



An
Bord
Pleanála

Inspector's Report ABP-316065-23

Development	Demolition of buildings and construction of 159 no. residential units (114 no. houses, 45 no. apartments) and associated site works.
Location	Lands West of Golden Ridge & East of Kenure Park, Skerries Road, Rush, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	LRD0005/S3.
Applicant	Glenmount Properties Limited
Type of Application	Permission for Large Scale Residential Development
Planning Authority Decision	Grant permission
Type of Appeal	Third Parties
Appellants	(1) Praxis Care (2) Golden Ridge Residents (Enda Shepard and Others) (3) Rush Community Council

(4) Ian & Ciara Worrell
(5) Brookfield Park Residents
Association

Observers

(1) Cllr Brain Dennehy.
(2) Farran's Lane Residents
Association

Date of Site Inspection

19th May 2023

Inspector

Colin McBride

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 7.49 hectares is located to the north of Rush town centre. The site is irregular in shape and is made up of a number of fields. Levels on site are flat and there is a defunct sewage treatment plant located at the south eastern corner of the site. The site is bisected by a watercourse (the Brook) that runs east west from the Farren's Lane to Skerries Road. There is an existing laneway running north south through the site linking into Farren's Lane to the south of the site. Adjoining developments and lands include Kenure Park adjoining the western boundary, the Golden Ridge housing development adjoining the northern and eastern boundary (consist of two-storey dwellings and three-storey apartment blocks), a single-storey dwelling fronting Skerries Road adjoining the south eastern corner of the site, the Brookfield Park housing development (two-storey detached dwellings) adjoining the southern boundary of the site and a two-storey dwelling fronting Farren's Lane adjoining the southern boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of...

Demolition of existing temporary wastewater pumping station (c.221sqm) on the eastern part of the site.

Construction of 159 no. residential units including 114 houses (23 no. 2-bed, 71 no. 3-bed and 20 no. 4-bed two storey dwellings) and 45 apartments across 2 no. blocks (3 no. 1-bed and 42 no. 2-bed in three and four-storeys in height) all with external balcony or terrace and a two-storey crèche (c.415sqm).

305 no. car parking spaces, 241 no. serving houses and 90 no. serving apartments (60 with EV charging points and all remaining EV enabled) including 4 no. crèche parking space and 185 no. bicycle parking spaces (161 no. residential, 24 no. crèche).

c. 3.5 hectares of Class 1 and Class 2 landscaped public open space and communal open space.

New vehicular access from Brookfield Park to the south and from the existing Golden Ridge Way and Goldenridge Drive residential development to the east and north and associated works.

Pedestrian and cycle connections to adjacent lands at Skerries Road, Farren’s Lane and Kenure Park area included)with opening through stone wall at northwest corner of the site to facilitate access).

All associated infrastructure, 2 no. ESB substations, access, parking, open space, landscaping, bin and bicycle stores, PV panels at roof level of apartments and crèche, associated works to facilitate the development.

The housing mix would be as follows –

	1 bed	2 bed	3 bed	4 bed	Total
Houses		23	71	20	114
Apartments	3	42			45
Total	3	65	71	20	159

2.2. The development consists of 114 two-storey terraced and semi-detached dwellings and 2 no apartment blocks, Block A is three-storeys and Block B is four-storeys. In relation to vehicular access the development is split into two. The southern portion of the development (18 no. dwellings and the 45 no apartment units) is accessed through the service road within Brookfield Park with vehicular access off the Rush Main Street/R128 to the south, The remainder of the development (96 no. dwellings) links into the internal road network serving the Golden Ridge Housing development to the east and north (at two points), which has two vehicular access points off the Skerries Road.

- 2.3. The proposed development includes two main areas of open space, a space running on an east west axis on each side of the watercourse bisecting the site and an open space running on a north south axis to the west of the site. There are also other smaller areas of public open space and communal open space areas serving the apartment units. The layout includes for future access to a potential school site located to the north of the site and pedestrian axis points to Kenure Park to the west, Skerries Road to the east and Farren's lane to the south.
- 2.4. A total of 309 car parking spaces were shown on the plans submitted with the application. This includes 305 spaces to serve the residential development in the form of perpendicular and parallel parking and spaces to serve the crèche. 60 spaces are provided for EV charging (20%) and 5 disabled access spaces are located throughout the site. 185 bicycle parking spaces are provided in addition to in-curtilage storage in the case of dwellings.

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 29th July 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 constitutes a reasonable basis on which to make an application for permission for the proposed LRD. The applicant was also notified that the following specific information should be submitted with any application for permission...
- A rationale for inclusion of a school as part of compliance the development plan objective and correspondence with the Department of Education.
 - Demonstration that protruding balconies would not compromise residential amenity.
 - Submission of educational and childcare audit.

- Provision of phasing plan for the development with specific reference to childcare and open space provision.
- Submission of Housing Quality Assessment and Building Life Cycle Report.
- Consideration of Transportation Section issues including car parking management strategy, cycle parking provision and design, adequate buffer zone between cycling paths and parking, demonstrate intervisibility in relation to cycle path and Farren's Lane, a stage 1 and 2 Road safety Audit and taking in charge details.
- Consideration of issues raised by the Parkes and Green Infrastructure Section including landscaping treatment around the recorded monument, a tree planting plan, details of attenuation design within open space areas, a buffer zone along the watercourse to protect the ecological corridor and details of play equipment and surfacing of the play area.
- Proposals to address Water Services requirements.
- Proposals to address requirements of national monument identified on site.
- A site specific management plan for communal areas, open space, residential amenity areas and apartments.
- Provision of draft Construction Waste Management Plan, Construction and Environmental Management Plan and Operational Waste Management Plan.

4.0 Planning Authority Decision

4.1. Decision

The planning authority granted permission subject to 38 conditions. Of note are the following conditions...

Condition 4: Omission of first floor terrace of crèche and balconies on southern elevation of Block B fitted with 1.8m obscure glass screen.

Condition 7: Submission of revised phasing drawings providing for house no. 1-18 and 45 no. apartments, crèche and open space in phase one and remainder in phase two.

Condition 8: Childcare facility to be operational proper to occupation of 75th unit.

Condition 11: Provision of a buffer zone of minimum 35-50m from pumping station.

Condition 13: Requirements of the Transport Section including separation of bin storage and cycle parking within the apartment blocks, provision of a footpath along the western side of Brookfield Park to tie into existing footpath network, a Special Development Contribution of €10,000 for provision of footpath on Brookfield Park, provision of a junction upgrade design for Brookfield Park/Main Street junction and agreement of special development contribution in respect of such.

Condition 14: Ensure maintenance of access to potential school site.

Condition 15: Agreement of final details of boundary treatments required.

Condition 16: Open space area to west of the site to be provided as part of Phase 1.

Condition 20: Pre-development testing condition.

Condition 24: Finalised lighting design to be agreed.

Condition 36: Provision of piece of public art.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Planner report dated 15th February 2023

Principle of Development/Phasing: The development was considered to be compliant with development plan policy, the NPF and RSES, and acceptable in principle. The phasing plan fails to indicate when public open space will be provided with condition to be attached requiring provision of open space to the west of the site in Phase 1.

Density: The site is considered to be an inner suburban/infill site in the context of national guidelines and considers that the density proposed is acceptable at this location.

Layout, Design and Unit Mix: Overall the design, layout and mix of units proposed is deemed to be acceptable subject to a condition requiring agreement of final external finishes.

Residential Units: The quality of the houses proposed is deemed to acceptable in the context of internal standards, private open space and separation distances. In relation to apartment units it is noted that the design and layout of the apartment are in compliance with the Apartment guidelines in terms of internal standards, unit mix, private and communal amenity space and aspect. The information submitted on sunlight and daylight standards is noted with the standards considered to be acceptable.

Impact on adjoining amenity: The design layout provides for acceptable level of separation with adjoining properties and in particular meets the required standards for back to back opposing first floor windows under development plan policy. The information submitted on sunlight and daylight standards is noted with the standards considered to be acceptable in the context of target values under the BRE guidelines for adjoining properties in the case sunlight and daylight in regards to internal and external spaces. It is noted that no assessment of the property to the south of Block B (Farren's Lane) was undertaken however due to the proximity, height and scale of the development relative to the existing property no significant impact is foreseen regarding sunlight/daylight and overshadowing. The design and layout is considered to have adequate regard to adjoining amenities in regards to overlooking, however it is recommend that the first floor balcony area serving the crèche is omitted by way of condition.

Childcare: The childcare facility provided is considered sufficient to meet the requirements of Childcare Guidelines and sufficient in capacity to cater for the demand likely to be generated.

Social and Community Infrastructure: The applicants Community & Local needs and Education Assessment is noted with it considered that sufficient capacity is available in terms of school demand. In relation to the potential future school site it is recommended that future access to such is maintained and can be addressed by way of condition.

Open Space, Boundaries and Landscaping: the provision, design and layout of public open space and communal open space serving the apartments is acceptable, however it is recommended that the open space to the west of the site be provided within Phase 1. Boundary treatment throughout the site is considered acceptable.

Biodiversity: The applicant's Ecological Impact Assessment is noted and the overall impact of the development on biodiversity is considered acceptable subject to a condition requiring a finalised lighting design signed off by a bat specialist.

Movement and Transport: No objection is raised to the proposed access arrangement and the provision and layout of parking is deemed to acceptable. Level of bicycle parking proposed is also considered acceptable however it is deemed appropriate that cycle parking and bin storage areas within the apartment buildings footprint should be separate and dealt with by way of condition.

In terms of connectivity there is need for provision of a footpath on the western side of the existing access road within Brookfield Park to tie into the development is required.

Access proposals and traffic design and layout is considered generally acceptable. The junction of Brookfield Park and the Main Street requires an upgraded design to be agreed with the Planning Authority.

Flooding, Services and Drainage: the proposal was considered satisfactory in the context of flood risk, surface water, foul water drainage and water supply.

Archaeology and Conservation: The archaeological assessment submitted was noted and the development is considered satisfactory subject to a condition requiring pre-development testing. No architectural conservation issues arise.

4.2.2 Other technical reports:

Transportation Planning: No objection subject to conditions including provision of a footpath along the western side of the service road in Brookfield Park and a design for upgraded junction at the Brookfield Park/Main Street entrance.

Parks and Green Infrastructure: No objection subject to provision of western portion of open space within phase 1.

Housing Department: No objection.

Architects Department: The report suggests a number of amendments in regards to site layout in terms of traffic layout and proximity of car parking to dwellings, internal layout issues, elevational treatment and bicycle parking.

Conservation Officer: No objection.

Environment Health Air & Noise Unit: No objection subject to conditions.

Environment, Climate Action and Active Travel Plan: No objection subject to conditions.

Water Services Department: No objection subject to conditions.

Property Services Division: No comments.

4.2.3 Prescribed bodies:

Department of Housing, Local Government and Heritage: No objection subject to conditions including implementation of a Construction management Plan, amended landscaping proposals preserving woody vegetation present in riparian corridor along the stream, a finalised lighting design signed off by a bat specialist and an archaeological condition requiring pre-development testing.

Health and Safety Authority: No observations to make.

TII: No observations to make.

4.3. **Third Party Observations**

Submissions (61) 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**

- 5.1. F08A/0800: Permission refused for the construction of 91 no. dwelling units which will form Phase 3 of residential development proposals on Local Area Plan lands fronting Skerries Road. Permission refused for three reasons relation to insufficient wastewater capacity, inadequate internal dimensions and poor quality design and layout. Refused 20/08/2008.
- 5.2. F06A/0032: Permission granted for revisions to previously granted planning permission F04A/1040 for 129 residential units entail change of house types and dimensions. Granted 18/04/2006.
- 5.3. F04A/1296: The construction of 110 no. 2 storey 2, 3 and 4 bedroom townhouses, ground mounted ESB substation, temporary waste water treatment plant, surface car parking for 216 no. cars and all associated site development works with access to site from Skerries Road, all at site fronting Skerries Road. Grant 11/01/2005.
- 5.4. PL06F.209842 (F04A/1040): Permission granted for 129 dwellings, ESB substation, waste water treatment plant, car parking, site development works. Granted 05/05/2005).

