



An
Bord
Pleanála

Inspector's Report ABP-319438-24

Development	Construction of a multi-storey (up to 5 storeys) car park of 362 spaces (with valet service), industrial units and all associated site works.
Location	Lands at Kettles Lane, Glebe, Cloghran, Swords, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F24A/0007.
Applicant	APO Valet Parking Dublin Limited.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission.
Appellant	APO Valet Parking Dublin Limited.
Observer(s)	National Transport Authority. Gary Duffy.
Date of Site Inspection	21/08/2024
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The appeal site is described as the lands at Kettles Lane, Glebe, Cloghran, Swords, Co. Dublin. Dublin Airport lies c. 1km to the south-west of the site and Swords is located c. 2km to its north. Known locally as Kettles Lane, the L2060 is located within the townland of Cloghran. The subject site has a stated area of c. 0.66ha. and is positioned on the northern side of the L2060, c. 120m to the east of the junction of the L2060 and the R132. The greenfield site is accessed from a private road to the east which serves the serves Kilronan Equestrian Centre to its north. It is understood that the site previously formed part of the equestrian centre and an area of hardstanding occupies the southern portion of the site. In terms of topography, the site is relatively flat and is consistent with that of neighbouring properties. The site is bound on all sides by dense hedgerows and trees of varying maturities.
- 1.2.** In terms of the site surrounds, the Metropoint Business Park is located to the immediate west of the site and comprises a mixture of commercial and light industrial uses. To the east of the site is the kingdom hall of the Jehovah's Witnesses. This is a single storey structure with an existing vehicular entrance from the L2060. There are also a number of detached residences located further to the east. The National Show Centre is located directly opposite the subject site on the southern side of the L2060.

2.0 Proposed Development

- 2.1.** Planning permission has been sought for development comprising:
- The construction of a multi-storey (up to 5 no. storeys) car park of 362 no. spaces (with valet service) and an ancillary single storey staff facilities building;
 - The construction of a 3 no. storey block of industrial units (3 no. units).
 - The provision of new vehicular entrance from Kettles Lane to the south and closure of existing access (from private lane) to the east of the site, and,
 - The provision of on-site wastewater treatment systems.
- 2.2.** As detailed above, the site will be accessed via a centrally located entrance along its boundary with the L2060 to the south. An internal access road will lead to a surface level car parking area and the industrial unit/offices which occupy the southern portion of the site. The industrial units are contained within a 3 no. storey, flat roof building

with a maximum height of c. 9.8m. The 3 no. units comprise a store and industrial floor space (double height) measuring c. 62.6sq.m. at ground floor level, a store at mezzanine level and an office, staff area, visitors' area and toilet facilities at second floor level. A lift serving all 3 no. units is provided on the northern side of the building. The proposal also includes the provision of a green roof.

- 2.3.** The proposed multi-storey car park occupies the northern portion of the site and provides a total of 362 no. car parking spaces across the 5 no. floors. Lift and stair access is provided on the southern and northern ends of the building. The proposed building has a width of c. 33.7m, a length of c. 58m and a maximum height of c. 15.8m. In terms of materials and finishes, the principal elevations comprise a combination of fibre cement cladding, metal railings and the extensive use of green living walls.
- 2.4.** The development also includes the construction of a single storey staff building. The building measures c. 85sq.m., has a flat roof form and a maximum height of c. 3.45m. The building comprises an office, 2 no. staff areas, visitor's area and 2 no. WCs and is located adjacent to the eastern site boundary and to the south of the proposed multi-storey car park.
- 2.5.** Due to the absence of an available foul sewer network in the area, the development is proposed to be served 2 no. septic tanks and associated percolation areas which are to be located within the southern portion of the site. A surface water attenuation pond is proposed to be located to the rear of the multi-storey car park.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused permission for the proposed development for following 7 no. reasons.

1. "The proposed non ancillary car park with ancillary valet service on lands subject to the General Employment zoning in the Fingal County Development Plan 2023-2029 would materially contravene the Zoning objective 'GE' lands and policy EE92 in the Fingal Development Plan 2023-2029 which seeks to maximise GE lands for intensive employment purposes and would for that

reason be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would result in traffic congestion and would adversely affect the strategic function, efficiency and carrying capacity of the immediate surrounding national road network as well as that road network accessing the airport, therefore undermining the effective operation of existing and planned public transport services. Having regard to the operational capacity of the road network and the intensification of traffic associated with the development at the junction between L2060 and R132, and its current substandard arrangement the proposed development would endanger public safety by reason of a traffic hazard. The proposed development would contravene materially Objectives CMO23, CMO24 of the Fingal Development Plan 2023-2029 and would be contrary to the National Development Plan (2021-2030), the Transport Strategy for the Greater Dublin Area (2022-2042) the Climate Action Plan (2023) and the National Planning Framework 2040, and would therefore, be contrary to the proper planning and sustainable development of the area.
3. Car parking to serve Dublin Airport is required to be managed in a comprehensive manner to ensure that sustainable transport modes are promoted above the requirements of private car. The development would attract private car-based traffic to Dublin airport and to the subject site and for that reason if permitted would be contrary to Section 8 Guidelines, Spatial Planning and National Roads, Guidelines for Planning Authorities and would materially contravene a condition attached to an existing permission for development (C23 of PL06F.220670 Terminal 2 consent). The proposal is development led and would be contrary to Objective DAO6 of the Fingal Development Plan 2023-2029 which seeks to control the supply of car parking at Dublin airport so to maximise as is practical the use of public transport and sustainable transport modes (walking/cycling by workers and passengers) and to secure efficient of land safeguard strategic function of the adjacent road network. The development would by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national road or other major road by traffic intensification.

4. The planning authority is not satisfied, on the basis of the information submitted in relation to foul and surface water drainage, that the development proposed would not be prejudicial to public health or pose an unacceptable risk of environmental pollution. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
5. The Planning Authority is not satisfied, on the basis of the information submitted in relation to Noise and specifically with regard to the absence of detailed noise assessment in respect to the potential impact's occupiers of the site may experience (within Airport Noise Zone A), approval of this development may result in direct, indirect and cumulative negative significant impact on occupiers of the development. To permit the development as proposed would therefore be contrary to the proper planning and sustainable development of the area.
6. Having regard to the information provided in the appropriate assessment screening report dated October 2023, the Planning Authority could not be satisfied that that the proposed development will not have a negative impact on designated sites, feeding sites of SCI and Baldoyle Bay SAC and SPA. The applicant has not outlined the plans or projects which were assessed when considering the 'in combination' effects. Therefore, it cannot be established that the proposed development would not have an adverse effect on the integrity of European sites and would therefore be contrary to the proper planning and sustainable development of the area.
7. The layout of the proposed development fails to properly preserve and incorporate the existing townland boundary along the boundary of the site, to maximise the opportunities for enhancement of this existing townland hedgerow and to protect and incorporate it as part of the County's Green Infrastructure network. As such, the proposed development would therefore be contrary to Objective GI9, SPQH089 & GINHP21 of the Fingal Development Plan 2023- 2029. The proposed development would therefore be contrary to the proper planning and sustainable development of the area".

3.2. Planning Authority Reports

3.2.1. Planning Report

- 3.2.1.1. The Fingal County Council Planning Report forms the basis for the decision. In terms

of the principle of development and compliance with the zoning objective that pertains to the site (i.e. GE- General Employment), the Planning Authority was satisfied that the proposed industrial units were deemed to be an acceptable use at this location. However, the proposed car park ('car park non Ancillary' as defined in Appendix 7 of the current CDP) and ancillary valet service (neither listed as 'Permitted in Principle' or 'Not Permitted' uses under the zoning objective) were not considered to be employment intensive uses and would therefore be in conflict with the relevant policy of the current CDP which seek to maximise the potential of GE zoned lands.

- 3.2.1.2. In terms of transportation considerations, it was acknowledged by the Planning Authority that adequate sightlines could be achieved at the site entrance. However, concerns were raised regarding the removal of the existing hedgerow which forms part of the historic townland boundary of Glebe. It was also the Planning Authority's view that the junction with R132 Dublin Road in its current non-signalised arrangement is substandard and an intensification of the junction movements at the levels proposed in the application without upgrades to the junction layout or signalisation would constitute a traffic hazard. The Planning Authority also refer to the commentary of Transport Infrastructure Ireland and the National Transport Authority who contend that the development would undermine the effective operation of existing and planned public transport services.
- 3.2.1.3. It is detailed within their report that the site is located in Noise Zone A, and they note that a noise sensitive development within this zone may be potentially exposed to high levels of aircraft noise. In the absence of a noise assessment, the Planning Authority was unable to determine if the proposed development would seriously impact the amenities of future occupiers of the site by virtue of aircraft noise.
- 3.2.1.4. In terms of the Applicant's proposals for the disposal of wastewater, it is concluded within their report that the proposal fails to demonstrate compliance with the EPA Code of Practice for Wastewater Treatment due to insufficient information submitted with the application and basic errors in the submitted site characterisation form. In this regard, it was their view that the proposed development would give rise to pollution would be prejudicial to public health.

