourable conservation status for the habitats and species in Fingal to which the Habitats Directive applies. Objective NH27 is to protect existing woodlands, trees and hedgerows, Objectives NH33, NH34 and NH36 – concerning the preservation of unique landscape character and ensuring new development does not impinge of the character integrity and distinctiveness of highly sensitive areas, Objective NH40 – to protect views and prospects. Objectives NH51 and NH52 related to the protection of High Amenity areas from inappropriate development and retention of important features or characteristics. Objective DMS57, DMS57A and DMS57B – minimum of 10% of site area to be designated as public open space. Objective GI34 – integration of archaeological and architectural heritage into new developments. Objective GI36 – ensure green infrastructure responds and reflects landscape character including historic landscape character. Donabate is identified as a low lying character type.

6.3.9 Objectives CH20, CH21, CH25 and CH46 refer to the protection of protected structures and their setting, curtilage, and designed landscapes in any development proposal.

6.3.10 Objective DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

(B.R.209, 2011) and B.S. 8206 Lighting Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

6.3.11 Objective PM42 in Variation no.2: Implement the policies and objectives of the Minister in respect of Urban Development and Building Heights Guidelines (December 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued under section 28 of the Planning and Development Act, as amended. Objective PM43 regard to 'Sustainable Urban Housing: Design Standards for New Apartments' (2007) (or any update or revision of these standards) when assessing apartment developments.

6.3.12 Objective PM64 Protect, preserve and ensure the effective management of trees and groups of trees.

6.4 Donabate Local Area Plan 2016 – 2022

6.4.1 Strategic aims of the LAP include:

- Provide a framework for a growing population with phased development of new housing in tandem with supporting community and physical infrastructure.
- Provide infrastructural investment to address traffic, pedestrian safety and movement challenges including the early delivery of a new road & bridge providing an alternative access to Donabate and Portrane.

6.4.2 The site is part of lands at Ballymastone comprise part of one of four residentially zoned (RA) development areas in the LAP. At an approx. density of 35 units per hectare the LAP lands have an overall capacity to accommodate approx. 4,000 units.

6.4.3 Section 8, Urban Design Framework, sets out specific provisions for the development of these lands. The site is made up of part of Spires East (Phase 2) and Ballymastone (Phase 3). Spires east and Ballymastone land have the potential to provide approximately 1,200 units (300 Spires East and 900 Ballymastone). Table

9.1 sets out the site specific infrastructural requirements for each of the three phases.

6.4.4 Objective 6.16 'Prepare an Urban Development Framework Plan for Donabate (including a Public Realm and Integrated Traffic Management Strategy) to guide and inform future development, to include measures to improve and promote the public realm of the Village.'

6.4.5 Figure 8.3 shows an indicate school site (primary school) location on the site within the portion of lands defined as Spires East.

6.5 Natural Heritage Designations

Rogerstown Estuary SAC (site code 000208) c.1km to the north

Malahide Estuary SAC (site code 000205) c.1.2km to the south

Rogerstown Estuary SPA (site code 004015) c.1km to the north

Malahide Estuary SPA (site code 004025) c.1.2km to the south

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A third part appeal has been lodged by Donabate Portrane Community Council. The grounds of appeal are as follows...

- Material contravention of population targets for Donabte with specific reference to Objective SS17. The population increase related to the proposed development in conjunction recent permissions would increase the population of Donabte in excess of the 10% envisaged in variation no. 2 of the CDP.
- The appellants state that the proposal would constitute a material contravention of the County Development Plan, which has already been varied to make it consistent with the NPF and RSES.

- Excessive density of development. Such should not be based on location relative to the train station but also based on capacity of public transport infrastructure. There is a lack of capacity within existing public transport infrastructure. The appellant refers to Ballyboden Tidy Towns Group v An Bord Pleanala (2020/816JR) in this regard.
- The proposal would materially contravene Objective SS17 of the CDP and Section 9 of the Local Area Plan in which phasing of development is linked to the overall strategy for the LAP. The LAP includes phasing proposals under Table 9.1 and the qualifying infrastructure is not in place for Phase 2 or 3 and would material contravene Objective SS17 and the LAP.
- The proposal material contravenes Objective 3 of the LAP in the failure to provide for a school and the appropriate assessment of capacity.
- Material contravention of Objective 9 of the LAP in that an Urban Framework Plan has not been prepared with development of this scale premature pending such.
- The location of the six-storey structure is criticised with no urban design basis for such and their location a significant distance from the rails station noted. Location of six-storey close to DDR provides for an unintegrated form of development.
- Inadequate level of public open space in terms of requirement for 2.5 hectares per 1000 population, which would be a material contravention of the CDP. The appellant is critical of the integration of the public open space in terms of its location to the rear of dwellings and adjoining existing dwellings.
- Inadequate assessment in terms of EIAR with particular regard to cumulative impact of the proposal.
- Flood impact with concerns regarding the water table and capacity of the site to absorb surface water in relation to level of hardstanding and whether attenuation measures are sufficient.

7.1.2 A third party appeal has been lodged by The Links Residents Association. The grounds of appeal are as follows...

- Project splitting in the context of EIAR with the development part of a larger development site. Traffic survey details do not take account of the Links/Portrane Junction or the cumulative impact or the permitted SHD development at Corballis East (ABP-311059), impact of the link road from the New Road to Potrane Road and use of survey data carried out in Covid times when traffic levels were lower.
- The appeal submission refers to Ballyboden Tidy Towns Group v An Bord Pleanala (2020/816JR) as a relevant judgement in this case.
- Excessive height and density with concern regarding three-storey duplex units adjoining existing housing at The Links. Six-storey development is more suited to town centre and will have an adverse impact on the character and visual impact. The density is a material contravention of the CDP and Donabate LAP which indicate an average density of 35 units per hectares.
- The location of Pocket Park 1 is criticised in the context of Objective DM66 of the CDP and should be located more centrally.
- Public transport capacity has not been adequately addressed with the appellants' referring to Ballyboden Tidy Towns Group v An Bord Pleanala (2020/816JR) in this regard.
- The impact of the Link Road on the Links housing development is not taken account in the traffic assessment, that this road is unnecessary and raises safety concerns, noise impact and encourage car use which is contrary national policy.
- The appellants refers to the comments of the Dept of Housing, Local Government and Heritage and note that the proposal is premature pending rollout of the greenway network for Donabate Portrane.

7.2 Planning Authority Response

- 7.2.1 The planning authority requests that the board uphold its decision. If it intends to grant permission, conditions should be attached requiring a tree bond, bond/cash

security, a special development contribution in lieu of open space shortfall and a section 48 development contribution.

7.3 Applicant Response

7.3.1. A response has been received from the applicants, Gleanveagh Living Limited to the issue raised in the third party appeals. .

- The responses states that variation no. 2 and the core strategy sets out specific residential unit capacity targets and that taking into account extant permission there is no exceedance of core strategy figures.
- The density proposed is designed to reflect the site size and proximity to the train station and the density proposed is in compliance with Guidelines for Planning Authorities on Sustainable Residential Density
- In relation to school provision it is noted that the Ballymastone Framework Plan was completed by the Council and such identifies the provision of three schools which are to be part of Education and Recreational Hub and differs from the LAP. No school is provided on the southern portion of the site.
- The height strategy on site is dictated by the fact that adjoining existing residential development the scale has been confined to 2, 2.5 and 3 storeys whereas the higher structures are located along the DDR which will be potentially upgraded to a dual carriageway. The building height strategy is compliant with the LAP, the Ballymastone Framework Plan and national policy but do not invoke SPPR3 to justify the proposed heights.
- The provision of public open space is 1.54 hectares, which is in excess of 15% of the site area. The space is classified as Class 2 open space. It is noted that the site is accessible to the recreational hub, which provides an extensive level of Class 1 open space. The appellant notes the Planning Authority attached a condition requiring a financial contribution in lieu of open space and such is allowed for under Development Plan policy.
- In relation to flooding a Site Specific Flood Risk Assessment was carried out and concluded that flood risk is not an issue of concern.

- The Traffic and Transport Assessment is sufficient to assess traffic impact of the proposals. The Links Road is an existing road, which already has permission to be extended and with the proposal providing for improvements in line with DMURS. This road has adequate capacity to cater for existing and proposed traffic.
- The design and scale of structure have adequate regard to the amenities of adjoining properties in terms of separation distances, daylight and sunlight privacy. Pocket Park 1 is sufficiently overlooked by units with the proposed development and its location and layout is in keeping with development plan policy, it provides for landscaped play area and has pedestrian connection to the Links.

7.4 Observations

7.4.1 A submission has been received from Birdwatch Ireland.

Proximity to Rogerstown Estuary SPA and Malahide Estuary SPA is indicated with concerns about potential disturbance of avian conservation interests due increased population/use of the coastline recreation. The NIS is inadequate in assessing the risk of such. The use of proposed infrastructure such as a designated path or walkway as mitigation measure is inappropriate as there is a lack of guarantee such will be implemented. The submission urges refusal on the basis of being premature. The submission also raises concerns regarding impact on red listed species urging provision of compensatory habitat, condition requiring an ornithologist to be engaged during construction and preservation of hedgerows classified as of high or moderate significance.

7.5 Further Responses

7.5.1 No further responses.

8.0 Assessment

8.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Principle of Development
- Core Strategy/Population Growth
- Density
- Height/Urban Design
- Compliance with Donabate Local Area Plan Phasing/Sequencing
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Capacity, Public Transport/Social infrastructure
- Other

8.2 Principle of the proposed development:

8.2.1 Permission is sought for the construction of 432 no. residential unit on a site at Ballymastone, Donabate, Co. Dublin. The appeal site is located within the development envelope defined by the Donabate Local Area Plan 2016. The site is zoned RA Residential Area with a stated objective to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. Both residential and childcare uses are both indicated as being 'permitted in principle' under Chapter 11 of the County Development Plan in relation to land use objectives. The proposed development is compliant with the land use zoning objective for the site and the principle of the proposed development is acceptable.

8.3 Core Strategy/Population Growth:

8.3.1 The third party appeals raise concerns about the level of population growth provided for in the proposed development in the context of the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly (RSES), Variation no. 2 of the and Objective SS17 County Development Plan. Objective SS17 is to ‘manage the development and growth of Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites’.

8.3.2 Regional Planning Policy in the Eastern and Midlands RSES identifies Donabate as a strategic development area with significant residential capacity, and as being a strategically located rapidly growing coastal village. Variation no.2 of the Fingal County Council Development Plan 2017-2023 identifies Donabate as a Self-Sustaining Growth Town with an appropriate population growth rate of 10%. Remaining capacity for 3,532 residential units is identified in Table 2.4 of Variation no.2 for Donabate. Page 58 of Variation no.2 also states that *‘Donabate, on the edge of the Metropolitan Area, is identified as a Self Sustaining Growth Town which will act as a district growth centre with high quality linkages and increased densities at nodes on public transport corridors.’* The Donabate Local Area Plan identifies an approximate unit number of 1,200 for the Spires East (300) and Ballymastone Area (900) of which the site includes a portion of each. Section 9 of the LAP describes the phasing and implementation of development, with Spires East in phase 2 and Ballymastone in Phase 3. The level of housing development proposed is compliant with the core strategy set out under the County Development Plan.

8.3.3 In terms of national and regional planning policy, this encourages the consolidation of housing growth in appropriate urban centres well served by public transport and employment opportunities. In recognition of a current lack of housing supply, the focus is on the compact growth of appropriate locations, instead of continued urban sprawl that encourages inefficient use of land and unsustainable living. The application site is part of larger landholding with the application site representing phase 1 of three phases. A masterplan for the entire landholding is outlined in the Architectural Design Statement accompanying the application and provides for c.

1202 units including the 432 proposed in this application. In relation to the LAP, the current application and masterplan for the larger landholding the site is taken from would accord with the number of units described in section 9 in relation to development sequencing and phasing.

8.3.4 The appeal submissions are advocating the approach that no additional housing development should be permitted within Donabate at the current time and that population increase above the 10% growth rate is inappropriate. I would consider that this limited approach to housing capacity in suitable locations would be contrary to the overarching approach described national policy and guidance. The application site is in an existing residential settlement area and walking distance of the town centre, rail infrastructure and future recreational and educational facilities. In this regard there is no reason to reject the application in principle, on the basis of the exceedance or potential exceedance in residential capacity. I also note that the location of the site proximate (walking distance) to public transport infrastructure (rail and bus), makes the site a sustainable location for increased densities as highlighted in Variation no.2 of the Development Plan. In my opinion, a qualitative assessment is required first in relation to the suitability of the proposed density for the site and whether such an exceedance is justified with reference to the national and regional planning policy approach. I set out this qualitative assessment below and throughout my report.