- 5.5. F02A/1537: Permission refused for a residential development comprising 132 no. 2 and 3 storey, 2, 3 and 4 bedroom town houses, 46 no. 1 and 2 bedroom apartments and 2 bed duplex apartments in blocks ranging in height from 2, 2.5 and 3 storey and single storey local services centre comprising of crèche, community meeting room and retail unit together with all associated site development works. Refused for one reason relation to prematurity pending preparation of an Action Area Plan and materially contravening zoning objective of the site. Refused 04/02/2003.

Sites in the vicinity...

- 5.5 F20A/0664: Permission granted for a mixed-use development comprised of 67 no. residential dwellings and 2 no. retail/commercial units on a site measuring circa 2.1 hectares. Granted 23/08/21. This development is located to the west/south west of the site and on opposite side of Farren's Lane with vehicular access off the Main Street and pedestrian access onto Farren's Lane, currently under construction.

- 5.6 F21A/0455: Permission granted for a development which will consist of a commercial development of 2,561 sqm that will include demolition of the properties at nos. 10 (rear part only), 12, 14a, and 16 Upper Main Street and the construction of a discount foodstore, 4 no. commercial units and an exhibition hall. Granted 11/11/21.

6.0 Policy Context

6.1. National Policy

- 6.1.1. The National Planning Framework 2040 includes objective NPO11 to favour development that can encourage more people to live or work in existing settlements; NPO13 which is that planning standards in urban areas should be based on performance criteria; NPO 27 which is to ensure the integration of safe and convenient alternatives to the car into the design of communities; NPO 35 to increase residential density in settlements, including increased building heights; NPO 54 to reduce our carbon footprint by integrating climate action into the planning

system; and NPO 64 to improve air quality through supporting public transport, cycling and walking as more favourable modes of transport than the private car.

- 6.1.2 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, states at section 5.9 that in the development of inner suburban/infill “the provision of additional dwellings within inner suburban areas of town and cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division”.
- 6.1.3 The Guidelines for Planning Authorities on Urban Development and Building Heights, 2018, include a statement that it is Government policy to support increased building height and density in locations with good public transport accessibility in SPPR1. Section 3.2 sets out criteria at the scale of the city/town, district/neighbourhood/street, and site/building for development proposals to satisfy after which permission may be granted even in contravention of a limit in a development plan under SPPR3 of those guidelines.
- 6.1.4 The Guidelines for Planning Authorities on the Design Standards for New Apartments were issued in December 2022. Section 2.4 describes central/accessible urban locations as including sites within easy walking distance 400m-500m of high frequency (10 minute per hour) bus services which are generally suitable for higher density development; and intermediate urban locations which are suitable for smaller scale higher density developments that may wholly comprise apartments generally above 45 dph. Section 4.21 says that in central/accessible locations the default policy is for car parking provision to be minimised, substantially reduced or eliminated in certain circumstances, while section 4.23 states that in intermediate urban locations a reduced overall car parking standard must be considered.

6.1.5 The Guidelines for Planning Authorities on Flood Risk Management issued in 2009 sets out three flood risk zones – Zone A, where there is a high probability of flooding; Zone B where there is a moderate probability of flooding and Zone C where there is a low probability. Residential development is categorised as a highly vulnerable form of development which is usually appropriate only in Zone C. It may be justified in other zones following test for plan making and development management set out in box 4.1 and box 5.1 of the guidelines. The latter test requires that the land has been zoned for the particular use and has been subjected to an appropriate flood risk assessment.

6.1.6 The Departments of Education and the Environment and Local Government issued a Code of Practice on the Provision of Schools and the Planning System in 2008. It states that the Department of Education will consult with planning authorities at an early stage of plan preparation regarding the approach to schools provision and in assessing specific land requirements for schools and the suitability of particular sites.

6.2. Regional policy

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

6.2.2 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.

6.2.3 Rush is within the Core Region of the plan defined as “the peri-urban ‘hinterlands’ within the commuter catchment around Dublin, which covers the Eastern counties and extends into the Midlands, north into Louth and south beyond the Region into Wexford. The Core Region is home to over 550,000 people with some of the youngest and fastest growing towns in the Region and the State”.

6.2.3 Rush is Self-Sustaining Town defined under RSES as “some settlements, particularly those that have undergone rapid residential expansion will require targeted investment in local employment and services to grow at a more sustainable level appropriate to their position in the hierarchy, to be determined by local authorities”.

6.3. Development Plan

6.3.1. The relevant plan is the Fingal County Development Plan 2023-2029 is the development plan applicable to this application and appeal. The majority of the site is zoned RS-residential with a stated objective “to provide for residential development and protect and improve residential amenity”. Two parts of the site, to west and a strip of land to the south are zoned OS-Open Space with a stated objective to “preserve and provide for open space and recreational amenities”. There is map objective for Post Primary School on the lands zoned RS at this location. The map objective does not specify a location for the school within these lands and is an objective to reserve a site for such.

6.3.2 Rush is identified as a Self-Sustaining 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 2.14 Core Strategy identifies an estimate population in 2023 of 10,877 and estimated population in 2029 of 11,802 (growth 925), projected housing demand is 500 units, zoned land available is 53 hectares with a potential yield of 1,600 units and extant permissions provide for 388 units.

6.3.3 General policy and objectives regarding the settlement strategy and Rush are set out in the plan including Policy CSP34 “consolidate the growth of Self-Sustaining towns including Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries as set out in the Settlement Strategy for RSES and by encouraging infill development and compact growth rather than greenfield development and by intensification at

appropriately identified locations” and Objective CSO58 “facilitate the development of Rush as a vibrant town and retain its market gardening tradition”.

6.4. **Natural Heritage Designations**

None

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1 Five third party appeal have been submission from...

Praxis Care

Golden Ridge Residents (Enda Shepard and Others)

Rush Community Council

Ian & Ciara Worrell

Brookfield Park Residents Association

The grounds of appeal can be summarised as follows...

- A number of validation issues area raised including the period of display of the public notice on site, the availability of drawing on the website associated with the application and the fact that Praxis care, the owner of no. 21 Brookfield Park were not consulted as per Section 34B of the Planning and Development Act (Larger Scale Residential Developments) Act 2021.
- Use of Brookfield Park to access the southern part of the development is considered inappropriate in terms of existing amenities with a lack of consultation. In particular the fact that no. 21 Brookfield Park located at the end of cul-de-sac where the connection is proposed will be impacted significantly. The property is owned by Praxis Care which cater for individuals with specific care needs. The dwelling in question was selected on the basis

of its location in a quiet cul-de-sac with no passing traffic. The proposal will entail increased level of traffic passing the existing dwelling and impact on existing parking associated with dwelling.

- The appeal submission raise concerns regarding the extent of landownership defined by the blue boundary with it noted that it includes lands, which the applicant do no own and have not submitted letters of consent from the owners of such. It also noted that the applicants have not demonstrated that they have ownership of all parts of the site within the application boundaries.
- Concerns regarding development description in that it would alter an extant permission relating to Phase 1 and Phase 2 of Golden Ridge.
- The appellants raises concerning the letter of consent issued by Fingal County Council in terms of accessing Brookfield Park. The appeals question whether such provides for vehicular access and note that such only allows for pedestrian access.
- Use of Brookfield Park to access a portion of development is inappropriate on the basis that Rush Main Street suffers from severe congestion with the additional traffic generated exacerbating such.
- The proposal is contrary the adopted Local Area Plan and the County Development Plan , which shows access to the proposed site via Skerries Road, which should be use to access the southern part of the site and contrary the vison to enhance the town centre area. The proposal is contrary the masterplan associated with the parent permission for the Golden Ridge development of, which the site is part of later phase, in particular access arrangements/traffic proposals. The appeal submissions refer to the masterplan associated with the parent permission (F04A/1040 and F04A/1296) and the principle of traffic cells.
- The traffic report submitted is out of date and does not properly consider the impact of a number of new residential developments/permitted development in the area and uses survey data during periods where traffic was suppressed (Covid-19).

- The traffic report does not consider permitted development including a commercial development on Main Street or other residential development permitted. The TIA does not allow for the reserved school site to the north of the application site.
- The appeal submissions raise concern regarding use of the access to Brookfield Park off the Main Street and the fact that existing congestion issue on the Main Street will be exacerbated by the proposed development with access for all development off Skerries Road more appropriate.
- Concerns are expressed regarding the requirement for upgrade works of the Brookfield Park/Main Street junction on lands outside of the applicants' control.
- The level of detail on the Road Safety Audit submitted is questioned and considered to be inadequate with it noted that consideration must be given the status of no. 21 and the impact of development on access and parking, provision of through traffic that will constitute a traffic hazard, the design layout of existing access points serving Golden Ridge are inadequate and there is a lack of road marking and signage.
- The proposal is contrary the masterplan for the area and the principle of separate traffic cells and would make inappropriate alterations including alterations that would limit the intended provision of a bus gate to the north of the site, provide for a dangerous four armed-junction and inappropriate access. The failure to provide a vehicular access from Kenure Park would mean the vast majority of traffic would use the Main Street with existing congestion issues.
- The appeal submission raise concerns regarding compliance with DMURS and in particular the parking layout proposed within the proposed development, lack of green islands , inadequate pedestrian crossings, incorrect tactile paving at crossing locations and separation of parking from dwellings.
- There is contradictory details regarding the extent of lands or areas to be taken in charge in the documents submitted.

- Concerns are raised regarding the proximity of the dwelling to the pumping station to the east of the site.
- Separation distances between the front elevations of proposed dwellings and existing dwellings in Golden Ridge is identified as being insufficient and should be increased (at least 30m).
- The proposed development, in particular the proposal for a four-storey apartment block is regarded to be out character at this location and the density of the development is considered to excessive with a lack of assessment of density in terms of its concentration in different parts of the site.
- The design and scale of the proposed apartment blocks is considered to be overbearing to existing dwellings in the vicinity and dwellings planned as part of the overall development.
- Concern is raised regarding the provision of public open space and concern regarding the fact that open space provided in the initial phases of the Golden Ridge Development have been counted. Public lighting in the earlier phases of Golden Ridge are noted as being inadequate.
- Concerns have been raised regarding impact on school demand.
- The appeal question the level of units for the purpose of Part V noting that a third of the units in Phase 1 and 2 of Golden Ridge are owned and operated by social housing bodies and question whether 20% would be appropriate in this regard.
- The submitted construction management plan is considered to inadequate in particular in terms of construction access with concerns regarding impact of construction traffic through the existing residential development adjoining the site.

7.2. Applicants' Response

7.2.1 A response to the appeal submission has been submitted by the applicant Glenmont Properties Limited -

- The applicant has complied with obligations in terms of provision of the application on a website and display of public notices (it is noted that a public notice was removed but was replaced). In relation to consultation the wording of the relevant Act states that the applicant “may” consult and as such is at the discretion of the planning authority.
- The applicants have provided accurate description and have the relevant consents and permission to include certain lands and access existing developments. There is no current or adopted masterplan for the site and the applicants have submitted a solicitors letter clarify consent with it noted that Brookfield Park has been taken in charge. Works outside the redline boundary subject to condition 13 are not included as part of the application and can be implemented by the Local Authority.
- The Rush (Skerries) LAP referred to by the appellants has expired and is not listed as an operational plan under the Fingal development Plan 2023-2029. The expired development Plan (2017) does not specify any preferred access route to the site and provision of an access across the lands zoned OS would contravene the current Development Plan. In relation to reference to the Rush Urban Framework Plan 2018, the proposed development is not located within the area it relates to.
- Sufficient buffer zone is provided in relation to the pumping station and takes account of Objective WT12 of the 2017 Development Plan with condition no. 11 requiring such.
- Level of separation between proposed and existing dwellings (front) is sufficient. The Architectural Design Statement illustrates the relationship between the proposed development and existing development in the vicinity.
- The scale and height of the proposed development is appropriate and would not be out of character at this location with existing three-storey blocks within Golden Ridge and permitted on a site in the vicinity. The proposal is acceptable in the context of the Urban & Building Heights Guidelines. The applicant has include a response document prepared by COMMA Architects outlining how the proposed development has adequate regard to the

character of the area in terms of layout scale and height in the context of existing development on adjoining sites.

