



An
Bord
Pleanála

Inspector's Report ABP-319292-24

Development

Demolition of existing structures on subject site for the construction of 120 apartment units within 1 block ranging in height from 4-12 storeys. The development also consists of a creche, café and all associated site works.

Location

Grange Road, Baldoyle, Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

LRD0019/S3

Applicant

Rondesere Limited

Type of Application

Permission for Large Scale Residential Development

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellants

Rondesere Limited

Observations

- (1) Lisa Bell
- (2) Abbey Park & District Residents Association
- (3) Marie T. Cummins
- (4) Baldoyle Tidy Towns
- (5) Brigid Jones
- (6) Stapolin Management Company Ltd
- (7) David & Lorna Penn-Chester
- (8) Samantha O'Flanagan

Date of Site Inspection

30th May 2024

Inspector

Colin McBride

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.45 hectares, is located at the junction of Grange Road and Longfield Road to the west of Baldoyle and just north of Balydoyle Industrial Estate. The site is currently in use as a commercial storage yard (builders yard) with an existing warehouse structure on site and open yard area. The site is defined by Grange Road along its southern boundary, Longfield Road along its eastern boundary and Myrtle Road along its northern boundary. Adjoining uses include a school premises on the site to the west (three-storeys). To the north is a housing development consisting of a mixture of three-storey townhouses and five-storey apartment blocks. To the east on the opposite side of Longfield Road is small park and beyond it is a car sales showroom. Existing boundary treatment is a mixture of high block walls and palisade fencing. There are existing trees and hedgerow along the eastern boundary in front of the block wall defining the site and existing trees and vegetation along the northern boundary in front of the palisade fence defining the site.

2.0 Proposed Development

- 2.1. The proposed development consists of...

Demolition of existing single-storey storage structures on site (c. 446.5sqm GFA). Construction of a residential development (c. 15,234.11sqm GFA) comprising of 120 no. apartment units (15 no. studio units, 18 no. 1 bed units, 78 no. 2 bed units, 7 no. 3 bed units, 2 no. 4 bed penthouse units) within 1 block (ranging in height from 4-12 storeys over basement level). The construction of a basement to be accessed off Myrtle Road with provision of c. 47 no. car parking spaces, including accessible spaces, electric vehicle charging points and residential visitor parking. The provision of 2 no. creche drop off car parking spaces at surface level. Provision of 360 no. 'long stay' residential bicycle parking spaces at basement level together with additional 60 no. visitor bicycle parking spaces in secure locations at surface level. Provision of c. 1877sqm of open space to serve the development and green roof garden terraces between 5th and 10th floor level. Provision of a childcare facility at ground floor level (c. 156.6sqm GFA) with capacity in order of 35 no. children and associated, secure, open play area (c. 117.1sqm). provision of café unit (c. 70sqm

GFA) at ground floor level (c. 273.12sqm), provision of multipurpose room (c. 48sqm GFA) and residents lounge (c. 20sqm) at first floor level. The development also provides all associated ancillary site development infrastructure including: ESB sub-station, bike stores, bin stores, plant rooms, public lighting, new watermain connection, foul and surface water drainage; internal road & footpaths; site landscaping, including boundary treatments; associated scheme signage, and all associate site and development works.

2.2 Table 1: Key Figures

Gross Site Area	0.45 hectares
Developable Site Area	
Gross Floor Area	15,234.11sqm
Height	12 storeys
No. of Apartments	120
Density – Total Site Area	267 units per hectare (gross density)
Public Open Space	c. 1,877sqm
Communal Open Space Provision	
Car Parking – Apartments/ Residents	47
Creche	2 set down
Total	
Bicycle Parking	360 long stay 60 visitor/short stay

Table 2: Unit Mix

	Studio	1 Bed	2 Bed	3 Bed	4 Bed	Total
Apartments	15	18	78	7	2	120
Percentage	12.5%	15%	65%	5.8%	3.3%	

2.3 In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Baldoyle LRD-Statement of Response
- Opinion Report

- Planning Report & Statement of Consistency
- Architectural and Urban Design Statement
- Housing Quality Assessment
- Materials and Finish Report
- Building Lifecycle Report
- Universal Access Statement
- Engineering Assessment Report
- Flooding Risk Assessment
- Traffic and Transport Assessment
- Preliminary Construction, Demolition, Waste Management Plan
- Travel Plan
- LRD Meeting Considerations Response
- Energy Statement
- Landscape Concept Report
- Green Infrastructure Plan
- Visual Impact Assessment
- Aboricultural Report
- Appropriate Assessment Screening
- Natura Impact Statement
- Archaeological Impact Assessment
- Public Lighting Calculation Report
- Environmental Impact Assessment Screening
- Noise Impact Assessment
- Daylight & Sunlight Assessment
- Verified Views & CGI's
- Wind & Microclimate Assessment

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 the 19th September 2023. 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 do not constitute a reasonable basis on which to make an application for permission for the proposed LRD based on inappropriate density, scale massing and layout, inappropriate visual impact, insufficient provision and quality of public open space and insufficient level of car parking on site.

4.0 Planning Authority Decision

4.1. Decision

The planning authority have decided to refuse permission based on 5 reasons.

1. The site is within and adjoin a designed 'Highly Sensitive Landscape' as per the Fingal County Development Plan 2023-2029, wherein Objective GINHO57 aims to ensure development reflects, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including retention of important features or characteristics taking into account settlement pattern and land use.

Having regard to the massing and height strategy proposed, the Planning Authority considers that the proposed development would be at variance with Objective GIHNO57 of the FCC Development plan as it would result in an excessive scale, bulk and massing of development at the interface of Grange Road and Longfield Road, would fail to appropriately integrate with the surrounding landscape character and public realm, and would be overbearing, thus seriously injurious to the visual amenity of the area. Furthermore, the design, layout, height, and massing of the proposed development is at

variance compliance with the development strategy for Baldoyle under Policy CSP22 whereby the unique identity of Baldoyle should be protected from overdevelopment, and Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities issues by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the overall, scale, height and design with transitions in height across the site it is considered that the proposed development would be visually dominant and intrusive on the skyline. The proposed development would therefore contravene Objective GINHO56.

3. Due to the inadequacy of the information provided with the application and contained within the NIS screening assessment, particularly in relation to surface water drainage and assessment of designated sites that occur at the outfall location, the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans and projects would not be likely to have a significant effect on nearby Natura sites. In addition, the report failed to assess the potential for any nearby sites to be utilised as ex-situ feeding sites for SCIs of any designated site. Give that the building is proposed to be more than double the height of any other nearby structure, it would also be appropriate that the Appropriate Assessment give some consideration to collision risk and provide evidence that this will not be an issue. The proposed development would be contrary to the proper planning and sustainable development of the area, and in such circumstances the Planning Authority is precluded from granting permission.

4. The proposed development by reason of excessive density and layout fails to provide sufficient car parking provision in accordance with the standard as set out in the Fingal Development Plan 2023-2029. The proposed car parking provision is below 'maximum' of the development standards and is

unacceptable given the restricted nature of the site and its location adjacent to a school and existing residential area which is already experiencing inappropriate on street car parking.

5. Having regard to the nature of proposed public open space to serve the development including a green roof garden and a creche playground and the majority of public open space being dominated by SuDs, it is considered that the applicant has failed to provide any public open space. The proposal would therefore materially contravene Objective DMS051 and Objective DMS052 of the Fingal Development Plan 2023-2029.

4.2. Planning Authority reports

4.2.1. Planning Reports

Planning report dated (16/02/24)

Density: Density (266.6 uph) is excessive with LAP density range for the site being 42-50 units per hectare.

Design, Character and Integration: Excessive height and massing, proposal does not satisfactorily integrate with surrounding landscape and would constitute overdevelopment of the site. Proposal would be contrary RA zoning and be substandard development within an estuarine landscape and highly sensitive coastal landscape.

Residential Amenity: The development meets Development Plan standards in terms of separation distances, private open space and cycle parking but does not provide car parking to the maximum standard with insufficient justification demonstrated for the shortfall. The proposal complies with standards under the Apartment Guidelines. The Daylight and Sunlight assessment demonstrates no adverse impact on adjoining residential amenity however the robustness of the shadow study is questioned.

Water Services: The proposal is deemed acceptable in terms of Flood Risk and drainage infrastructure.

Transportation: The level of parking is less than the maximum standards of the CDP with consideration that the maximum parking standards should apply in this case. Concerns regarding overspill of parking leading to inappropriate on-street car parking, lack of provision of parking for creche staff and lack of detail of car sharing provision. Quantity of bicycle parking acceptable with more detail required in relation quality and location. Pedetrian and cycling connectivity is generally acceptable apart from clarification of pedestrian connectivity to the south and questions regarding the dimensions of accessible spaces.

Parks and Green Infrastructure: Failure to demonstrate that 15% provision cannot be provided. Green roof space and creche playground space cannot be counted as public open space and remaining public open space is dominated by SuDs measures restricting recreational usage. Failure to provide required play provision. Proposal would materially contravene Objective DMS051 and DMS052 of the CDP.

Part V: Part V proposals are acceptable.

EIAR: The EIA screening assessment submitted was noted with the Planning Authority concluding that there is no likelihood of significant environmental effects and an EIAR is not required.

Appropriate Assessment: The submission of an NIS is noted with it considered that additional information is required due to failure to adequately identify potential pathways between the application site and any SAC or SPA before screening out sites. There is also a failure to assess potential for nearby sites as ex-situ feeding of species that are qualifying interests with reference to light-bellied brent geese.

Recommendation: Refusal was recommended based on the 5 reasons outlined above.

4.2.2 Other technical reports:

Waste Enforcement Officer: Preparation of a Construction and Demolition Resource Management Plan (RWMP) required.

Water Services Department: No objection subject to conditions.

Public Lighting Section: Further information required regarding taking in charge, clarification of a pedestrian entrance and discrepancies in drawings regarding lighting. Conditions were also included in the event of grant of permission.

Ecologist Report: Further information required regarding potential hydrological connections in terms of surface water and foul sewer outfall in the context of Appropriate Assessment. Further information regarding potential for ex-situ feeding sites for qualifying interests of designated sites with mention of light-bellied brent geese and consideration of collision risk due to building height.