3.2.1.5. When considering the potential visual impact of the development, the Planning Authority refer to the absence of a contiguous elevation and a photomontage showing the full proposed development with neighbouring buildings along the L2060 which would provide a better understanding the scale and bulk of the development when compared to neighbouring properties. Therefore, the planning authority was not satisfied that the submitted visual photomontages adequately represented the proposed development in its context.

3.2.1.6. In terms of Appropriate Assessment, regard is given the report the Planning Authority's Ecologist who required additional information with respect to 'in combination' effects. In the absence of same, the Planning Authority was unable to undertake a full assessment, and it was suggested that any further application address this matter.

3.2.1.7. A refusal of permission was therefore recommended for 7 no. reasons.

3.2.2. Other Technical Reports

3.2.2.1. Environment Section: Report received recommending a condition regarding a requirement to prepare a Construction and Demolition Resource Waste Management Plan (RWMP).

3.2.2.2. Transportation: Report received noting that the application and associated documents did not suitably demonstrate that the proposed development would not have a negative impact on the operation of the adjacent strategically important road network. In addition, the development would undermine the effective operation of current and future public transport services serving the airport.

3.2.2.3. Water Services: Report received recommending additional information with respect to following:

Foul Water

- The applicant was requested first contact Uisce Eireann to provide clarification on the availability of services. If an on-site treatment solution is necessary, the

applicant shall rationalize the proposal to a single treatment unit with a single percolation area.

- The applicant was requested to provide further clarification on the end use, occupancy, and anticipated resulting PE loading.

Surface Water

- The applicant was requested to provide detail of the proposed discharge ditch and downstream route to the Sluice River.
- Clarification with regards the attenuation feature to the north of the site and it was recommended that the provision of above ground storage via a pond or basin was preferable.

3.2.2.4. Public Lighting Section: Report received which highlights an absence of information in the application.

3.2.2.5. Conservation Officer: Report received indicating that no architectural heritage matters arise.

3.2.2.6. Planning & Strategic Infrastructure Department: Report received which recommended conditions with respect to archaeology.

3.2.2.7. Parks and Green Infrastructure Division: Report received recommending conditions.

3.2.2.8. Aircraft Noise Competent Authority (ANCA): Report on file indicating that the application does not come within the remit of the Aircraft Noise (Dublin Airport) Regulation Act 2019 and should not be referred to ANCA for an aircraft noise assessment.

3.2.3. Prescribed Bodies

3.2.3.1. Irish Water: No objection subject to compliance with a condition.

3.2.3.2. Irish Aviation Authority (IAA): Report received which stated that in the event of a grant of permission, the Applicant should be required to engage with daa/Dublin Airport and

the air navigation service provider AirNav Ireland to undertake a preliminary screening assessment to confirm that the proposed development and any associated cranes that would be utilised during its construction would have no impact on the Obstacle Limitation Surfaces, Instrument Flight Procedures, Communications, Navigation and Surveillance equipment or the safety of flight operations at Dublin Airport.

- 3.2.3.3. Dublin Airport Authority (DAA): Report received indicating no objection in principle. However, additional information is required to demonstrate that the valet car parking facility will not have a material impact on airport operations. Further detail is requested in respect of the operational model proposed, including, but not limited to, details of compliance with airport licencing, permitting and by-laws, hours of operation, frequency and form of passenger drop off/collection including proposed drop off/pick-up locations, and demonstration of compliance with the airport Mobility Management Plan and Surface Access Strategy.
- 3.2.3.4. A condition is requested requiring the developer to agree any proposals for crane operations (whether mobile or tower crane), 90 days in advance of construction with daa and AirNav Ireland.
- 3.2.3.5. It is indicated within the submission that the inclusion of green walls and sedum green roofs as part of the building design may act as a wildlife attractant and give rise to aircraft Document Classification: Class 1 - General related safety risks (such as bird strikes). As a recognised SuDS Component within the daa Sustainable Urban Drainage (SuDS) Policy, green walls and sedum green roofs are considered a drainage component suitable for landside use, however consideration must be given to their potential to provide nesting, feeding or night-roosting sites for the various species of birds/wildlife which exist in the vicinity of the airport.
- 3.2.3.6. Given the location of the site within the Outer Public Safety Zone, the Planning Authority is requested to have regard to the density recommendations under Table 6.1 of the ERM Report, Public Safety Zones (2005), ensuring the proposed development remains compliant with the density restrictions for 'working premises' of 110 persons per half hectare during the hours of operation.

3.2.3.7. In the interests of safeguarding access to Dublin Airport and future Public Transport Projects, the Planning Authority is requested to have regard to have regard to Objectives EA01 and EA08 contained within the Dublin Airport Local Area Plan 2020, and objective CMO23 of the Fingal Development Plan 2023-2029 when assessing this application.

3.2.3.8. Transport Infrastructure Ireland (TII): Report received indicating the following concerns:

- The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with national policy.
- Insufficient data was submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The proposal, if approved, would adversely affect the use of the national road network including the M1 and M50 and the associated junctions and the development would put at risk the public investment made and being made in this network and associated junctions, as well as the transportation and safety benefits afforded by this infrastructure.
- It is indicated that the provision of privately operated dedicated car-parking facilities for airport passengers should be managed to ensure that sustainable transport modes are promoted above the requirements of the private car and also to manage direct airport and privately provided airport related car parking facilities within Fingal. TII refer to the airport's management of mobility permitted under ABP Ref. No. PL06F.220670.

3.2.3.9. National Transport Authority (NTA): It is the NTA's contention that the proposed development is inconsistent with Objective DAO6 of the Fingal County Development Plan or with the Transport Strategy's Measure INT2. It is their view that the proposed development is likely to result in an increase in the supply of airport-related car parking and an increase in the volume of general traffic on the most central parts of the Airport's internal road network. This would potentially undermine the effective

operation of existing and planned public transport services into the Airport.

- 3.2.3.10. Department of Housing, Local Government and Heritage: Report received which has recommended conditions regarding the requirement for further archaeological testing.

3.2.4. Third Party Observations

- 3.2.4.1. A total of two (2) no. submissions were received from Third Parties during the course of the application. These submissions raised a variety of issues with the proposed development which I have considered as part of this assessment. I note that one of the Third Parties are observers to this appeal and the issues raised within their submission are broadly similar. I will discuss these issues in further detail in Section 6 of this report.

4.0 Planning History

4.1. The Subject Site.

- 4.1.1. **F97A/0392:** Planning permission granted for the construction of an indoor riding centre and ancillary car parking facilities.

4.2. Site Surrounds

- 4.2.1. The Planning Authority in their report on file have identified other permissions within the surrounds which they deem to be of relevance and include:

Metropoint Business Park (MBP)

- 4.2.2. **F06A/1374:** Planning permission granted for a commercial development on previously approved light industrial development site (Ref. F01A/0496) (MBP to the site's east). Condition No. 4 was included as follows:

- No development shall commence until the link road from the Cloghran roundabout is completed and the new realigned access arrangements to Kettles Lane are completed including the closure of Kettles Lane from the N1. No permanent or temporary access from the N1 to the site will be allowed until the redesigned Kettles lane is completed.

Reason: In the interest of Traffic Safety.

The National Show centre.

4.2.3. **F01A/1473:** Outline Permission refused by the Planning Authority which sought permission for an exhibition arena and office accommodation for 4 no. reasons. 2 no. refusal reasons of note include:

- The proposed development with access onto an already substandard national primary route would be premature pending necessary improvement works to the Cloghran Roundabout and the erection of the internal link road with the closure of Kettles Lane. The proposed development would therefore give rise to increased road traffic on a National Primary Route and by reason of the existing access arrangements would give rise to additional turning movements which would endanger public safety by reason of traffic hazard.
- The proposed development involves a significant intensification of use on a site where there are still major constraints in terms of access and drainage, it is considered that the proposed development would be contrary to the proper planning and development of the area. In addition, its proposal does not indicate any relationship to or integration with its permitted use of this overall site for dog trials and exhibition of dogs.

4.2.4. **F96A/0692:** Permission granted for an alteration of Condition No. 2 of Planning Permission Reg. Ref. 92A/1153 to remove limit on number of authorised annual events involving the use of sewage holding tanks as installed as part of this development and to remove restriction confining use of the building and grounds to the Irish Kennel Club including showgrounds and allied facilities comprising indoor show arena, meeting, catering and administration facilities, three partially enclosed show areas, outdoor show rings, working and display areas; approved access via Cloghran Roundabout at western boundary of the site, and from Kettle Lane on northern boundary; car parking for 900 no. cars; site development and landscape works. Condition No. 3 was included as follows:

- That prior to commencement of additional events on site that a link road from the roundabout to the south shall be provided to the applicant's property and buildings and to the standard of construction, width and finish required by the Council's Roads Department. Upon completion of this road, the existing entrance to Kettle's Lane shall be discontinued and the entrance blocked up.