- The density of proposed is noted as being appropriate in the context of central location of the site and the refusal on at Hands Lane (F22A/0690) is not relevant given differing site constraints and size. The density is consistent with national policy, Sustainable Residential development in Urban Areas and Circular NRUP 02/2021 and Development Plan policy regarding Self-Sustaining Towns (CSP34).
- In relation to issues raise regarding inadequate provision of Class 1 Open Space/insufficient green space the applicant states that c.2.85ha of Class 1 Open space is provided including adjacent Kenure Park on lands zoned OS, with c.0.98ha of Class 1 open space provided on lands zoned RS and c. 0.63ha Class 2 open space on lands zoned RS. The proposal provides for in excess of the Development Plan requirements for Class 1 and 2 open space on lands zoned RS and excluding open space on lands zoned OS. The accompanying response from COMMA elaborates on open space calculations.
- In relation to school demand and impact on existing schools the applicant refers to the Educational Assessment submitted with the application that demonstrates sufficient capacity exists as well noted planned upgrades and expansion.
- In response to appeal submission identifying inadequate Part V provision the applicant notes that Part V provision was discussed and agreed with the Local Authority.
- In response to issues concerning the Praxis Care property at no. 21 Brookfield Park, the response notes this property is a dwelling located within a residential development and the proposal is for a residential development appropriately zoned lands and that connection to the lands in question from Brookfield Park is not an unreasonable expectation with the existing properties benefiting for the provision of open space. The proposal will entail appropriate pedestrian connection. In response to the appellants concerning regarding parking requirements of the Praxis Care

- In relation to traffic issues there is no preclusion on use of Brookfield Park for access based on local planning policy (expired LAP).
- In relation to traffic issues the applicant notes that the appellants' arguments regarding access to the Golden Ridge development and the provisions of the Rush (Skerries Road) LAP are not relevant with the existing development completed and the LAP no longer in force. The applicant notes a TTA was submitted and the applicant has submitted a memo prepared by Punch Consulting updating traffic calculations to take into account other developments in the area and updated traffic survey details. The applicant indicates that the vehicular access from Brookfield Park to the Main Street is shown to perform to a satisfactory level post development
- It is noted that the Road safety Audit (Stage 1 and 2) submitted has been prepared by a qualified practitioner, was considered acceptable by the Planning Authority and there is a requirement by condition to carry out a Stage 3 and 4 RSA.
- A DMURs Compliance Statement was submitted and accepted to be satisfactory by the Planning Authority and the design and layout incorporates the recommendations of DMURS in its overall design and layout.
- Construction Management measures will be adequate to minimise disruption with construction traffic volumes relatively small, standards construction hours, completion of pre and post construction surveys in regards to adjoining properties appropriate hoarding, provision of noise, vibration and dust monitoring plan and road/sweeping/cleaning during construction.
- The public light scheme provided is sufficient to cater for the proposed development and the applicant refers an accompanying report from consulting engineers on this issue.
- The applicant response clarifies that the development is to be managed by a management company that will deal with management of the areas other than those indicated to be taken in charge.

- In relation to biodiversity the applicant refers to the submitted Ecological Impact Assessment and proposal for landscaping, noting that the proposal would have no significant effects on biodiversity at this location.
- In relation issue regarding development description the applicant notes that earlier phase of Golden Ridge are complete and that the masterplan associated with such is notional and non-binding. It is noted that access to the southern part of the site through the area zoned Open Space would be material contravention and was ruled out during discussion with the PA.
- In relation to the other applications referred to by the appellants as requiring assessment of cumulative impact, ref F22A/0690 at Hands Lane was refused and F21A/0455 permitted on the Main Street is not directly relevant however has been included in the traffic survey details updated in the appeal response.

7.3. Planning Authority Response

7.3.1. Response by Fingal County Council.

The planning authority requests that the board uphold its decision. If it intends to grant permission, conditions should be attached requiring a contribution under the section 48 scheme and a special development contributions under section 48(2)(c) for a junction upgrade an footpath provision as well as the lodgement of a bond.

7.4. Observations

7.4.1. 2 observations were submitted on the appeals from...

Cllr Brain Dennehy.

Farran's Lane Residents Association.

- No construction access to be provided through Golden Ridge.
- Temporary sewage tanks on site should be removed.
- The construction compound should not be on the open space area adjacent Kenure Park, the proposed school site should be levelled and grassed, public light within the open space including adjacent Kenure Park and The Brook is inadequate and requires improvement.

- Letter of consent submitted does not provide for vehicular access to Brookfield Park.
- The proposal contravenes the Rush (Skerries Road) Local Area Plan in terms of vehicular access to the site.
- Lack of consultation under Section 32B(4).
- Road safety issues, impact on Brookfield Park, Praxis Care property, inadequate visibility at junction onto Main Street.
- Traffic impact in terms of congestion on Main Street, inadequate traffic assessment in terms of traffic numbers and permitted development.
- Bicycle parking provision should be increased.
- Inadequate dispersal of Part V properties.
- Excessive Height of Apartment Block A and overbearing impact on existing houses. Density of development is excessive and level of separation between Block B and existing dwellings along Farran's Lane is inadequate. Issues of concern regarding overlooking.
- The failure to provide adequate upgrades to Farran's Lane is noted the proposed development and the permitted development under ref no F20A/0664. Inadequate lighting provision along the western side of Block B.
- Concerns noted regarding safety of junction interface of proposed cycling path and Farrans's Lane. The road frontage treatment along Farran's Lane is considered to be inadequate in terms of design and character.
- Improved traffic calming within existing Golden Ridge development required.

8.0 Screening

8.1. Environmental Impact Assessment

8.1.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

8.1.2 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

8.1.3 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

8.1.4 The proposed development is for a residential scheme of 159 dwelling units and is not within a business district, on a stated development site area of 7.49ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

8.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (159) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

8.1.6 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

8.2 **Appropriate Assessment**

Applicant's Stage 1 – Appropriate Assessment Screening

8.2.1 The applicant has engaged the services of Altemar Marine and Environmental Consultancy, to carry out an appropriate assessment screening. I have had regard to the contents of same.

8.2.2 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

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

8.2.3 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.

8.2.4 The subject lands are described in section 2 of this report. 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).

8.2.5 The screening report identifies 13 European Sites within the 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 maritimae</i>) [1330]</p>	(000208)	0.6km

<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>		
<p>Rogerstown Esturary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <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>	(004015)	0.6km
<p>Rockabil to Dalkey Island SAC</p>	(003000)	1.6km

<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>		
<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 (Phalacrocorax carbo) [A017]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Purple Sandpiper (Calidris maritima) [A148]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Herring Gull (Larus argentatus) [A184]</p>	(004022)	4.5km
<p>Lambay Island SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p>	(004069)	4.8km

<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>		
<p>Rockabill SPA</p> <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>	(004014)	4.8km
<p>Lambay Island SAC</p> <p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p>	(000204)	5.1km

<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>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 (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	(000205)	5.3km
<p>Malahide Estuary SPA</p>	(004025)	6.5km

<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>		
<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>	(004016)	11.8km

<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>		
<p>Baldoyle 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]</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>	(000199)	11.9km
<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>	(004117)	12.3km

<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>		
<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> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	(002193)	12.9km

8.2.6 Applicants Assessment of Likely Significant Effects: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites and sets out such in Table 2 including a conclusion on whether significant effects are likely. The following is found in summary:

Site	Connection	Comment
Rogerstown Estuary SAC	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs

		measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No significant effects are likely.
Rogerstown Estuary SPA	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Rockabil to Dalkey SAC	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No significant effects are likely.
Skerries Island SPA	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to

		Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Lambay Island SPA	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Rockabil SPA	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Lambay island SAC	No	Indirect pathway through surface water with existing stream on site draining to

	Screened out	marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No significant effects are likely.
Malahide Estuary SAC	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No significant effects are likely.
Malahide Estuary SPA	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Baldoyle Bay SPA	No Screened out	Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs

	Screened out	measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Baldoyle Bay SAC		Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No significant effects are likely.
Irelands Eye SPA		Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor. During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats. No significant effects are likely.
Irelands Eye SAC		Indirect pathway through surface water with existing stream on site draining to marine environment with dilution factor.

		<p>During operational phase SuDs measures implement for surface water drainage and foul water discharge to Portrane WWTP under licence. No significant effects are likely.</p>
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8.2.7 In-combination effects are considered in the applicant’s report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

8.2.9 Applicants’ AA Screening Report Conclusion: The AA Screening Report has concluded that the possibility of any significant effects on identified designated European sites can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

8.2.10 Appropriate Assessment Screening: 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.

8.2.11 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 I have also visited the site.

8.2.12 I concur with the conclusions of the applicant's screening that significant effects on any European sites can be ruled out. There is an indirect hydrological connection with a surface water stream (the Brook) running through the site that discharges to the marine environment with the potential impact associated with contamination of surface and/or ground water during construction and/or operation. I consider that significant effects on any other designated Natura 2000 sites can be ruled given the lack of source pathway receptors between the application site and other designated sites, 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 designated sites in the marine environment (dilution factor).

8.2.13 I am of the view in relation to the marine based designated sites 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. In relation to foul water drainage the proposal is connected to the Portrane WWTP, which is operated under licence and has existing capacity to cater for the proposed development. 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 interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

8.2.14 The applicant's screening report relies on the results of bird surveys (outlined in the Ecological Impact Assessment), which indicate that the application site is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site. Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the application site provides significant ex situ habitat to support the protected species of the SPAs is accepted.

8.2.15 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application as noted above is 0.6km from the nearest designated site. 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.

8.2.16 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, 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).

8.2.17 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 any designated European Sites, 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 7.49 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.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

9.0 Assessment

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

- Policy/principle of development
- Density/Core Strategy
- Impact on the character of the area
- Adjoining Amenities
- Residential Amenity-Future Occupants
- Traffic and Transportation
- Drainage Infrastructure and Flood Risk
- Ecological Impact
- School Demand
- Other/Validation Issues

9.2 Policy/principle of development:

9.2.1 The proposed development is within the settlement of Rush within the functional area of Fingal County Council. The operational development plan for this area is the Fingal Development plan 2023-2029, which came into force on the 05th of April 2023. The appeal site is subject to two zonings. The majority of the site is zoned RS-Residential with a stated objective to “provide for residential development and protect and improve residential amenity”, two portions of the site (an area adjoining the western boundary and an area running east west adjacent the watercourse on site) are zoned OS-Open Space with a stated objective to “provide for residential development and protect and improve residential amenity”. All areas zoned OS-Open space are being provided as open space areas, which is consistent with permitted uses as outlined under Chapter 13 Land Use Zoning. The proposed uses on the land zoned RS including dwelling units (houses and apartments), a childcare facility and ancillary services roads and open space areas. These uses are all

permitted under land use zoning policy as outlined under Chapter 13 of Development Plan.

9.2.2 The appeal submissions raises the issue of compliance with the Rush (Skerries Road) LAP and what is described as extant permission under ref no. PL06.209842 (F04A/1040) and F04A/1296, which provides a masterplan for the site. In particular this relates to use of the existing housing development of Brookfield Park to access the southern portion of the site with the appellants pointing out that the LAP and masterplan associated with the previous permission for earlier phase of Golden Ridge entails all units on these lands accessed from the Skerries Road. The appellants' consider that the proposal is contrary to LAP policy and contravenes what is described as an extant permission. The appellants also refer to a Rush Urban Framework Plan 2018 in relation to their views that the proposal is contrary Local Authority policy.

9.2.3 As noted above the operational development plan for the area is the Fingal Development Plan 2023-2029 and includes a zoning map for the site and policy objectives for Rush, which are set out through the plan. There was a Kenure Rush LAP adopted in 2009 and such was extended for further 5 year period up until 2019 and appears to have expired. The Fingal Development plan 2023 outlines operational LAPs under Table 2.15 with no mention of any LAP that had been in force in this area. There is no current LAP in force for the area the site is located in and no proposal for a new LAP for this area with Table 2.16 outlining planned LAP's. The Development Plan also outlines operational masterplans in place (Table 2.17) and those planned (Table 2.18) and such does not include the site or wider area surrounding it. The Rush Urban Framework Plan relates to a study area centred on the main street area and does not include the application site. Part of the proposal will use an existing access (Brookfield Park) that is within the Urban Framework Area.