Transport Planning Section: The level of parking proposed is considered unacceptable with the maximum standards required and concerns regarding overspill of parking to the adjoining area. There is a requirement for dedicated parking for creche staff and further information on car-sharing proposals. Improved cycle parking is required including locker facilities and spaces for cargo bikes. Accessible spaces do not meet the dimension requirements. No objection subject to conditions, which address these elements.

4.3. **Prescribed Bodies**

National Transport Authority: Proposal is broadly consistent with land use planning principles of Transport Strategy. The NTA is not satisfied that car parking levels proposed is appropriate and recommends in event of grant of permission a higher

share of space is allocated to car sharing. For cycle parking it is recommended that there is provision of Sheffield stands.

4.4. **Third Party Observations**

4.4.1. Several third-party submissions were received. The issues raised can be summarised as follows...

- Inappropriate, height, scale, bulk and density, overdevelopment of the site, adverse impact on adjoining residential amenity, overshadowing and overlooking. Adverse traffic impact in the area, insufficient parking with overspill, traffic hazard, accessibility issue to the Dart Station, non-compliance with LAP, inadequate capacity of drainage and social infrastructure.

5.0 **Planning History**

5.1 No planning history on site apart from a withdrawn application under ref no. F0SA/1799.

Adjoining sites...

5.2 F19A/0461: Permission granted for a three-storey 16 classroom primary school building on the site immediately to the west. This development has been constructed and is occupied. (Granted 06/01/20).

5.3 LRD0016/S3: Permission granted to amend the SHD permitted under ABP Reg. Ref. 311016 resulting in an overall reduction of 97 no. units from 1,221 (as permitted) to 1,124 no. units (as proposed) within GA3 lands. (Granted 25/05/23).

5.4 ABP-310418-21: Permission granted for alterations of previously permitted Fingal County Council Register Reference number F16A/0412 (An Bord Pleanála Reference Number PL06F.248970) as amended by F20A/0258 and F221A0046) for 882 no. residential units (135 no. houses and 747 no. apartments), creche and associated site works. (Granted 22/09/21).

- 5.5 PL06F.248970(F16A/0412): 10 year permission GRANTED for 546 units (385 aps; 161 houses) on these lands; density 63 units/ha; village centre with 1917 sq.m commercial floorspace including café, shops and crèche; pedestrian access to train station provided across a plaza known as Stapolin Square with steps & ramps; open space of 1.57 hectares at The Haggard to NE of main part of site.(Granted 23/11/17).
- 5.6 PL06F. 226287 (Reg. Ref. F07A/0040): Permission GRANTED on appeal for 206 apartments and 187 houses, and a crèche, on a site that comprised 5.82ha of the current site. (Granted 13/05/08).
- 5.7 PL06F. 224781 (Reg. Ref. F06A/0671): Permission GRANTED on appeal for 412 homes and a neighbourhood centre on a site that included the northern part of the current appeal site. (Granted 28/03/08).
- 5.8 313222 (SHD): Permission REFUSED 1,007 no. apartments, creche and associated site works. (Refused 16/03/23). Two reasons relating to overdevelopment of the site and lack of public open space.
- 5.9 311016 (SHD): 1,221 apartments, GA03 Lands at Baldoyle and Stapolin (adjacent lands formerly known as the Coast), Baldoyle, Dublin 13. (Granted 23/11/2021).
- 5.10 305316 (SHD): Permission GRANTED for 916 no. apartments including the loss of 114 units (238 no. residential, 678 no. Build to Rent units), 2 no. crèches, 10 no. retail units and all associated site works. Primarily consisting of 6-7 storeys in height but also include 17 storeys at Block 17 and 15 storeys at Block 26. Density 163 units/ha. (Granted 13/12/19).
- 5.11 305319 (SHD): Permission GRANTED for 500 no. apartments (235 no. residential, 265 no. build to rent), crèche and all associated site works in block of 2 – 8 storeys

in height. Density 200 units/ha. PL29N. 248713 (Reg. Ref. 3634/16): Permission GRANTED for 139 houses and 5 shops, including a tower 16 storeys high. (Granted 13/12/19).

6. Policy Context

6.3 National Policy

The National Planning Framework – Project Ireland 2040, (2018).

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.

Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024).

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines)

Section 2.4 Identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility considerations:

1. Central and/or Accessible Urban Locations

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024).

Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs

City - Urban Neighbourhoods

The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations⁷, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are

highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

The Childcare Facilities: Guidelines for Planning Authorities (June 2001) state in the case of New communities/Larger new housing developments that “Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate”.

6.4 Local

6.4.1 Fingal County Development Plan 2023-2029

The site zoned RA Proposed Residential with a stated objective to “provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary. Social and physical infrastructure’.

Section 14.6.3 Residential Density:

“In general, the density and number of dwellings to be provided within residential schemes should be determined with reference to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Development should also be consistent with the policies and objectives set out in Chapter 3 Sustainable Placemaking and Quality Homes and should promote appropriate densities, having regard to factors including the location of the site, accessibility to public transport and the principles of sustainability, compact growth and consolidation”.

Policy SPQHP35 – Quality of Residential Development Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of

developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

Section 14.6.6.1 Daylight and Sunlight

Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice – (Building Research Establishment Report) 2011 and/or any updated guidance.

Objective DMSO22 – Daylight and Sunlight Analysis Require Daylight and Sunlight analysis for all proposed developments of 50+ units or as required by the Planning Authority, depending on the context of the site and neighbouring property as well as the design of the development.

Objective GINHO55 – Protection of Skylines Protect skylines and ridgelines from development.

Objective GINHO56 – Visual Impact Assessments

Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

Objective GINHO57 – Development and Landscape

Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality,

settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

Policy CSP22 – Howth, Sutton and Baldoyle

Consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.

Development Management Standards are contained under Chapter 14

Objective DMSO51 – Minimum Public Open Space Provision Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Consideration may be given by the Council to the inclusion of civic spaces within overall open space quantum calculations, but only on a case-by-case basis and only in instances where the space proposed is of a size and layout suitable to cater for civic events, is of an exceptionally high standard of finish, including the planting of large street trees and associated landscaping and does not fulfil ancillary functions associated with commercial or other land uses.

Objective DMSO23 – Separation Distance

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

Section 14.6.6.3 In certain instances, depending on orientation and location in built up areas, reduced separation distances may be acceptable.

Car Parking

Table 14.18 Zone 1

Table 14.19 Car Parking Standards

Residential and pre-school/creche are 'max' standards.

Max refers to maximum number of spaces allowed. Norm refers to the number of spaces that will generally be permitted unless specific changes are considered necessary to ensure the proper planning and sustainable development of a proposed development.

In the case of any development type not specified above, the Council will determine the parking requirement having regard to the traffic and movement generation associated with the development and the other objectives of this Plan.

A reduced car parking provision may be acceptable where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

Table 14. 17 Cycle Parking

Table 14.12 Recommended Quantitative Standards (Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities 2009)

Land Use	Minimum public open space standard
New residential development on infill/ brownfield sites	12% of site area

(Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply.)

Objective DMSO52 – Public Open Space Provision Public open space shall be provided in accordance with Table 14.12.

Objective DMSO53 – Financial Contribution in Lieu of Public Open Space Require minimum open space, as outlined in Table 14.12 for a proposed development site area (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

6.4.2 Baldoyle Stapolin Local Area Plan May 2013

Balydoyle Stapolin Local Area Plan 2023: Plan had been extended until May 2023 and was in place at the time of adoption of the County Development Plan.

Section 3.5.5 of CDP states that “the Council will continue to implement the LAPs and Masterplans currently in place at the time of adoption of the Development Plan”.

Map Objective 3 relates to the site: “Require high quality design and finish to any development at these important gateway nodes to the LAP lands”.

Density:

Figure 4D.1 Preferred Density Masterplan

Site Area B Medium-High Density 42-50+ Units Per Hectare

Building Height:

Figure 4D.2 Building Heights

3-4 Storeys and classed a 'punctuation node' ("Buildings at these points should acknowledge their strategic location within the Plan lands. They may be slightly higher than their neighbours (but still within the heights parameters set out above) and/or have specific corner treatment which distinguishes them from other corner locations").

6.5 Natural Heritage Designations

Baldoyle Bay SAC (000199) 1.03km to the north.

North Dublin Bay SAC (000206) 1.4km south.

Baldoyle Bay SPA (004016) 1.29km to the north.

North Bull Island SPA (004006) 1.4km south.

7. The Appeal

7.1 Grounds of Appeal

7.1.1 A first party appeal has been lodged by Rondesere Limited. The grounds of appeal are as follows...

- In response to refusal reason 1, the site is not within or adjoining a designated 'highly sensitive landscape' as stated in the reason for refusal. The characteristics of the site do not accord with the 'Estuary' Landscape Character type the Planning Authority have classified it as with the site being a brownfield site in an area with residential and industrial uses surrounding the site.
- It is considered that the development is in compliance with Objective GINHO57 of the Development Plan. The applicants/appellant draw attention of an approved LRD (LRD0016/S3) granted on lands further north with far greater potential to impact on 'Estuary' type landscape and located within the 'Highly Sensitive Landscape' designation that is up to 10-storeys in height and visible from Baldoyle SAC and SPA. It is stated that such illustrates the

emerging character of development in the area and the proposal is consistent with such.

- It is highlighted that Section 3.5.5 of the Development Plan indicating that the Council will continue to implement LAP's and Masterplans in place at time of adoption of the Development Plan is contrary the Planning and Development Act with it pointed out the Baldoyle -Stapolin LAP has expired (May 2023). The Planning History of the area is highlighted including the grant of permission for structures of various heights within the LAP area that exceed the levels specified in such.
- In terms density and scale it is considered the proposal accords with National and Development Plan policy being a Central and Accessible Urban Location as defined by the Apartment Guidelines. The Planning Authority's classification of the site as a peripheral location is incorrect. There is suggestion that density level could be reduced by omission of either the 2nd or 3rd floor to be consistent with the Sustainable Residential development and Compact Settlement Guidelines.
- In response to refusal reason no. 2 the applicants/appellants reiterate that the application is not within the area classified as 'Highly Sensitive Landscape' and that Objective GINHO56 has been incorrectly applied. The development is designed to have regard to visual amenity and reference is made to the Landscape and Visual Impact Assessment submitted and the fact the development is stepped in height and lower in height, where it interfaces with existing development. The proposal is compliant with SPPR 3 of the Building Heights Guidelines and Development Plan policy including GINHO55 and 56.
- In response to refusal reason 3 the applicant/appellant have submitted a Natura Impact Statement, which takes into account mitigation measures introduced as part of the development in the interest of the protection of Brent Geese.
- In response to refusal reason 4 the applicant/appellant have submitted a report that addresses the issue of car parking. In response it is indicated that site being 500m from Clongriffin Dart Station means the site is in Zone 1 for the purpose of parking and the CDP. It is stated that the parking level

proposed on site is appropriate in the context of the location of the site and access to public transport and accessibility in terms of pedestrian and cycling. The report confirms that the development could be amended to provide additional parking in the basement as required by the Council's Transportation Section and that the issues raised by the NTA (higher portion of parking, provision of car-share spaces and cycle parking type) could be dealt by way of amendments.