Reason: In the interest of traffic safety and convenience.

The Planner's report on file has indicated that an enforcement case is currently opened and under investigation as the proposed entrance onto kettles lane is in operation and was never blocked up in accordance with Condition No. 3 of planning permission Ref, F96A-0692.

Dublin Airport

- 4.2.5. **F06A/1248 (ABP Ref. PL 06F.220670):** The Planning Authority refer to the parent permission for Terminal 2 and the car parking for Dublin Airport more generally. The Planning Authority refer to Condition No. 12 (Airport Mobility Management) and Condition No. 23 which specifies that the provision of parking to serve the development shall be the subject of separate planning applications, as required. In addition, any additional parking provided shall have regard to mode share targets established by the Mobility Management Plan and the growth of passenger numbers. Restrictions, or caps are then specified for all categories of parking, having regard to the assumptions made in the EIS, the MMP and the capacity of Phase 1 of the T2 development.

5.0 Policy and Context

5.1. Fingal County Development Plan, 2023-2029 (CDP)

- 5.1.1. The Fingal County Development Plan, 2023-2029 (CDP) is the operative Plan for the basis of this appeal. Under the current CDP, the appeal site is zoned 'GE' (General Employment), the objective of which seeks to 'Provide opportunities for general enterprise and employment'. The vision for GE zoned lands is to 'Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible'. I note that the lands to the west of the site within the Metropoint Business Park are also zoned GE. All other lands within the immediate surrounds of the appeal site are zoned 'GB – Greenbelt', which has an objective to 'Protect and provide for a Greenbelt'. Furthermore, the site is located within:

- Airport Noise Zone A,
- Low-Lying Agriculture landscape character area.
- Outer Public Safety Zone as set out in the ERM Public Safety Zones (2005) report.

5.1.2. Chapter 5 outlines the role of the plan in helping Fingal realise its potential to be a low carbon society and mitigating the impacts of climate change. It encourages the form, design, and layout of new development to positively address climate change.

5.1.3. Chapter 6 (Connectivity and Movement) of the CDP recognises that there is an over reliance on private cars throughout the County and there is a need to reduce transport emissions. The chapter identifies the policy framework to facilitate travel demands and cater for travel needs across Fingal in a sustainable manner. Relevant policies and objectives include:

- **Policy CMP1 – Decarbonisation of Motorised Transport:** Support the decarbonisation of motorised transport and facilitate modal shift to walking, cycling and public transport and taking account of National and Regional policy and guidance, while supporting an efficient and effective transport system.
- **Objective CMO1 – Transition to Sustainable Modes:** Work with the NTA, TII and other transport agencies in facilitating the integrated set of transport objectives for the County as set out in this Plan, in line with National and Regional policy including the NTA's GDA Transport Strategy and any subsequent plan to encourage modal shift towards more sustainable modes of transport and patterns of commuting to reduce reliance on the private car.
- **Objective CMO3 – Integration of Public Transport and Development:** Support and facilitate high-density, mixed-use development and trip intensive uses along public transport corridors and to ensure the integration of high-quality permeability links and public realm in conjunction with the delivery of public transport services through plan frameworks to generate and reinforce sustainable patterns of compact growth and development in the County.
- **Objective CMO23 – Enabling Public Transport Projects:** Support the delivery of key sustainable transport projects including MetroLink, BusConnects, DART+ and LUAS expansion programme so as to provide an

integrated public transport network with efficient interchange between transport modes to serve needs of the County and the mid-east region in collaboration with the NTA, TII and Irish Rail and other relevant stakeholders.

- **Objective CMO24 – NTA Strategy:** Support NTA and other stakeholders in implementing the NTA Strategy including MetroLink, BusConnects, DART +, LUAS and the GDA Cycle Network.
- **Objective CMO31 – South Fingal Transport Study:** Implement the recommendations of the South Fingal Transport Study 2019 in consultation with the relevant stakeholders.

5.1.4. Chapter 7 of the CDP relates to 'Employment and Economy'. Policies and objectives relevant to the subject proposal include:

- **Policy EEP2 (General Employment Lands):** Maximise the potential of GE lands, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible.
- **Objective EEO14 (Permeability in General Employment Lands):** Encourage high quality sustainable design, permeability and pedestrian and/ or cyclist friendly environments within general employment zoned areas.
- **Objective DMSO89 (Design and Siting of Business Parks and Industrial Areas):** Ensure that the design and siting of any new Business Parks and Industrial Areas, including office developments, conforms to the principles of Design Guidelines as outlined in Table 14.15.

5.1.5. Chapter 8 of the CDP provides specific policy guidance with respect to 'Dublin Airport'. Relevant policies and objectives relevant to the proposed development include:

- **Objective DAO6 – (Supply of Car Parking at Dublin Airport):** Control the supply of car parking at the Airport so as to maximize as far as is practical the use of public transport and sustainable transport modes (walking / cycling) by workers and passengers and to secure the efficient use of land and safeguard the strategic function of the adjacent road network.
- **Objective DAO11 – (Requirement for Noise Insulation):** Strictly control inappropriate development and require noise insulation where appropriate in

accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

- **Objective DAO18 – (Safety):** Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.
- **Objective DAO19 – (Review of Public Safety Zones):** Support the review of Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.

5.1.6. Chapter 9 deals with ‘Green Infrastructure and Natural Heritage’ and aims to develop and protect a network of interconnected natural areas, biodiversity, and natural heritage.

- **Objective GINHO14 – (Green Roofs):** Seek the provision of green roofs and green walls as an integrated part of Sustainable Drainage Systems (SuDS) and which provide benefits for biodiversity, wherever possible.
- **Objective GINHO15 – (SuDS):** Limit surface water run-off from new developments through the use of appropriate Sustainable Urban Drainage Systems (SuDS) using nature-based solutions and ensure that SuDS is integrated into all new development in the County.

5.1.7. Chapter 11 relates to ‘Infrastructure and Utilities’ and it is highlighted that land-use planning, transportation and the provision of essential infrastructure are interdependent key components for the delivery of development and they require an integrated approach by all stakeholders.

5.1.8. Chapter 14 outlines ‘Development Management Standards’ in an aim to ensure that

development occurs in an orderly and efficient manner which contributes to the Core Strategy and related policies and objectives.

- **Objective DMSO89 – (Design and Siting of Business Parks and Industrial Areas):** Ensure that the design and siting of any new Business Parks and Industrial Areas, including office developments, conforms to the principles of Design Guidelines as outlined in Table 14.15.
- **Objective DMSO105 – (Development within Airport Noise Zones)** Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 14.16 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.
- **Objective DMSO113 – (Traffic and Transport Assessment):** Require the provision of a Traffic and Transport Assessment where new development is likely to have a significant effect on travel demand and the capacity of the surrounding transport network including the road network and public transport services network.
- **Objective DMSO125 – (Management of Trees and Hedgerows):** Protect, preserve and ensure the effective management of trees and groups of trees and hedgerows.
- **Objective DMSO126 – (Protection of Trees and Hedgerows during Development):** Ensure during the course of development, trees and hedgerows that are conditioned for retention are fully protected in accordance with BS5837 2012 Trees in relation to the Design, Demolition and Construction – Recommendations or as may be updated and are monitored by the appointed arboriculture consultant.
- **Objective DMSO138 – (Protection and Enhancement of Biodiversity):** Ensure all development and infrastructure proposals include measures to protect and enhance biodiversity leading to an overall net biodiversity gain.

- **Objective DMSO140 – (Protection of Existing Landscape):** Protect existing landscape features such as scrub, woodland, large trees, hedgerows, meadows, ponds and wetlands which are of biodiversity or amenity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.
- **Objective DMSO144 – (Appropriate Assessment):** Ensure Screening for Appropriate Assessment and, where required, full Appropriate Assessment is carried out for all plans and projects in the County which, individually, or in combination with other plans and projects, are likely to have a significant direct or indirect impact on any European site or sites
- **Objective DMSO145 – (Screening for Appropriate Assessment):** Ensure that sufficient information is provided as part of development proposals to enable Screening for Appropriate Assessment to be undertaken and to enable a fully informed assessment of impacts on biodiversity to be made.
- **Objective DMSO150 – (External Lighting and Noise at Sensitive Locations):** Minimise the environmental impact of external lighting and noise at sensitive locations to achieve a sustainable balance between the needs of an area, the public safety of walking and cycling routes and the protection of sensitive species such as bats.
- **Objective DMSO196 – (Public Foul Sewerage Network Connections):** Ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system, to comply with the requirements of the Uisce Éireann Foul Sewer specification (where applicable).
- **Objective DMSO197 – (Foul and Surface Water Drainage Systems):** Require all new development to provide separate foul and surface water drainage systems and to prohibit the connection of surface water outflows to the foul drainage network and vice versa (prohibit foul to surface water) where separation systems are available.