9.2.4 There is no planning policy impediment to the proposal to access part of the development through the existing housing development of Brookfield Park and as

the southern portion of the site is divided from the remainder of the site by an area zoned Open Space accessing such would require provision of a service road through this area, which would be contrary zoning policy and impact significantly on the quality of the open space area. In relation to the previous permission for Golden Ridge, these appear to be have been implemented apart from provision of open space on the area to west of the site, which is detached from the earlier phases. The proposal is clear in terms of what is being applied for and is being assessed on its merits. I do not consider that the proposal would contravene the permissions for the earlier phases. I would consider the principle of the proposed development is acceptable and that the overall detailed physical and traffic impact of the proposal will be assessed in the following sections of this report with the application to be assessed on its merits including access proposals.

9.3 Density/Core Strategy:

- 9.3.1 The proposed development entails the provision of 159 units on a site with a stated area of 7.49 hectares. The applicant identified the net density as c.35 uph (based on net area of c.4.48ha. The Planning Authority identified the density as being c.33 uph based on a drawing prepared by COMMA (based on a net area of c.4.81ha), which was considered to be an appropriate density at this location. The appeal submission raises concerns regarding density and in particular the lack of assessment of density distribution with concerns regarding the density of the southern portion of the development, which is considered by the appellants to be excessive.
- 9.3.2 The appeal site is within Rush, which is identified as a self-sustaining town under the core strategy and has population of in excess of 5000. 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. The Planning Authority have confirmed that the proposed development is consistent with the Core Strategy of the CDP (assessed under previous CDP). I am satisfied that the proposal is consistent with the core strategy of the adopted CDP (2023-2029).

9.3.3 The subject site is located a short walking distance north of Rush town centre 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 c.33 units per hectare and is split into two for the purposes of vehicular access and by an area zoned open space. The southern part of the development has a higher density than the northern part.

9.3.4 In the context of the Sustainable Residential Development in Urban Areas Planning guidelines the site is located within a larger town (population over 5000). I would consider that the having regard to the location of the site in close proximity to the town centre and its infill nature that site is an inner suburban/infill, which is how the site was characterised by the Planning Authority in their assessment. The guidelines state in relation to such areas that "the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division". No density range is specified, however it would be expected that

such areas can facilitate higher densities than an 'outer suburban/greenfield site' whose range is 35-50 (no lower than 30 unit per hectare is recommended).

9.3.5 The overall development has a net density of c.33 units per hectares (excluding areas zoned open space and public roads), which in the context of its location on an inner suburban/infill site is certainly not excessive. In response to the third party appeal claims that the development is excessive in density with specific reference to the southern portion, I would note that there is higher concentration of development in the southern part due to the provision of apartment units and three/four storey blocks. The southern portion has net density of 51 units per hectare taken in isolation, which regardless of consideration of the net density of the entire development would not be excessive in the context of the site location in close proximity to the town centre. I would consider that the overall density could be assessed as being on the low side in the context of its location and based on national policy, however I would not recommend refusal of permission on this basis as the development does include a mix of unit type and higher density concentration on the parts of the site in closest proximity to the town centre as well as noting that the railway station serving Rush is not within walking distance of the site.

9.4 Impact on the character of the area:

9.4.1 The appeal submission raises concerns regarding the design and scale of the development in the context of the character of the area and in particular the provision three to four-storey apartment blocks. The development is laid out in manner that the development is split into two parts by an area of open space running east west through the site. The northern portion of the development, which is accessed from the existing Golden Ridge development consist of two-storey dwellings with a mixture of terraced and semi-detached units. The southern portion of the development consist of a mixture of two storey dwellings (terraced and semi-detached) and 2 no. apartment blocks with Block A being part three-storey and part four-storey and Block B a three-storey block. Adjoining developments include Brookfield Park to the south consisting of two-storey detached dwellings and Golden Ridge to the north and west, which consist of a mixture of two-storey dwellings (semi-detached and terraced) and three-storey apartment blocks. The application is

accompanied by a set of photomontages illustrating the pre and post development visual impact includes images from 12 viewpoints including on site and the surrounding area. I am satisfied that the photomontages provide an accurate visual representation of the development and its overall impact on the character of the area.

9.4.2 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) for the development. The LVIA outlines the methodology used to carry out the assessment and details the character of the area. For each viewpoint the assessment outlines the sensitivity of each view point (2 assessed as low, 9 as medium and 1 as high), the magnitude of change (2 no change, 3 low, 4 medium and 3 high), the importance of effects (2 no effect, 1 low, 6 medium and 3 high) and the quality and duration of these effects (2 no effect, 6 neutral and permanent, 2 neutral-beneficial and permanent, and 2 beneficial and permanent). The LVIA concludes that the proposed development is a complementary and beneficial change to the landscape and visual amenity of the area and in keeping with change proposed in local policy.

9.4.3 The development consists mainly of two-storey units, which is the predominant type and scale of development in the surrounding area and adjoining sites. The development does include 2 no. blocks that are three-storeys and part four-storey in height, however such is not out of keeping at this location, with existing three-storey apartment blocks located on the adjoining site to the west (Golden Ridge). As stated above the development is pre-dominantly two-storeys with a limited level of higher development concentrated on site. I would refer to the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the section in relation to building height in suburban/edge locations (city and town) with Section 3.6 stating that “development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets”. I would consider this applies to this location given its proximity to town centre and high level of public open space provided. I am satisfied that the overall visual impact of the three and four-storey

blocks is limited given the fact that such are not a significant deviation in scale from existing properties on adjoining sites, are located in a built up location where views of such from the surrounding areas would be screened by intervening structures. In addition the overall scheme features a high level of open space areas and landscaping. The existing site/lands is currently neglected in appearance and appears to be underutilised with proposal providing for the residential development on a site zoned for such with a high level of public open space that links into the surrounding area including Kenure Park to west. I would be of the view that the proposal would have positive visual impact at this location. Having regard to the scale, layout and design of the proposed development and the submissions on the application and appeal, I would conclude that the proposed development would have positive impact on the character of the area and its visual amenity.

9.4.4 The application is accompanied by a Design Statement, which outlines the architectural characteristics and rationale for the development. This report also includes an assessment of development against the 12 criteria set out under 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 (May 2009). In addition to the Design Statement a comprehensive landscaping scheme is provided for the site. I am satisfied that the overall design and scale of the proposed development has adequate regard to the 12 criteria set out under the DoEHLG Urban Design Manual and provides for a development of acceptable quality in terms of overall design and layout in the context of urban design.

9.4.5 The issue of treatment of the Farren's Lane frontage is raised with concerns regarding the lack of consideration regard overall visual impact and its future upgrade. It is notable that a condition was applied (13) requiring a cross section of Farren's Lane, setback of the boundary and/or relocation of bike storage to facilitate future upgrades of Farren's Lane. Block B is setback between 5-6m from Farren's Lane with its western elevation (long side) orientated towards the public road.

Boundary treatment is in the form of 1.2m high estate fencing and the design and layout includes a pedestrian/cycle path linking into the Farrens' lane to the south of Block B and a pedestrian/cycle path, which links into Farren's Lane to the north of Block A and aligns with an approved pathway within the approved development to the west (F20A/0664). I am satisfied that the development provides a an acceptable design in relation to Farren's Lane with the Block orientated towards the public road and boundary treatment being relatively open in nature (estate fencing). In addition it is proposed to have 2 no. pedestrian linkages to Farren's Lane. I am satisfied that a condition requiring setback along Farren's lane is appropriate to allow for future upgrades including footpaths and public lighting.

9.6 Adjoining Amenities:

- 9.6.1 The appeal submission raises concern regarding the scale of development in the context of adjoining amenities with concerns about an overbearing impact on existing adjoining properties and planned units within the overall development. This aspect is particularly raised in relation to the proposal for three and four storey apartment blocks. The development is laid out in manner where the majority of development proposed adjoining existing housing to the south (Brookfield Park), west (Golden Ridge/Skerries Road) and north (Golden Ridge) is two-storeys in height (two-storey terraced and semi-detached dwellings). In the case of Golden Ridge housing development to the north and east the level of separation from existing units is of a reasonable standard with proposed units separated from existing units by the existing service roads within Golden Ridge to which the majority of the development will link into. The proposed development is a continuation of the pattern of development at this location and is of an acceptable scale and height in relation to existing properties.
- 9.6.2 The southern portion of development is the part that features a denser pattern of development and the provision of 2 no. apartment blocks. This portion of the site adjoins Brookfield Park to the south, a two-storey detached dwelling along Farren's Lane to the south of the site and 2 no. detached single-storey dwellings fronting Skerries Road to the east of the site. Where the development adjoins existing

dwellings in Brookfield Park, the development consists of two-storey dwellings (semi-detached) backing onto the existing dwellings with levels of separation over 22m in the case of back to back dwellings, which is in line with Objective DMSO23 of the Development Plan. The dwellings backing onto the eastern boundary also have a level of separation from the existing dwellings in excess of 22m (at minimum 31m). Apartment Block B, which is part-three-storeys part four-storeys is located away from the site boundaries and existing properties. The southern elevation of Block A is located 14m from the side elevation of an existing two-storey dwelling fronting Farren's Lane.

9.6.3 Sunlight, Daylight and Shadowing: The application is accompanied by a Sunlight, Daylight and Shadow Assessment prepared by Chris Shackleton Consulting for the proposed development including an assessment of impact on adjoining properties. 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, 2022.
- BS EN 17307:2018 – Daylight in Buildings – British Standard.
- IS EN 17037: 2018 – Irish Standard

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

9.6.4 The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

9.6.5 The applicant has assessed the potential impact on 6 no. window groups (labelled B1 to B6) located to the north, east and south of the site including the dwellings and apartments within Golden Ridge to the north and east, the existing dwellings along Skerries Road backing onto the eastern boundary of the site and the dwellings within Brookfield Park adjoining the southern boundary of the site. The analysis of the adjoining residential units found that all windows analysed have a VSC above 27% pre-development and all windows will retain a value above 27% post development.

9.6.6 The Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. According to the BRE guidance a dwelling/or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

Further to this the BRE advise that the sunlighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

9.6.7 The applicant has assessed the potential impact on only windows that face within 90 degrees of due south and in this case and in this case window groups B1, B3, B5 and B6. The analysis of the above listed units found that all windows receive above the target value of 25% for APSH and 5% in the case of winter months. All dwelling units will retain above the target values post development.

9.6.8 The submitted analysis includes an assessment of sunlight on the ground for adjoining gardens and open spaces. The analysis is in relation to the rear gardens serving 6 existing dwelling in Golden Ridge (Golden Ridge Green) backing onto the northern boundary of the site adjacent the location of the proposed crèche. 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 result indicate that all of the rear gardens associated with the dwellings test retain over the minimum 50% target value with no change in the percentage value for each space in the pre and post development scenario.

9.6.9 The daylight and sunlight assessments have targeted specific adjoining properties based on proximity and orientation of such in relation to the application site and proposed development. I am satisfied that the overall nature and scale of the development is a continuation of the established pattern of development consisting of mainly two-storey properties and maintaining separation distances that are commonly applied standards (22m back to back). In nearly all cases where the proposed development adjoins existing two-storey development, the type and scale of unit proposed are two-storey dwellings with a significant buffer between the apartment blocks and existing dwellings. The only case in which the apartment block adjoins an existing dwelling is in relation to the gable of Block B, which is located to north of a two-storey dwelling fronting Farren's Lane with 14m separation between the side (northern) elevation of the existing dwelling and the side elevation (southern) of Block B.