8.4 Density:

8.4.1 The third party appeal states that density proposed is excessive and is contrary the density identified under the Donabate Local Area Plan. In relation to the proposed density, the Development Plan states that *“In determining densities, regard should be given to Sustainable Residential Development in Urban Areas (2009) and its companion document Urban Design Manual. The Council promotes higher densities at suitable locations such as along public transport corridors and in main town centres”* (page 71) and Objective PM41 encourages increased densities at appropriate locations. Page 257 of the Development Plan also states that in relation to rail infrastructure, high-density development is required within the catchment of stations in order to obtain the high passenger numbers required to make it viable and

sustainable. The Donabate LAP also refers to the Sustainable Residential Development in Urban Areas guidance in relation to appropriate densities, reflecting the guidance that densities in the range of 35-50 dwellings per hectare are appropriate in 'Outer Suburban / Greenfield Sites'. A general overall density of 35 dwellings per hectare is targeted for LAP lands.

8.4.2 In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' (Building Height Guidelines), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Sustainable Residential Development Guidelines) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.

8.4.3 The subject site is situated a short walking distance to Donabate rail station providing commuter services with most of the residential units being within 1km of the rail station. The site is also a short walking distance to, the zoned town/district centre areas for Donabate with access to the range of commercial, social and amenity infrastructure there. It could be reasonably justified that the application site/a portion of such could be classified as an 'Intermediate Urban Location' under the Apartment Guidelines. These include areas within walking distance of principle town or suburban centres (up to 10 mins) and/or walking distance (10-15 mins) of high-capacity urban public transport stops such as commuter rail services. These locations are stated to be generally suitable for smaller-scale, higher density development that may comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent, with densities broadly in excess of 45 dwellings per hectare. The proposed development

has a net density of 43.6 units per hectare. The development is split into two with Planning Zone 2 on the western side of the R126 and Planning Zone 1 on the eastern side. The net density of the Planning Zone 2, which is within 1km of the railway station is 45 uph with the net density of Planning Zone 1 being 41 uph.

8.4.4 The Planning Authority have defined the application site as an 'Outer Suburban / Greenfield Site', as described in the Sustainable Residential Development in Urban Areas Planning Guidelines, and this is also reflected in the classification described in the Donabate LAP. The Guidelines define such sites as being on open lands on the periphery of cities or larger towns, whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities, schools, shops, employment and community facilities. Densities in the range of 35-50 units per a hectare are considered appropriate for such areas.

8.4.5 I have had regard to the Sustainable Residential Development in Urban Areas Planning Guidelines and Circular NRUP 02/2021, and consider that classification of the site as wholly 'Outer Suburban / Greenfield Site' is not correct. I would consider subject site can also be considered under the 'Public transport corridor' and 'Inner Suburban / Infill' classifications due to proximity of the site to the railway station. A significant portion of the development (Planning Zone 2) is within 1km of the train station. The Guidelines state that sites within 1km of a rail station may be considered to be walking distance to a public transport node. In addition, the residential development portion of the site is situated on the edge of the existing residential settlement for Donabate and within its Development Boundary as defined on the zoning map. The Guidelines distinguish sites within inner suburban areas of towns, proximate to existing public transport corridors that can utilise existing social and physical infrastructure. In such locations, the guidelines would encourage minimum densities of not less than 50 units per hectare. The net density of development on Planning Zone 2 is 45 uph with the development having an overall net density of 43.6 uph. Even in the event that the entire site is considered as Outer Suburban/Greenfield Site the net density proposed is within the range indicated as being appropriate.

8.4.6 In the context of the LAP policy and the level of new residential, and the phasing of sequencing of such, the site is part of The Spires East and Ballymastone areas identified on Figure 9.1 of the LAP. These two areas are identified as facilitating c. 1200 residential units. The application site is part of both areas, with the applicants having control over the entirety of lands that make up Spires East and Ballymastone. The Architectural Design Statement includes a masterplan for the entire lands with the proposed development being Phase 1 of 3. The masterplan provides for c. 1202 units with an indicative layout and the proposal in this case providing for 432 units. I would be of the view that the density levels proposed are in line with those advocated under the Donabate Local Area Plan.

8.4.7 The zoning and characteristics of the portion of the site proposed for residential development, all support a classification under the Guidelines that would encourage increased densities in my view, and not clearly reflective of an Outer Suburban / Greenfield Site. Notwithstanding such I would consider that the density proposed is acceptable in the context of both local planning policy and national policy and would in no way be excessive in level with scope to permit a higher density on part of the site within 1km of the rail station.

8.5 Height/Urban Design

8.5.1 Both third party appeal raise concerns regarding the height of structures with the provision of up to six-storey structures stated as being inappropriate with there being no urban design basis for such. The third party appellants are also critical of the provision three-storey structures adjoining existing residential development (the Links). The overall development provides for a mix of building heights with a mixture of units ranging from two-storey dwellings (terraced), 2.5 storey dwellings (terraced), three-storey duplex blocks and 2 no. part four, five and six-storey apartment blocks. The layout provides for buildings of height over two-storeys mainly in two areas, the main open space area of Planning Zone 2 and along the R126/DDR. There are to be three storey duplex blocks proposed overlooking the main area of open space (4 no. blocks with 2 each on eastern and western side) in Planning Zone 2 (west of the

R126) and the 2 no. six-storey blocks are proposed along the R126/DDR (western side). In Planning Zone 1 (east of the R126/DDR) it is proposed to construct 6 no. three-storey duplex blocks on the eastern side of the R126/DDR. The logic for the layout and location of the development with height over two-storeys appears to be to have regard to existing development on adjoining sites, which is two-storeys in nature, provide a well-defined urban edge along the main area of open space and along the R126/DDR. There are other structures of 2.5 storeys and three storeys distributed through the site with 2 no. three-storey duplex blocks in Planning Zone 2 adjoining existing development within the Links housing development to the north of the site (BZ08 Units 351-354 and BZ08 Units 383-386) and 2.5 storey units adjoining existing two-storey development in the Spires.

8.5.2 The applicant in response to the appeal states that the proposal is compliant with Development Plan policy, the Donabate Local Area Plan and the Ballymastone framework plan (prepared in 2018) and that they are not relying on SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities in terms of height strategy. There are no specific height restrictions under the Fingal County Development Plan with development to be assessed on its merits. In relation to Building Height the Donabate LAP has a section on Building Height, 8.3.1 under which it is stated that “building heights will be predominantly two storeys with opportunities for increased heights at specific locations. There may also be opportunities for accommodation at attic level in new residential dwellings, subject to design. Increased heights may be appropriate at locations where higher buildings would make a contribution to the streetscape or would provide overlooking of open space/ recreation areas”. This section does indicate that visual impact in the context of proximity to Malahide and Rogerstown Estuaries is a factor in terms of building height and such is dealt with under the later section regarding visual impact and the Landscape and Visual Impact Assessment as part of the EIAR.

8.5.3 The overall design and layout is compliant with LAP policy with the majority of the development being two-storeys in height, with in some case the provision of 2.5 storeys with accommodation in the attic. There is provision for three-storeys and higher with these concentrated overlooking and defining open spaces and providing

a strong urban edge along the R126/DDR. I am satisfied that the height strategy on site is compliant with planning policy, provides for variation in a form that contributes towards urban design/place making and that increased height in some circumstances facilitates the provision of a variation of units and appropriate densities to comply with the objective of the National Planning Framework. I would be of the view that provision of up to six-storey structures along the R126/DDR is reasonable and would serve to provide an urban edge along a major transport corridor. This is appropriate in terms of urban design in addition promoting slower traffic speeds due to the provision of built up development along such routes. I would consider that the principle of the height proposed and the layout of such is acceptable and would refer to the later section regarding visual impact Landscape and Visual Impact section of the EIAR to address the overall visual impact of the development.

8.6 Compliance with Donabate Local Area Plan Phasing/Sequencing

8.6.1 The third party appeal raise concerns regarding compliance with the Donabate LAP in terms of phasing sequencing. As stated earlier the application site is part of a two larger areas designated for new housing that will cater for approximately 1200 residential units (Spires East and Ballymastone). The application site is part of a larger landholding that encompasses the entirety of these lands and the applicant has provided masterplan for the development of the application site and the remainder of the site (approximately 1202 residential units). Section 9.1 sets out Housing & Infrastructural Phasing for each of the new residential areas including Spires East and Ballymastone.

Spires East

- A new pedestrian & cycleway connection from Spires East to existing open space in The Links estate shall be provided in tandem with residential development.
- A local road to connect 'The Links' south to Balcarrick Road shall be constructed in tandem with residential development.
- Provide SUDS measures as per the 'SUDS Strategy for the Donabate LAP 2016-2022'

- A walking and cycling route along the Malahide Estuary (part of the Fingal Coastal Way) shall be provided.

Ballymastone

- Prepare a Masterplan for 'Ballymastone Educational and Recreational Campus', to facilitate the development of community, education (primary and post primary school sites), recreation and sporting facilities at Ballymastone, including a youth activity space for the Donabate Peninsula, as required.
- Provide a local road to connect 'The Links' east to the proposed Ballymastone Education & Recreation Campus – Ballymastone Campus Link Road, in tandem with development at Ballymastone LAP lands.
- Provide the pedestrian / cycleway connection from Ballymastone to St Ita's to complete part of the Rahillion Loop and Fingal Coastal Way, in tandem with development at Ballymastone LAP lands.

8.6.2 In terms of compliance with the phasing and infrastructural requirements, the proposal provides for three out of the four elements for Spires east with provision of walking and cycling route along Malahide estuary the one element that the applicant has no control over its implementation or delivery. In relation to Ballymastone most elements are either being provided by the applicants (provision road connection to education and recreation campus and masterplan is in place for recreation and educational campus) with one element lacking, of provision pedestrian / cycleway connection from Ballymastone to St Ita's, which is also an element that the applicant has no control over its implementation or delivery.

8.6.3 I would be of the view that the infrastructural elements that are not being provided in tandem with the proposal are the provision of pedestrian routes outside of the application site and associated landholding and the applicant has no control or ability to provide such. Having regard to national policy encouraging the provision of new housing in appropriate locations I would consider that the refusing permission on the basis of infrastructural provision is inappropriate and that the level of infrastructure being provided in tandem with the proposed development is sufficient.

8.6.4 The lack of provision for a school within the development site is noted in the appeal submissions with a map objective for a primary school within the site boundary and a primary school and secondary school as part of the recreational and educational hub. The Ballymastone Framework Plan prepared by Fingal County Council in conjunction with Reddy Architecture in 2018 provides for all three schools as part of the recreation and educational hub.

8.6.5 The appeal submissions raise concerns regarding the lack of an Urban Framework Plan as per objectives of the plan (Objective DONABATE 9 CDP and Objective 6.16 LAP). As noted above a framework plan has been prepared for the Ballymastone area and the proposed development and masterplan provided in the Architectural Design Statement has adequate regard to such. I am satisfied that the proposed development general compliant with the objectives of the Donabate Local Area Plan.

8.7 Visual Impact

8.7.1 The overall visual impact of the proposal is raised by the appeal submission with the provision of up to six-storey structures considered inappropriate at this location and concern regarding visual impact from the coastal areas of Donabte Peninsular Area. I would also refer to Section 9.13 of the EIAR assessment below relating to Landscape and Visual Assessment. The application site is part of larger landholding zoned for residential development on the outskirts of Donabate. The site is defined by agricultural lands, which are flat and low lying. The site is adjacent existing residential development (The Spires and The Links) and adjacent permitted residential development currently under construction to the south. The proposed development site is bisected by the R126/DDR.

8.7.2 The application is accompanied by a set of photomontages that illustrate the existing and post development scenario from 22 no. viewpoints in the immediate vicinity and wider area including the town centre and the coastal area. The application site is located within an area classified as Coastal Character Type under the Fingal County Development Plan Landscape Character Assessment (LCA) with this landscape

type categorised as having exceptional landscape value and is listed as being highly sensitive to development.

8.7.3 The Landscape and Visual Impact Assessment (LVIA) as part of the EIAR outlines the impact of the development each viewpoint with the results under Section 13.6.3 and summarised under Table 13.10 of EIAR Chapter 13. The operational impact from eight of the viewpoints (6, 7, 8, 9, 11, 13, 18, 19 and 20) is no change due to distance and intervening structures and vegetation. These viewpoints relate to adjoining housing developments, the town centre and coastal location and in general represent visual impact from the wider area. Seven of the viewpoints are assessed as having a slight impact (2, 3, 5, 12, 15, 16, and 21), one view point is assessed as having no significant impact (17) and one moderate (10). Four viewpoints are assessed as having a significant impact (1, 4, 14 and 22). In terms of cumulative impact the nearest development is the permitted development on the adjoining site to the south under construction (311442). Cumulative impacts from the viewpoints are assessed as ranging from no impact to very significant (neutral or beneficial).