5.2. Dublin Airport Local Area Plan (LAP), 2020

- 5.2.1. Whilst I note that the site is situated outside the boundary of the LAP, there are a number of policies and objectives which are of relevance to the consideration of the proposed development.

- 5.2.2. It is an objective of the LAP (PT05) to Facilitate the development of bus priority facilities from the western side of the Dublin Airport campus to the terminal buildings, as a means of easing congestion on the existing road network. This will include the facilitation of car parking facilities on the western periphery and the implementation of bus priority facilities as needed, such as on the Collinstown Lane approach to the R132 Swords Road. It is also an objective (PT09) 'Prioritise public transport and taxis on the external and internal road network'.
- 5.2.3. As per Section 8.5.5 of the LAP (Hierarchy of Preferred Modes of Travel to Dublin Airport), it is indicated that 'the expected growth at Dublin Airport means that sustainable travel choices are essential to its efficient operation' and the policy notes that new car parking provision should only be made where absolutely essential, thereby incentivising sustainable travel choices.
- 5.2.4. In terms of car parking, Section 8.6 notes that any provision of additional car parking requires a careful balance between meeting needs in order to accommodate future growth and undermining the economic viability of public transport routes servicing Dublin Airport. Dublin Airport has a well-established policy of supporting sustainable access to Dublin Airport which needs to work in conjunction with a sophisticated car parking strategy. In terms of the LAP's car parking strategy (Section 8.6.2), it is expected that the space available for such uses in close proximity to the terminals will become limited. In such circumstances, conversion of existing surface car parks to multi-level parking structures will be required. Additional long stay provision can be implemented at more remote parts of the airfield, although transfer times to the terminals need to be carefully considered.
- 5.2.5. Specific targeted enhancements of the parking provision at Dublin Airport are planned by daa (Car Park Capacity Enhancements in the Short Term), predominantly on land to the east of the existing terminals. Specifically, new or expanded car parks are to be implemented east of the R132 corridor; adjacent to Dublin Airport Roundabout on Dublin Airport approach and south of the existing Red Long Term Car Park.

5.2.6. Objectives relevant to car parking include:

- Objective CP02: Utilise existing car parking facilities in the most efficient way possible, including potentially through the use of (a) parking management systems (b) real time guidance information system and (c) variable message signs (VMS).
- Objective CP03: Provide for the development of short-term and long-term passenger car parking facilities in an appropriate, coherent and transparent manner, phased in accordance with Dublin Airport's growth, and the transport infrastructural requirements of the South Fingal Transport Study.
- Objective CP07: Limit the provision of new car parking to serve non-core uses within the DA zoned lands, and to control the supply of car parking at Dublin Airport so as to a) maximise the use of public transport b) reduce traffic congestion and c) to secure the efficient use of land.

5.3. South Fingal Transport Study (SFTS), 2019

5.3.1. The SFTS is a study of the transport network in South Fingal recommending key transport infrastructure and outlines levels of land use development that will enable its sustainable growth leading up to the delivery of MetroLink and beyond. In terms of car parking recommendations (Section 7.6.6), the following is noted:

- 'The benchmarking has found Dublin Airport is at the top of the range with respect to parking provision, particularly in the context of its relatively high public transport mode share. Such comparisons should be interpreted with caution, however, they do suggest that Dublin Airport is already relatively well served in terms of car parking provision. It is acknowledged that some limited expansion of car parking may be necessary to enable continued growth at the Airport in advance of delivery of the CBC2 Swords upgrade and MetroLink. Such expansion of Dublin Airport's car parking provision beyond the currently permitted limits would need to be strongly justified in the context of the existing quantum of parking and the potential impacts on the road network.'

5.4. Section 28 Ministerial Guidelines.

5.4.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28

Ministerial Guidelines are:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

5.4.2. Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.5. National Policy and Guidance

5.5.1. Climate Action Plan 2024

5.5.1.1. The Government of Ireland's Climate Action Plan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.5.2. Ireland's 4th National Biodiversity Action Plan 2023–2030

5.5.2.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity

- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.5.3. **National Planning Framework (Project Ireland 2040) and National Development Plan 2018-2027**

5.5.3.1. These joint documents set out a vision for the future development of the country and in particular, to support the sustainable development of rural areas by encouraging growth. In terms of 'Sustainable Mobility' and in line with Ireland's Climate Change mitigation plan, it is indicated that there is a need to progressively electrify our mobility systems moving away from polluting and carbon intensive propulsion systems to new technologies such as electric vehicles and introduction of electric and hybrid traction systems for public transport fleets, such that by 2040 our cities and towns will enjoy a cleaner, quieter environment free of combustion engine driven transport systems.

5.5.3.2. The NPF acknowledges that a key future growth enabler for Dublin includes:

- Improving access to Dublin Airport, to include improved public transport access, connections from the road network from the west and north and in the longer term, consideration of heavy rail access to facilitate direct services from the national rail network in the context of potential future electrification;

5.5.3.3. A relevant National Policy Objective (NPO) includes:

- **NPO 11:** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

5.5.4. **Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031**

5.5.4.1. This strategy came into effect on June 28th 2019, and builds on the foundations of Government policy in Project Ireland 2040. It seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the

framework for city and county development plans. The RSO's are underpinned by the Regional Policy Objectives, (RPO's). It supports the circular economy to make better use of resources and become more resource efficient.

- **RSO 2:** Compact Growth and Urban Regeneration - Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. (NSO 1)
- **RSO 6:** Integrated Transport and Land Use - Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning. (NSO 2, 6, 8,9)
- **RSO 9:** Support the Transition to Low Carbon and Clean Energy - Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9)
- **RSO 12:** A Strong Economy Supported by Enterprise and Innovation - To build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth. (NSO 5,10)

5.6. Natural Heritage Designations

- 5.6.1. The nearest designated site is the Malahide Estuary SPA (Site Code 004025) which is located c. 3.2km to the north-east of the site. The Feltrim Hill proposed Natural Heritage Area (pNHA) (Site Code 001208) is also located c. 1.7km to the east of the site.

5.7. EIA Screening

- 5.7.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been prepared and submitted on behalf of the Applicant. The submission provides a description of the site, the relevant planning history and overview of the pertinent planning policy. The submission provides a response to each reason for refusal which is detailed as follows:

Refusal Reason No. 1

- 6.1.2. It is the appellant's view that the Planning Authority's first reason for refusal is incorrect and unreasonable, and it is contended that the proposed development does not represent a material contravention of the GE zoning objective. In their view, it is reasonable to assume that not all 'GE' zoned lands may be appropriate for "intensive employment", a term which is also not defined in the Development Plan. The appellant asks the question that if it relates to the number of people employed, then why are generally low intensity employment generator uses such as "logistics" and "warehousing" specifically referenced in the zoning Vision? The appellant also refers to the Quick Park car park located to the south of Dublin Airport (located on GE zoned lands) which was granted permission for permanent use under Ref. ABP-302651-18. It is highlighted that the Planning Authority have ignored the fact that the site is located within the Dublin Airport Public Safety Zone (PSZ)(Outer) where limits are set on the number of staff that should be employed (<110 per half hectare). The appellant also notes the car parking is allowed as a suitable use within the PSZ.
- 6.1.3. It is noted that the car park and valeting enterprise that the Applicant intends to operate will be an employment generator as per the GE zoning requirement and the scale of employment is considered to be similar to what would be carried out in a highly automated "Warehouse" or "Wholesale" business. The appellant also highlights that the number of employees within the 3 no. industrial units would be equivalent to or greater than the employment numbers that would be generated by a number of other Permitted in Principle uses such as a "Builders Provider/Yard", "Civic Waste Facility", "Fuel Depot/Fuel Storage", "Petrol Station", "Road Transport Depot" and "Waste Disposal and Recovery Facility." In this regard, it is considered that the proposed car park and valeting enterprise is a permissible employment use on these GE zoned

lands which, in tandem with the industrial units proposed, will achieve the zoning objective and vision for the lands.