9.6.10 This dwelling to the south is a two-storey gable fronted dwelling with its main orientation being east west. This dwelling does have three windows on its northern elevation (I have examined planning history for this dwelling), which consist of a window at ground floor level serving a kitchen (open plan area with a south facing and east facing main window wall), a ground floor window serving a wc and a first floor window serving a landing. The main window walls of the adjoining dwelling are the eastern, western and southern elevations. There is a lack of assessment of the windows on the side elevation of existing dwelling, however I would be of the view

that given the window on the side elevation are not serving living spaces and the window serving the kitchen area at ground floor level is already obscured in terms light by a high block wall in close proximity to the northern facade (this space has a main window wall along the southern and eastern elevation) that the proposed development would not have an adverse impact on the light levels to the existing dwelling with the main window orientation for the existing dwelling east, west and south.

9.6.11 In regards to overlooking the development is predominantly providing for two-storey dwellings adjoining existing dwellings and in cases where they immediately adjoining existing dwellings appropriate levels separation are provided. The impact of Block A in terms of overlooking is limited by its positioning away from existing dwellings with proposed two-storey dwellings and service road, parking and amenity spaces providing an adequate buffer between it and existing dwellings on adjoining sites. In the case of Block B the southern elevation of such is located 14m from the northern elevation of the two-storey dwelling fronting Farren's Lane. This block has a ridge height of 10.8m above ground level and has a number windows serving the living/kitchen areas of 6 no. apartments (2 per floor). Each apartment has a recessed balcony on the east and western elevation, which does have narrow cut-out and metal balustrade on the southern facade. It is notable that a condition (no. 4) was attached requiring provision of a 1.8m obscure glazed screens on the southern aspect of these balconies. I would consider that the level of separation provided between Block B and the existing dwelling is sufficient to protect the residential amenity of the existing dwelling. The provision of windows on this elevation would not cause significant concerns regarding overlooking with a limited level of windows on the northern façade of the existing dwelling and the open space area associated with such screened by the elongated/extended nature of the existing dwelling on site. The main orientation of the balcony areas is east west with narrow cut-out on the southern side. I would consider that the proposal for obscure glazing on the southern side of balcony areas should be applied as a condition.

9.6.12 Condition no. 4 also required omission of a first floor balcony in the crèche due to its proximity to the rear of dwellings at Golden Ridge Green. I would agree with the

terms of this condition and consider that such is an unnecessary element in terms of the functioning of the crèche and is in the interest of protecting residential amenity to the north. I would consider that the overall design and layout would have adequate regard to the amenities of adjoining properties and provides for development of a scale that would have no significant or adverse impact in terms of overlooking, overshadowing or loss of daylight or sunlight in the case of existing properties adjoining the site. The development is of an acceptable scale and design in the context of a built up urban area that is zoned for additional residential development.

9.6.13 A predominant issue raised in the appeal concerns impact of the proposed development on no. 21 Brookfield Park. The dwelling is owned by Praxis Care who provide accommodation for individuals with specific health/care needs and the dwelling in question was chosen due to its location at the end of cul-de-sac and the lack of passing traffic. In addition it is highlighted that the cul-de-sac is used for parking associated with the existing dwelling and that the provision of the proposed development would have a significant impact in terms of disturbance due to passing traffic generated by part of the proposed development and loss of parking that would occur. The appeal submission highlights the fact there was a lack of consultation with the owners of the property regarding the proposal.

9.6.14 No. 21 Brookfield Park is an existing dwelling that is part of an established housing development on lands zoned residential. The proposed development plans to use the existing service road and access to Brookfield Park to access the southern part of the site and a total 63 units due to the fact that the site is bisected by an area zoned OS-Open Space. No. 21 has a no significant planning history apart from granting of residential extension. There is an exemption Class 14(f) of the Planning and Development Regulations, 2001 (amended) for “from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons”. This is in the context of development within the curtilage of a dwelling and does not alter the residential nature of the development.

9.6.15 I would acknowledge that the dwelling in question is owned by Praxis Care and that the unit in question caters for individuals with particular care needs. Notwithstanding this fact, no. 21 Brookfield Park is an existing dwelling part of a housing development on zoned lands. The current proposal entails using the existing service road and vehicular access to serve the southern portion of the site, which accounts for 63 no. units). No. 21 is located at end of the cul-de-sac with the service road running to the boundary of the application site and a turning area located in front of no. 21. The appeal submission raise concern regarding additional traffic through Brookfield Park and its impact on residential amenity in addition to the concerns raised in relation to no. 21. Firstly the use of the existing development to access the southern part of the site would not be contrary existing residential amenity. The proposal entails increased traffic within the existing development, however such is residential in nature and the existing service roads in Brookfield Park are of sufficient standard and layout to cater for such additional traffic. I would consider that the addition of residential traffic through the existing estate serving the 63 units would not compromise the existing residential amenities of the dwellings within Brookfield Park. I would consider there are significant benefits for Brookfield Park including access to enhanced open space areas as well as a pedestrian connection to Kenure Park to the west through the areas zoned open space on site. In relation to concerns regarding overspill of parking from the proposed development, I would refer to the section on traffic later in this report and to the fact that the development is provided with parking standards in excess of Development Plan requirements.

9.6.16 In case of no. 21, the existing property is a dwelling and regardless of its use in terms of in terms of care, the determining factor is whether the proposed development diminished the capability of the existing dwelling to be used for such to a degree that is it unacceptable. I would be of the view that this is not the case and that impact of passing traffic in a residential estate in an urban context would not impact residential amenity to the degree that it would unacceptable. In relation to the contention that the existing use of the dwelling has a requirement for 5 car parking spaces and that the provision of through traffic into the development removes the cul-sac from use by the appellants for such parking, the existing property is part of an urban housing development with each dwelling in Brookfield Park provided with

in-curtilage parking. I would note that in particular no. 21 being at the end of the cul-de-sac with a larger side garden has more scope than other existing dwellings to provide for parking off-street and at the time of my site visit there were 5 no. vehicles (4 cars and a van) parked within the curtilage of no. 21 on an area that has been paved to maximise off-street car parking. The turning area and cul-de-sac is not designed as a parking area and from the information on file the service roads and turning area have been taken in charge. I am of the view that the proposed development does not impact disproportionality on the residential amenities of no. 21 and its use as a residential dwelling regardless of its status as dwelling used for care purposes and that there is no reason to preclude the development on this basis. It is notable that the Planning Authority applied a condition requiring provision of a footpath on the western side of the existing service road to link into the footpath proposed within the southern part of the proposed development.

9.7 Residential Amenity-Future Occupants:

9.7.1 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.

9.7.2 In case of apartment units, all units exceed the minimum required floor areas, with all units (45) 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’.

9.7.3 In the case of the apartment units 91% (41) are dual aspect units in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate locations (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'.

9.7.4 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).

9.7.5 I would refer to the applicants open space diagram. 2.65 hectares of the site is zoned OS-Open space and is being provided as such as part of the development. 2.85 hectares of Class 1 open space is being provided and includes the section zoned Open Space. 15,345sqm/1.5 hectares of this space is not counted towards the proposed development and is counted towards to Phase 1 and 2 of the existing Golden Ridge development. 5,287sqm of the Class 1 space is allocated to the proposed development and in addition to such there is the provision of 6,307sqm of Class 2 open space distributed through the site (5 no. spaces). In relation to Class 1 open space allocation, both existing residential development and the proposed development will derive benefit from these large areas of public open space that are highly accessible due to pedestrians connections to the surrounding area. Development Plan policy under Objective DMSO51 is for 2.5 hectares per 1000 population (based on 3.5 persons in 3 bed and above units and 1.5 persons in two bed and below units). Minimum open space standards (table 14.12) is 12-15% for greenfield sites and 12% for infill/brownfield sites. The development has a population equivalent of 420.5, which gives requirement of 10,513sqm (75% Class 1 (7,884sqm) and 25% Class 2 (2,628sqm)). Provision is 16,138sqm (Class 1 (9,831sqm) and Class 2 (6,307sqm)). This level of open space is 21% of the overall

site area. The level of public open space provided is well in excess of Development Plan requirements.

- 9.7.6 There is suggestion in the appeal submission that open space provision is inadequate and that there double counting of space that relates to the earlier phases of Golden Ridge. In response to this argument, I would refer to the fact the proposal has a net density of 33 units per hectare, which is at the lower end of the scale with national guidance recommending no lower than a density of 30 units per hectare within larger towns and cities (over 5,000 population). The current proposal will bring forward the development and landscaping of significant areas zoned for Open Space that not only serve the development under this application, but the earlier phases of Golden Ridge. Existing and permitted residential development on adjoining sites including Brookfield Park will derive benefit from open space areas provided including providing linkages to the sizeable areas of Class 1 open space on site and to Kenure Park to the west through proposed pedestrian connections. I am satisfied that the applicants open space diagram sufficiently demonstrates that the obligations for open space under Development Plan policy are being met.
- 9.7.7 The recommended 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 305sqm (based 3 no. one-bed units, 4 no. two-bed (four person units) and 38 no. two-bed (four person) units). The level of communal open space provided is 940sqm and is twice the recommended standard.
- 9.7.8 The development is to be constructed in two phases (Phase 1 and 2, refer to phasing overview maps). The first phase is to include the southern portion of the development including the open space area to the south of the stream, phase 1 is also to include the childcare facility to the north, which will be linked into the existing service road with Golden Ridge. Phase 2.1 is to include the open space area north of the stream and dwelling units to the north of the site and Phase 2.2 is to include the open space area to the west of the site. The Planning Authority have expressed

the view that the open space area to the west of the site should be included in phase one and had conditioned this to be the case.

9.7.9 Daylight and Sunlight: Daylight and Sunlight: The applicant submitted Sunlight, Daylight and Shadow Assessment prepared by Chris Shackleton Consulting. 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, 2022.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard

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

9.7.10 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space (3 no. spaces) and public open areas (2 no. spaces) provided in the southern portion of the development, which is the most dense part of the development and includes a mix of houses and apartment blocks. The BRE target 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 5 public/communal open space areas tested, all but one meet the target values with 3 no. spaces yielding a 100% value and one space 83%. The area of communal open space that fails this test has a value of 13% and is the courtyard space located on the north side of Block A. This space is 251sqm and is 26% of total area provide for communal open space for the 2 no. apartment blocks (940sqm). The report comments in relation compensatory measure the fact that the level of communal open space provided serving the apartments is higher than required and the Block in question is served by a larger space of 483sqm on its eastern side where the 100% target is met. The results indicate that well over 50% of the total area of public and communal open assessed meet the BRE target values for the southern part of the

site. The applicant has not provided an assessment of this element for the northern part of the site and main open space areas (areas zoned OS). The remainder of the proposed development is a low density with a net density of 28 units per hectare (excluding areas zoned OS and the southern part of the residential development) and features two-storey terraced and semi-detached dwellings. The pattern of development and level of separation is not atypical of existing housing developments permitted on adjoining sites and in most major settlements, towns and villages nationwide. In this regard I would be satisfied that sunlight levels in remaining areas of the development would be satisfactory.

9.7.11 Daylight Analysis: The Sunlight and Daylight Analysis report assesses the proposed units (apartments) in terms of daylight performance based on BS EN 17307:2018 (have been adopted by NSAI as IS EN 17307:2018). The standard used is target illuminance for different rooms types (lux level of 100 for bedrooms, 150 for living rooms and 200 for kitchens with highest level used for rooms with dual use) with such levels achieved over at 50% of the points on a reference plane 0.85m above the floor, for at least half of the daylight hours. The results for both Block A are that all habitable rooms (bedroom, kitchen/living) comply with the BS/EN 17037 room targets for 50% of the floor area. In the case of Block B 93% of the rooms comply (with 3 no. rooms falling below the target standard, 3 living/kitchen areas yield a 39, 41 and 49% value in case of apartment no.s 3, 8 and 12). The applicant refers to the BRE guidelines recommendations for kitchen areas which are seen as an annex of the main space (C17 where the target for a living room could be used for combined living/dining/kitchen are if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design. The kitchen space would still need to be included in the assessment area). Test the 3 no. living space based on a 150 lux levels yield percentage values of 49, 50 and 61 (based on 200 lux, these are 39, 41 and 49 respectively). 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.