- In response to reason no. 5 the applicant indicates that 12% of the site is 544sqm and goes on to state that the combined requirement for public (544sqm) and communal open space (702sqm) is 1,264sqm with open space at ground floor level extending to 1,877sqm and with an additional 860.7sqm provided throughout the development exceeding the standards required. The integration of SuDs measures into various urban spaces is in accordance with best practice guidance published by the Department of Housing, Local Government and Heritage.
- The Parks Department Consultee Report indicates a contribution in lieu would be acceptable in this instance and the applicants/appellant would be happy accept an appropriate condition in this regard.

7.2 Planning Authority Response

7.2.1 Response by Fingal County Council

- The response indicates the Planning Authority welcome redevelopment of the site but have concerns regarding the height, mass and scale of the development proposed with the site considered a peripheral site remote from the Dart station. The development is considered to have negative impact on existing adjoining development.
- Having reviewed the appeal submission the Planning Authority is of the view that the development is inappropriate in scale and is overdevelopment of the site and detrimental to residential amenities. The Planning Authority request that the Board uphold the decision to refuse permission.

7.3 Observations

7.3.1 Observations have been received from...

Lisa Bell

Abbey Park & Baldoyle Residents Association

Marie T Cummins

Brigid Jones

Stapolin Management Company Ltd

Baldoyle Tidy Towns

David & Lorna Penn-Chester

Samantha O'Flanagan

- Inappropriate and excessive scale, height and massing in relation to existing residential development and school development causing unacceptable, overlooking, overshadowing and having an overbearing impact on existing adjoining development.
- Despite access to public transport there are existing issues regarding accessibility to Clongriffin DART station in relation to safe and universal access and existing bus stop is lacking a shelter with seats. The proposal would result in additional pressure on such facilities and no additional development should be permitted until these issues are resolved.
- Overdevelopment of the site, visually dominant and incongruous development.
- Low quality external finishes in terms longevity and will diminish the visual amenities of the area.
- Adverse visual impact in the local area, visually dominant and intrusive on the skyline in contravention of Local Area Plan policy.
- Pressure on existing social infrastructure, lack of amenity provision in the Baldoyle area with concerns regarding the likely delivery of the crèche, café and other infrastructural elements of the proposal.

- The area is suffering existing traffic congestion, and the proposed additional development will exacerbate such diminishing the quality of life of existing residents. Insufficient car parking provision for the development with existing parking issues in the area associated with existing residential development and the school.
- Traffic safety issues concerning the vehicular entrance with blind spots where site interacts with the footpath and concern for pedestrian safety. Proposal conflicts with current voluntary one-way traffic system on Myrtle Road since opening of the school and crosses over the pedestrian access route to the school. Lack of a Road Safety Audit.
- Part of the site corresponding to entry point includes lands under the management and ownership of Stapolin Management Company.
- Questions about the accuracy of the daylight and sunlight assessment.
- Inappropriate unit mix with excessive level of studio and one bed units with requirement for more family orientated units.
- Failure to comply with the principles of the Local Area Plan in terms of scale and visual impact.
- Insufficient information regarding impact on Natura 2000 sites.
- Cumulative impact of the proposed development in the area should be considered in terms on long-term environmental and social impact.
- A more balanced concentration of development nationwide required with it considered that there is an over-concentration of development in this area.
- Concern regarding impact of the development in terms of flooding with considerable development pressure since provision of flood relief scheme in the area.

8. Environmental Impact Assessment and Appropriate Assessment

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)(i) and (iv) 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 120 dwelling units and is not within a business district with a mixed character to the area, on a stated development site area of 0.45ha. 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 size site threshold levels (less 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).

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 (120) 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 am satisfied that sufficient information is available to reach a conclusion in regard to screening for Environmental Impact Assessment including the submissions by the applicant, the submission of prescribed bodies and third-party observations. 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 be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, 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**

8.2.1 The applicant submitted a revised Natura Impact Statement with the appeal submission. A statutory notice informing the public that this Natura Impact Assessment had been received with the appeal was published and all parties were notified and given the opportunity to make written submission or observations within five week of publication of the notice. None were received.

Applicant's Stage 1 – Appropriate Assessment Screening

8.2.2 The applicant Natura Impact Statement includes an appropriate assessment screening report. I have had regard to the contents of same.

8.2.3 The subject lands are described in section 3 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).

8.2.4 The screening report identifies 14 European Sites within the potential zone of influence, these are as follows:

Name	Site Code	Distance from Site
Baldoyle Bay SAC	000199	1.03km
North Dublin Bay SAC	000206	1.4km
Malahide Estuary SAC	000205	4.3km
Howth Head SAC	000202	4.35km
Rockabil to Dalkey Island SAC	003000	5.23km
Irelands Eye SAC	002193	5.26km
South Dublin Bay SAC	000210	6.48km
Baldoyle Bay SPA		1.29km
North Bull Island SPA	004006	1.4km
North-west Irish Sea SPA	004236	2.7km
Sandymount Stran/Tolka Estuary SPA	004024	4.75km
Broadmeadow/Sword Estuary SPA		5.03km

Irelands Eye SPA	004117	5.17km
Howth Head Coast SPA	004113	6.22km

Connectivity-Source-Pathway-Receptor:

8.2.5 The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified sites with no connectivity noted between the site and 10 of 14. Four of the sites were identified as having some connection.

Site	Source-pathway-connection
Baldoyle Bay SAC	Weak hydrological connection via storm water sewer. Potential for bird collision while moving between different Natura 2000 sites and ex-situ feeding areas.
North Dublin Bay SAC	Potential for bird collision while moving between different Natura 2000 sites and ex-situ feeding areas.
Baldoyle Bay SPA	Weak hydrological connection via storm water sewer. Potential for bird collision while moving between different Natura 2000 sites and ex-situ feeding areas.
North Bull Island SPA	Potential for bird collision while moving between different Natura 2000 sites and ex-situ feeding areas.

8.2.6 No direct adverse effects are anticipated with no direct loss, fragmentation or disturbance of Annex I habitats or Annex II species listed as qualifying interest of the Natura 2000 sites.

8.2.7 No direct adverse effects are anticipated with no direct loss, fragmentation or disturbance of Annex I habitats or Annex II species listed as qualifying interest of the Natura 2000 sites.

8.2.8 In terms of indirect effects the site has weak hydrological connection to nearby Natura 2000 sites through the stormwater sewer. The site will be serviced by existing sewerage infrastructure and surface water will be managed using Sustainable Urban Drainage Systems (SuDs). There is low potential for surface water run-off during construction escaping into the public stormwater. The height of the building relative to adjoining structures in conjunction with provision of some glass facades throughout would without mitigation measures have the potential for bird collisions with windows in the case of Annex II species flying between the North Bull Island SPA and Baldoyle Bay SAC and SPA.

8.2.9 The applicant reviewed other plans and projects in the area and does not envisage that interaction with such would give rise to any cumulative impacts that would adversely affect any Natura 2000 site. It is noted that any proposal which is subject to planning permission is subject to consideration of appropriate assessment.

8.2.10 Applicant Screening Conclusion: It is concluded that there is low potential for the development to give rise to any significant effects on any designated Natura 2000 sites however a Stage 2 Appropriate Assessment is required in regard to the potential impacts on water quality due to surface water runoff and bird collisions in terms of Annex II species for the following Natura 2000 sites...

Baldoyle Bay SAC

Baldoyle Bay SPA

North Bull Island SPA.

Applicants Appropriate Assessment

8.2.11 The applicants' screening conclusion is that there is potential for significant effects on the habitats and species that make up the qualifying interests of...

Baldoyle Bay SAC

Baldoyle Bay SPA

North Bull Island SPA.

The effects relate to the contamination of surface water runoff from construction and discharge to the Baldoyle Bay SAC and SPA which are hydrologically connected due to stormwater sewers. The potential for bird collisions with the proposed development, which is higher than other buildings and featuring highly glazed facades in the area is also identified in terms of the birds identified as qualifying interests of the designated sites moving between designated sites and ex-situ feeding areas.

8.2.12 In relation to in-combination effects it is stated that potential emissions are only surface water run-off during construction and are potentially small in scale and short term, with low potential for in-combination effects with other plans projects.

8.2.13 To avoid significant effects a number of mitigation measures are proposed (listed in Section 8.2 of NIS). For surface water contamination construction management measures are proposed to manage waste, excavation, fuelling, spillages, provision of silt traps, control of oil and fuel storage, and management of plant equipment. In relation to bird collisions, the proposal will include use of UV treated glass to aid visibility of glass to birds.

8.2.14 It is concluded that subject to implementation of the mitigation measures outlined that the proposed development will be unlikely to have significant effects on Baldoyle Bay SAC, SPA and North Bull Island SAC either individually or in-combination with other plans and projects.

8.3 **Appropriate Assessment Screening**

8.3.1 Description of the project: I have considered the proposal in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in the existing built-up area and is occupied by a warehouse building and open yard area. The nearest Natura 2000 site is 1.03km away (Baldoyle Bay SAC). The proposed development comprises the provision of 120 apartments, creche and cafe contained in 12-storey block and associated site works.