Refusal Reason No. 2

6.1.4. The appellant refers to the Appeal Report prepared by TPS Moran Consulting Transport Engineers which accompanies the First Party appeal. It is contended that the claims of intensification of traffic, traffic congestion and adverse impact on the function and capacity of the "surrounding national road network" and the road network accessing the airport is completely overstated and fails to acknowledge the very limited extent of trips that will be generated by this development. It is stated that the proposed industrial and car park development is projected to generate only 24 inbound and 21 outbound traffic movements during the AM peak hour and 21 inbound and 23 outbound traffic movements during the evening PM peak hour. In addition, the following points are made:

- Whilst the majority of Dublin Airport car parking related trips, park within designated Airport related car parks, the appellant has highlighted that it is widely known that some of these trips also park within residential estates close to the Airport due to lack of available parking.
- The extent of development is well below the threshold for a Traffic Impact Assessment further indicating the limited traffic impact of these land use proposals on the carrying capacity and efficiency of the road network.
- The proposed car park development represents only 1.62% of the existing passenger parking provision within Dublin Airport and if the Quick Park facility is included then this modest facility would represent only 1.24% of the passenger parking available within the environs of the Airport.
- The TPS Report contends that the development cannot be considered as having any traffic impact on existing or proposed road links or junctions in this area given the extent of trips.
- As is the current situation, traffic coming to the facility (i.e. employees/deliveries to the industrial units, staff bring customer's cars to the parking facility from the airport drop off) will access from Kettles Lane to the east, which in turn is accessed via R125 and Feltrim-Road from the M1 or R132. Traffic leaving joins the R132 at the existing T junction. The submission also notes that it is

proposed to change the junction layout of the L2060 and R132 as part of the National Transport Agency (NTA), Route 2, Bus Connects Swords to City Centre Core Bus Corridor Proposals. This proposal will replace the R132/L2060 priority T junction with traffic signal junction to enhance pedestrian, cyclist and bus priority and which includes a new dedicated right turning lane for northbound traffic on the R132 accessing the L2060,

Based on the foregoing, it is contended that the proposed development will not negatively impact the effective operation of existing and planned public transport in the area and therefore is not in conflict with Objectives CMO23 and CMO24 of the Development Plan.

Refusal Reason No. 3

6.1.5. The appellant contends that the reason for refusal is unreasonable and incorrect on several fronts, which include:

- Policy Objective DAO6 does not relate to this site but to developments within Dublin Airport. The application site is not in or at the Airport. Therefore, Objective DA06, as worded, is not applicable to the site and should be disregarded.
- The Planning Authority claim that the proposal "would materially contravene" Condition No. 23 of ABP Ref. PL06F.220670 which related to the Terminal 2 development granted in August 2007. This condition stipulates that the total number of long-term public car parking spaces serving the Airport shall not exceed 26,800. The claim that the proposed development materially contravenes this condition is incorrect, unreasonable and is contrary to the provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). It is highlighted that the only legal basis for the use of the term Material Contravention is in the context of a Development Plan or a Local Area Plan and their associated objectives and the appellant has quoted and referred to an extract from the Office of the Planning Regulator's "A Guide to the Planning Process" explains what a Material Contravention is and they state that there is absolutely no reference to "materially contravening a condition."
- It is stated that each planning application must be treated on its merits and

cannot be restricted by virtue of a condition which is over 17 years old, and which relates to lands outside the ownership of the applicant.

- Conditions of permission cannot extend to the control of land that does not adjoin the application site (in that case the Terminal 2 application site) and which is not in the control of the applicant (Dublin Airport Authority).
- The Planning Authority's attempt to restrict the development of the Kettles Lane site by claiming a material contravention of the Terminal 2 condition of permission is ultra vires of the Planning and Development Act 2000 (as amended) as the condition of planning permission cannot be applied to third party lands.
- Nonetheless, it is stated that the proposed car park (362 spaces) if added to the existing Airport parking provision does not in fact breach the cap outlined in the 2007 ABP grant that FCC and the NTA have quoted. The current quantum of long term car parking at Dublin Airport is 25,561 spaces (Source: Planning Report submitted by DAA for Ref. F23A/0781). Adding the current proposal to this would bring the total to 25,923, i.e. 877 spaces below the 26,800. The appellant also notes that presently, 6,122 of the existing spaces are not operational given the continued closure of the Quick Park facility.
- It is stated that the Planning Authority's reference to the contravention of the Spatial Planning and National Roads Guidelines is also unreasonable and incorrect, and it is noted that the proposal does not involve access onto a junction of a national road. The junction adjoining the site is the L2060 and the R132, a regional road. The reference to the contravention of the Spatial Planning and National Roads Guidelines is therefore irrelevant in this case.

Refusal Reason No. 4

6.1.6. In response to refusal reason no. 4, the following points are noted:

- Confirmation of liaison with Uisce Eireann regarding lack of public services in the vicinity of the site.
- The on-site treatment system required (in the absence of public services) has been rationalised into a single treatment unit with a single percolation area. The proprietary effluent treatment system will comply with Part H of the Building Regulations, have I.S. EN 12566-3 certification and comply with S.R. 66:2015

and the system recommended provides the site with Best Available Technology currently available.

- Anticipated PE loading of up to 24 persons has been assumed which is considered a reasonable estimate based on the size of the industrial units and the estimated workforce involved in the car park and valet facility operating in shifts.
- In relation to additional details on the proposed discharge ditch, PUNCH engineer carried out a further site visit on 25th March 2024 to provide further detail of the proposed drainage ditch and downstream route to the Sluice River. The proposed drainage layout has been revised to reflect the amended discharge location of the development's stormwater drainage to this drainage ditch. The stormwater drainage now discharges to the site's north-west corner and the appellant refers to submitted drawing Proposed Drainage & Watermain Layout "212257-PUNCH-XX-XX-DR-C-0100" which has had its discharge location altered.
- In response to the request for further clarity on the attenuation feature proposed the PUNCH report confirms that it has been re-named as a "pond". The pond will serve to improve the quality and biodiversity and will also add value to the amenity of the development by blending in with the surrounding landscape and creating a green environment.

Refusal Reason No. 5

6.1.7. It is contended that the refusal of permission in relation to noise impact, given the nature and location of the development, is unreasonable and unsupported in the Development Plan. The following points are noted:

- The issue of potential noise impact was not raised by any other departments (FCC Environment or FCC Environmental Health) or statutory bodies, with the ANCA stating that the application should not have been referred to them and they had no further comment.
- It is highlighted that Section 3.5.15.6, Objective DAO1 and Objective DMSO45 only require noise assessment reports for housing proposals within the Airport Noise Zone A area. The appellant refers to the Dublin Airport Noise Action Plan 2019-23, where the application site is located outside the Airport Strategic

Mapping Exposure Zones (pages 51-60).

- It is noted that the proposed car park and light industrial units are all employment uses, as would typically be found within Dublin Airport itself and which, if located there would be subject to much greater noise impact from aircraft and other sources.
- Given the employment nature of the development, it cannot be considered a "noise sensitive development" which would require the preparation of a noise assessment. In addition, the Planning Authority have not required the preparation of noise assessments for other commercial developments that have been granted in the vicinity in recent times and examples are provided. However, it is confirmed that the Applicant is happy to comply with a suitably worded condition, if deemed necessary to carry out a noise assessment and agree noise attenuation measures with the Planning Authority.

Refusal Reason No. 6

- 6.1.8. It is contended that the reason for refusal is unreasonable and in fact contrary to the recommendations of its own County Ecologist, who did not recommend a refusal but sought Further Information in relation the AA Screening carried out. An updated AA Screening Report carried out by Whitehill Environmental has now been submitted as part of the appeal and the "In-Combination Effects" list all planning applications over the past three years within 1km of the site, and which have been factored into the assessment of potential in combination effects. The screening determination concludes that AA is not required as it can be excluded, on the basis of objective information provided in the report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, the Board is requested to set aside this reason for refusal and grant permission.

Refusal Reason No. 7

- 6.1.9. It is contended that Refusal Reason No. 7 is unreasonable and fails to acknowledge the landscape proposal submitted within the planning application seeks to retain and enhance the existing site hedgerows and planting which mark the townland boundary. The appellant also notes that two of the three quoted policies from the Development

Plan in the decision are incorrectly ascribed to the proposed development, which further undermines the credibility of this decision. The following points are also noted:

- The Parks Report concludes that permission can be granted subject to appropriate conditions.
- The applicant has sought to optimise the protection and retention of existing boundary planting with a significant quantum of hedgerows and trees retained along the western, eastern and northern boundaries. Where existing planting has to be removed, principally along the southern boundary with the public road, new native trees and hedgerow are to be provided and the rate of new tree planting (54 trees) is more than 4 times the loss (13 trees).
- It is not the intent of Objectives DMSO128 and DMSO172 to restrict in all instances the loss of townland boundaries. Preservation "where appropriate" is promoted and where unavoidable then mitigation is to be considered.
- In order to facilitate development of zoned lands, the removal of some boundary is sometimes unavoidable, such as in this case along the southern boundary of the site in order to achieve a new access with safe sightlines to this employment zoned site from the public road.
- It is also noted that neither the Planning Authority's Conservation Officer nor Heritage Officer recommend refusal in relation to the loss of a small portion of the townland boundary planting.
- Further claims by the Planning Authority that the proposed development will impact biodiversity and will prevent "permeability and connectivity to the surrounding landscapes for wildlife" is unsubstantiated and again not supported in the assessment of the other authority departments.