8.7.4 The application site is located within the development envelope of Donabate and is zoned for residential uses. The application site is low lying and flat in terms of topography. The development proposed ranges from two-storey six-storey structures. I am satisfied that the photomontages from the various viewpoints give a realistic impression of the visual impact of the proposed development. The proposed development represents a continuation of residential development on lands zoned for such uses. Existing residential development is two-storey in nature to the west and north and up to four-storeys for the development under construction to the south. The development does include structures over two-storeys and up to six, however such are located in central locations on site and the overall visual impact of these structures are offset by intervening structures including existing adjoining structures and proposed structures on site. The proposed development features a high level of amenity space and infrastructure and a comprehensive landscaping scheme that includes for retention of existing trees on site and additional planting. I am of the view that the overall visual impact of the development can be adequately

absorbed at this location and that the development would not be highly visible in the wider area, with visual impact being mainly a localised impact and not one that is negative. The development is sufficient distance from the coastal areas and any structures of architectural conservation value or amenity areas with the site or proposed development not visible due to the low lying topography of the area, intervening landscape features and structure. I would consider that the development is a continuation of existing urban development at this location and would not have a significant cumulative visual impact in conjunction with permitted and planned developments in the vicinity.

8.8 Residential Amenity – Future Occupants

8.8.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ has been submitted with the application and this provides a detailed breakdown of each of the proposed dwellings and apartment units. For assessment purposes the dwellings are assessed against the standards set out under the Quality Housing Sustainable Communities (Department of the Environment, Heritage and Local Government) with the apartments assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government). In the case of all dwellings such meet the recommended standards in relation to gross floor area, room dimensions, storage provision and private open space.

8.8.2 In case of apartment units, all units exceed the minimum required floor areas, with 257 units (58.41%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

8.8.3 In the case of the apartment units 52.7% (49) are dual aspect units and is in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate location (50% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the ‘Sustainable Urban Housing: Design Standards for

New Apartments Guidelines for Planning Authorities'. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

8.8.4 Amenity Space: All apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth. In the case of dwellings all units provide for the recommended standard of private amenity under Quality Housing Sustainable Communities (QHSC) (307).

8.8.5 The applicant has proposed a total of 1.54 hectares of public open space, which is c. 15% of the site area and is in the form of 2 no. main park areas (one each in Planning Zone 1 and 2) and 2 no. pocket parks (Planning Zone 2). The proposal also entails the provision of communal open space to serve a number of duplex blocks and apartment blocks with the provision of 3,817sqm. The communal open space is accessible to all units its serves and is for the most part only accessible to the units its serves. Development Plan policy under Objective DMS57 is for 2.5 hectares per 100 population (based on 3.5 persons in 3 bed and above units and 1.5 persons in two bed and below units) with lands zoned OS not to be included. This gives a requirement for 2.6650 hectares of public open space. The level of public open space provided is less that Development Plan standards. The applicants have argued that the appeal site is in close proximity to the recreational hub located to the north west of the site and that the proposal entails provision of a pedestrian linkage to such and the recreational hub will provide a significant level of Class 1 open space. It is notable that in granting permission the Planning Authority applied a condition requiring a special development contribution in lieu of provision of public open space.

8.8.6 The recommend standards for communal open space serving apartment units is contained under Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and based on the number of apartment units the target

level of communal open space is 1,571sqm (based on 4 person two bed units). The level of communal open space provided is 3,187sqm and is twice the recommended standard.

8.8.7 The level of public open space is approximately 15% of the site area and despite being lower than development plan standards is sufficient in level to provide for the future amenities. The application site is in close proximity to the proposed recreational hub with good pedestrian linkages to such proposed. In addition development plan policy allows for the application of a special contribution in terms of public open space and the Planning Authority have applied such in this case. I would note the applicant has not appealed the application of this condition. I would recommend that in the event of a grant of permission a special development contribution in this regard is applied and shall be used to improve existing open space/recreational facilities in the area (would suggest it is used for the recreational hub). The assessment of the proposed development by the Planning Authority indicates a shortfall of play space by 780sqm and the Parks Department had recommend a contribution in lieu of such (only one Section 48c contribution was applied in relation open space in the grant of permission). I would be of the view that any contribution towards open space would adequately deal with this issue.

8.8.8 The development is to be constructed in three phases (1A, 1B and 1C). The planning authority considered that the provision of open space in phase 1A is insufficient and have conditioned that 50% of the main open space part of Phase 1B to be provided. I would be of the view that such a condition is unnecessary. The overall design and layout of public open space is satisfactory with a clear hierarchy of amenity space distributed throughout the site, provision of dedicated play space, good quality pedestrian/cyclist connections to such, good levels of surveillance of these areas from units. In addition the level of private amenity space and communal open space (apartments) meet the recommend target values for such. The proposal also entails good connectivity to the recreational hub to the north west for the proposed development, future development of the masterplan lands and linkages to existing housing areas to the west for pedestrians and cyclists, which will provide good access to a high level Class 1 open space in the recreational hub.

8.8.9 Daylight and Sunlight: Daylight and Sunlight: The applicant has engaged the services of IN2 to assess the impact of the development on daylight and sunlight and a 'Sunlight, Daylight Analysis' report has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Fingal County Development Plan 2017-2023

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

8.8.10 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis indicates that of 6 public and communal open space areas tested, all meet the target values with the main areas of public open space yielding 100% of the target value and the lowest level at any of the spaces tested being 88%. The results indicate that well over 50% of the total area of public and communal open the BRE requirement is met and exceeded. The proposed areas of open space will be provided with adequate daylight and sunlight in accordance with the BRE requirements.

8.8.11 Daylight Analysis: The Sunlight and Daylight Analysis report assesses the proposed units (apartments) in terms of both Spatial Daylight Autonomy (SDA) and Annual Daylight Factor (ADF). The results for SDA show that out of 583 rooms including kitchen/living/dining (KLD) and bedrooms, 581 meet the target values with 2 no. ground floor bedrooms marginally below the target value of 50%. In the case of ADF all rooms including KDL and bedrooms meet the target values. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development.

8.9 Residential Amenity – Existing/ Adjacent Residents:

8.9.1 The third party appeal raise concerns about impact on adjoining residential amenities. The issues raised include the location of three-storey duplex units adjacent existing two-storey residential developments with concerns regarding physical impact, overshadowing and privacy. The provision of an open space area to the west of the site adjoining The Links housing development is also raised as a matter of concern.

8.9.2 The portion of the site defined as Planning Zone 2 adjoins existing housing developments in the form of The Links to the north of the site and the Spires to the west. Both housing developments have two-storey dwellings backing onto the northern and western boundary. Two-storey semi-detached dwellings in The Links (no. 67-86) back onto the northern boundary and two-storey/dormer style detached dwellings in The Spires back onto the western boundary. In the case of the Spires the dwellings backing onto existing dwellings are 2.5 storeys with the second floor located in the roof space.

8.9.3 In relation sunlight and daylight none of the neighbouring dwellings in terms of orientation and proximity fall within the category of properties that require

assessment under the BRE guidelines (fig 5.2.1 of the guidelines refers). In the case of the 2.5 storey units backing onto the Spires, the overall scale and height of these properties is similar to those they back onto with the second level contained within the roof space. I would consider that the level of separation between the proposed and existing properties and the similar scale of these properties to the existing would mean no adverse impacts in relation to physical overbearance, overshadowing or loss of privacy. In the case of the three-storey blocks, Duplex Block BZ08 (units no.s 351-354) has a gable facing north adjoining the rear boundary of dwellings within the Links housing development. This block is to the rear of existing two-storey dwelling that back onto the northern boundary of the site. The configuration of this block is that windows on the gable facing north serve bedrooms at first and second floor, windows serving living space above ground level are orientated west onto the open space area and away from the rear of the adjoining properties. Level of separation between the northern gable and Block BZ08 (unit no.s 351-354) exceed the minimum separation distance specified under development plan policy (22m for back windows at first floor level). The other BZ08 Block (unit no.s 383 to 386) is not located directly behind the existing dwellings within The Links and is located to the south west of the existing dwellings. I would be of the view that the overall scale of these Blocks relative to existing development is not excessive in scale, has adequate regard to existing amenity in terms its design, orientation and level of separation and is a pattern of development that is not out of keeping in an established residential area that has a suburban pattern of development. Appendix A of the Sunlight and Daylight Analysis provides site shading diagrams for various times during the year (March 21st June 21st and December 21st) with diagrams for various hours during each day. These diagrams demonstrate that the level of overshadowing experienced on adjoining sites would not be unreasonably adverse and the overall design and location of buildings of significant height is kept remote from existing development.

8.9.4 One of the appeal submissions raise concerns regarding the position of public open (Pocket Park 1/Ballisk Way) space area to the west of the site and to south of existing dwellings within The Links with criticism regarding the fact it is not provided centrally, the level of surveillance of this space and potential for disturbance/anti-social behaviour in close proximity to the rear of existing dwellings. The application

includes a number of detailed drawings showing overall design and materiality of the open space as well as a comprehensive Landscape and Design Strategy. The provision of public open space is well distributed throughout the site with a clear hierarchy of spaces and good pedestrian linkages between such. The provision of open space to the west of site is acceptable in the context of providing an even distribution of open space. In terms of surveillance this open space area is located to the west of Block BZ08, which is a three-storey duplex block with 4 no. units. The front elevation of this block is orientated directly onto the public open space in question with shared Kitchen/Living spaces (ground and first floor) and balconies orientated directly towards the space in question. This space also provides the pedestrian linkage to The Links housing development and the existing open space area to north that is a clearly stated site/specific infrastructure requirement under Table 9.1 of the LAP for the Spires East portion of lands. I am satisfied the provision of public open space at the western side of the site is acceptable in terms of overall layout, is sufficiently supervised/overlooked by housing and is a logical location in the context of the hierarchy of open space and is sufficiently integrated in the overall layout. I would also be of the view that the position of such poses no concerns in terms of residential amenity of existing housing on adjoining sites.

8.10 Transportation, Traffic and Parking

8.10.1 The proposal entails the construction of 432 dwellings units with the application being part of a larger landholding. The application site is split into two with a portion on each side of the R126/DDR. The development is feature a number of vehicular access points. The main vehicular access point is off the R126/DDR with a four armed signalised junction provided with access to the east and west of road. The junction will also facilitate access to the recreational hub. The site will also have a vehicular access from Portrane Road via the existing service road providing access to the Links housing development, which is to be extended southwards towards the site. The third party appeals raised a number of concerns regarding traffic. These include criticism of the traffic survey data due to surveys being carried at times in which Covid may have suppressed traffic numbers. The appeal submission also raise concerns regarding the impact of traffic on the Links housing development due

to use of the existing service road and generation of traffic within the existing housing development.

8.10.2 The application is accompanied by a Traffic and Transport Assessment and the application is accompanied by an EIAR which has a section relating to Transportation. I set out a detailed assessment of the potential impact from the proposed development upon junctions proximate to the subject site as part of my EIA in section 9.11 below. The impact of the proposed development will not be significant. While adverse effects will arise, in my opinion this impact will not be so significant as to warrant a refusal of the application based upon traffic impact. The applicant has demonstrated that the local road network has sufficient capacity to deal with the traffic likely to be generated by the proposed development.

8.10.3 The TTA outlines the level of existing public transport infrastructure/facilities in the area and its accessibility to the application site. There are a number of bus services/bus stops with three bus routes along the Portrane Road (33b, 33d and 33e) and such is in walking distance of the development with access being provided to Portrane Road from the proposed development. The majority of the site is within 1km of the rail station (Phase 1 is between 550-1100m from the rail station). The TTA does include a Public Transport Capacity Analysis. I deal with the issues of public transport capacity in a later section of this assessment.