8.3.2 Potential impact mechanisms from the project: The proposal has no direct impact on any designated Natura 2000 site in terms of habitat loss or deterioration and species disturbance or mortality with the nearest site located 1.03km away. In terms of indirect impacts, the development would have no impact in terms of disturbance (noise, emissions, lighting, construction impact) of habitats or species of qualifying interests any Natura 2000 site due to distance between the site and any designated Natura 2000 site. The nearest Natura 2000 site is the Baldoyle Bay SAC (000199), the qualifying interests in terms of habitats are mudflats and sandflats, mud and sand, grasslands of catal salt mud and salt meadows. It overlaps with the Baldoyle Bay SPA (004016) whose qualifying interests consist of 21 bird species. The site is not an ex-situ habitat for the species that are qualifying interests as it is brownfield urban site in use as an open yard with warehouse structure and there is no grassland habitats on site. The applicants' screening report identified the possibility of collision risk with birds commuting between a number of designated sites in the surrounding area including the Baldoyle Bay SAC (1.03km from the site), Baldoyle Bay SPA (1.04km from the site), North Dublin Bay SAC (1.4km from the site) and North Bull Island SPA (1.4km from the site), as well as from ex-situ feeding areas.

8.3.3 In terms of hydrological connections, surface water drainage will be to existing sewer in Myrtle Road with ultimate discharge of the network to the Baldoyle Bay/Irish Sea. There is possibility of indirect effects through discharges of sediments/pollutants to surface water during the construction and operational phase and impacting habitats and species that are dependent on water quality. There is unlikely to be any indirect

impact on water quality through foul water drainage with such draining into the Ringsend Wastewater Treatment Plant, which has capacity and is operated subject to license.

8.3.4 European Sites at risk:

Table 1 European Sites at risk from impacts of the proposed project [example]			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Effect A Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to Irish Sea impacting water quality and habitats identified as qualifying interests.	Baldoye Bay SAC (000199) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
Effect B Collision risk concerning bird species commuting between designated Natura 2000 sites and ex-situ feeding locations.	Proposal is for a structure of 12-storeys featuring a significant level of glass and located between potential flight paths for qualifying interests.	Baldoye Bay SPA (004016) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]

<p>Effect A Collision risk concerning bird species commuting between designated Natura 2000 sites and ex-situ feeding locations.</p>	<p>Discharge to surface water system with subsequent discharge to Irish Sea impacting water quality and habitats identified as qualifying interests.</p>	<p>North Dublin Bay SAC (000206) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
<p>Effect B Collision risk concerning bird species commuting between designated Natura 2000 sites and ex-situ feeding locations.</p>	<p>Proposal is for a structure of 12-storeys featuring a significant level of glass and located between potential flight paths for qualifying interests.</p>	<p>North Bull Island SPA (004006) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p>

			<p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
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8.3.5 Likely significant effects on the European site(s) ‘alone’:

Table 2: Could the project undermine the conservation objectives ‘alone’					
European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
Baldoyle Bay SAC					

<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>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	<p>To maintain the favourable conservation condition of the qualifying interests.</p>	<p>N</p>			
<p>Baldoyle Bay SPA</p>					
<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	<p>To maintain the favourable conservation condition of the qualifying interests.</p>		<p>Y</p>		
<p>North Dublin Bay SAC</p>	<p>To maintain the favourable conservation condition of the qualifying interests.</p>	<p>N</p>			
<p>Mudflats and sandflats not covered by</p>					

<p>seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>					
<p>North Bull Island SPA</p>	<p>To maintain the favourable conservation condition of the qualifying interests.</p>		<p>Y</p>		
<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p>					

Oystercatcher (<i>Haematopus ostralegus</i>) [A130]					
Golden Plover (<i>Pluvialis apricaria</i>) [A140]					
Grey Plover (<i>Pluvialis squatarola</i>) [A141]					
Knot (<i>Calidris canutus</i>) [A143]					
Sanderling (<i>Calidris alba</i>) [A144]					
Dunlin (<i>Calidris alpina</i>) [A149]					
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]					
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]					
Curlew (<i>Numenius arquata</i>) [A160]					
Redshank (<i>Tringa totanus</i>) [A162]					
Turnstone (<i>Arenaria interpres</i>) [A169]					
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]					
Wetland and Waterbirds [A999]					

8.3.6 The proposed development alone is unlikely to undermine the conservation objectives of the Baldoyle Bay SAC or North Dublin Bay SAC due to discharge of sediments/pollutants to surface water during construction as standard construction measures will prevent pollution risks and provision Sustainable Urban Drainage Systems (SuDs) as proposed will prevent discharge of sediments and pollutants to surface water during the construction and operational stage. Notwithstanding such in event such measures fail, the hydrological connection is indirect and the likelihood of significant effects on qualifying interests (habitats and species) can be ruled out

on the basis of dilution factor. Having regard to this conclusion I would also state no other aquatic based Natura 2000 site located in Dublin Bay and the Irish Sea would be at risk as such are located at further distance from the site and I do not consider such are within the zone of influence of the project. I would acknowledge that the applicants' screening assessment did not rule out significant effects in terms of hydrological connection at construction stage and carried out a Stage 2 Appropriate Assessment in this regard with mitigation measures specified (section 8.2 of the NIS). 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. I am satisfied that significant effects on the Baldoyle Bay SAC or North Dublin Bay SAC or any other Natura 2000 site in relation to impact on water quality and significant effects on the quality of aquatic habitats and subsequently on the species dependent on such habitat that are qualifying interests can be ruled out at the screening stage.

8.3.7 There is possibility of collision risk as a result of bird species that make up the qualifying interests of the Baldoyle Bay SPA, North Bull Island SPA and ex-situ feeding areas with the Local Authority identifying a number of grassland locations in the area where in particular Light Bellied Brent Geese feed. The proposed structure is higher than other structures in the immediate vicinity and features a high level of glazing. I cannot rule out significant effects in this regard at screening stage with the possibility of mitigation required in this regard.

8.3.8 I conclude that the proposed development would not be likely significant effects 'alone' on the qualifying interests of the Baldoyle Bay SAC or any other designated Natura 2000 site from effects associated with discharge of sediments/pollutants to surface water during the construction stage.

8.3.9 Likely significant effects on the European site(s) 'in-combination with other plans and projects: The nearest development of note is the permitted developments to the

north of the site (Shoreline, refer to planning history). I would rule out in-combination effects on the basis that any proposed or permitted development was subject to AA screening and that such connect to existing drainage infrastructure and are subject to the same construction management measures to prevent discharges of sediments/pollutants to surface water. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s).

8.3.10 Overall Conclusion- Screening Determination: In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that significant effects cannot be ruled out in relation to Baldoyle Bay SPA and North Bull Island SPA. It is therefore determined that Appropriate Assessment (stage 2) is required.

8.4 **Stage 2 – Appropriate Assessment**

8.4.1 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.4.2 The Baldoyle Bay SPA and North Bull Island SPA is subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

8.4.3 Aspects of the Development that could adversely affect the designated site: The only aspect of the development that could impact the conservation objectives of the

European sites is the potential collision risk with bird species that make up the qualifying interests of the designated sites.

8.4.4 **Mitigation:** Mitigation measures are provided in the NIS, and these are noted.

These refer to the operational phase. These are outlined in Section 8.2 of the NIS, but the main points are summarised here:

- The ultraviolet treatment of the glass forming the façades of the building would minimise the potential for negative impacts upon bird populations with bird species able to see a UV pattern within the glass instead of glass panels as transparent and such will not compromise the aesthetic appearance of the building.

8.4.5 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions (uv treatment of glass to ensure visibility to bird species) can be reached in terms of avoidance of adverse effects on the integrity of designated European site based on the outlined mitigation measures. I am satisfied these measures are sufficient to reduce collision risk in relation to bird species that are qualifying interest of the Baldoyle Bay SPA and North Bull Island SPA that are moving between the designated sites or moving inlands to ex-situ feeding areas. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term.

8.4.6 **In Combination Effects:** There is no likelihood of in-combination effects with other plans and projects subject to the full implementation of mitigation measures outlined in the NIS given the small footprint of the site and the fact that all adjoining sites consist of existing development.

8.4.7 **Appropriate Assessment Conclusion:** The proposed residential development at Grange Road Baldoyle has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.4.8 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have significant effects on the Baldoyle Bay SPA and North Bull Island SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

8.4.9 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Baldoyle Bay SPA and North Bull Island SPA

8.4.10 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Baldoyle Bay SPA and North Bull Island SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Baldoyle Bay SPA and North Bull Island SPA.

8.4.11 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and reports submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Baldoyle Bay SPA and North Bull Island SPA.

9 Assessment

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

- Compliance with GIHNO55, GIHNO56, GIHNO57, CSP22/context in relation to 'Highly Sensitive Landscape'/overall visual impact
- Density/overdevelopment
- Building height/Compliance with the Local Area Plan
- Public Open Space
- Adjoining Amenity
- Traffic Impact/Car Parking
- Ecological Impact
- Flood Impact
- External Finishes
- Other Issues

9.2 Compliance with GIHNO55, GIHNO56, GIHNO57, CSP22/context in relation to 'Highly Sensitive Landscape'/overall visual impact.

9.2.1 The proposal is considered to be contrary Objectives GIHNO57 of the County Development Plan in the context of its inappropriate height and scale relative an area designated as a 'Highly Sensitive Area' under refusal reason number one. The proposal was also considered to be contrary Objective CSP22 regarding impact on the unique identity of Baldoyle and SPPR 3 of the Urban Development and Building Heights guidelines. The refusal reason states that the site is both within and adjoining the this highly sensitive area. The second refusal reason outlines that the proposal would contravene both Objectives GIHNO55 relating to protection of skylines and GIHNO56 requiring preparation of a visual impact assessment in relation development in highly sensitive areas.