6.1.10. The appellant has included the following documentation in support of the First Party appeal:

- Appeal Rebuttal Report prepared by TPS Moran Traffic Engineers.
- Appeal Report, Updated Services Report and Drawing No.212257-PUNCH-XX-XX-DR-C-0100 prepared by PUNCH Consulting Engineers.
- Updated Appropriate Assessment Screening Report prepared by Whitehill Environmental.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority confirms its decision and requests the Board to uphold the decision to refuse permission. The typographical errors in the Planner's Report are also acknowledged. The following responses are provided to each relevant ground of appeal:

Grounds of Appeal to Refusal Reason No. 1

- 6.2.2. The submission notes that the appellant seems to agree with the Planning Authority's assessment that the car park would be defined as a 'car park non-ancillary' which is neither 'permitted in principle' nor 'not permitted' under the GE zoning objective. It is stated that the size and location of the valet service remains unclear and is therefore assumed to be located within and ancillary to the car park. The proposed uses are collectively not considered a highly intensive use of this site and are therefore considered inappropriate and unsuitable.
- 6.2.3. In terms of the reference to the car park located to the south of Dublin Airport (GE zoned lands), the Planning Authority note that this site had a site-specific objective for use as a car park and was granted under the previous Fingal development plan. It is therefore not relevant to the appeal in their view.

Grounds of Appeal to Refusal Reason Nos. 2 & 3

- 6.2.4. It remains unclear to the Planning Authority as to how the users of the car park/valet service would travel from the application site to Dublin Airport. Furthermore, it is unknown if these vehicle movements to and from the airport are included in the trips generated in the traffic report. The submission notes that any un-curtailed increase in car parking availability serving the airport and car-based travel would undermine public investment in sustainable transport modes and contravene Objective DA06 of the current CDP. It is stated that the proposed development would result in an increase in the supply of airport-related car parking and therefore an increase in associated traffic and would materially contravene condition 23 attached to Planning Application Reg. Ref. No. F06A/1248 (ABP No. PL 06F.220670). They refer specifically to the fourth schedule of the Planning and Development Act 2000, as amended in this regard. It is the Planning Authority's view that the proposed development would have a detrimental

impact on the capacity, safety, or operational efficiency as well as past and future investment in the national road network.

Grounds of Appeal to Refusal Reason No. 4

- 6.2.5. The revisions to the drainage layout and its relocation to the north-west of the site is noted.

Grounds of Appeal to Refusal Reason No. 5

- 6.2.6. The Planning Authority remain of the opinion that as the site is located within Noise Zone A, a noise assessment should be submitted to determine if future occupiers of the development would be affected by aircraft noise.

Grounds of Appeal to Refusal Reason No. 6

- 6.2.7. The Planning Authority notes that the Board is the competent authority for Appropriate Assessment.

Grounds of Appeal to Refusal Reason No. 7

- 6.2.8. It is noted that the retention of the townland boundary should be protected where possible. The hedgerow and trees on the townland boundary carry significant cultural, historic and biodiversity significance and the Planning Authority is of the view that the development fails to preserve or incorporate the existing townland boundary.

6.3. First Party Response

- 6.3.1. Following a review of the Planning Authority's response, the appellant provided the following commentary:

Refusal Reason No. 1

- 6.3.2. The appellant again highlights that Policy EEP2 promotes "intensive" employment uses on GE Enterprise & Employment lands "where appropriate". However not all permissible uses under the GE zoning are employment intensive. It is stated that the car park and valeting enterprise which the applicant intends to operate will be an employment generator as per the GE zoning requirement with the level of employment considered similar to what would be carried out in other space extensive yet low

employment/highly automated uses such as warehousing and logistics. The appellant justifies the use at this location and refers to Section 8.5.7 and Objective DAO18 of the CDP, where "working premises" are required to limit working staff numbers as per the Environmental Resources Management [ERM] Report 2005. It is also noted that there is ample space on site to provide designated cycle parking if required.

Refusal Reason Nos. 2 & 3

6.3.3. The appellant's response provides further detail as to how the Airpark One car park and valet service intends to operate which has been set out in the Planning Report that accompanies the application. It is also highlighted that the DAA are not opposed to the proposed development, and it is confirmed that the Applicant has been engaging positively with the DAA Concessions Dept. prior to lodgement of the planning application and that the questions arising in relation to licensing, by-laws, operation hours, etc can all be agreed post-planning.

6.3.4. In relation to the potential impact on the wider national road network, the appellant refers to the traffic assessment prepared as part of the planning application and the appeal report submitted by TPS Moran where it is contended that there will be no material impact on the capacity, safety or operational efficiency of the national road network.

6.3.5. The submission notes that there is no legal basis in either the Planning Act or the Regulations for refusing planning permission for a development on the basis that it would materially contravene a condition of a previous permission and granted on lands which are not the planning application site.

Grounds of Appeal to Refusal Reason Nos. 5 & 7

6.3.6. The appellant confirms that the Applicant is happy to carry out a noise assessment if deemed necessary. However, it is contended that the application should not be refused for the absence of same, as the nature of the uses are not considered to be 'noise sensitive developments'.

6.3.7. It is again noted that the proposals have sought to optimise the retention of existing

boundary planting with a significant quantum of hedgerows and trees retained along the western, eastern and northern boundaries. Where existing planting has to be removed, principally along the southern boundary, replacement planting has been proposed (54 trees) and is more than 4 times the loss (13 trees). It is noted that the assessment of the Planning Authority's Parks Department is measured and has had proper regard to the relevant policies of the current CDP Plan concerning the protection of hedgerows and townland boundaries.

6.4. Observations

NTA

- 6.4.1. The NTA reiterates the concerns previously outlined that the proposed development is likely to result in an increase in the supply of airport-related car parking and an increase in the volume of general traffic on the Airport's internal road network, potentially undermining the effective operation of existing and planned public transport services into the Airport. On this basis, the proposed development is not considered to be aligned with measure INT2 of the Greater Dublin Area Transport Strategy 2022-2042, in which 'It is the intention of the NTA, in conjunction with public transport operators, TII, and the local authorities, to serve the international gateways with the landside transport infrastructure and services which will facilitate their sustainable operation', and with Climate Action Plan 2023/2024 which seeks a reduction of 20% in total vehicle kilometres travelled.
- 6.4.2. It is also the view of the NTA that Objective DA06 seeks inter alia, to maximise the use of public transport by passengers and workers, implicit in which is the safeguarding of available road capacity both within the Airport and in the environs of the Airport. The operation of the proposed development appears to be contingent on the operation of car based trips into the internal road network of the Airport Campus and as such, has the potential to undermine the objective of maximising public transport use, both by competing with the public transport alternative and by absorbing scarce available road capacity, which might otherwise have been available for the efficient operation of public transport services.

Gary Duffy

6.4.3. An observation to the First Party appeal has been prepared on behalf of Gary Duffy who is the manager of the MBP located to the west of the appeal site. The following concerns are raised within the observer's submission:

- It is highlighted that they have had ongoing difficulties getting their original treatment plant to work due to the poor quality of the soil in the percolation area. Concerns are raised regarding the proposal for septic tanks and percolation areas as the water table in the area is very high and remediation work is difficult. In addition, the plan for a stormwater runoff to enter the stream from an area with heavy traffic seems inadequate. Although the proposal includes a valeting service, the observer is unable to find any submitted documentation to demonstrate how the applicants intend dealing with the wastewater from potentially 600 car valets a week. It is their view that the valeting element is only an afterthought to address the GE zoning.
- It is contended that ground conditions in the area are difficult for the proper percolation of wastewater and the observer has had to spend in excess of €100,000 over the last year to upgrade their BioCycle Waste water treatment system and percolation area to meet Council's requirements. The submission notes that the new percolation area is much larger, and it is important that any future development does not affect its design capacity.
- It is noted that extra surface water from the new development could lead to heavy waterlogging in this area.
- It is the observer's view that the height and scale of the multi storey car park is totally out of character with the area and would be almost twice the height of the units within the MBP. This will totally transform the area from a low key industrial site in an almost rural setting to an extension of the airport development sprawl.
- It is considered the provision of an additional entrance in close proximity to the MBP will potentially lead to queues and road safety issues, especially with HGVs trying to operate within these confines. In addition, there will be a requirement to provide a footpath to the front of the site, thereby pushing their new entrance further back and severely restricting already inadequate sight distances to the east for vehicles exiting the proposed site.
- The submission notes that there will be huge management issues as all 362

cars stored in the car park will be coming from the airport where there is no right turn onto Kettles Lane from the regional route. As such, drivers must drive into Airside, do a U-turn and access onto Kettles Lane making a left turn. Likewise, left turns out of Kettles Lane are only permitted which will place increased pressure on the roundabout to the south of the site

- The submission notes that when there is a large class or event on in the Riding school next door, there can be a traffic tailback at the electronic gates which would be right across the entrance for the new development. The increased traffic volume into the multistorey car park could lead to this tailback extending to the front of MBP's entrance and right out to the blind junction at the Old Airport Road and could cause serious traffic safety management problems.
- The submission notes that the observer is not opposed to development in the area, particularly low rise industrial units. However, they are concerned that the proposed development, on what is a small embedded site, is a gross overdevelopment of the site and will have a huge impact on the area and will irrevocably devalue their property.