8.10.4 In relation to use of traffic surveys carried out in Covid times (2021) and lack of survey data for the Portrane Road from 2018, the TTA has included an assessment of traffic survey data that has introduced a factor that grows the traffic data based on the fact that traffic levels may have been suppressed due to Covid. The applicant has also noted that the 2021 traffic data does include a survey of traffic along Portrane Road. I am satisfied that the Traffic and Transport Assessment demonstrates that the local road network can cater for the traffic likely to be generated. In terms of traffic impact on the existing Links housing development, the proposal uses the existing access onto Portrane Road and the main distributor road into the estate. It is proposed to extend the existing distributor road south and to link

into the application site and masterplan plans. I would note that the distributor road serving The Links is of a good standard in terms of overall width and alignment and will be subject to upgrades including provision of a new pedestrian/cyclepath along the eastern side and a link to an east west pedestrian/cycle path to the recreational hub. The proposal will entail increased traffic using the vehicular entrance and the distributor road, however the overall layout of this junction is good in terms of visibility (junction analysis demonstrates sufficient capacity) and any traffic using the existing distributor road will not go through the existing residential development with no dwellings orientated onto the distributor road or having entrances directly off such (existing dwellings back onto the distributor road) and no open spaces directly adjacent the road. I am satisfied the proposal will not cause traffic safety issues and is sufficiently separated from the existing residential development. In addition the provision of such a linkage for traffic and pedestrians is compliant with LAP objectives.

8.10.5 Development Plan parking standards are set out under Table 12.8 of the CDP. A total of 544 car parking spaces are provided for residential development and 10 spaces provided for the crèche (5 staff and 5 visitor/set down spaces). The residential parking rate provision is 1.3 spaces per unit (544 for 432 units) with a varying mix in unit types as well as the provision of 10 car parking spaces to serve the crèche. The level of parking provided is lower than that provided for under Table 12.8 of the CDP with the applicant indicating the requirement is 686. Based on Table 12.8 the minimum parking requirement is 733 by my calculations. It is stated under CDP policy that “car parking standards provide a guide as to the number of required off-street parking spaces acceptable for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport”. The development is located in an area with good public transport provision with such within walking distance of the site. Donabate town centre and its associated services is also within walking/cycling distance of the site. The Council have raised no objection to the level of parking provision. Having regard to the accessibility of the site to public transport,

the proposal for improved linkages to the town centre and the railway station, provision of pedestrian and cycling linkages, I am of the view that the level of car parking provided for the residential component is satisfactory.

8.10.6 It is proposed to provide 10 car parking spaces to serve the crèche. The crèche has floor area of 909sqm and provides 12 no. classrooms with parking requirement under the CDP being 0.5 space per classroom (6 spaces). Parking provision for the crèche is satisfactory. Bicycle parking provision for the residential component is 791 spaces with a mixture of communal provision and provision within the curtilage of terrace units) and is well in excess of CDP standards (518). 40 bicycle parking spaces are also provided to serve the crèche.

8.11 Infrastructure and Flooding:

8.11.1 One of the appeal submission raises concern regarding flood risk specific with concerns regarding the water table and capacity of the site to absorb surface water in relation to level of hardstanding and whether attenuation measures are sufficient. The development is within Flood Zone C and the Council's Water Services Department raised no objection to the proposal subject to conditions in relation to either foul drainage or surface water drainage.

8.11.2 The application was accompanied by a 'Site-Specific Flood Risk Assessment' – prepared by DBFL Consulting Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report has regard to the following forms of potential flooding:

- Coastal Flooding: A review of the CFRAM Coastal Map was carried out and indicates no coastal flooding at the subject site.
- Fluvial Flooding: A review of the CFRAM Mapping was carried out and indicates a low probability fluvial flooding of the subject site. The nearest water courses are the Beaverstown stream 755m to the north west and the Portrane stream 850m

to the north east. Flood risk modelling conducted on behalf of the OPW under the Eastern CFRAM (Catchment Flood Risk Assessment and Management) Study indicates that the development site is within an area with a fluvial flood event AEP of less than 1%. As part of the Fingal County Development Plan 2017-2023 and Donbate Local Arera Plan 2016 Strategic Flood Risk Assessments (SFRA) were carried out with the site within Flood Zone C.

- Pluvial Flooding: The potential for pluvial flooding is based on future drainage proposal for the site and is possible unless surface water drainage proposals fail to take account of storm events over 1%AEP. The proposal includes surface water drainage measures that include for storm-water drainage including surface water attenuation and sustainable urban drainage systems proposals (SuDs).

Climate Change: Full regard has been had to climate change in the consideration of flood risk on site. An allowance of 20% additional flow should be taken for designing for flood events. The system is designed for storms up to and including the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

8.11.3 The initial flood risk assessment found that the risk of coastal flooding and fluvial flooding is low with the entire site within Flood Zone C. The risk of pluvial flooding was found to be low due to the surface water drainage measures on site and SuDs strategy as part of the proposed development. In relation to fluvial flooding all residential development is proposed within lands that are Flood Zone C. The Flood Risk Assessment refers to Table 1 of the Flood Risk Management Guidelines and the definition of land use and type of development in terms of vulnerability to flooding. Any of the development proposals (residential units and crèche) that is classified as highly vulnerable under table 3.1 of the guidelines are located within Flood Zone C. Based on Table 3.2, which outlines when a justification test is required based on vulnerability of development, there is no requirement for a justification test on the basis that development classified as highly vulnerable is located within Flood Zone C.

8.11.4 I am satisfied that the risk of flooding on site is low and would note that the Councils Water Services department have raised no objection to the proposal subject to conditions in relation foul drainage and surface water drainage proposals.

8.12 Capacity, Public Transport/Social infrastructure:

8.12.1 Both third party appeal refer to assessment of public transport capacity in the context of assessing the proposed development with both referring to the judgement in relation to Ballyboden Tidy Towns Group v An Bord Pleanala (2020/816JR) in this regard. The thrust of this judgement is that consideration solely of location relative to the rail station is not sufficient and an assessment of capacity of transport infrastructure being relied on it also required. I would note in this case that the proposal is not material contravention of planning policy, which was a central issue regarding this case (justification for material contravention).

8.12.2 As part of the Traffic and Transportation Assessment report, Appendix E is a Public Transport Capacity Analysis and focuses on bus and rail transport infrastructure. The assessment includes an analysis of existing bus and rail infrastructure and future proposals to improve such. The assessment identifies existing bus services in the area with three bus routes identified (33b, 33c and 33 d) and planned bus connects routes (LX83 and X83). The assessment identifies a capacity of c.1009 and c.819 bus seats during the AM and PM times and estimates that the proposed development would generate a demand for approximately 30 additional seats. It is estimated based on CSO stats that the additional demand placed on the existing bus services by the proposed development accounts for less than 10% of the capacity (8.2% 33d, 0.8% 33c and 4.9-6.2% 33b). The assessment concludes that this is a low level in terms of capacity and would have a negligible impact as well regard being had to planned improvements that will increase capacity.

8.12.3 In relation rail services the assessment outlines existing services with Donabte Railway Station between 550m-1,100m. It is estimated that there is a capacity of

c.5120 and c. 4608 sets on existing commuter rail services during the AM and PM peak respectively and such is within walking distance. In terms planned upgrades to services the DART+ programme entails plans for improved frequency and capacity. It is estimated that the proposed development will generate demand for approximately 100 sets during the AM and PM peak times with such being 6.9-7.9% of existing demand in the area. The assessment also concludes that this is a low level (less than 8%) in terms of capacity and would have a negligible impact as well regard being had to planned improvements that will increase capacity.

8.12.4 The applicant has carried out an assessment of public transport capacity and has demonstrated that the demand generated by the proposed development is at a low level in terms of existing capacity available. Notwithstanding such there are a number of factors that can be taken into account. The application site and area is served by good quality public transport infrastructure with both bus and rail infrastructure in close proximity and comfortable walking distance. This infrastructure is high capacity and frequent in terms of service and such is also subject to planned upgrades to improve both frequency and capacity. In addition I would consider that a factor for consideration is the likely time scale of implementation of the permission and build out of all units and planned public transport improvements that may be in place. I would also highlight that demand for public transport services have been altered by expected long-term changes to working patterns and associated commuting patterns following the covid-19 pandemic.

8.12.5 Concern has been express in one of the appeal submission regarding future school provision and the lack of provision of school within the lands in question. The application include a School Demand & Childcare Facilities Assessment. In relation crèche facilities there are 12 no. childcare facilities within 3km (c.325 spaces) with 8 no. of these within 1km (c.182 spaces). There are permitted childcare facilities as part of the development granted under ABP-311059-21 and PL06F.249206 providing for 357 spaces. The development includes a 909sqm childcare facility with

a capacity for c. 182. It is estimate the demand created by the proposal is c.101 places.

8.12.6 In relation school capacity and demand the submitted assessment identifies 4 no. primary school within 1km of the site, 1 no. secondary school within 1km of the site and 2 no. secondary schools within 5km of the site. The estimated demand for school places based on the proposed development of 432 units is 137 no. spaces for primary school children and 89 no. spaces for secondary school children. It is concluded that there is capacity in the existing schools to cater for the proposed development.

8.12.7 Fig 8.3 of the LAP does indicate a site location for a primary school on the application site. In terms of school provision it would appear the future school provision is to be catered for as part of the recreational and educational hub to the north east of the site. There is a 2018 framework plan for the Ballymastone lands, indicate that provision will be made for 3 no. schools (1 no. post primary and 2 no. primary schools) on lands as part of the overall recreational and educational hub). Figure 8.3 previously had only two school provided for within the recreational and educational hub with the Framework Plan providing for all three. I am satisfied that the applicant has demonstrated that sufficient capacity exists for the proposed development in terms of existing schools and that the proposed development would not compromise the future provision of additional school/educational facilities at this location.

8.13 Other Issues

8.13.1 The appeal submission offer the view that the proposed development represents a material contravention of both County Development Plan policy/objectives and objectives of the Donabate Local Area Plan. I would refer to the previous sections of my assessment, which include consideration of the development in terms of local, regional and national policy and concludes that the development is compliant with such. In addition I would refer to the fact that the Planning Authority issued a

decision granting permission and at no time have expressed the view that the proposal represents a material contravention of planning policies/objectives or sought to invoke the material contravention process in dealing with the application.

8.13.2 One of the appeal submission raises concerns regarding EIA and project splitting due to the site being part of a larger landholding. I would refer to the fact that the application is accompanied by an EIAR and that although the number of units is sub-threshold (less than 500), the basis for carrying out EIA is the fact the application is part of larger landholding over 20 hectares in size. I would consider that the view that the proposal is project splitting cannot be substantiated.

8.13.3 The permission sought is for a 10 year permission. In granting permission a condition was applied confining the permission to a 5 year permission. The estimated construction period for the proposed development is 4 years. I would be of the view that given the size of the proposed development and its estimated construction period that there is no justification for a 10 year permission in this case and that any permission granted should be confined to 5 years.

8.13.4 Condition no. 3 of the grant of permission a number of revisions to design of Blocks BA01, BA02, BZ21, BZ22 and BZ08 were specified including revisions to balconies, external finishes, roof profiles and provision of obscure glazing. These revisions were recommended by the Council Architects' Section. I would be of the view that the overall design and urban form of the development is acceptable and that the revisions proposed are unnecessary and would have no have significant material benefit to the overall proposal with the overall design and configuration of the proposed development being satisfactory and compliant with the relevant development management standards and guidelines.

9.0 Environmental Impact Assessment

9.1 Statutory Provisions

9.1.1 The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

9.1.2 Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

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

The development would provide 432 no. dwellings on a site of 15.02 ha on zoned lands in an established urban area. The proposal does not exceed the threshold of 500 dwellings for which EIA is mandatory.

The proposed development is part of a larger landholding of 32 hectares for which there is masterplan for c.1202 units. The proposed development is Phase 1 of 3. The applicant has prepared an EIAR on the basis that proposed development is part of the development of lands totalling over 20 hectares.

9.1.3 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out previously in this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Non-Technical Summary
- Environmental Impact Assessment Report
- Environmental Impact Assessment Report Appendices

- Section 1.5 of the EIAR describes the expertise of those involved in the preparation of the report.
- Chapter 12 of the EIAR provides a summary of Mitigation and Monitoring Measures.