- 9.2.2 In terms of Development Plan policy the site is located within a Landscape Character Type classified as 'Estuary'. The site is not within the area classified as a 'Highly Sensitive Area' or immediately adjoining such despite being stated as being the case under refusal reason no. 1. The Highly Sensitive Area is located to the north of the site and is approximately 270m north of the site at their closest points.
- 9.2.3 The applicants/appellants have referred to the fact that permission has been granted for large scale residential development to the north of the site as well as a number of other permitted development in the surrounding area. The appeal submission shows the proposal in the context of permitted development to north when viewed from the coastal area. The various permissions relating to the land to north of the site that is itself within the Highly Sensitive Area relates to development up to 10-storeys in height based on the most recent permission granted however permission have been granted in relation these lands for up to 17-storeys.
- 9.2.4 I would be of the view that the development is sufficiently remote from the area classified as 'Highly Sensitive Landscape' and such is buffered by views by existing intervening development including existing residential development that is up to five-storeys in height. Also taken in conjunction with the nature and scale of permitted development and emerging patterns on the sizeable lands further to the north of the site as well as existing residential development, I would consider that despite the height of the proposal relative to existing development, the limited footprint taken in conjunction with its location relative to the 'Highly Sensitive Landscape' would be unlikely to have a disproportionate visual impact in relation to such even when permitted development is not taken into account.
- 9.2.5 Objective CSP22 seeks to "consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment". The site is not located within the centre of Baldoyle and is located in an area lacking in a distinctive urban character. The appeal site is a brownfield site with an open yard and warehouse structure. The main frontage of the site is defined by the Grange Road, which is a wide road lacking in strong urban edge at this

location with structures nearby including a car showroom to the east, a newly constructed school building to the west of the site and Baldoyle Industrial Estate to the south. The site is an important site due to its location at a junction and requires a structure of strong character providing for an urban edge along both the Grange Road and Longfield Road frontages.

9.2.6 In relation to GIHNO55 in relation to protection of skylines, I would reiterate the view that the proposal although higher in height than adjoining structures would not have a significant adverse impact over the wider area. The site is not located adjoining the coastal area and taken in conjunction with permitted development to the north and the emerging pattern and scale of the development in the area, would not have a detrimental impact on the skyline. In the case of Objective GIHNO56, the applicant has submitted a Landscape and Visual Impact Assessment as well as CGI's and verified views illustrating visual impact in the immediate area.

9.2.7 The proposal is at a corner site at major junction in the area and I am of the view that the site can absorb a structure of this height, which is not out of character with heights permitted in the area. The overall design provides a stepped design moving from adjoining structures to the tallest element concentrated at the junction of the two public roads. The upper levels are recessed and there is sufficient variation in terms setbacks, roof terraces and variation in external finishes to break up the scale of the proposed structure. I am of the view that the proposed development would have satisfactory visual impact and provides for improved legibility and urban edge along public frontages.

9.2.8 Conclusion: I am satisfied that the proposed development would have an acceptable visual impact in the area and would not adversely impact an area classified as a highly sensitive area. I would also be satisfied that the proposal would not be contrary Development policies GIHNO55, GIHNO56, GIHNO57, CSP22.

9.3 Density/overdevelopment:

9.3.1 The proposal has a density of 266.6 units per hectare with the refusal reasons no. 4 referring to overdevelopment of the site and excessive density. The Planning Assessment outlines that the site is a peripheral site in the context of Baldoyle and that density levels are excessive. The third-party observations also raise concerns regarding the issue of density. The appellant presents the view that the site is a Central and Accessible Urban Location in the context of the Apartment Guidelines. The appellant also refers to the Sustainable Residential Development and Compact Settlement Guidelines and the density range of 50-250uph around existing high-capacity public transport suggesting a possible omission of the 2nd and 3rd floors to reduce to an overall density of 231.1uph.

9.3.2 The appeal site is located to the north of Grange Road and north of Baldoyle Industrial Estate. Baldoyle Main Street is located to the east and is within 20-minute walking distance of the site. Clongriffin Dart Station located to the north west of the site is within 10 minutes walking distance. Development Plan policy under section 14.6.3 states that density should be determined with reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and the policies and objectives set out under Chapter 3. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009. It is stated in the 2024 guidelines that “where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence”. Given the nature of the location, I would consider such constitutes a City-Urban Neighbourhood under Table 3.1 of the guidelines. This area type includes “(i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are

highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork”.

- 9.3.3 In the context of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities the site is a Central and/or Accessible Urban Locations with “such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments. This is based on the fact that site is within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high-capacity urban public transport stops (such as DART or Luas). The site is also within walking distance of major employment, educational institutions and walking distance of high frequency bus routes.
- 9.3.4 Conclusion of Density/Overdevelopment: The overall density is just above the level that shall generally be applied based on the Compact Settlement Guidelines, which has replaced the 2009 Guidelines that Development Policy on density refers to. The applicant/appellant has suggested omission of the 2nd or 3rd floor to reduce the density to within the recommended threshold. This would reduce the development by 16 units and yield a density of 231 uph. I would be of the view that having regard to Development Plan policy and its reference to the 2009 Guidelines and the fact that such have been replaced by the 2024 Guidelines, which take precedence, it is appropriate that the density range specified of between 50-250 for City-Urban Neighbourhood should be adhered to. On this basis I would recommend omission of the 2nd floor level of the development, which will reduce the height to 11-storeys and density to 231uph. This alteration can be implemented without causing a significant change to the development proposed and results in reduction of scale, height and increased ratio of parking to units proposed all of which are issues that are raised in the reason for refusal and third-party observations. Having regard to an appropriate condition in this regard, I consider that the density proposed is satisfactory, in compliance with Development Plan policy, National policy guidance and would not constitute overdevelopment of the site.

9.4 **Building Height/Compliance with the Local Area Plan:**

- 9.4.1 The appeal site is located within the boundary of the Baldoyle-Stapolin Local Area Plan 2013. Although not referred to in the refusal reasons the Planning Assessment does refer to the height and massing being contrary to Section 3.2 and SPPR 3 of the Urban Development and Building height Guidelines and contrary the design approach of the Baldoyle-Stapolin Local Area Plan 2013 (as extended). The third-party observations raise concern regarding excessive height and massing and failure to comply with the Baldoyle-Stapolin Local Area Plan. The Planning Assessment refers to Section 3.5.5 of the Development plan, while the appellants state that such is contrary Section 19 of the Planning Act, which provides for a maximum extension of a Local Area Plan to 10 years.
- 9.4.2 Section 3.5.5 of Development Plan states that the Council will continue to implement the LAPs and Masterplans currently in place at the time of adoption of the Development Plan". As noted above under the policy section the site is identified under the LAP as suitable for a density of 42-50+ and 3-4 storeys) although identified as a punctuation node, which would allow for higher than adjoining development'. The LAP was extended to May 2013 and was in place at the time of the adoption of the development. The appellants are correct in stating that it cannot be extended as it has been in place for over 10 years, however Section 3.5.5 serves to incorporate such into the County Development Plan. Notwithstanding such I would consider that Development Plan policy takes precedent in terms of building height and overall impact and has been informed by more up-to-date national policy including the Urban Development and Building Heights Guidelines.
- 9.4.3 In regard to Building Height Development Plan policy under Section 14.5.3 requires Applications for development proposals which include buildings of increased height and density should clearly demonstrate the suitability and positive impacts of the proposal with reference to the receiving environment, including justification for the height strategy proposed. This includes a demonstration of compliance with the 4 no. Specific Planning Policy Requirements (SPPR's) under the Urban Development and Building Height guidelines (SPPR 1, 2, 3 and 4). I have carried out an

assessment of the development under the criteria of Section 3.2 of the Building Heights Guidelines. This has been carried out because Development Plan Policy refers to a requirement to demonstrate compliance with the SPPR's including SPPR 3, which include requirement to demonstrate compliance with criteria under Section 3.2.

9.4.4 Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that the proposed development satisfies criteria at the scale of the relevant city or town, at the scale of district/neighbourhood/street and at the scale of site or building, in addition to specific assessments. The applicants submitted an Architectural and Urban Design Statement and under Section 5.0 (Height Strategy) it is outlined how the proposal complies with the criteria under Section 3.2 of the Building Heights Guidelines. In this regard I have carried out my own assessment of the development in relation to these criteria on the basis of the requirement for such under Development Plan policy and not on the basis that the height proposed would be contrary stated policy of the Development Plan, which does not specify any height restrictions for the area and as noted refers to the SPPR's of the Building Height Guidelines.

9.4.5 My own assessment of the proposal in terms of these criteria is set out as follows...
At City Level: The proposal would secure the objectives of the NPF encouraging compact growth. The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport with the site within walking distance of the Clongriffin DART station as well as within walking distance of a number of bus routes which is served by a number of bus routes. The development would enhance the public realm of the area providing for frontage development along Grange Road and Longfield Road with public realm upgrades. The proposal does not impact any protected views or prospects in the area. The infrastructural capacity of the area would be sufficient to cater for the proposal.

- 9.4.6 At District/Neighbourhood/Street Level: The proposal is satisfactory in terms of responding to the natural and built environment and would contribute to the neighbourhood streetscape, is sufficiently varied in scale to not appear monolithic, uses high quality materials, makes a positive contribution to legibility along both the Grange Road and Longfield Road, and improves the public realm, positively contributes to the mix of development type and unit type in the area.
- 9.4.7 At Site/Building Scale: The proposed design provides a satisfactory development in context of daylight and sunlight access as well as minimising overshadowing (explored in more detail in later sections of the report). The proposal is satisfactory in the context of adjoining residential amenity in relation to overlooking and overshadowing (elaborated in later section of this assessment). The site is not located within an Architectural Conservation Area and has no impact on any structures of architectural conservation value. The development is designed with energy efficiency in mind with an Energy Efficiency and Climate Change Adoption report accompanying the application.
- 9.4.8 Specific Assessments: The requirement for specific assessment of a number of factors have been satisfied and in this case a number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, noise impact and wind and micro-climate. A Natura Impact Statement and a screening for Environmental Impact Assessment have been submitted as well as I am satisfied that adequate information has been submitted and is available to enable me to undertake a comprehensive assessment of the impact of the proposed development.
- 9.4.9 In relation to the LAP, I would note that the LAP was first adopted in 2013 and that since buildings of higher height have been permitted within the confines of the LAP above the levels specified in such including SHD and LRD permissions. I would consider that Development Plan policy takes precedent, and such does advocate building height in accordance with the Urban Development and Building Height Guidelines.

9.4.10 Conclusion on Building Height/Compliance with Local Area Plan: Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and its context as part of the immediate area, would readily allow for development at the heights proposed. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines. Having regard to such the proposed development would be in compliance with the policies and objectives in relation to building height set down under the Fingal County Development Plan 2023-2029.

9.5. **Public Open Space:**

9.5.1 The fifth reason for refusal relates to failure to comply with Development Plan policy in regard to provision of public open space with the proposal deemed to materially contravene Objective DMSO51 and DMSO52. The reason also notes that green roof space and creche playground cannot be counted as public open space as well as being critical of public open space being dominated by SuDs features.