9.7.12 Separation distances: The appeal submission raise concerns regarding insufficient separation distances between dwellings within the proposed development and existing properties with particular reference to distances between the front elevations of proposed dwellings and those within Golden Ridge with 16-17m separation distance noted between the front elevations of proposed and existing dwellings. There is no specific standards provided for separation distances between the fronts of properties with the CDP only providing policy for back to back opposing first floor windows. In the case of the proposed dwellings these are separated from existing properties by the service road footpath parking and the level of separation between proposed and existing properties is in excess of the level of separation exhibited between the front of existing dwellings within Golden Ridge located to the east. I would have no concerns regarding compromised residential amenities for the proposed or existing dwellings in relation separation distance.

9.7.13 Separation distances between proposed dwellings and the pumping station were also raised in the appeal submission with the level of separation considered substandard. Under CDP policy there is an objective (WT12) stating that buffer zone around all pumping stations should be a minimum 35-50m and condition no. 11 of the grant of permission states that this is to be the case. The nearest dwelling to the pumping station is 43.36m.

9.7.14 I am satisfied that the proposed development is designed and laid out in manner that has sufficient regard to local and national policy in relation to overall quality and development management standards, and provides for a development that provides a satisfactory quality of amenity for future residents.

9.8 Traffic and transportation:

9.8.1 For the purposes of vehicular access the development is split in two with the majority of development to north of the site (96 units) to link into the existing service road network of the Golden Ridge housing development to the east and its existing vehicular access points (two) off Skerries Road. The remainder of the site to the south (63) units is to be accessed through Brookfield Park and use the existing vehicular access off Rush Main Street/R128. The appeal submission raised a

number of concern regarding the access arrangements with access through Brookfield Park considered inappropriate with concerns regarding additional traffic through Brookfield Park, use of the access onto the Main Street in context of existing congestion issues, traffic safety issues concerning the existing access layout and the requirement for upgrades at this access outside of the applicants control. The appeals also raise concerns about the accuracy of traffic data used to assess traffic impact and network capacity, the lack of assessment of the impact of a permitted development in term cumulative impact as well as noting that the layout (parking) does not comply with recommendation of the Design Manual for Urban Streets and Roads.

9.8.2 Traffic Assessment: The application was accompanied by a Traffic and Transportation Assessment (TTA) prepared by Punch Consulting Engineers. The TTA includes and analysis of local network capacity in the form of an assessment of 4 no. junctions...

Junction 1-Brookfeild Park/Upper Main Street/Hands lane priority junction

Junction 2- Skerries Road/Lower Main Street/Coopers Lane/Upper Main Street signalised junction

Junction 3- Skerries Road/Golden Ridge Crescent priority junction.

Junction 4- Skerries Road/Golden Ridge Avenue priority junction.

The junction analysis indicates that all junctions no. 1, 3 and 4 will operate within capacity for the opening (2024) and design years (2029 and 2039). Junction 2 (Skerries Road/Main Street) is show be operating just above capacity for the design year of 2039. The applicants' argument is that some level of congestion is to be expected in urban areas at peak times and that the existing junction, which is a signalised junction would present the opportunity to be improved in terms signal cycle adjustment.

9.8.3 The applicants' response to the appeal submission regarding criticisms of traffic survey data and lack of consideration of cumulative traffic impact with a permitted

development include and update memo from the authors of the TTA in response to these issues. The applicant has submitted detail of an updated traffic survey carried out on Tuesday the 28th March 2023 and show similarities to traffic levels from the 2021 surveys used with an overall 2% daily decrease at the junctions in question. The applicants are of the view that the traffic surveys used give an appropriate reflection of traffic conditions. The applicant in their response has also updated the estimated AM and PM peak traffic likely to be generated based on discrepancies in the number used for the southern and northern portion of the site. In relation to cumulative impact of committed developments the applicant notes that despite criticism to the contrary the impact of traffic associated with the permitted development under F10A/0664 has been accounted for in the traffic calculations at section 3.5 of the TTA. The applicants response note that ref no. F21A/0455 (commercial development on Main Street) had yet to be determined at the time of the submission of the application. The applicants' response includes updated calculations accounting for this development. Based on the updated information the applicants response indicates that the junction capacity at four junctions is previously noted in the TTA, junction no. 1, 3 and 4 operating within capacity for opening and design years and junction 2 operating just above capacity at the design year of 2039.

9.8.4 I am satisfied based on information on file that there is sufficient capacity for the proposed development in the local network. The junction analysis provided as part of TTA and updated calculations submitted in the applicants' appeal response are acknowledged and I am satisfied such gives an accurate appraisal of the traffic impact of the proposed development. I would consider a number of other factors should be taken into account in assessing traffic impact. The proximity of the site to the town centre means that existing local services concentrated in the town centre are accessible to pedestrians and cyclists. In addition (Educational Assessment refers) there are a number of schools within 1.5km of the application site. The proposal provides for a childcare facility on site that would reduce the necessity for vehicular trips for future residents of the development and other developments in the vicinity in the form of Brookfield Park and Golden Ridge as well other residential development in the vicinity. The site is accessible to public transport with bus routes

and stops located along Skerries Road and within a short walking distance of the application site. The TTA includes a mobility management plan outlining existing public transport services within the area. The traffic assessment and junction analysis within the TTA is worst case scenario assessment of trip generation, distribution and junction capacity with the application site located in an area, which provides considerable opportunity to reduce vehicle trips based on its overall accessibility and location in the context of Rush town centre.

9.8.5 Traffic Safety: In relation criticism of the overall traffic layout, the submitted Road Safety Audit and deviation for the masterplan associated with previous permission for Golden Ridge and the traffic cell model, the proposal entails use of three existing vehicular access points. There are two existing access points serving Golden Ridge to the east with the northern section of the site (96 dwellings) linking into the existing internal road network. Both of the entrances onto the Skerries Road have been in place for a period of time and in terms of layout and visibility appear to be sufficient to cater for purpose they were designed for, ie residential traffic. It is notable that the proposed development is effectively the third phase of Golden Ridge and the masterplan that the appellants have referred to proposed three vehicular access points including the 2 no. existing access points off Skerries Road and provision of an access to the west linking into Kenure Park. This proposal differs in that the southern section of 63 no. units uses the existing access through Brookfield Park with only 96 units using the existing access points off Skerries Road. I am satisfied that the existing access points off Skerries Road are sufficient in terms of design and layout to cater for the traffic movements likely to be generated by the proposed development.

9.8.6 The proposal entails use of the existing vehicular access serving Brookfield Park off the Main Street. This entrance is established entrance functioning as an access point for Brookfield Park and the 30 dwelling that make up the existing estate. The proposal entails access for an additional 63 residential units. The existing estate is made up of a network of service roads with an approximate with 6.5m carriageway. The estate feature footpaths and grass verges with footpath widths of at least 1.5m (excluding verges). The main service road from the junction has footpath and verges

on either side of the service road. Where the proposed development links into the existing service road network is the existing cul-de sac adjacent no. 21 and there is an existing footpath along the eastern side with a turning area and greenspace on the western side. The PA applied a number of conditions that relating to the existing road network and entrance to Brookfield Park. Condition 13 requires a junction upgrade improvement design for this junction for to be submitted and agreed with the PA including improved visibility, tighten up the junction and prioritise pedestrians (and cyclists). Condition no. 13 also includes for a special development contribution under section 48(2)(c) for the upgrade of the junction. The appellants are critical of this condition highlighting that it shows deficiencies in the proposal and is on lands outside of the applicants' control.

9.8.7 Having visited the site and used the junction in question, I would be of the view that the existing layout and configuration of junction is not deficient in terms of its purpose for facilitating access for residential development. The existing junction is T-junction with the horizontal and vertical alignment of the Main Street providing reasonable sightlines. There are existing double yellow line markings on either side of the junction. The requirements of the Council in terms of upgrades to improve visibility are not clearly specified with existing double line makings either side of the junction and parking control in operation on the main Street. I would consider that there is scope for improvement of pedestrian priority in terms of markings, provision of tactile paving, however I would be of the view the junction in its existing configuration is acceptable and would function to acceptable degree and that the capacity of such is sufficient to cater for the proposed development. In regards to a special development contribution under section 48(2)(c), I would consider that the application of such in case is not merited. I would refer to Section 48(12)(a) of the Planning and Development Act, 2000 (as amended), which set out that “where payment of a special contribution is required in accordance with subsection (2) (c), the follow provisions shall apply (a) the condition shall specify the particular works to be carried out, or proposed to be carried out by any local authority to which the contribution relates”. In this case the condition does not clearly specify the nature of the particular works and fails to specify the cost of such. I would highlight the fact that the applicant did not appeal the application of any of Section 48(2)(c) conditions. I would note that

the development if permitted is the subject of the section 48 development contribution as is the case of other developments planned or permitted in the vicinity and that such would include for payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority. In this regard I am satisfied the level of upgrade that is likely to be carried out in relation to this junction would not merit a special development contribution. Regardless of my view the road network associated with Brookfield Park is taken in charge and the junction access with the Main Street is in an area in which the Local Authority or an agent with consent from the Local Authority could carry out improvement works. I am satisfied that the use of the access serving Brookfield Park is satisfactory in terms of traffic safety and that such is sufficient to cater for the additional traffic likely to be generated. I am also satisfied that special development contribution is not required and that any improvement works can be adequately catered for by the application of an appropriate condition regarding application of the adopted Section 48 development Contribution scheme for the area.

9.8.8 Car Parking: Development Plan parking standards are set out under Table 14.19 of the CDP. A total of 305 car parking spaces are provided for residential development and 4 spaces provided for the crèche. The Development Plan requirements are 1 space plus 1 visitor space per 5 units for 1-2 bed units and 2 spaces plus 1 visitor space per 5 units for 3 bed and above units. For the childcare the requirement is 0.5 space per classroom. The requirement based on 68 no. 102 bed units and 91 no. 3+ bed units is 282 spaces with 305 provided. The requirement for the crèche based on the internal layout that provides four classrooms is 2 spaces with 4 provided. As noted earlier an issue raised in appeal submission concerned overspill of parking into existing housing in the case of Brookfield Park. I would highlight that the level of parking proposed in the overall development in excess of the required standard under CDP policy. Given the proposal is split in two for the purpose of vehicular access and that the concerns raised regarding parking overspill relates to Brookfield Park, I would highlight that based on unit type and number the southern portion of the development would have requirement of 85.6 spaces if provided in isolation and

the provision is 97 spaces and in excess of the required level. In this regard I am satisfied that sufficient parking is provided on site.

9.8.9 The appeal submission are critical of the separation between parking and proposed dwellings in some cases. The layout of parking is such that the vast majority of dwellings/residential units having parking in close proximity and in the case of most houses parking is provided close to the front of each unit. There are some case where parking is not right outside the front of the units question, however such is for a limited number of units and the distance would not be excessive.

9.8.10 Bicycle Parking: 185 cycle parking spaces are provided. These are in the form of external parking spaces (Sheffield stands) adjacent the crèche and both Apartment Block A and B. There are three separate covered bicycle storage structures, 2 adjacent Block B and 1 adjacent Block A. Block A also has internal bike storage area within the footprint of the block. 24 Sheffield stands are provided adjoining the crèche. Bicycle parking standards are under table 14.17 of the CDP and relate to apartment in the case of residential development (houses with rear gardens have adequate in-curtilage storage space) and childcare facilities. The requirements for the apartment development is 154.5 (132 long –stay and 22.5 short-stay) and for the crèche is 24. 88 covered/internal storage spaces and 16 external stands are provided in relation to Block A with 47 covered/internal storage spaces and 8 external in relation to Block B, which would be in excess of the standard required under CDP standards.

9.8.11 DMURS/Road Safety Audit: The appeal submissions are critical of compliance with the recommendations of the Design Manual for Urban Roads and Streets with particular issues raised regarding the parking layout and the distance between houses and parking. As outlined earlier the level of parking provided is well in excess of the minimum standards set out by the CDP. The parking proposed is all on-street parking with no in-curtilage parking proposed. The parking is a mixture or perpendicular parking (broken up by green sections) and parallel parking sections. DMURs (section 4.4.9) indicates that on-street car parking alone can be catered for up to densities of 35 to 40 uph and recommends that perpendicular parking be

confined to one side of the street. In this case the density of development is 33uph and perpendicular parking is confined to one side of street in the majority of the layout apart from some limited areas. I am satisfied that the design and layout of parking has adequate regard to the recommendations of DMURS and would note that the application documents include a DMURS Compliance Assessment (Section 4 of the Civil and Engineering report).