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

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

9.2 Vulnerability of Project to Major Accidents and/or Disaster

9.2.1 The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. Section 2.5.1 of the EIAR addresses this in a section entitled Major Accidents and Disaster. The surrounding environs consists of a mix of residential and agricultural land uses. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, at the development site. This section identifies all such sites within the Fingal administrative area. The closest such site is 5.8km (Lower Tier site, SK Biotek Watery Lane, Swords, Co. Dublin. There is no likelihood of the site being affected by a Major Accident and/or Disaster from the sites identified and no source-pathway-receptor linkages between the being the development and the sites identified. There

are no significant sources of pollution in the development with the potential to cause environmental or health effects. The site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

9.3 Alternatives

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

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

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

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

9.3.3 Chapter 4 of the EIAR provides a description of the project and alternatives studied by the developer and the reasons for their choice. The rationale for the site and proposal is based on the fact land use zoning policy and objectives under local and national policy support the redevelopment of the site for a residential development. The alternatives considered were alternative design proposals for the site but no alternative sites based on land use policies and objectives facilitating the development of the site in this manner. The alternatives that were considered were therefore largely restricted to variations in building design. The final design was considered to be optimum design in terms of design and quality and subject to consultation. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

9.5 Consultations

9.5.1 Chapter 6 outlines the consultation process. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

9.6 Assessment of the Likely Significant Direct and Indirect Effects

9.6.1 The likely significant effects of the development are considered under the headings below which cover the factors set out in Article 3 of the EIA Directive 2014/52/EU.

9.7. Population and Human Health:

9.7.1 Population and Human Health is considered in Chapter 7 of the submitted EIAR. This chapter uses census population data, economic activity data and the identification of social and community facilities to inform the potential impacts of the proposed development upon population and human health. The EIAR predicts that the impact of the proposed development during operational phase upon population and human health are either insignificant or positive. As such no mitigation is described for operation of the development beyond those measures identified separately in remaining chapters of the EIAR. During construction phase, mitigation measures are identified in Section 7.5 of the EIAR and will be required to limit disturbance caused during the construction phase. The measures largely relate to good practice construction management to limit noise, pollution and disturbance. Residual impacts are described in the EIAR and relate mainly to construction activities, such as noise and air pollution particularly through dust. However any likely adverse and significant environmental impacts will be avoided through the implementation of mitigation measures. During the operational phase, the delivery of 432 residential units is considered in the EIAR to be a significant contribution to the housing stock in the area, with proposed open spaces and childcare facilities contributing to the provision of services in the area. The EIAR concludes that no residual negative impact is expected as a result.

9.7.2 I note submissions from observers stating that local infrastructure is insufficient to support the expected needs of the future population of the development (alongside existing populations), with specific reference to schools, road network and public transport capacity. Section 7.3.5 of the EIAR considers existing social and community facilities in Donabate. A Childcare and School Demand Assessment is also submitted with the application. Services infrastructure is also considered in Chapter 10 Hydrology, and Chapters 19 on Material Assets-Services, including transportation and utilities. I address these chapters separately below. In relation to the social and community facilities in Donabate, a range of sports, recreation, health care, community, education and childcare facilities are identified in the area with plans for additional educational recreational infrastructure as part of the hub to the north west. There are also a range of shops, pharmacy, café and other amenities available in the town centre.

9.7.3 I address specific matters arising from infrastructural capacity considerations below in this EIA (on water, transport and utilities) and in related sections within my planning assessment above. In summary, I am satisfied that the applicant has presented sufficient information to support their conclusions that capacity exists to cater for the demands of the development. This conclusion is also reached in consideration of other development permitted in the area. I concur with the submitted EIAR conclusions regarding the existence of infrastructure in the local area to accommodate the development.

9.8 Biodiversity

9.8.1 EIAR Chapter 8 evaluates impacts on habitats, flora, and fauna, based on site surveys comprising a desk and field studies with surveys covering elements including habitat, botanical and invasive alien plant surveys, badger and large mammal surveys, bat activity and roosting surveys, breeding birds and over-wintering birds. The assessment for biodiversity includes the entire landholding the application site is taken from and not just the development site for 432 units. The development site is not within or immediately adjacent to any site that has been designated as a SAC or a SPA under the EU Habitats or EU Birds Directive, or to any nationally designated NHA/pNHA. There are 11 no. NHA/pNHAs within 15 km of

the site, as shown in Figure 8.3 of the EIAR. There are no NHA/pNHAs with direct source – pathway – receptor linkages to the development site with any linkages being indirect hydrological connections to the marine based pNHAs/NHAs, with the nearest being approximately 1 km away. Impacts arising from run-off during construction / operation are unlikely given the downstream distance. The closest watercourses/waterbodies to the site is the Beaverstown stream approximately 750m north west of the site and the Portrane stream approximately 850m to north east both of which drain into Rogerstown Estuary. The main habitat present at the development site is recolonising bare ground (ED3) located to the east and west of the R126/DDR, and dry meadows and grassy verges (GS2) located to the west of the site. Other habitats on site include reed and large sedge swamps (FS1) (along the western side of the R126/DDR), buildings and artificial surfaces (BL3) along parts of the R126/DDR, amenity grassland (GA2) along, hedgerow and occasional trees (WL1) defining existing field boundaries, scrub (WS1) associated with the hedgerows throughout the site and bare ground (ED2) along the boundary of pond.

9.8.2 The hedgerow survey identifies 14 no. hedgerows within the entire masterplan area with 2 no. hedgerows (no.s 8 and 12) identified as being of high significance, 5 no. identified as of moderate significance (2, 5, 6, 7 and 14) and the remainder identified as of low significance.

9.8.3 In relation mammal surveys two badger setts were recorded in a hedgerow in the centre of the site (no. 12) as well badger activity detected around the hedgerows around the site and also record to the south of the development site (associated with surveys carried out for an application to south (313192 withdrawn).

9.8.4 In relation to bats surveys on site recorded 4 no. bat species within the site (common pipistrelle, soprano pipistrelle, leisler's bat and brown long eared bat). No bats were recorded roosting on site, however it is identified that there are possible roosting sites to the north of the eastern part of the site, to the west of the site and to the north east, all outside of the site.

- 9.8.5 In terms of other mammals other than rabbit and fox no other large mammals were detected and there is no evidence of otter and hare.
- 9.8.6 In relation to birds a breeding bird and winter birds survey was carried out with 40 species recorded (listed in Table 8.2) with 18 confirmed to breed on site, seven probably breeding and seven possibly breeding onsite. The winter bird survey has identified 3 red listed species, 6 amber listed species and 26 green listed species, which forage on site.
- 9.8.7 Overall, the survey results identify key receptors for the application site, which are formed of habitats/flora, fauna and ecological receptors of local importance (higher value). Key ecological receptors of international importance are also identified in the form of surrounding SPA, SAC and pHNA areas. With reference to these key ecological receptors, potential impacts during construction and operation are described, along with the identification of mitigation where relevant. In the case of SACs proximate to the site, the potential impacts during construction and operational phases are related primarily to impacts on ground and surface water. In the case of SPAs impacts are related to ground and surface water and disturbance of QI within Rogerstown and Malahide Estuary during construction / operation. Impacts on SACs, SPAs and are detailed further in the AA in section 10 of my report below.
- 9.8.8 During construction phase and in the absence of mitigation, short-term, moderate and negative impacts are predicted with potential for contamination of surface water and subsequent impact on water quality in Rogerstown and Malahide Estuaries due to potential for suspended solids, hydrocarbons and concrete/cement products posing a risk due to surface water run-off and discharge to existing water courses within the vicinity. There is potential for dust impact on flora and fauna. In absence of mitigation a short-term, moderate and negative impact is predicted on species within the Rogerstown and Malahide Estuaries SPA and SAC that are sensitive to noise, vibration and visual impacts however the distance of 1km is considered not in close enough in proximity to the designated sites. The impact of light during construction phase is temporary and limited to the site compound and residential

areas with no expected impact on bats or protected species bird species within the SPA's. In absence of mitigation a long-term, moderate and negative impact on badgers is predicted due to the removal of fields and a proportion of existing hedgerow and treelines within the site. It is intended to preserve two badgers setts however there is potential for disturbance of such due to construction activity on site. Temporary closure of the setts to facilitate construction (subject to license) will be required.

9.8.9 During the operational phase there is potential for long-term/permanent, moderate and negative impacts in terms of loss and disturbance of habitats to flora and fauna due change of use from greenfield site to residential development. The site is not an important feeding site for birds, however there are some areas that are habitats of importance for breeding birds present on site. Loss of existing vegetation reducing opportunities for commuting badgers, loss of vegetation and feeding areas for badgers and bats. The impact of the proposed structures including up to six-storey structures in terms of bird strikes is ruled out. In absence of mitigation the impact of lighting from the completed development has potential to have long-term to permanent, moderate , negative impacts on bats and long-term to permanent, slight, negative impact upon badgers. No impacts in terms of biodiversity are predicted in terms of surface water drainage or foul drainage with connection to existing infrastructure and adequate control to prevent contamination.

9.8.10 Mitigation measures are described in section 8.5 of the EIAR and include surface water management/construction management measures during the construction phase to prevent discharge of any polluting material to adjoining watercourses and groundwater. Specific biodiversity measures proposed include retaining hedgerows and tress where possible. The proposal also entails significant additional planting and landscaping on site including native species to enhance biodiversity. Specific mitigation measures in relation to bats include lighting design to provide minimum level of lighting, specific light temperature, no flood lighting and lighting directed onto roadways and paths and away from retained hedgerows and open spaces. In relation to badgers a pre-construction badger survey, retention of the two setts (temporary closure under license), no heavy machinery operated within a buffer

zone. Operational measures in regards to surface water drainage entail implementation of SuDs measures.

9.8.11 The EIAR conclusion on biodiversity is that with mitigation in place, there are no is some long term effects on biodiversity, however such are not significant effects. I have given consideration to third party objections in relation to negative ecological impact, however overall, I concur with the conclusions described in the EIAR and consider there to be no negative residual impact upon internationally or nationally significant receptors with mitigation in place. While I note the removal of some habitat areas and related disturbance as described above, the proposal does entail retention of a number trees and hedgerows and provision of a hierarchy of landscaped area. I would also note that the site is zoned for residential and this zoning supports redevelopment of the lands which in any form, will invariably lead to some disturbance and clearance of habitats on the site.

9.9 Lands, Soil, Water, Air and Climate

9.9.1 Chapter 9 of the EIAR relates to Lands, Soil, Geology & Hydrogeology. The site is level and consist of 15 hectares of mainly agricultural lands. The site is bisected by the R126/DDR with portions of the site to the east and west of the road. There are no recorded landfills or licensed waste facilities in the vicinity of the site. Ground investigations were carried out at the site and the entire masterplan area in 2022, including borehole drilling, subsoil sampling and groundwater monitoring, found made ground underlain by sandy and/or gravely clay deposits. Bedrock was encountered at depths between 0.4-3.20m below ground level (bgl) in areas 1, 2 and 6 of investigations and not encountered in areas 3, 4 and 5. The relevant GSI Bedrock Geology Map indicates that the site is underlain for the most part by the Donabate Formation consisting of lithic sandstone and quartz pebble conglomerate. Portions of the site to the south and north is underlain by the Malahide Formation comprising calcareous shales, siltstones and sandstones and occasional thin limestones. The bedrock aquifer in the region of the site is classified as being of moderate (M) vulnerability for most of the masterplan lands (central and southern portion), low (L) for the northern portion and high (H) for a small portion to the west. The 2022 site investigations analysed soil and groundwater samples from

throughout the site for a suite of parameters relating to total pollutant content for classification of materials as hazardous or non-hazardous. The analysis did not identify any significant contamination in any of the samples tested.

9.9.2 The potential impacts identified primarily relate to the site preparation, excavation, levelling and infilling activities during the construction phase. The ground works will excavate the site above bedrock level with no dewatering required. A process of cut and fill will be employed to level the footprint of the proposed structures.

Approximately 5,950 m³ of soils will be excavated or cut with approximately 150,415m³ used for fill. It is anticipated that c.95% of the excavated material can be reused onsite and approximately 144,468m³ of geotechnical-suitable material will be imported to the site. During the construction phase, potential impact from excavation and infilling impact on the aquifer vulnerability is identified, as well as accidental spills, leaks and soil removal / infill. This would equate to short-term, negative, slight impacts in the absence of mitigation. During the operational phase, neutral, long-term and slight impact is identified in absence of mitigation. Mitigation is described in section 9.8 and forms largely the implementation of the Construction and Environmental Management Plan (CEMP) and SuDs. The EIAR concludes that the proposed development will have imperceptible-neutral residual impact on the lands, soil and geology environment due to implementation of mitigation measures.