9.5.2 The types of open space for residential developments are defined under Table 14.6 (private, public and communal) with public open space accessible to the public and taken in charge however in some cases will be managed privately and communal open space designated for use by residents only. Development Plan requirements for public open space are set down under DMSO51 (2.5 hectares per 1000 population) giving a requirement of 4,537.5sqm based on a population of 181.5 persons. The target default minimum is 15% of the site area with Table 14.12 indicating a minimum of 12% for new residential development on infill/ brownfield sites, of which this site would be. DMSO52 specifies that the public open space level in Table 14.12 be provided and DMSO53 allows for a contribution in lieu of the remainder of open space required.

9.5.3 In terms of open space provision the applicants/appellants in their appeal submission claims there is 1,877sqm at ground floor level and a further 860.7sqm in the form of roof terraces throughout the development. There is some contradiction in the documents submitted on this point with the Planning Report and Statement of Consistency echoing this claim, however the Landscape Concept Plan and public notices stating that there is provision of c. 1877sqm of open space including green roof garden terraces between the 5th and 10th floor.

9.5.4 I have done my own measurements and can confirm that there is c.1877sqm of open space at ground level as part of the proposal and such can be taken as the public open space component although such is unlikely to be taken in charge given the nature of the development (apartments). I can also confirm that this measurement does not include the external spaces associated with the creche (117sqm) or the roof terraces (860.7sqm), which I would classify as being communal open space. The Development Plan requirement of 4,537sqm under Objective DMSO51 (2.5 hectares per 1000 population) is not achievable with the site having a site size of 0.45 hectares. Development plan policy does outline a target minimum amount of 12% of the site area under Table 14.12 on infill/ brownfield sites, which applies in this case. Objective DMSO52 specifies that the public open level in Table 14.12 be provided and DMSO53 allows for a contribution in lieu of the remainder of open space required. The open space provision is 41.7% of the site area well in excess of the target minimum value with the applicant indicating willingness to accept a development contribution in lieu of shortfall of open space relative to Objective DMSO51. I would also confirm that the communal open space requirement for the development is 696sqm based on Development Plan standards (Table 14.7) and reflects the recommendation of the Apartment Guidelines with well in excess of this level provided in the form of various roof terraces.

9.5.5 The refusal reason also relates to the fact that open space is dominated by SuDs measures. The applicants/appellants indicate that SuDs measure provided have been incorporated into the scheme in accordance with best practice guidelines. On this issue I would consider that the requirement for separate areas dedicated to SuDs and separate areas dedicated to public open space is unrealistic, onerous and

unjustified on a site of this nature, which is an urban infill site. Such would significantly hamper the developability of the site in accordance with Development Plan policy and National policy, which seek to deliver on compact urban growth and prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements. I would also indicate that the provision of open space area is 41% of the site area and that even a lower density development is unlikely to lead to an increase in open space on site with the logical configuration of any block being as per laid out in this case due to the location adjoining the junction of Grange Road and Longfield Road.

9.5.6 **Conclusion on Public Open Space:** The provision of open space at ground floor level is satisfactory in the context of Development Plan policy as it provides for a level consistent with Objective DMS052 Table 4.12 with in excess of the target default minimum of 15% of site area and the minimum of 12% allowed on brownfield/infill sites. DMS053 provides for payment of a contribution in lieu of shortfall of public open space with the applicants/appellants stating a willingness to accept such. Subject to the application of a development contribution in lieu of open space, the proposal is fully compliant with Development Plan policy in relation to public open space. As stated above I am satisfied that the incorporation of SuDs measures into open space areas is unavoidable on site of this size and nature, and is unavoidable in terms of maximising development potential and efficient use of zoned land in accordance with Development Plan and National policy.

9.6 **Adjoining Amenity:**

9.6.1 The third-party observations raised a number of concerns regarding the potential for the development to have an overbearing impact on adjoining residential development to the north (Talavera House, Myrtle Road and Myrtle House) and on the existing school to the west due to proximity and scale with issues such as overshadowing, loss of light and overlooking raised.

9.6.2 The proposal consists of up to 12-storey apartment block at the junction of Grange Road and Longfield Road, which defines the southern and eastern boundaries of the site respectively. The northern boundary of the site is defined by Myrtle Road with

existing residential development in the form of a mixture of three and five-storey townhouses and apartment blocks. To the west of the site is an existing school premises which has a gable adjoining the western boundary of the site. The configuration of the proposed block is such that it is a L-shaped block with its long facades located along Grange Road and Longfield Road and with such presenting its shortest facades to the north and west. The block is configured such that the highest part is located adjoining the junction of Grange Road and Longfield Road with the heights stepping down moving north and west to where it adjoins existing residential and school development. The block steps down to five-storeys to the north and six-storeys to the west. The level of separation between the northern elevation at its closet point and existing residential development to the north is 20.023m and 17.341m in the case of the western elevation and the school premises to the west.

- 9.6.3 Daylight and Sunlight: Daylight and Sunlight: A 'Daylight and Sunlight Assessment report has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:
- BR209 2022: Site Layout Planning for Daylight and Sunlight (Third edition).
- BS EN 17037:2018+A1:2021 Daylight in Buildings
- IS EN 17037:2018 Daylight in Buildings

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

- 9.6.4 Daylight: 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. Assessment for such is recommended if the distance of each part of the new development from the existing window is less than three or more times its height above the centre of the existing

window. Assessment is also recommended if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45° angle both in plan and elevation with a new development in place then the window may be affected and should be assessed.

9.6.5 In this case the assessment for VSC relates to windows on the southern elevation of residential properties to the north of the site (Talavera House, Myrtle Road and Myrtle House) and the windows on the eastern elevation of the existing school building to the west of the site. In the case of the development to the north 69 windows were tested with 52 retaining the target level of 27% and over post development, 12 no. windows which have pre-development level of 27% are reduced to below 27% but retain over 80 of their former value and 5 windows with values below 27% are reduced in value by a level of between 73 and 89.3% of their former value. One of the windows (69) has a decrease to 89.3% of its former value, 3 no. windows (2, 3 and 15) have a decrease to 79.7%, 77.5% and 79.1% of their former value respectively whereas one window (1) is reduced to 73% of its former value. There is a high level of compliance the BRE target values with 64 out of 69 of the windows exhibiting no significant reduction in daylight. Of the 5 no. windows below the 27% pre-development, 1 no. window does not have significant reduction in daylight level retaining over 80% of its former value. 4 no. windows are marginally below the 80% of their former value (79.7, 79.1, and 77.7), whereas the worst performing window is 73% its former value. The assessment points to the fact the rooms served by a number of the windows are served by another window on different façade facing east or west and that the BRE guidelines allow for cumulative average to be used and in this case all 5 windows below the target value of 27% relate to rooms served by another window with a lesser decrease in daylight levels (ranging between 84.2% and 94.7% of their former value taking account cumulative values).

9.6.6 The eastern facade of the school has 6 large windows (two on each level). 4 of these windows have pre-development value of 27% and are reduced to below 27% post development (ranging between 70.5-76.7% of their form value) and 2 no. windows have pre-development value below 27% and are reduced in value by 73.7 and 74.9% of their former value.

9.6.7 Conclusion on Daylight: I am of the view that the level of detail submitted by the applicant is sufficient and a reasonable technical basis to assess impact of the development on daylight levels to adjoining properties. I am satisfied that the proposed development does not have disproportionate impact on daylight levels to any single adjoining property and all windows serving such with overall levels of compliance with BRE targets high in this case (either retaining above 27% or reduction being less than 80% the former value). There are some windows that fall below target values, however the level of reduction in daylight in most cases is not significant (above 80% their former value or marginally below) and, in all cases, relate to rooms that are dual aspect with cumulative daylight levels ensuring no significant adverse impact on daylight levels. In relation to school premises, the BRE standards apply to residential properties, notwithstanding such I do not consider the proposal would impinge to unacceptable degree on the existing school premises.

9.6.8 Sunlight: An assessment of Annual Probable Sunlight Hours (APSH) for the adjoining properties has been carried. The BRE standard is for interiors where the occupants should expect sunlight levels receive at least one quarter (25%) of APSH including in the winter months between 21st September and 21st March at least 5% of APSH. This standard only applies to units within 90 degrees of due south.

9.6.9 An assessment of Annual Probable Sunlight Hours (APSH) for adjoining properties has been carried out. The BRE standard is for interiors where the occupants expect sunlight should receive at least one quarter (25%) of APSH including in the winter months between 21st September and 21st March at least 5% of APSH. This standard only applies to units within 90 degrees of due south. The assessment relates to the 69

windows on the southern elevation of Talavera House, Myrtle Road and Myrtle House. The results indicate that all windows assessed meet the target values under the BRE guidelines (25% and the 5% winter hours target value). An assessment of APSH for the 6 no. windows on the eastern elevation of the school facing the site was also carried out with all windows meeting the annual and winter target values.

9.6.10 In relation to sunlight levels in adjoining amenity spaces the BRE recommend standard is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The Daylight and Sunlight Assessment refers to shadow diagrams provided in the report that illustrate shadow impact for various dates and times throughout the year. It is indicated that the shadow impact of the development does not reach any private amenity space.

9.6.11 Conclusion on Sunlight: I am of the view that the level of detail submitted by the applicant is sufficient and a reasonable technical basis to assess impact of the development on sunlight levels to adjoining properties. I am satisfied that the proposed development does not have disproportionate impact on sunlight levels to any single adjoining property and all windows serving such with overall levels of compliance with BRE target high.

9.6.10 Separation Distance and Overlooking: The design of the proposal has regard to adjoining amenities with the development presenting its shortest facade orientated to existing residential development to the north and the school development to the west. The building also steps down considerably to a four/five-storey structure at its nearest point to existing residential development and five/six-storeys at its nearest point to the school. As noted above the level of separation between the northern elevation and existing residential is 20.023m and 17.341m in the case of the western elevation and the school premises to the west. The level of separation between proposed and existing residential is marginally below the 22m separation distance specified under Development plan policy which does allow for consideration of a

reduced level. I would also refer to SPPR1 of the Sustainable Residential Development and Compact Settlement guidelines that recommend separation distance of 16m between opposing windows serving habitable rooms, which is exceeded in the case of the proposed development. In regard to level separation from the school the standards referred to relate to residential development. I would consider that adequate regard is had to level of separation and that the development does step down in scale where it adjoins the school.