9.8.12 In terms of linkages to the existing development within Golden Ridge, the development links in at two points on to the north at Golden Ridge Drive and one to the south at Golden Ridge Way (converts a T-junction to a four arm junction). Both these linkages are detailed as potential problems within the Road Safety Audit with recommendations to provide appropriate markings, signage (stop sign) and reduce existing junction radii at the junction with Golden Ridge way. I am satisfied that subject to the provision of such that the linkages into the existing development would be satisfactory in the context of traffic safety.

9.8.13 As part of condition no. 13 there is a requirement to provide a footpath along the western side of the service road in Brookfield Park (2m wide and circa 40m in length) where the existing development links into the southern boundary of the site. Condition no. 13 also includes application of Special Development Contribution under Section 48(2)(c) in relation to the cost of carrying out these works. I would consider that the provision of this footpath is appropriate and would provide an appropriate level of connection and continuity between footpaths proposed in the new development and existing footpaths within Brookfield Park. In this case the condition regarding this footpath is contradictory in that it specifies the applicant provide it and pay a contribution towards it. I would consider it is one of the other as a Section 48(2)(c) contribution applies to specific works the Local Authority would have carry out that facilitate the proposed development. This area is outside of the site on lands taken in charge of by the Council and in this case I would consider it appropriate to apply a Section 48(2)(c) as the works in question specifically facilitate the proposed development and are clearly specified.

9.8.14 The appeal submission raise the issue of the masterplan associated with Phase 1 and 2 of Golden Ridge and the principle of traffic cells proposed in such. As noted above there is no obligation to follow this masterplan in terms of development of the site and that the proposal submitted is being assessed on its merits including traffic impact. I am satisfied that the applicant has demonstrated that the local road network has sufficient capacity to cater for the additional traffic likely to be generated. I am also satisfied that the proposed entrance arrangements are sufficient to cater for the traffic movements likely to be generated and entail use of three existing access points that have been designed to cater for residential traffic. I am satisfied that the internal road layout is satisfactory in terms of its compliance with DMURS and that the Roads Safety Audit is sufficient in identifying potential issues and providing adequate recommendations that are taken into account in the design. The proposed development is provided with more than sufficient car parking levels and provision for bicycle parking. The proposed is also accessible to the town centre and variety of local services reducing dependency on vehicular traffic with adequate provision of pedestrian cycling linkages to the surrounding area. Overall I am satisfied that the proposed development would be satisfactory in regards to traffic safety.

9.8.15 Farren's Lane: Criticism is raised in the appeal regarding Farren's Lane regarding the lack of upgrade of such and the interaction of the pedestrian/cycle paths with the existing public road in terms of traffic safety, in particular visibility. The proposed development does not propose any vehicular access off Farren's Lane and the level of traffic that is generated on such beyond the limits of the site boundary is 2 no. detached dwellings to the south of the open space area to the west of the site. Where the development adjoins Farren's Lane is not a heavily trafficked public road. In terms of upgrade such is outside of the application site and the conditions attached to the permission have regard to the future upgrade of such (setback of the boundary along Block B and cycle parking structure). I am satisfied that the interaction between pedestrian/cycle paths is satisfactory in layout and does not raise any concerns regarding visibility due to the open nature of boundary treatment. Some level of road marking would be welcome at this point where the cycle path aligns with that in the development permitted to west, however I would reiterate that

the Farren's Lane is low traffic environment and in particular beyond the southern limit of the site with only 2 no. detached dwellings located beyond this point.

9.8.16 Conclusion on Traffic and Transportation: I am satisfied subject to application of condition, which have been indicated in through the previous sections, that the proposed development would be acceptable in the context of traffic safety and convenience.

9.9 Drainage infrastructure and Flood Risk:

9.9.1 In relation to foul water drainage it is proposed to provide a new gravity foul network to serve the proposed development include two separate networks (one each for the portions north and south of the watercourse), which will connects to an existing 300mm sewer that discharges to the North Beach pumping station to the east of the site which pumps foul water to Portrane WWTP.

9.9.2 In the case of surface water drainage existing storm water drainage is to the existing watercourse traversing the site (the Brook). It is proposed to provide a new separate gravity storm network to cater for surface water runoff (two separate networks, one each for the portions north and south of the watercourse). Discharge to the watercourse is to be restricted using flow control devices. Sustainable Drainage (SuDs) measures are to be implement on site including swales, tree pits permeable paving, green roofs (apartment blocks), dry detention basins, retention basins and petrol and oil interceptors. The surface water drainage system is designed with 20% factor to account for climate change.

9.9.3 The application was accompanied by a Confirmation of Feasibility and a Statement of Design Acceptance from Irish Water indicating the proposed development could be provided with adequate water supply and foul drainage from its networks subject to upgrades of infrastructure located in the public road.

9.9.4 A section (3.3) of the Civil and Structural Engineer report outlines Flood Risk Assessment. The assessment has full regard to 'The Planning System and Flood

Risk Management Guidelines for Planning Authorities, 2009'. The report examines historical flood records (OPW Flood Hazard mapping) with no historical flood events effecting the site. CFRAMS, Irish Coastal Protection Strategy Study (ICPS) and Fingal East Meath Flood Risk Assessment and Management Study (FEM-FRAM) mapping demonstrates that the site is not susceptible to coastal or fluvial flooding. The site does not fall within the 1 in 10, 1 in 100 or 1 in 1000-year extreme fluvial flood events.

The report has regard to the following forms of potential flooding:

- Fluvial Flooding: A review of the FEM-FRAM Mapping was carried out showing the site is within Flood Zone C. The proposal includes restriction of run-off discharge to The Brook and provision of finished floor level 1.5m above 0.1% AEP level of The Brook.
- Pluvial Flooding: The potential for pluvial flooding is based on future drainage proposal for the site. The proposal includes surface water drainage measures that include for storm-water drainage including surface water attenuation and sustainable urban drainage systems proposals (SuDs).
- Coastal/Tidal: the site is located in land and due to levels on site and surrounding area not considered to be at risk from coastal/tidal flooding.
- Groundwater: There is no evidence of groundwater flooding on site and no risk of such anticipated.

9.9.5 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.

9.9.6 The initial flood risk assessment found that the risk of coastal/tidal flooding, groundwater flooding was low and the site is located in Flood Zone C in the case of fluvial flooding. 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 childcare) that is classified as highly vulnerable under table 3.1 of the guidelines located within Flood Zone C (dwellings, retail, crèche and office). Based on Table 3.2 of the guidelines, 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 highly vulnerable development is located within Flood Zone C.

9.10 **Ecological Impact:**

9.10.1 The application is accompanied by a number of reports including...

Ecological Impact Assessment- prepared by Altemar.

Tree Survey-prepared by Cunnane Stratton Reynolds.

The application is also accompanied by an Appropriate Assessment Screening report with the issue of Appropriate Assessment issue dealt with in a dedicated section of this report.

9.10.2 The Ecological Impact Assessment set out details of surveys carried out including a desktop survey and field surveys including mammal & amphibian, flora/habitat/bird/bat surveys and wintering bird surveys. The site habitat classification of the site is mainly Horticultural Land (BC2) and Recolonising Bare Ground (ED3), there are sections of Built Land (BL3) and Spoil and Bare Ground (ED2). There are a section of Scrub (WS1) with the majority of such concentrated along the stream traversing the site. There is large section Dry meadows and grassy verges (GS2) concentrated at the western portion of the site. There is sections of Amenity grassland (GA2) to the north of the site. In terms of habitat evaluation it is noted that majority of the site Horticultural Land and ED3- Recolonising Bare Ground. The western portion of the site borders a woodland and a small stream which bisects the site would be seen as the most important habitat on site, not

because of the species noted but by the linear nature of the elements providing biodiversity corridors to the surrounding areas. No other habitats of conservation significance were noted within the site outline.

9.10.3 No plant species of conservation significance were identified on site. No terrestrial fauna of conservation significance were identified on site. Bat species were noted in the vicinity of the woodlands and it was identified that two species (Soprano Pipistrelle and Common Pipistrelle) forage along the watercourse traversing the site. In relation to amphibians/reptiles frog, common lizard or smooth newt were not present on site. Badgers have been noted within the 10km² grid by the NPWS however no badgers or badger activity was noted on site with no protected terrestrial mammals identified on site or in the immediate vicinity of the site. 16 bird species were identified. 3 of such species are amber listed and were detected overhead. The wintering bird survey identified 47 bird species over the 12 day survey. The site was not assessed as a significant ex-situ habitat for bird species identified as qualifying interest of nearby SPA. In terms of red list species only snipe and redwing were identified foraging on site, however such is noted as being in small numbers.

9.10.4 The report outlines a description of the development and the nature of activity part of the construction and operational phases of the proposed development. The report refers to the Appropriate Assessment Screening in relation to designated European sites and notes that there are no NHA or pNHA's with a source pathway linkages to the site. The potential impact of the proposed development on habitats and flora, fauna, bats and birds is outlined for the construction and operational phase. For terrestrial mammals the construction phase will result in loss of habitat and habitat fragmentation (impact low adverse/site/negative impact/not significant/short term). Impact during the operational phase will entail additional habitat (landscaping) including a wider riparian strip (negligible beneficial /site/negative impact /not significant / long-term). In the case of flora the impact will be removal of existing flora on site (low adverse/site/negative impact /not significant/short term). Impact during operational phase will entail increased landscaping (negligible beneficial/site/negative impact /not significant /long-term). For bat species no roosting habitats are being lost however there is potential for light spill from

construction works to impact foraging bats (low adverse/site/negative impact /not significant/short term). For the operational phase potential of light spill on foraging bats is also identified as an impact (low adverse /international/negative impact /not significant/long term). In terms of aquatic species there is potential impact on habitats downstream as result discharge of polluting material to the watercourse on site during construction (Low adverse/local/Negative Impact/Slight Effects/short term). During operational phase the potential impact is similar through discharge of polluting materials, however biodiversity quality of the watercourse is expected to improve with a wider riparian strip provided (Low beneficial/local/Positive Impact/ Not significant/long term). In relation to bird species site clearance during the construction phase has the impact on bird species (Low adverse/Local/Negative Impact /Not significant/short term). For the operational phase increased landscaping would offer improved foraging and nesting habitats (Neutral-Low Positive/site/ Neutral-Low Positive Impact/Not significant/long term).

9.10.5 The report includes details of mitigation measures and enhancement under Table 8 and include for the construction phase, the carrying out of pre-construction surveys for amphibians and mammal, construction surface water management measures, controlled vegetation removal (outside bird nesting season), noise control measures during construction phase, dust control measures, construction waste amendment and disposal, invasive species management measures. For the operational phase, a bat and bird friendly lighting scheme, bird habitat enhancement (nest boxes) and post construction surveys for bats. Cumulative impact is considered with permitted development including an adjoining housing development permitted under ABP-311616-21. Residual impacts for the various ecological receptors after implementation of mitigation measures range from not-significant/imperceptible with positive residual impacts in relation enhanced habitat for bird species.

9.10.6 The tree survey for the site indicates there is a low level of existing trees on site in the form of 2 no. individual trees on site (non-native ornamental trees) and 3 no. tree groups identified on site and a further 2 no. tree groups identified on adjoining sites but along the site boundary. The proposal will entail removal of 8 no. trees, one part of tree group 2 (condition C1), 6 part of tree group 3 (condition U classified as dead)

and T1 (condition B1), which is one of 2 no. individual trees identified on site. Tree protection measures are to be implemented during construction to protect trees on site that are not to be removed and tree groups on adjoining site that are in close proximity to the site. I am satisfied that the level of tree removal is justified and that the proposal entails a comprehensive landscaping scheme including tree planting that will enhance this location.