9.9.3 Chapter 10 of the EIAR concerns Hydrology. The site is drained by a network of drainage ditches traversing the site and feed into the Beaverstown stream catchment and Portrane Canal catchment. The overall masterplan lands is split into 5 surface water catchments with the application site discharging to four of them (1-4). 1-3 discharge to existing drainage ditches which flow into the Portrane Canal and onto Rogerstown estuary, no. 4 discharges to an existing surface water culvert to north west and onto Rogerstown estuary. The nearest water courses to the site are the Rahillon River (Beaverstown stream c.655m west) and Ballylease North (Portrane Cana stream c.730 to the east). The results at EPA monitoring stations in the vicinity range from Q3/4 (moderate) to Q3 (poor). In terms of flood risk, the area proposed for residential development and entire masterplan lands is in Flood Zone C and I would refer to Section 8.11. The EIAR identifies that there is potential

hydrological connection with the Rogerstown Estuary SAC/SPA via the surface water network with north the Beaverstown stream and Portrane stream both discharging to Rogerstown estuary approximately 1km to the north and the proposal to discharge attenuated surface water runoff into existing drainage ditches and a culvert which eventually discharge to Rogertown Estuary. Potential impacts from the development are identified during construction phase, including from increased runoff and sediment loading; excavation for foundations, services and landscaping; and contamination of local watercourses and underlying bedrock aquifer. During operational phase there will be increased foul water from the site.

9.9.4 Remedial and mitigation measures are outlined in section 10.6. During the construction phase this largely comprises implementation of measures through a CEMP. Mitigation includes specific measures to prevent discharges to surface water, fuel and chemical handling and management of soil removal and compaction. During the operational phase surface water measures are provided to prevent discharge of pollutants/hydrocarbons through surface water runoff. Monitoring will also be undertaken with in terms of surface water run-off, soil sampling and inspection on construction mitigation measures during the construction phase with maintenance of the surface water drainage system during the operational phase. With mitigation in place, the residual impact of the proposed development upon water is concluded in the EIAR to be neutral and imperceptible.

9.9.5 Chapter 11 of the EIAR relates to Air Quality & Climate. During construction phase the greatest potential impact on air quality is identified in the EIAR as arising from construction dust emissions and potential for nuisance dust, also impacted human health. There is also potential for dust emissions to impact vegetation through coating and for traffic emissions to impact air quality in the short-term over the construction phase. In terms of climatic impacts, the potential for greenhouse gas emissions during construction is identified. During the operational phase it is predicted that there would be some small increases in NO₂ concentrations associated with the site as a result of increased traffic. Additional potential for greenhouse gas emission is also identified during the operational phase. These operational impacts would have associated impact upon human health.

9.9.6 Mitigation is outlined in section 11.5 and for air quality comprises active control of dust and prevention of significant emissions during the construction phase. This would be implemented through the construction management measures including a dust management plan (submitted as part of Appendix 11.1). For climate, during the construction phase, prevention of on-site or delivery vehicles leaving engines idling and minimising of waste materials forms the intended mitigation. There is no site-specific mitigation during the operational phases in relation to air quality or climate. The impact of operational traffic is predicted to be imperceptible on ambient air quality and climate. The proposed development is designed to reduce the impact to climate as much as possible during operation. The EIAR concludes that residual impact during construction phase on air quality is anticipated to be short-term, direct, negative, localised and imperceptible; on climate impact is neutral, imperceptible and short-term; and on human health impact is negative, direct, short-term and imperceptible. Residual impacts during the operational phase on air quality is long-term, direct, localised, negative and imperceptible and on climate, long-term, direct, negative and imperceptible. Overall, I concur with the EIAR conclusions and consider that impacts from the proposed development will be within acceptable parameters, with no significant impact upon land, soils, geology, water, air quality or climate.

9.10 Noise & Vibration

9.10.1 Chapter 12 of the EIAR describes potential impact from noise and vibration associated with the proposed development. Potential impacts are mainly associated with the construction phase of the development, arising from site preparation works, foundations, general construction works, and landscaping. The EIAR identifies the sensitive receptors around the site, which are the residential dwellings closest to the boundaries of the site. In the absence of mitigation, impact upon noise sensitive receptors during the construction phase is predicted to be negative, significant and short-term. In terms of vibration, potential impact is identified as being imperceptible to not significant as a result of no significant rock excavation associated with the development. During the operational phase, potential noise impact is identified in relation to mechanical plant and services required to serve the commercial, amenity

and residential parts of the development. This equipment / machinery will be designed to control impact. Traffic noise associated with the occupation of the development is also described. The noise impact of the rail line is also mapped with it located a sufficient distance that any rail noise will be insignificant at the proposed development site. The EIAR demonstrates that noise from plant / services and traffic during operation of the development has a predicted impact that is not significant.

9.10.2 Mitigation is described in section 12.5 of the EIAR. During construction phase mitigation is largely formed of the application of best practice control measures for noise and vibration from construction sites (BS 5228 [2009 +A1 2014] Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2). Measures include the selection of quiet plant, enclosures and screens around noise sources, limiting hours of work and noise and vibration monitoring. During operational phase mechanical plant is also designed to minimise noise and vibration.

9.10.3 During construction phase, residual impact from noise upon surrounding occupiers with mitigation in place is anticipated in the EIAR to be negative, slight and long term. During the operational phase, residual impact from noise upon surrounding occupiers from mechanical plant is neutral, not significant and long-term and from traffic is predicted to be negative, slight and long-term. I am satisfied that with the application of the mitigation measures described, there is no significant permanent impacts resulting from noise and vibration associated with the development, or for future residents of the proposed development. There is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works, I am satisfied that construction impacts (or construction transport impacts) resulting from the proposed development are within acceptable limits and would not be likely to lead to significant effects.

9.11 Traffic and Transportation

9.11.1 Chapter 17 of the submitted EIAR considers Traffic and Transportation impacts associated with the proposed development. A Traffic Transport Assessment Report was also submitted the application. The EIAR has selected a 'study area' where impact is most likely to arise. Outside of the study area, it is expected that generated traffic will dissipate considerably and therefore have a negligible impact on the operation of the wider network. During the construction phase, the traffic movements associated with site arising from workers associated with construction activities as well as HGV / construction vehicle movements and all construction associated deliveries to the site are considered in the EIAR. Routes for construction traffic will not conflict with pedestrian or cycle infrastructure and no risk to vulnerable road users is identified. The anticipated transportation impact of the proposed development during construction is described in the EIAR as moderate and short-term.

9.11.2 During the operational phase, impact is analysed with respect to vehicular traffic. This impact is described for the year of opening (estimated to be 2024) and with future year assessments carried out the design year (estimated 2029 and 2039). R126/DDR, New Road, Portrane Road, Main Street and Hearse Road are the local links assessed in the EIAR, along with junctions as followings:

- Junction 1: DDR/site access (north-east);
- Junction 2: DDR/site access (south-east);
- Junction 3: DDR/New Road;
- Junction 4: DDR/Portrane Road;
- Junction 5: Portrane Road/site access (north);
- Junction 6: Main Street/Portrane Road;
- Junction 7: Main Street/New Road;
- Junction 8: New Road/Hearse Road;

Beyond the local links and junctions assessed, traffic associated with the proposed development is expected to dissipate and would therefore have a negligible impact. The EIAR demonstrates that the proposed development can operate without congestion impact upon the local road network and all proposed entrances will operate with reserved capacity and negligible queuing in the future scenario (2029 and 2039). In relation to existing junctions, significant reserve capacity and limited queuing in the future scenario is demonstrated to most junctions assessed. The exceptions are junctions 7 and 8 where operation would be above capacity (7 above capacity for PM peak in do-nothing and do-something scenarios, 8 above capacity for AM and PM peak in do-nothing and do-something scenarios for future design years of 2029 and 2039). Junction 7 and 8 appear to be above capacity under existing conditions without the development in place.

9.11.3 Mitigation measures are described in section 17.5, for the operational phase comprise implementation of measures outlined in the Construction and Environmental Management Plan, which includes traffic management as in the preparation of a Construction Traffic Management Plan in agreement with the Planning Authority. For the operational stage mitigation measures include the preparation of a Mobility Management Plan, provision of high quality walking and cycling infrastructure and implementation of a car parking Management Strategy on site.

9.11.4 Subject to implementation of mitigation measures, residual impacts for the construction phase will be short-term in duration and neutral in effect. During the operational phase junctions 1-6 will operate within capacity for all design years.

9.11.5 Overall, I concur with the conclusions of the EIAR with respect to anticipated impact of the development during construction and upon the vehicular highway network during operation. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Transportation and Traffic.

9.12 Archaeology and Cultural Heritage

9.12.1 The application site and masterplans lands are outside of Zone of Archaeological Potential. There are three recorded monuments within the application site boundary (DU012-088, Enclosure, DU12-084, ring-ditch and DU012-085, ring ditch). Table 14.1 outlines all recorded monuments within 2km of the proposed development site. The nearest of which apart from the three identified on site is 600m away from the proposed application site boundary. The EIAR outlines previous archaeological excavations (geophysical survey and test excavations), which were carried out on the site and the surrounding area to inform the Local Area Plan and identified the recorded monuments on site. The results of previous archaeological excavations carried out on the site are detailed in the EIAR and demonstrate that there is archaeological potential within parts of the site. There are nine previously identified archaeological sites within the boundary of the Ballymastone masterplan lands described in the EIAR, with three of these areas (1, 2 and 9) wholly within the site and two partially in the site (6 and 7). The recorded monuments in areas 1 and 9 are to be incorporated into open space areas and remain in-situ and area 2 has been fully excavated (preserved by record).

9.12.2 In terms of architectural heritage structures of architectural interest are identified in the vicinity of the site (protected structures or structures on the National Inventory of Architectural Heritage (NIAH)) with the nearest being the form Portrane NS located to the west of northern site entrance (entrance to Links off Portrane Road) and included on the NIAH. Additional structures of architectural interest are identified within the wider area.

9.12.3 Potential impacts are all during the construction phase and with potential for disturbance and removal of sub-surface archaeological remains. The landholding has been previously subject to archaeological excavation with the nine areas of archaeological remains uncovered including three within the application site. There is potential to uncover additional archaeological remains on site and such could be impacted by the construction phase. In absence of mitigation the potential impact on previous identified archaeological material and archaeological material yet to be

discovered would be direct, negative and permanent. During the operational phase it is proposed to preserve identified archaeological features within green space with landscaping that is sensitive to their future preservation.

9.12.4 Mitigation is described in section 14.5 of the EIAR and include specific measures for each of three archaeological areas within the site. During the construction phase, this a Conservation and Management Plan has been prepared (Appendix 14.3) for the proposed works in relation to Areas 1 and 9 with the incorporation of these areas into open space and provision of buffer zones for construction. Area 2 has been fully excavated and no mitigation measures are proposed. During the operational phase mitigation measures include landscaping and maintenance of the green areas and the archaeological areas located within such. During the operational phase, mitigation is in the form of appropriate landscape management and tree planting that minimises any negative impact on below ground archaeology. Interpretative signage is also proposed. With mitigation in place, the residual impact of the proposed development is predicted in the EIAR to be imperceptible.

9.12.5 In relation to archaeology, I note the use of conditions to secure appropriate archaeological mitigation, including monitoring. This reflects the approach to mitigation described in the EIAR and should the Board determined to grant planning permission, a condition can secure appropriate mitigation measures with respect to archaeology. Overall, I concur with the EIAR conclusions and consider that impacts from the proposed development will be within acceptable parameters, with no significant impact upon cultural heritage or archaeology.

9.13 Landscape & Visual

9.13.1 Chapter 13 of the EIAR relates to Landscape and Visual Impact. The application site is located on the edge of an existing urban settlement on greenfield lands currently agricultural in character and adjacent existing suburban style housing developments and other greenfield lands. The proposed development consists of the provision of 432 residential units ranging from two-storey dwellings up to six-storey apartment

blocks. This chapter outlines the baseline environmental surrounding the site. The Development Plan identifies that site and masterplan lands are located with the coastal character type in terms of Landscape Character Assessment (LCA) and such has Landscape Value of 'exceptional' and landscape sensitivity of 'high'. The location of the site and masterplan lands within the subject site within the 'Historic Landscape Characterisation for the Donabate-Portrane Peninsula is identified as well as notable locations within the surrounding area including site of architectural heritage status. Existing trees and hedgerows on the subject site are also described as part of the landscape and visual assessment in Chapter 13 of the EIAR.

9.13.2 During the construction phase, which is estimated to be 4 years, the impacts will include removal of some hedgerow and trees, movement and stockpiling of material, movement of machinery and construction fencing, buildings and machinery, which are temporary impacts. The impact is predicted to be slight to moderate significance on the coastal landscape character area, however such is described as adverse but temporary in nature.