6.4.4. Within the submission, detailed commentary is provided regarding the relevant reason for refusals and the Applicant's response to same, the details of which are addressed in my assessment of the proposed development below.

6.5. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning & the Principle of Development
- Access & Parking
- Drainage
- Landscape & Boundaries

- Noise
- Appropriate Assessment

7.1. Zoning & the Principle of Development

- 7.1.1. The Applicant is seeking planning permission for the construction of a commercial/industrial development on the subject site comprising a commercially operated multi-storey car park with full valet service and the provision of a total of 3 no. industrial units. The Planning Report in support of the application confirms that the Applicant is a subsidiary company of Airpark One, a German based valet parking company which currently operates similar services beside Frankfurt and Hamburg Airports. The report explains that the service currently operating in Germany entails customers pre-booking a parking/valet slot with car park provider, following which, one of their staff meets the customer at the airport and the staff member then drives the customer's car back to the car park facility where it is parked (and valeted if required) for the duration of the customer's journey. On the customers return, a member of the car park staff then returns the car to the customer at the airport. The Traffic Report which accompanies the application confirms that proposed development will provide a similar service. In terms of the proposed industrial units, I note that no potential end user(s) have been identified for this element of the development. However, it is confirmed within the appeal submission that the entire facility will be managed by a single estate management company which will maintain the common areas.
- 7.1.2. It is the Planning Authority's position that the proposed car parking and valet service would materially contravene the 'GE' zoning objective that applies to the lands. Furthermore, they were of the view that this element of the proposed scheme was contrary to Policy EEP2 of the current CDP. The objective of which seeks to 'maximise the potential of GE lands, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible'. For this reason, the development was deemed to be contrary to the proper planning and sustainable development of the area and planning permission was ultimately refused. I note that similar concerns have been raised within the Third Party observation to the appeal. Within their assessment of the application, the Planning Authority have noted that the intended nature, use, location or size of the

valet service was unclear. As noted, the Applicant's Planning Report confirms that cars are currently valeted (if required) within the Applicant's existing operations in Germany. From an examination of the plans and particulars, the location of the proposed car wash facilities associated with the car park have not been identified. It is the Applicant's contention that the cleaning/washing of vehicles would fall within the definition of an industrial process (as per Article 5(1) of the Planning & Development Regulations, 2021-2023), and notes that both 'Industry – General' and 'Industry – Light' are 'Permitted in Principle' uses under the applicable 'GE' zoning.

7.1.3. Whilst it may be the intention of the Applicant to provide car wash facilities on site, it is clear that the core service being proposed in this instance is the provision of valet parking. This comprises the collection and drop-off of customer's vehicles to Dublin Airport from staff of the commercial car park. Therefore, I would agree with the Planning Authority that the valeting of cars (i.e. car wash) is an ancillary use to the proposed commercial car park. This primary use would fall within the definition of a 'Car park Non-Ancillary' and under the 'GE' zoning, is neither listed as a 'Permitted in Principle' or 'Not Permitted' use. In cases such as this, the current CDP indicates that the use 'will be assessed in terms of their contribution towards the achievement of the zoning objective and vision and their compliance and consistency with the policies and objectives of the Development Plan'.

7.1.4. Within their appeal submission, it is argued that not all 'GE' zoned lands may be appropriate for 'intensive employment', a term which they note is also not defined under the current CDP. Furthermore, they have made reference to other low intensity employment generating uses (for e.g. "logistics" and "warehousing") which are identified as being 'Permitted in Principle' under the relevant zoning and which are referenced in the zoning's vision. Whilst I acknowledge that there a range of permitted uses under this zoning which are not employment intensive, it is clear that a 'Car park Non-Ancillary' is not a 'Permitted in Principle' use and therefore, there is an obligation for the development to accord with the relevant policies and objectives of the CDP. In terms of maximising the potential of 'GE' zoned lands (i.e. Policy EEP2), it is understood from the information submitted that 10 no. staff would be employed within the proposed car park. Additional information submitted with the appeal (i.e.

Engineering Planning Report) indicates that 20 no. staff has been assumed for the proposed development. Furthermore, it is confirmed that the entire development's wastewater treatment system has been sized to cater to a minimum of 24 employees. They consider this to be a reasonable estimate based on the size of the industrial units and the estimated workforce involved in the car park and valet facility. It is the appellant's contention that the Planning Authority have ignored the fact that the site is located within the Dublin Airport Public Safety Zone (PSZ)(Outer). Notably, they refer to Section 8.5.7 and Objective DAO18 of the current CDP which requires compliance with the Environmental Resources Management (ERM) Report 2005. In essence, the argument is made by the appellant that the site is not an appropriate location for more intensive forms of employment. This ERM Report provides guidance on the potential use and scale of development that may be considered appropriate within these zones. It is evident from reviewing this document that for new development applications ('working premises', i.e. factories, offices etc.) within this zone (Table 6.1), the number of persons employed should be equal to or less than 110 persons per half hectare. Given the overall size of this site (i.e. 0.66ha.), the number of persons employed should therefore not exceed c. 145. In this regard, it is evident that there is significant scope on this site for more employment intensive uses and I am not satisfied that the proposed development maximises the potential of the lands in question, as required by Policy EEP2 of the CDP.

- 7.1.5. Furthermore, the site's accessibility to public transport, including its location relative to the Swords to City Centre Core Bus Corridor Scheme (as permitted under ABP-317121-23), is a contributing factor in terms of its appropriateness for a higher intensity of employment. This permitted development includes the provision of a new bus stop (including the 1 no. bus stop to be retained) at the upgraded junction of Kettles Lane and the R132 (Swords Road). Whilst the appellant has referred to the permitted (ABP-302651-18) Quick Park car park (i.e. south of Dublin Airport) as a potential precedent given the lands are similarly zoned 'GE' and located outside of the airport campus, I note that historically, there was a specific objective on the Quick Park site for a car park under both the 2011-2017 and 2017-2023 Fingal County Development Plans and I am of the view that it is therefore not directly relevant to the consideration of the subject proposal. In this regard, I would agree with the Planning Authority the proposed

development fails to comply with the 'GE' zoning objective, its vision and the relevant policies of the current CDP, notably Policy EEP2 as discussed above. For this reason, it is my recommendation to the Board that permission be refused for the proposed development.

7.2. Access & Parking

- 7.2.1. In order to facilitate access to the appeal site, the Applicant is proposing to remove the existing hedgerow and trees which form the southern boundary with the L2060. A new recessed and centrally located access will be provided and a new pedestrian footpath is proposed to the west of the entrance. This will tie in with the existing footpath to the south of the MBP. While site access was not raised as an issue by the Planning Authority's Transportation Department, the Planner's Report on file noted that the Applicant's Transport Assessment only took account of the impact of the proposed development on L2060 but not the priority T junction of the L2060 and R132 (to the west of the site). The Planning Authority indicate that the R132 is a busy route where no right turn movements from the L2060 can occur. In addition, they note that the Transport Assessment does not consider how the development would impact the R132 with or without the proposed bus connect scheme (now permitted). From reviewing the Planner's Report, it would appear they have incorrectly assumed that customers of the car park would access the car park via the junction with the R132. However, as noted below, a valet parking service is being provided, whereby it is confirmed that employees of the car park would access the site from the east. The Planner's Report notes that this junction in its current non-signalised arrangement is substandard and an intensification of the junction movements at the levels proposed without upgrades would constitute a traffic hazard.
- 7.2.2. Within their appeal submission, it is confirmed that the existing priority T junction has restricted traffic turning movements, which prohibit north-bound traffic on the R132 from turning eastbound into the L2060 and westbound traffic on the L2060 from turning northbound into the R132. It is explained that traffic coming to the facility (i.e. employees/deliveries to the industrial units, staff bringing customer's cars to the parking facility from the airport drop off) will be required to access the site via Kettles Lane to the east, which in turn is accessed via the R125 and Feltrim Road from the

M1 or R132. In addition, traffic leaving the site will join the R132 at the existing T junction as is the current arrangement due to the restricted traffic movements. An updated Traffic Report prepared by the Applicant's consulting engineer now accompanies the appeal, where it is contended that the extent of trips associated with the proposed development is limited (24 inbound and 21 outbound traffic movements during the AM peak hour and 21 inbound and 23 outbound traffic movements during the evening PM peak hour). It is also argued that the extent of development is well below the threshold for a Traffic Impact Assessment which they contend further indicates the limited impact of the proposed development. Furthermore, they refer to the revisions to the junction layout as part of the now permitted Bus Connects Swords to City Centre Core Bus Corridor proposal. It is noted that the R132/L2060 priority T junction will be replaced with an all-movements traffic signal junction to enhance pedestrian, cyclist and bus priority.