9.10.7 The application is accompanied by an Ecological Impact Assessment report, which outlines the characteristics of the site including habitats and species present on the site and the immediate vicinity with the conclusion that subject to application mitigation measures that the proposal would have no significant ecological effects. In relation to bat species the report identifies that the riparian strip concentrated along the watercourse traversing the site has is a foraging corridor for bat species in the area and that as part of the proposal that this area is being enhanced with wider riparian strip along the watercourse. It is proposed to provide a lighting scheme designed to minimise light impact on bat species. I am satisfied that the report identifies the potential of the site as a foraging habitat for bat species and provides for appropriate measures to ensure no significant effects on such species. I consider that the report submitted is sufficiently robust and thorough in its assessment of the site and immediate vicinity. The site is not a site that is especially sensitive in terms of ecological value with habitats and species identified widespread in nature. I would consider that the mitigation measures applied are sufficient to protect any species of conservation value.

9.11 **School Demand:**

9.11.1 The appeal submission raise concerns regarding school demand and whether the existing schools have sufficient capacity to cater for the additional population. The application was accompanied by an Educational Assessment that includes an audit of existing pre/after school facilities, primary school and secondary schools within a 1.5km radius of the appeal site (8 no. pre/after school facilities, 3 no. primary schools and 1 no. secondary school). The assessment indicate that there is existing capacity with the primary and secondary schools (58 and 53 places respectively) and outlines planned capacity upgrades for both primary and secondary schools and the

expected timescales for such with current planned capacity upgrades for both type of schools. The estimated demand for the proposed development is indicated as being potentially up to 75 for primary and 50 for secondary. These figures are indicated as worst case-scenarios with demand potentially less with it noted that the existing capacity exists and with future planned increases in capacity also likely to come on stream. In relation to childcare facilities no capacity data was available. In regards to the proposed facility on site, capacity is 54 child spaces with an estimated demand of 40 child spaces from the proposed development.

9.11.2 There is a development objective for a proposed school site on the lands zoned RS at this location. The applicant has reserved a portion of the landholding (not within site boundary) to the north of the site and provided for future access to such. The Educational Assessment report indicates that the Department of Education have identified an alternative site for a new post primary school within Rush, however the elected members retained this objective in the 2023 Development Plan despite recommendations to omit it. The applicant has given adequate regard to this objective.

9.11.3 The proposal is for a residential development on lands zoned for such use in close proximity to the town centre and accessible to existing services including education facilities. I am satisfied that the Educational Assessment submitted applicant is sufficiently detailed to draw certain conclusions from. Firstly there are existing local educational facilities accessible to the site and that there is existing capacity within such facilities for additional pupils. In addition there are current planned upgrades to these facilities to make available increased capacity. The nature and size of the development is such that any demand generated will not be generated immediately and on a phased basis due to length and phasing of construction. I am satisfied that there is sufficient capacity within existing education infrastructure to cater for the proposed development and would note that the assessment submitted also relates to facilities within 1.5km of the site and that it is likely that educational facilities outside this radius may cater for some of the demand generated.

9.12 Other/Validation Issues:

9.12.1 The appeal submission raise concern regarding the impact of construction. The applicant submitted a Construction Management Plan and phasing plan. The construction phase is to use an existing vehicular access off Skerries Road (adjacent the pumping station) for the purposes of constructing the first Phase to the south of the Brook meaning no construction access through Brookfield Park. Construction access for the crèche in Phase 1 and Phase 2 will require access through Golden Ridge. I am satisfied that having regard to the temporary nature of construction and the measure proposed including operating hours and measures to suppress, dust noise and vibration that the construction phase can be managed to minimise impact on existing properties. The construction management plan provides details of phasing and location of proposed construction compounds during each phase. It is notable that the PA conditioned that the open space to the west of the site be provided in phase 1. The phasing proposed indicates the location of construction compounds, which for some the phases will be in the open space area to the west. I would be off the view that a condition requiring provision of the open space area to west during Phase 1 is not necessary as the Phase 1 as has a significant level of public open space being provided and also includes for provision of crèche. I am satisfied that phasing plan is acceptable and would recommend that it be followed with no condition requiring the open space to the west to be provided at Phase 1.

9.12.2 To the north of the application and within the landholding is an area reserved for a school site based on the fact there is an existing school objective on the lands zoned RS at this location. The school site is outside of the application and it proposed to provide vehicular access to the site from internal road network. Based on the correspondence from the Department of Education submitted, an alternative site for a school has been identified, however the school objective was retained on these lands with the applicant reserving the area in question to comply with objective. I am satisfied that this arrangement would satisfy the CDP objective, but would facilitate this objection and the design layout of the proposal would allow for the future development of this area for such or for residential development in the future if this objective changes. It is conditioned that this area be seed and grassed.

9.12.3 The application was accompanied by an Archaeological Assessment, which indicates that there is one recorded monument on site (a well, DU008-014) and such to be preserved within one of the green spaces on site. The assessment recommends archaeological testing on site. A submission by the Department of Housing, Local Government and Heritage (development Applications Unit) recommends attaching a condition requiring pre-development testing in term archaeology.

9.12.4 The third party appeal raise concerns regarding Part V provision the context of existing level s of social housing within Golden Ridge. The development in the case is subject to Part V provisions and the applicant has engaged in discussion with Local Authority and reached an agreement regarding Part V. I do not consider that this is an issue that would merit precluding the development and would highlight the importance of complying with Part V in terms of housing demand.

9.12.5 A number of other issues are raised by the appeal submissions. Theses issue relates to lack of consultation in the context of Section 34B of the Planning and Development Act (Larger Scale Residential developments) Act 2021 and the legitimacy the consents to used Brookfield Park access the site and issues concern the public notices.

9.12.5 In regards to the issues of consultation, the appeal submission highlight that there was a lack of consultation with the owners of no. 21 Brookfield Park (Praxis Care) due to lack of awareness of the ownership and use of the dwelling for care purposes. Section 34B(4) dose state that “the planning authority may, prior to the LRD meeting taking place, consult with any person who may, in the opinion of the planning authority, have information that is relevant for the purposes of the LRD meeting in relation to the proposed development”. The wording of this provision means that this is such is discretionary with no obligation implied. On this issue I would highlight that the third party submission to Planning Authority have highlighted the concerns of Praxis Care, which were considered in assessment of the application and Praxis Care as well as other appellants have made their views clear in regard to proposal in the appeal submissions, which has been assessed on its merits with other issue

raised. I am satisfied that that no party has been unduly discommoded from participation in the planning process.

9.12.6 In relation to consent the appellants highlight that the letter of consent submitted by the applicant to access the site through Brookfield Park only relates to pedestrian access and not vehicular access. I am satisfied that the application is accompanied by sufficient letters of consent in regards to providing access to Brookfield Park for both vehicular and pedestrian access and pre-consultation discussions would have been on the basis of such access and permission has been granted in such regard. I am satisfied that sufficient consent has been obtained to connect into the existing road network infrastructure of Golden Ridge. Notwithstanding such I would draw attention to Section 34 (13) of the Planning and Development Act 2000 (as amended) which reads '*A person shall not be entitled solely by reason of a permission under this section to carry out development*'.

9.12.7 In relation to public notices the appeal submission raises concerns regarding the description of the proposed development in that it does reference earlier phases of Golden Ridge, which the appellants describe as extant permission and that the site notice was not in place for a period of time. In regards to development description, the public notices provide an accurate description of the development proposed. I do not consider that reference to the earlier phases of Golden Ridge in terms of the permission granted (PL06F.209842/F04A/1040, F04A/1296 and F06A/0032) is required as these permission appear to have been implemented and the description of the proposed development clearly outlines the nature of the proposed development. In regards to the issue of site notices, it appears that a site notice was removed for a period but replaced. I would note that it cannot be argued that there was lack of public awareness of the development with 61 submission received during the application process and subsequent appeals and observations received.

10.0 Recommendation

10.1. I recommend that permission be granted subject to the condition outlined below.

11.0 Reasons and Considerations

11.1 Having regard to

(i) the site's location on lands with a zoning objectives for residential development and open space, and objective provisions in the Fingal County Development Plan 2023 - 2029 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 2023 - 2029 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) 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,

(v) 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,

(vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

(vii) to the pattern of existing and permitted development in the area, and

(viii) 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.

11.2 Appropriate Assessment (AA)

11.2.1 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.

11.2.2 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.

12.0 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. The proposed development shall be amended as follows...

(a) the balcony at first floor level of crèche building shall be amended.

(b) The roadside boundary along the eastern side of Farren's Lane shall be setback cycle parking structure at this location shall be set back or relocated on site to provide sufficient space to allow for future upgrades of Farren's Lane.

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

Reason: In the interest of orderly development, residential amenity.

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

Reason: In the interest of orderly development.

4. 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.

5. 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.

6. 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 and shall have regard to impact in terms of biodiversity.

Reason: In the interests of amenity and public safety.

7. 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.

8. 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.

9. (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.

10. 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.

11. The level of communal bicycle parking spaces specified (185) spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted 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.

12. 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.

13. 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.

14. 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.

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

16. (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.

17. 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.

18. 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 draft Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, 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.

19. 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.

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

(a) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological test excavation in advance of construction works and provide a conservation plan for preservation in-situ of the well (SMR No. DU008-014_). No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(b) the archaeologist is required to notify the Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(c) the archaeologist shall carry out any relevant documentary research and will; excavate test trenches, at locations chosen by the archaeologist, having consulted the proposed developments.

(d) having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department for consideration.

(e) where archaeological material is shown to be present, avoidance, preservation in-situ. Preservation by record (excavation) and/or monitoring may be required and the Department will advise the Applicant/Developer with regard to these matters.

(f) No site preparation or construction works shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department.

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

21. 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.

22. 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.

23. 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.

24. 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.

25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of provision of a 2m wide and circa 40m length of footpath along the western side of the service road in Brookfield Park where the southern portion of the development joins into the existing service road network. The amount of the contribution shall be agreed between the planning authority and the

developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index-Building and Construction (Capital Goods), published by the Central Statistics Office.

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

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

Colin McBride
Senior Planning Inspector

23rd May 2023

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-316065-23		
Development Summary	Construction of 159 dwelling units (114 dwellings and 45 apartments)	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Development Plan subject to SEA Proposed development subject to screening for appropriate assessment in the report above

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The nature of the proposed residential use is similar to that which predominates in the surrounding area. The proposal includes three and four-storey apartment with three–storey apartment blocks with an earlier phase of Golden Ridge.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development will change some land under grass in an urban area to a residential development, and maintain a scenic and recreational amenity along the existing watercourse through the site (the Brook).	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals		No

or energy, especially resources which are non-renewable or in short supply?		
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?		No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?		No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?		No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?		No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?		No
1.9 Will there be any risk of major accidents that could affect human health or the environment?		No
1.10 Will the project affect the social environment (population, employment)	Population of this urban area would increase	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Application is the last portion of an overall development that has been subject to earlier phases.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/	Likely significant effects on Natura 2000 sites screened out above	No

protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Residential development occurring on infill site in urban area with a watercourse/riparian strip traversing the site with such being identified a foraging corridor for bats. Mitigation measures in the form of a preservation and enhanced/wider riparian strip and a lighting scheme designed to minimise impact on bats will mean no significant effects.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Recorded monument on site, which will be preserved within open space area.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The proposed development is not likely to have significant effects on the watercourse traversing the site (the Brook) which is not being subject to works, the discharge to which will be controlled by standard and effective drainage systems.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?		No

<p>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>		<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>The proposed development would not be likely to have significant effects on the environment in this regard</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>		
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>		<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>		<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>		<p>No</p>
<p>C. CONCLUSION</p>		
<p>No real likelihood of significant effects on the environment.</p>	<p>✓</p>	<p>EIAR Not Required</p>
<p>Real likelihood of significant effects on the environment.</p>	<p><input type="checkbox"/></p>	<p>EIAR Required</p>
<p>D. MAIN REASONS AND CONSIDERATIONS</p>		
<p>The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.</p>		

Inspector: Colin McBride
Date: 23rd May 2023