9.13.3 During the operational phase, impact would constitute a change from an open agricultural landscape to an urban residential development. The design layout has regards to the Urban Design Manual – A Best Practice Guide and the Design Manual for Urban Streets and Roads, issued by the Department of the Environment, Heritage and Local Government. The design and layout of the proposed development and the masterplan incorporates existing landscaping features including hedgerows and tress, and includes provision of new landscape features in the form of a hierarchy of open spaces and associated landscaping. The magnitude of change relative to the whole LCA coastal area is assessed as low with slight to moderate significance. The change would occur over a short-, medium- and long-term- period with qualitative effect predicted to be neutral. In terms of the immediate environs the change from agricultural land to residential development is noted, however residential development is not uncharacteristic of the area with existing and permitted development in the vicinity and the lands being zoned for such development. Predicted effect is assessed as low to significant and neural to beneficial on the immediate and wider landscape.

9.13.4 The cumulative impact is noted with a number of permitted development in the vicinity (identified in Section 13.4.3). The transition of the area from agricultural lands to urban development is already occurring with permitted development under construction on the south to the site and plans for the recreational hub to the north east of the site among other residential permissions granted in the area. Cumulative effect locally is assessed as moderate to very significant depending on proximity and cumulative landscape effect assessed as neutral to beneficial with the coastal area unaffected by cumulative effects.

9.13.5 Mitigation is described in section 13.8 in relation to the construction phase, and comprises appropriate management of the construction site to reduce and prevent impact. For the operational phase, mitigation is set out in section 13.8.2 of the EIAR and largely comprises the landscape works including retention of existing trees and hedgerow, provision of opens space areas and additional landscaping/planting. No adverse residual impacts are predicted in terms of landscape and visual amenity.

9.13.6 I have outlined in detail in section 8.7 above my analysis of the submitted viewpoints and my assessment of impacts upon the character of the area from a design perspective. I am satisfied that the overall design and scale of the proposal would have an acceptable visual impact both in the immediate vicinity and in the wider area. The proposed visual impact is greatest in the immediate vicinity, however this impact is a continuation of the urban pattern of development at this location. In the wider area the proposal will not be highly visible from any of the coastal locations to the north, east or south due to the flat low lying topography of the landscape in addition to intervening structures and vegetation. The appeal site due to its urban context is well able to absorb the visual impact of the proposed development and would provide for a development of a stronger urban character that would have an acceptable impact in terms of landscape character. I would concur with the conclusions of the EIAR. The proposed development would not, therefore, have significant adverse effect on the landscape/visual character of the area.

9.14 Material assets – Utilities and Waste

9.14.1 Chapter 19 of the submitted EIAR considers 'Material Assets: Services'. In respect of water infrastructure, potential impact is identified with respect to surface water runoff, the foul sewerage and water supply. This includes the consideration of cumulative impacts during the operational phase. Other utilities, including electricity and gas supply, and telecommunications are also described with respect of potential impact resulting from the construction and operation of the development, including consideration of cumulative impact.

9.14.2 Mitigation measures are outlined and described in section 19.5 of the EIAR. In respect of surface water, increased silt levels could impact water quality during construction, as a result, measures are described to control and prevent overflow spills and discharge of pollutants into the system. Discharges into the sewerage system are also intended to follow the conditions of discharge licence from Irish Water. Water supply during construction will also be subject to conditions of a connection agreement with Irish Water and therefore prevent reductions in service to existing customers. New connections to electricity, gas and telecommunications will be managed by services providers. Site lighting will also be installed to prevent light spill onto neighbouring properties.

9.14.3 During the operational phase, mitigation includes the use of SUDs to control the rate and water quality of discharges from the site. New sewers are proposed to be tested to ensure that Irish Water's standards are met. In terms of the anticipated increase in demand on public watermains, new watermains infrastructure is identified as providing sufficient capacity for all existing development alongside development of all zoned lands on the peninsula. Increases in demand on the electricity, gas and telecommunications will be assessed and controlled by the respective networks and service providers. The design also takes into account extreme rainfall events, climate change, potential for accidental damage and unplanned interruptions to water supply. The EIAR predicts that with mitigation in place, the residual impact of the proposed development upon utilities would be negligible. I note Irish Water has confirmed that connections to waste and water infrastructure is feasible and issued

design acceptance. Irish Water had recommended conditions in the event that planning permission is granted to secure compliance with their requirements.

9.14.4 I am satisfied that the EIAR gives sufficient consideration of cumulative impact, with water supply for the build out of the entire LAP zoned lands accounted for. In relation to electricity, gas and telecommunications networks, connection and supply will be controlled by the service providers as described in the EIAR. The subject site is serviced with the ability to connect into existing infrastructure for energy and telecommunications supply. I am satisfied with the approach described in the EIAR, that infrastructural requirements will be assessed and controlled by the network / service provider. The developer will have to apply to the electricity, gas and telecommunications network / service providers for connection and this will be incorporated into the cost of the housing provided on the site. The network / service providers will then accommodate capacity requirements as necessary. Instances of outages or service disruption are a matter for the service provider to resolve. The submitted EIAR confirms the intention that the proposed development will adhere to relevant standards, and I am satisfied that there is nothing further required to be demonstrated as part of the EIAR.

9.14.5 EIAR Chapter 18 of the submitted EIAR considers 'Material Assets: Waste'. Impacts during construction phase include generation of a range of hazardous and non-hazardous waste materials during excavation and construction with requirement to store material on site and dispose of such material. In absence of mitigation measures such has the potential to have short-term, significant and negative impacts. During the operational phase the lack of waste management and failure to properly store and dispose of waste has potential for indirect, long-term, significant and negative impacts.

9.14.6 Mitigation measures are set out under Section 18.5 and for the construction phase include preparation of a project specific Resource and Waste Management Plan (RWMP), which is included in Appendix 18.1 and outlines how construction waste is to be managed on site and disposed off. For the operational phase an Outline

Waste Management Plan (OWMP) has been prepared (Appendix 18.2) and provides for management of waste material including segregation of waste to allow for a high level of recycling. Residual impact due to implementation of mitigation measures for the construction phase will be short-term, imperceptible and neutral. For the operational phase the implementation of mitigation measures will minimise waste to land fill and allow for a high level of recycling of waste with long-term, imperceptible and neutral impact.

9.14.7 Overall, I concur with the EIAR conclusions and consider that impacts from the proposed development will be within acceptable parameters, with no significant negative impact upon utilities, including water infrastructure.

9.15 The interaction between the above factors

9.15.1 A specific section on interactions between the topic areas under the EIAR is included within each individual chapter relating to factors. Chapter 20 of the submitted EIAR is entitled 'Interactions' and highlights those interactions which are considered to potentially be of a significant nature. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

9.16 Cumulative impacts

9.16.1 The proposed development would occur in tandem with the development of other sites that are zoned in the area. The type of development will likely reflect that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. A number of developments in the surrounding area have been specifically identified as being considered in the submitted EIAR.

9.16.2 Each chapter relating to factor in the submitted EIAR has considered cumulative impacts and I have highlighted these where most relevant to my assessment. The proposed land use of the development is in keeping with the zoning of the site, and the proposed development is generally within the provisions of the relevant plans, It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

9.17 Reasoned Conclusion on the Significant Effects

9.17.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the area.
- A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the urban boundary of Donabate and the public need for housing there, this effect would not have a significant negative impact on the environment.
- A significant potential negative effect on the cultural heritage of the area arising from the potential disturbance of previous identified archaeological material and undiscovered archaeological material on site but which would be mitigated by the plan to incorporate existing features into open space areas, archaeological monitoring and recording, with mitigation residual effects on cultural heritage would not be significant.

- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures, with mitigation residual effects from noise and vibration would not be significant.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme, with mitigation residual effects on air would not be significant.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the municipal foul sewerage system, and which will be mitigated during construction by appropriate management measures, with mitigation residual effects on water would not be significant.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or soil. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

9.17.2 Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been identified, described and assessed in this EIA.

10.0 **Appropriate Assessment**

10.1 Applicants Stage 1 – Appropriate Assessment Screening

10.1.1 The applicant has engaged the services of Brady Shipman Martin, to carry out an appropriate assessment screening. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

10.2.1 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.

10.2.2 The subject site with a stated area of 15.02 ha, located at Ballymastone, to the west of Donabate town centre. The lands which are irregular in configuration comprise two portions of land the largest of which is located on the western side of the R126 and the smaller portion is located east and on the opposite side of the R126. The site consisting of greenfield agricultural lands that are level. The larger portion of the site is defined by the R126 along its eastern boundary, a development site for housing to the south, existing housing development to the west and north west and similar greenfield lands to the north. The smaller portion of the site is defined by the R126 along its western boundary with a greenfield area to the south, Donabate Golf Course to the east and to the north and north east recreational lands (playing pitches) and site of the future recreational hub.

10.2.3 The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

10.2.4 The screening report identifies nineteen European Sites within a potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Rogerstown Estuary SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	(000208)	1km
<p>Rogerstown Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p>	(004015)	1km

<p>Qualifying Interests</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Malahide Estuary SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	(000205)	1.2km

<p>Malahide Estuary SPA</p> <p>Conservation Interests</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	(004025)	1.2km
<p>Rockabil to Dalkey Island SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>	(003000)	4.3km
<p>Lambay Island SAC</p>	(000204)	6.7km

<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Halichoerus grypus (Grey Seal) [1364]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>		
<p>Lambay Island SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>	(004069)	6.7km
<p>Baldoyle Bay SAC</p> <p>Conservation Objectives:</p>	(000199)	7km

<p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>		
<p>Baldoyle Bay SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	(004016)	7km
<p>Irelands Eye SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p>	(002193)	9.6km

<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>		
<p>Irelands Eye SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p>	(004117)	9.2km
<p>Skerries Islands SPA</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Purple Sandpiper (<i>Calidris maritima</i>) [A148]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p>	(004122)	9.3km
<p>Rockabill SPA</p>	(004014)	10.3km

<p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Purple Sandpiper (<i>Calidris maritima</i>) [A148]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>		
<p>Howth Head SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	(000202)	11.6km
<p>Howth Head Coast SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>	(004113)	11.6km
<p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p>	(000206)	11km

<p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>		
<p>North Bull Island SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	(004006)	11km

<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>		
<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p>	(000210)	16km
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143]</p>	(004024)	16km

Sanderling (<i>Calidris alba</i>) [A144]		
Dunlin (<i>Calidris alpina</i>) [A149]		
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]		
Redshank (<i>Tringa totanus</i>) [A162]		
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]		
Roseate Tern (<i>Sterna dougallii</i>) [A192]		
Common Tern (<i>Sterna hirundo</i>) [A193]		
Arctic Tern (<i>Sterna paradisaea</i>) [A194]		
Wetland and Waterbirds [A999]		

10.2.5 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites. The following is found in summary:

Site	Connection	Comment
Rogerstown Estuary SAC Rogerstown Estuary SPA Malahide Estuary SAC Malahide Estuary SPA	Yes	Proximity to the designated site with potential for disturbance through increased visitor numbers, potential emissions to water and potential indirect hydrological connection via municipal wastewater drainage and treatment network.
Rockabill to Dalkey Island SAC Lambay Island SAC Lambay Island SPA Baldoyle Bay SAC Baldoyle Bay SPA Ireland's Eye SAC Ireland's Eye SAC	No	No direct source pathway linkage. Indirect pathway through surface and foul water network. At operational stage, wastewater will be sent to the Portrane (WWTP) via the existing public network and will be treated at the WWTP which has capacity. Surface water discharge to the public network that discharges to marine environment. No impact anticipated due to distance and the lack

Skerries Island SPA Rockabill SPA Howth Head SAC Howth Head Coast SPA North Dublin Bay SAC North Bull Island SPA South Dublin Bay SAC South Dublin Bay and River Tolka Estuary SPA		of any relevant ex-situ factors of significance to the listed species or habitats.
--	--	--

10.2.6 There are no ecological networks supporting the identified European sites and there are no other areas of conservation concern that would be affected by the proposed development.

10.3 Applicants Screening Report Assessment of Likely Significant Effects:

10.3.1 The submitted AA Screening Report considers the potential impacts on European Sites from the proposed development. As reported, there are no direct connection between the site and European sites with only indirect connections identified in the form of wastewater from the development, which will be treated at the Portrane Wastewater Treatment Plan (WWTP) and outfall to the marine environment. This plant has capacity to treat the wastewater from this development. There is potential surface water linkage to Rogerstown Estuary SPA and SAC with the site crossing surface water catchments that's drain into the estuary and proximity to the designated sites. There is potential indirect surface water connection to the Malahide Estuary SAC and SPA due to proximity with the designated sites located 1.2km downstream of the site. The impact of disturbance due to elevated noise, vibration and dust during the construction phase and disturbance caused by increased visitor numbers in relation to both Rogerstown SAC and SPA and Malahide Estuary SAC and SPA due to their proximity to the application site.