9.6.12 In terms of overlooking I would consider level of separation to be adequate between the proposed development and existing development. The proposed development does not include projecting balconies with balconies recessed and located on the corners of the structure and provision for screening using planters and landscaping for roof terraces. I am satisfied that proposal would have no significant impact in relation to adjoining amenities through overlooking.

9.6.13 Conclusion on Adjoining Amenity: I am satisfied that the proposal has regard to its location relative to adjoining properties providing a step down in scale where it adjoins neighbouring residential and educational uses. The proposal has adequate regard to the amenities of adjoining properties and would not have an overbearing impact or result in unacceptable levels of overshadowing, overlooking or loss of amenity.

9.7 Traffic Impact/Car Parking:

9.7.1 The proposal entails provision of a new vehicular access from Myrtle Road, which is to access from Longfield Road to the east of the site, which itself has a signalised junction with Grange Road adjacent the southeastern corner of the site. Refusal reason 4 relates to the failure to provide sufficient car parking with concerns regarding the provision below maximum standards under the Development Plan and concerns regarding overspill of parking to adjoining residential areas. The NTA submission raises some concerns regarding parking levels, potential for overspill of parking to the adjoining area and recommend more clarity regarding car share provision as well as recommendations regarding type of cycle parking that should be provided. The third-

party observations raise various issues concerning traffic including concern regarding exacerbation of existing traffic congestion levels in the area, insufficient car parking/overspill of such to adjoining area and concern regarding safety of the vehicular access in terms of interaction of pedestrians and traffic movements.

9.7.2 Traffic Impact: The proposal entails vehicular access off the Myrtle Road on the northern side of the site and access to a basement car park with 47 no. spaces and 2 surface level set down spaces. A Traffic and Transport Assessment (TTA) has been carried out. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the Year of Opening (2024) and the Design Years (2029 and 2039) using TII growth factors. The assessment takes account of a permitted school development on the adjoining site to the west, which was under construction at the time of lodging the application and is now operational. An assessment of the local road network including a junction capacity analysis (TRANSYT modelling) of the key junction, Grange Road and Longfield Road. The analysis determines the degree of saturation (DOS), queue impact and mean delay for each arm of the junction based on opening and design years for the AM and PM peak periods. The analysis indicates that the junctions currently operate within an acceptable DOS or capacity and that the proposed development will have a negligible impact on the operation of these junction in the design years.

9.7.3 Conclusion on Traffic Impact: I am satisfied that the TTA is of sufficient scope and detail to reach a conclusion regarding traffic impact. I am satisfied that the assessment demonstrates that the proposal would be satisfactory in the context of traffic impact on the local road network. I would consider that an important factor to consider is also the fact the is an accessible location in terms of Baldoyle Main Street, local employment and services as well as being well served by public transport. A Travel Plan (Mobility Management Plan) has been submitted with the application with an emphasis on shifting modes of transport away from vehicular traffic to other modes of transport.

9.7.4 Car Parking: The car provision of 47 spaces to serve 120 units consists of a rate of 0.39 spaces per residential unit. There is also provision of 2 no. spaces at surface level as set down spaces for the creche. The site is located in Zone 1 for the purposes of assessing parking as the site is with 1600m of a Dart Station (Clongriffin is 700m walk from the site). The residential component has a max standard of 64.5 spaces, the creche has a max standard of 3 spaces with no category in the Table 4.19 for a café or restaurant. Development Plan policy is clear that these are maximum standards allowable and not minimum standards that are required to be complied with. The plan states that “a reduced car parking provision may be acceptable where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development”. I would also refer to SPPR 3 of the Sustainable Residential and Compact Settlement Guidelines where it is specified that “in city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling”.

9.7.5 The applicant has a submitted a Travel Plan (Mobility Management Plan), which outlines the site context in terms of public transport. The site is identified as being an 8 minute walk and 4 minute cycle from Clongriffin Dart Station (cycle parking at the station). There are existing bus services along Grange Road with bus stops for both directions within 1 minute walking distance and serviced by route H1 (15-minute frequency) and route n29 (hourly service at weekend nights). The H1 route is subject to Bus Connects upgrades with a number of proposed Bus Connect routes within walking distance (D1, D3, N8 and L80). The Travel Plan also details car sharing facilities in the area with 4 car sharing locations (7 vehicles) identified within 21-minute walking distance with the closest being 10 minutes walking distance. The Travel Plan highlights existing pedestrian facilities and cycle infrastructure with Grange Road having cycle paths and partial cycle paths located along Longfield Road and Myrtle

Close to the north of the site. The Travel Plan outlines measures that include encouraging residents to use public transport, walking/cycling and car sharing and a proposal to appoint a Travel Coordinator to implement such. The proposal includes provision for cycle parking.

9.7.6 Conclusion on Car Parking: I am satisfied that the site context is such that a reduced level of car parking on site from the maximum standard is justified, in accordance with Development Plan policy and SPPR3 of the Sustainable Residential and Compact Settlement Guidelines. It is noted that the dimensions of accessible parking spaces has been raised by the Planning Authority and the issue of car sharing on site. In relation to such appropriate conditions requiring accessible spaces to the appropriate dimensions and the provision of spaces for the purposes of car sharing can be applied in the event of a grant of permission.

9.7.7 Cycle Parking: The proposal entails the provision of 420 no. cycle parking spaces with 360 long-stay resident spaces in the basement level and 60 short-stay spaces at ground level. The requirements of the Development Plan (Table 4.18) is 407 spaces. The NTA submission does raise some issues regarding the design of cycle spaces and recommend the use of Sheffield stands to replace some of the vertical racks in the basement and the short-stay cycle parking.

9.7.8 Conclusion Cycle Parking: The level of cycle parking is in excess of the requirements and the recommendations of the NTA could facilitated by way of condition in the event of a grant of permission.

9.7.9 Traffic Safety: The third-party observations have raised safety concerns regarding the location of the site in close proximity to the school in terms of traffic movements and the safety of the access point in terms of interaction between pedestrians and traffic movements in and out of the site. The proposal entails vehicular access from the

northern side of the site off Myrtle Road. There is currently no footpath along the southern side of Myrtle Road with the proposal providing for a footpath (2m) and cycle path (1.4m), with a footpath having been provided along the road frontage of the recently constructed school premises to the west of the site. The entrance to the site features a raised platform at the vehicular access and tactile paving. The overall layout of the entrance and is satisfactory in the context of sightlines in each direction but deficient in terms of its integration of pedestrian infrastructure. The third-party observations raise concerns that the entrance conflicts with an area where children crossing the road to access the site and conflicts with a voluntary one-way system implemented along the road for school traffic.

9.7.10 Conclusion on Traffic Safety: The proposal provides makes provision of a vehicular access off Myrtle Road that has sufficient sightlines and is designed having regard to the recommendations of the Design Manual for Urban Roads and Streets. In regard to pedestrian movements to the school the proposal entails the provision of a complete provision of footpath infrastructure along the southern side of Myrtle Road, which represents an improvement over the existing arrangement. I would be view that the design of the entrance should be amended to provide continuation of the footpath/cycle path across the entrance, with such clearly demarcated as well as providing continuity in terms of levels with the footpaths either side to offer pedestrian priority in accordance with the recommendations of DMURS. This element should be subject to condition in the event of a grant of permission. I do not consider that the proposal would not cause a traffic safety issue and that the design layout of the vehicular entrance is satisfactory as well as providing appropriate pedestrian and cycling infrastructure along the road frontage of the site. There is no reason that the management company associated with the development cannot implement any voluntary one-way system along Myrtle Road when the development is operational with the Travel Plan providing for appointment of Travel Coordinator.

9.7.11 Conclusion on Traffic Impact/Car Parking: The provision of reduced parking standards below the maximum level allowable is acceptable in the case of this development. Firstly, it is in accordance with Development Plan policy and National policy to facilitate a reduced level of parking and encourage the shift to more

sustainable modes of transport where feasible. The site in this case is well serviced by existing public transport in the form of access to Dart and bus services including future proposal for improvement of bus services in the form of Bus Connects. The site is also in walking and cycling distance of Baldoyle Main Street and a number of local services. The level of parking proposed is wholly appropriate and the context of the site is such that future residents are no dependent on vehicular access (car) at this location. The proposal entails the provision of sufficient cycle car parking (subject to some amendments) and there is existing cycle infrastructure in the area with proposal to improved such in the future. I am satisfied that the overall traffic impact of the proposal would be satisfactory and that the level of car parking proposed is justified at this location.

9.8 **Ecological Impact:**

- 9.8.1 The third refusal reason relates to inadequacies in the Natura Impact Statement submitted in relation to assessment of surface water in regard to Natura 2000 sites and the issue of collision risk with bird species that are qualifying interest of Natura 2000 sites as well as the failure to assess the potential of nearby sites to be utilised as ex-situ feeding habitats. In this regard I would direct attention to the section on Appropriate Assessment in which I carry out both screening for appropriate assessment and a Stage 2 Appropriate Assessment and reach a conclusion that the proposal would have no significant effects. The applicant has submitted a revised Natura Impact Statement to deal with the issues raised on the grounds of appeal and such was subject to a statutory notice informing the public that this Natura Impact Assessment had been received with the appeal was published and all parties were notified and given the opportunity to make written submission or observation within five week of publication of the notice (no responses were received).
- 9.8.2 The Councils' Planning Assessment identifies a number of locations that are ex-situ feeding sites of the Light-bellied Brent Geese (Seagrang Park, Baldoyle Racecourse Park, Father Collins Park, Trinity Sports Leisure and Donaghmore Park). The site itself is not a ex-situ habitat being a brownfield site with no grassland habitats. All of the areas identified by the Planning Authority are remote (in the wider

area and not adjoining the site) from the site and the proposal would not impact on such. The applicant has proposed measures to minimise risk of bird collision as part of the Natura Impact Assessment with the UV treatment of glazing to be used in the proposal.