10.4 In-Combination / Cumulative Impacts

10.4.1 The submitted AA Screening Report also considers the in combination / cumulative effect of plans and projects to Natura 2000 Sites, alongside the proposed development. This included consideration of relevant European Directives, National Plans, Local Plans and surrounding activities. This section outlines the permitted and proposed residential developments in the vicinity and planned infrastructural improvements (Dart+, Bus Connects). The primary source of cumulative impact concerns increased visitor pressure from additional residential development and population increase associated with such in close proximity to Rogerstown and Malahide estuary. The decline in the QIs of Rogerstown Estuary SAC/SPA and Malahide Estuary SAC/SPA as a result of increased pressure through amenity use / recreational pressure and development is identified with reference to potential cumulative impact in the submitted AA Screening Report.

10.5 Applicants AA Screening Report Conclusion:

10.5.1 The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded in the case of all sites within the potential zone of influence except four sites...

Rogerstown Estuary SAC;

Rogerstown Estuary SPA;

Malahide Estuary SAC;

Malahide Estuary SPA.

This is based on the hydrological connection to the designated sites and the nature of works on site. The management of surface water, habitat clearance on site, dust, noise, vibration and visual impacts on species and managing visitor pressure in the area will be required. As such, likely effects on Rogerstown Estuary SAC; Rogerstown Estuary SPA; Malahide Estuary SAC and Malahide Estuary SPA cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required.

10.5.2 In relation to the remaining SAC and SPA areas considered, taking into consideration the QIs associated with the most proximate designated sites other than the four listed above, the distance between the proposed development site to these designated conservation sites, the lack of direct hydrological pathway or any other pathway or link to these conservation sites, as well as the dilution effect with other effluent and surface runoff, it is concluded that this development would not give rise to any significant effects to those designated sites. The construction and operation of the proposed development will therefore not impact on the conservation objectives of features of interest of Rockabill to Dalkey Island SAC; Lambay Island SAC; Lambay Island SPA; Baldoyle Bay SAC; Baldoyle Bay SPA; Ireland's Eye SAC; Ireland's Eye SPA; Skerries Island SPA; Rockabill SPA; Howth Head SAC; Howth Head Coast SPA; North Dublin Bay SAC; North Bull Island SPA; South Dublin Bay SAC; South Dublin Bay and River Tolka Estuary SPA.

10.6 Applicants Stage 2 – Appropriate Assessment

10.6.1 The receiving environments at Rogerstown Estuary SAC; Rogerstown Estuary SPA Malahide Estuary SAC and Malahide Estuary SPA are described in detail in the submitted Natura Impact Statement (NIS) report.

10.6.2 The site-specific conservation objectives and qualifying interests / species of conservation interests of the aforementioned Natura 2000 sites are described above. The NIS also provides a detailed description of the site-specific conservation objectives of these European Sites with potential effects outlined, alongside any required mitigation. A conclusion on residual impact is then provided. A summary of this assessment is set out below:

10.7 Potential effects on the Rogerstown Estuary SAC; Rogerstown Estuary SPA Malahide Estuary SAC and Malahide Estuary SPA during construction.

10.7.1 Water Quality Dust and Other Emissions: Existing surface water drainage to Rogerstown estuary with Malahide Estuary downstream of such. Potential for increase in surface water run-off and sediment loading and contamination during the

construction stage. The impacts on water quality are assessed as short-term moderate negative impacts. Potential for increase dust emissions during construction works and risk to flora and fauna. The distance of the site from the designated sites is above beyond (1km) the 350m distance for which construction dust would tend to be deposited.

10.7.2 Disturbance via Noise, Vibration and Visual Impacts: Qualifying interests of the four designated sites are sensitive to noise vibration and visual disturbance. The proximity of the site to the designated sites is sufficient (c.1km) to rule out possibility of noise, vibration or visual disturbance on qualifying interests. There is no possibility of any ex-situ effect on birds roosting or feeding outside any of the designated sites (wintering bird survey has been carried out for Ballymastone lands).

10.8 Potential effects on the Rogerstown Estuary SAC; Rogerstown Estuary SPA Malahide Estuary SAC and Malahide Estuary SPA during operation.

10.8.1 Loss, or Disturbance to habitat within the site: The proposed development site is not a feeding site of significant importance in the context of birds that are qualifying interest of the Rogerstown Estuary SPA and Malahide Estuary SPA.

10.8.2 Disturbance due to human activities: The assessment highlights that the application site and lands they are taken from is zoned for residential use under The County development Plan which was subject to a Strategic Environment Assessment and Appropriate Assessment. Designated walkways/trails are proposed with the aim of alleviating amenity pressure on the Natura 2000 sites to a minimum by the provision of buffer zones to protect these sites from any adverse impacts. Masterplans are to be prepared for the designated sites with a masterplan already prepared for Rogerstown Inner Estuary and work underway on a Rogerstown Outer Estuary masterplan. Significant effects are ruled out.

10.8.3 Surface Water Quality: Surface water drainage during operation will be designed to prevent contamination. Significant effects are ruled out.

10.8.4 Foul Water: Foul Water Drainage is to be to the Portrane WWTP with sufficient capacity in the existing plant. Significant effects are ruled out.

10.8.5 Section 5.4 sets out mitigation measures, which include during the construction stage a Construction and Environmental Management Plan (CEMP) and construction management measures to protect water quality, manage dust emissions, noise emissions, noise and vibration. During the operational phase no mitigation measures are proposed.

10.8.6 In combination / cumulative impact is also identified with a number of permitted and proposed developments in the vicinity. In combination/cumulative impact is unlikely based on construction management measures, surface water drainage and connection existing foul drainage infrastructure. In regards to disturbance resulting from increased visitor numbers as result of the proposed development in conjunction with other permitted and planned residential developments on the designated sites, it is noted that proposals for recreational hubs in the vicinity of the site and designated walking trails will ensure no significant effects in term of disturbance.

10.9 Applicants Stage 2 Conclusion

10.9.1 it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, Rogerstown Estuary SPA; Rogerstown Estuary SAC; Malahide Estuary SPA; Malahide Estuary SAC, or any other European site, in view of the sites Conservation Objectives.

10.10 Screening Assessment

10.10.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or

necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

10.10.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

10.10.3 I concur with the conclusions of the applicant's screening, in that there is only the possibility for significant effects on the following European sites (associated with impact to species of conservation interest), as a result of potential impact associated with contamination of surface and/or ground water during construction and/or operation; and impacts associated with disturbance/habitat loss during construction and/or operation. This potential exists due to the location of the application site 1km south of Rogerstown Estuary SAC/SPA and 1.2km north of Malahide Estuary SAC/SPA. The application site is within the drainage catchment of Rogerstown Estuary in term of surface water drainage and Malahide Estuary is located a short distance downstream. I consider that significant effects on any other designated Natura 2000 sites can be ruled given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the marine environment (dilution factor).

10.10.4 I am of the view in relation to Rogerstown Estuary SAC/SPA and 1.2km north of Malahide Estuary SAC/SPA that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and pollution materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDS measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff, can be excluded given the and interrupted hydrological connection, the nature and scale of the development and the designated site are part of the marine environment (dilution factor).

10.10.5 The applicant's screening report relies on the results of wintering bird survey, which indicate that the appeal site is not used by populations of bird species that are qualifying interests of any of the designated sites. Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the appeal site provides significant ex situ habitat to support the protected species of the SPAs is accepted.

10.10.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application as noted above is 1km from Rogerstown SAC/SPA and 1.2km from Malahide Estuary SAC/SPA. In relation to construction

activity the application site is sufficiently separated from any designated Natura 2000 site so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

10.10.7 The potential for increased visitor numbers to coastal amenity areas as a result of increase of population at this location and subsequent disturbance of habitats and species that are qualifying interests of European Sites has been raised in third party appeals and observation submitted. The proximity of the Rogerstown SAC/SPA and Malahide Estuary SAC/SPA is noted, however the proposed development does not include any proposals to facilitate increased access towards those SACs or SPAs either in the form of footpaths or otherwise. The current proposal is part of the development envelope of Donabate and is zoned for residential use under the Fingal County Development Plan and Donabate LAP. It would result in a marginal increase in the town's population in keeping with the level advocated under the core strategy and objectives of the LAP for this area, which was itself subject to appropriate assessment. I would therefore consider that the argument that the proposal would lead to an increased level of visitor numbers in close proximity to the designated European Sites with subsequent significant effects on habitats and species to be unfounded and without a reasonable scientific basis. The proposed development would not be likely to have significant effects on the Rogerstown SAC/SPA and from Malahide Estuary SAC/SPA in this regard.

10.10.8 In-combination effects are considered in the applicant's screening report and following the consideration of a number of planning applications in the area, which are mainly relating to other residential development and the recreational hub, there is no potential for in-combination effects given the scale and location of the development and the fact that such is subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

10.10.9 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 I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos 000208 Rogerstown Estuary SAC, 004015 Rogerstown Estuary SPA, 000205 Malahide Estuary SAC and 004025 Malahide Estuary SPA or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European sites.
- The scale of the proposed development involving a change in the condition of lands 15.2 hectares in area from greenfield to residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

11.0 Recommendation

12.0 Reasons and Considerations

12.1 I recommend that permission be granted subject to the following conditions.

Reasons and Considerations

Having regard to

(i) the site's location on lands with a zoning objectives for residential development, ancillary commercial development and open space, and objective provisions in the Fingal County Development Plan 2017 - 2023 in respect of residential development,

- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan 2017 - 2023 and appendices contained therein,
- (iii) Donabate Local Area Plan 2016,
- (iv) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (v) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vii) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area, and
- (x) to the submissions and observations received,

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

12.2 Appropriate Assessment (AA)

12.2.1 The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Natura Impact

Statement submitted with the application, the Inspector's Report, and submissions on file.

12.2.2 In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

12.3 Environmental Impact Assessment

12.3.1 The Board completed an environmental impact assessment of the proposed development, taking into account:

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

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

- 12.3.2 • Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the area.
- A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the urban boundary of Donabate and the public need for housing there, this effect would not have a significant negative impact on the environment.
 - A significant potential negative effect on the cultural heritage of the area arising from the potential disturbance of previous identified archaeological material and undiscovered archaeological material on site but which would be mitigated by the plan to incorporate existing features into open space areas, archaeological monitoring and recording, with mitigation residual effects on cultural heritage would not be significant.
 - Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures, with mitigation residual effects from noise and vibration would not be significant.
 - Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme, with mitigation residual effects on air would not be significant.
 - Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the municipal foul sewerage system, and which will be mitigated during construction by appropriate management measures, with mitigation residual effects on water would not be significant.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or soil. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

13.0 Conditions

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

Reason: In the interest of clarity.

2. Permission is for a five year period from the date of this grant of permission.

Reason: In the interests of clarity.

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

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

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 22 of the EIAR 'Mitigation Measures and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

5. The development shall be carried out in accordance with the phasing programme specified.

Reason: In the interest of orderly development.

6. The number of residential units permitted by this grant of permission is 432 no. units in the form 92 no. apartments (42 no. one bed units, 41 no. two-bed units and 10 no. three-bed units), 126 no. duplex units (2 to 3 storeys, 10 no. one-bed units, 55 no. two-bed units and 61 no. three-bed units and 213 no. houses (75 no. two-bed units, 130 no. three-bed units and 8 no. four-bed units).

Reason: In the interests of clarity.

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

Reason: In the interest of visual amenity.

8. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority

prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

11. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

12. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently

for the residential development and shall be reserved solely for that purpose.

These residential spaces shall not be utilised for any other purpose.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

13. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

14. A total of 831 no. bicycle parking spaces (791 for residential and 40 for crèche) shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

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

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

Reason: In the interest of public health.

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

Reason: In the interest of residential and visual amenity.

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

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

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

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application, in addition to the following:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of access points to the site for any construction related activity;
 - c) Location of areas for construction site offices and staff facilities;
 - d) Details of site security fencing and hoardings;
 - e) Details of on-site car parking facilities for site workers during the course of construction;

- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.
Reason: In the interest of amenities, public health and safety.

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

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

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

(a) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological excavation (preservation by record) of Archaeological Areas 1-4 in advance of construction works and Archaeological Monitoring of ground disturbance at construction stages across the development site,

(b) should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

(c) the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, site, features or other objects of archaeological interest.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption

certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

26. The developer shall pay to the Planning Authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 in lieu of a shortfall in public open space based on County Development Plan standards and in respect of provision of the Ballymastone Recreational hub. The amount of the contribution shall be agreed between the planning authority and developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to

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

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

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

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

Colin McBride

Senior Planning Inspector

08th March 2023