- 9.8.3 The site is of low ecological value characterised by a mainly an open yard area with warehouse structure. There is some vegetation and trees located along the eastern and northern boundary with an Arboricultural Report submitted. It is proposed to retain existing trees and a hedgerow along the eastern boundary of the site that adjoins an area of existing public open space. It is proposed to remove 9 no. trees along the northern boundary with such classified as low or poor quality (category C and U). I would consider the level of tree loss is justified and that the proposal provides a reasonable balance between retention of some of the trees and vegetation on site and provision of new planting part of the submitted landscaping scheme.
- 9.8.4 Conclusion on Ecological Impact: I would consider that the site is of low ecological value given its brownfield nature. The information submitted is sufficient to draw a conclusion that the proposal would have no adverse impact on any features, habitats or species of ecological value at this location or in the wider area.
- 9.9 **Flood Impact:**
- 9.9.1 Some of the third-party observations raise concerns regarding impact of the development in terms of flooding with considerable development pressure since provision of flood relief scheme in the area. The application was accompanied by a Flood Risk Assessment. The appeal site is located within Flood Zone C for the purposes of both tidal and fluvial flood risk (outside 1-in-1000-year flood zone). Pluvial flood risk will be dealt with by surface water drainage on site and groundwater flood risk is assessed as low. Based on the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009 a justification test is not required.

9.9.2 **Conclusion on Flood Impact:** I am satisfied with the information provided in the Flood Risk Assessment submitted with such demonstrating that the site is within Flood Zone C for the purposes of tidal and fluvial flooding, and that risk of pluvial and groundwater flooding is low. I am satisfied that proposal would not be at risk of flooding and that the proposal to implement SuDs measures on site and confine surface water discharge to greenfield rates will ensure the proposal would not exacerbate flood risk in the area.

9.10 **External Finishes:**

9.10.1 The issue of external finishes in terms of their overall quality and longevity is raised in the third-party observations. Given the nature and scales of the development the issue of external finishes is important. The Architectural and Urban Design Statement provides an outline of material finishes under section 8: Material Strategy. The majority of the facades are to use sandstone brick with the top two floors using copper-zinc cladding. There is also use of treated dark vertical wood panels on the upper floors. In addition to these finishes for the solid elements of the facades there is copper coloured aluminium framed windows and glazed balustrades on balcony areas.

9.10.2 I am satisfied that there is a good variation in the materials used to break up the facades of the development and provides for a development of satisfactory aesthetic quality. I would also be of the view that quality of materials is sufficient in terms of future maintenance and longevity and that the proposal does not entail use of any light coloured render finishes that would be prone to staining.

9.10.3 **Conclusion of External Finishes:** I am satisfied that treatment of elevations in terms of material finishes is of sufficient quality and variation to raise no concerns about overall visual quality or ongoing maintenance or appearance in the future. Notwithstanding such I would still recommend a condition requiring the final finishes to be subject to condition.

9.11 Other Issues:

- 9.11.1 A number of other issues are raised in the third-party observations. One of the issues raised relates to the capacity of the area to absorb the proposed development with capacity issues regarding local infrastructure and services. In terms of site location the proposal is in close proximity to local services with the provision of a new school premises immediately adjoining the site, the proposed development provides a creche facility as part of the proposal and the site is within walking/cycling distance of Baldoyle Main Street and existing local services as well as being accessible to good quality public transport allowing access to the wider city including the city centre (Dart and Bus services).
- 9.11.2 Some of the third-party observation raise concerns regarding the unit type and mix proposed with some questioning the need for more apartments and that more family orientated units should be provided as well as highlighting the number of studio and one bed units. Development Plan policy does not include overly prescriptive policy on unit mix with the policy “to support the provision of a mix of housing within Fingal, creating a range of tenure and typology options and will discourage undue segregation and the over provision of a single tenure type”. The proposed development is an apartment development however it does have a reasonable mix of unit sizes from studio to four bed units. The percentage of studio and one bed units is small, being 12.5 and 15% of the development respectively. The unit mix proposed is compliant with SPPR1 (up to 50% one-bed or studio units with no more than 20-25% of the total development as studios) of the Apartment Guidelines.
- 9.11.3 Some of the third-party submissions raise the issue of access to Clongriffin Dart Station in terms of difficulty of accessibility (lift and stair access). I would acknowledge that there may be operational issues concerning access to the station (use of lift subject to call via operator), I do not consider that such is a reason to preclude development on the appeal site, which is zoned for residential development and within a 10-minute walking distance of an operational Dart Station.

9.11.4 An observation from the Stapolin Management Company Ltd states that part of the site is under their ownership and is maintained by such with a lack of consent to incorporate such into the development. There is an existing strip of landscaping located along the southern edge of Mrytle Road and the northern boundary of the site. On this issue 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*'.

9.11.5 Conclusion on Other Issues: The issues raised in the third-party submission are noted, however such do not constitute a reasonable basis for precluding residential development of the type proposed on this site.

9.11.6 Conclusion: I would consider that the proposal is acceptable in the context of Development Plan policy, the National Planning Framework, and National and Regional policy as set out in the policy section and the assessment. The proposed development would be in accordance with the proper planning and sustainable development of the area, and I have addressed the issues raised in the grounds of appeal and third-party observations in my assessment. I would also acknowledge that overall design and layout of the proposal is consistent with Development Plan in terms of quality and design of residential development and accords with the Apartment Guidelines and Development Plan policy in regards to apartment size and dimensions, provision of private, communal and public open space, orientation/level of dual aspect units and the Daylight and Sunlight Assessment demonstrates that the proposed units will achieves adequate levels daylight and sunlight to ensure future residential amenity.

10 Recommendation

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

11 Reasons and Considerations

11.1 Having regard to

- (i) the site's location on lands with a zoning objective for 'RA' 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) the Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024),
- (iv) Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- (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, July 2023,
- (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)-Stage 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 an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Baldoyle Bay SPA and North Bull Island SPA, which are the European Sites for which there is a likelihood of significant effects.

11.3 Appropriate Assessment-Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Baldoyle Bay SPA and North Bull Island SPA in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

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

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

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

11.4 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and(iv), as amended,
- The location of the site on lands governed by zoning objective RA Proposed Residential in the Fingal County Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, 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, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

12 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 following amendments are required.

(a) Omission of the 2nd floor level reducing the development to an eleven-storey block and the provision of 104 apartment units.

(b) Provision of parking spaces on site to facilitate car-sharing.

(c) The amendment of bicycle parking to provide a portion of long-stay basement parking in the form of Sheffield Stands and the provision of Sheffield stands for short stay bicycle parking at surface level.

(d) Amendment of the design and dimensions of accessible car parking spaces to accord with the requirements of the Planning Authority.

(e) Amended entrance design to provide for continuation of footpath and cycle path infrastructure across the vehicular entrance using clear demarcation/surface materials as well as continuity of levels with the proposed footpath and cycle path. The entrance layout shall incorporate tactile paving/elements to demarcate the presence of the junction for visually impaired individuals. The design of the vehicular access shall have regard the recommendation of the Design Manual for Urban Roads and Streets.

Amended plans illustrating the above alterations shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

Reason: In the interests of orderly development, residential amenity and quality of design.

3. The mitigation outlined in the Natura Impact Statement including provision of UV treated glazing shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

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.

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 streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2019. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5 metres in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS

9. 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.

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.

a) Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to

reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy any car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

12. The level of bicycle parking spaces specified (420) 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.

13. The developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion

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

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

15. 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.

16. 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.

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

18. 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 six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

19. 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.

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

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

- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- n) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works.

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

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 Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

23. Prior to the commencement of development the developer shall agree in writing a strategy for ensuring that that the public open space area designated on site and intended to be accessible to the public is maintained appropriately as a publicly accessible space.

Reason: In the interests of orderly development and comply with Development Plan policy.

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 for Fingal County Council 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 a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of shortfall of public open space based on Development Plan Objective DMSO51. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

26. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the 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

10th June 2024

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-319292-24		
Development Summary	Construction of 120 dwelling units, crèche, cafe and associated site works	
	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	Natura Impact Statement
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	<p>The following has been submitted with the application:</p> <ul style="list-style-type: none"> • An Engineering Assessment report And Flood Risk Assessment report which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60EC) and the Floods Directive (2007/60/EC). • A Preliminary Construction, Demolition and Waste Management Plan which considers the Waste Framework Directive (2008/98/EC). • A Preliminary Construction, Demolition and Waste Management

		<p>Plan which which considers EC Directive 2002/49/EC (END).</p> <p>SEA and AA was undertaken by the planning authority in respect of the Fingal County Development Plan 2023-2029.</p>	
<p>B. EXAMINATION</p>	<p>Response: Yes/ No/ Uncertain</p>	<p>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</p>	<p>Is this likely to result in significant effects on the environment?</p>
		<p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The proposed development consists of a 12-storey apartment blocks to the west of Baldoyle Road with adjoining developments comprising mainly 3-5 storey development. The development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the</p>	<p>Yes</p>	<p>The proposed development will result in demolition of existing structures on site and construction of</p>	<p>No</p>

locality (topography, land use, waterbodies)?		a new development with the existing site subject to excavation and construction for residential use in accordance with the residential zoning of that applies to these lands.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a Preliminary Construction, Demolition and Waste Management Plan (CDWMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for	No

		<p>construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	
<p>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?</p>	<p>No</p>	<p>No significant risks are identified. Operation of standard measures outlined in a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network. Surface water drainage will be separate to foul drainage within the site and leaving the site</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their</p>	<p>No</p>

		impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Population of this urban area would increase. Housing would be provided to	No

		meet existing demand in the area.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Application is predominantly zoned RA Proposed Residential is in an existing built-up area with no other undeveloped zoned urban lands immediately adjoining the site.	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/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No	No European sites located on or adjacent to the site. An Appropriate Assessment Screening and a Natura Impact Statement were provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.	No
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?	Yes	Potential for bird collision risk due to building height and use of high degree of glazing. Mitigation measures proposed including UV treatment of glazing to ensure visibility for bird species.	No

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features are in this urban location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>		<p>No</p>
<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>Access to and from the site will be via Longfield Road and Grange Road. No significant contribution to traffic congestion is anticipated from the subject development.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc)</p>	<p>Yes</p>	<p>There is a school located to the west of the site, however the proposal would have</p>	<p>No</p>

which could be significantly affected by the project?		no adverse impact on the operation of such.	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>		EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS			
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.			

Inspector: Colin McBride
Date: 10th June 2024