- 7.2.3. Whilst the proposed development may make a relatively modest contribution to the number of vehicular movements in the AM and PM peak hours, the proposed car park alone is estimated to generate a total of 655 no. movements over the course of a 24 hour period. This is not insignificant when compared with the number of traffic movements that would typically be associated with an employment generating use with an appropriate modal split. Whilst the policies referred to by TII (i.e. DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012) are not directly applicable to the junction in question, TII's view that the proposed development would adversely affect the use of the national road network including the M1 and M50 and the associated junctions is relevant given the nature of the proposed development. Notably, given it promotes the use of private vehicles over more sustainable modes of transport. Furthermore, it is the view of the NTA that the proposed development is likely to result in an increase in the supply of airport-related car parking and an increase in the volume of general traffic on the most central parts of the Airport's internal road network. Within their observation to the appeal, the NTA have indicated that the proposed development appears to be contingent on the operation of car based trips into the internal road network of the Airport Campus and as such, has the potential to undermine the objective of maximising public transport use, both by competing with the public transport alternative and by absorbing scarce

available road capacity, which might otherwise have been available for the efficient operation of public transport services. This concern was also largely echoed in the Third Party's observation to the appeal.

7.2.4. Whilst I do not necessarily agree with the Planning Authority that the proposed development will constitute a traffic hazard at this location, particularly in light of the proposals to implement junction upgrades (i.e. Busconnects), I would concur that the additional traffic movements associated with the development would adversely affect the strategic function, efficiency and carrying capacity of the immediate surrounding road network and the road network accessing the airport. Therefore, this has the potential to undermine the effective operation of existing and planned public transport services. Whilst it is the appellant's view that these Dublin Airport car related trips will continue to be on the road network regardless of this facility being constructed, one must consider the traffic movements associated with customers travelling to the airport and also the vehicular movement of employees travelling between the airport and the car park. One could reasonably assume that those movements alone would be significantly higher than the movements typically associated with shuttle buses currently serving the airport's other car parks. Therefore, having regard the foregoing, it is considered that the proposed development fails to accord with Policy CMP1, Objective CMO1, Objective CMO23, Objective CMO24 and Objective CMO31 of the Fingal Development Plan, 2023-2029, Measure INT2 of the Transport Strategy for the Greater Dublin Area, 2022-2042 and the measures outlined in the Climate Action Plan 2024 which seek a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. For this reason, it is my recommendation that permission be refused for the proposed development.

7.2.5. In terms of the management of car parking associated with Dublin Airport, it was the Planning Authority's view that the proposed development was contrary to Objective DAO6 (Supply of Car Parking at Dublin Airport) of the current CDP which seeks to 'Control the supply of car parking at the Airport so as to maximize as far as is practical the use of public transport and sustainable transport modes (walking / cycling) by workers and passengers and to secure the efficient use of land and safeguard the

strategic function of the adjacent road network'. In addition, it was the Planning Authority's contention that development would materially contravene a condition of the previous permission (Ref. F06A/1248, ABP Ref. PL 06F.220670) associated with the development of Terminal 2 within the airport campus. This condition capped the number of short and long term car parking spaces at Dublin Airport. TII have noted in their submission to the application that the provision of privately operated dedicated car-parking facilities for airport passengers should be managed to ensure that sustainable transport modes are promoted above the requirements of the private car and to manage direct airport and privately provided airport related car parking facilities within Fingal. In addition, it is submitted by the NTA that the continued control of car parking at the Airport will be central to fulfilling modal shift objectives and protecting the capacity on the surrounding road network.

- 7.2.6. In response, it is the appellant's contention that Objective DAO6 of the current CDP does not relate to this site but only relates to developments within Dublin Airport. Furthermore, the appellant claims that each planning application must be treated on its merits and cannot be restricted by virtue of a condition which is over 17 years old, and which relates to lands outside the ownership of the Applicant. It is their view that the Planning Authority's claim that the proposed development materially contravenes this condition (i.e. Condition No. 23 of Ref. F06A/1248, ABP Ref. PL 06F.220670)) is incorrect, unreasonable and contrary to the provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). Regardless of this, it is argued that the proposed car park (362 spaces), if added to the existing Airport parking provision does not breach the cap outlined in parent permission as purported by the Planning Authority and the NTA.
- 7.2.7. Given the nature of the proposed use and its intrinsic link and dependency on Dublin Airport to function, I would share the Planning Authority's view that Objective DAO6 is directly relevant to the consideration of the subject proposal. In addition, I also consider it necessary to have regard to the policies contained within the Dublin Airport LAP, 2020. Section 8.5.5 of the LAP notes that new car parking provision should only be made where absolutely essential, thereby incentivising sustainable travel choices. In addition, Section 8.6 notes that any provision of additional car parking requires a

careful balance between meeting needs in order to accommodate future growth and undermining the economic viability of public transport routes servicing Dublin Airport. Furthermore, the LAP indicates that specific targeted enhancements of the parking provision at Dublin Airport are planned by daa (Car Park Capacity Enhancements in the Short Term), predominantly on land to the east of the existing terminals. Specifically, new or expanded car parks are to be implemented east of the R132 corridor, adjacent to Dublin Airport Roundabout on Dublin Airport approach and south of the existing Red Long Term Car Park. It is evident that the majority of the existing long term car parks serving Dublin Airport are space extensive given the characteristics of these surface level car parks. It is highlighted within the LAP's car parking strategy (Section 8.6.2) that as available space becomes limited in proximity to the airport, it is acknowledged that the conversion of existing surface car parks to multi-level parking structures will be required. It is reasonable to conclude that the consolidation of established car parks would be favoured over greenfield 'GE' zoned lands at locations removed from the airport campus and that offer the potential for more intensive forms of employment.

- 7.2.8. Objective CMO31 of the current CDP is also applicable to the proposal, where it is sought to 'Implement the recommendations of the South Fingal Transport Study (SFTS), 2019 in consultation with the relevant stakeholders'. The SFTS indicates that Dublin Airport is already relatively well served in terms of car parking provision. Whilst it is acknowledged that some limited expansion of car parking may be necessary to enable continued growth at the Airport in advance of delivery of the CBC2 Swords upgrade and MetroLink, such expansion of Dublin Airport's car parking provision beyond the currently permitted limits would need to be strongly justified in the context of the existing quantum of parking and the potential impacts on the road network. Whilst the appellant has indicated that the development would not breach the car parking cap associated with Terminal 2 and has noted the limited contribution the development would make to the overall quantum of car parking serving the development, I am not satisfied that an adequate justification has been provided for proposed development in light of the various policies and objectives discussed in the foregoing. I also note that at the time of writing this report, it is understood that the Quick Park car park (now renamed Park2Travel) which provides in excess of 6,000

no. spaces and which had been closed for an extended period is expected to reopen on 10th March 2025. In this regard, it is considered that the proposed development fails to comply with the pertinent policy of the current CDP, would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

7.3. Drainage

- 7.3.1. Although located on zoned land and situated adjacent to an existing business park, the site is not serviced in terms of wastewater infrastructure. As part of the Applicant's proposals, it was proposed to provide 2 no. septic tanks and associated percolation areas which would serve the entire development. Within their assessment of the application, the Planning Authority questioned the purpose of providing 2 no. separate systems. In addition, further information was recommended by the Water Services Department regarding the end use, occupancy, and anticipated resulting PE loading for the development. The Planning Authority was not satisfied that the development would not be prejudicial to public health or pose an unacceptable risk of environmental pollution, and the application was ultimately refused. The Third Party observer to the appeal has also raised concerns regarding the poor drainage characteristics of the site and it is highlighted that they have had ongoing difficulties getting their original treatment plant to work due to the poor quality of the soil in the percolation area and they therefore have concerns regarding the Applicant's proposals for a private wastewater treatment system.
- 7.3.2. In support of the appeal, the Applicant has now submitted an updated Services Report and associated drawing (i.e. Drawing No. 212257-PUNCH-XX-XX-DR-C-0100). The proposed development has now been amended, whereby the on-site treatment system has been rationalised into a single treatment unit and a single percolation area. The original proposal for conventional septic tanks has been upgraded to a treatment system and I note that both the treatment system and percolation area is proposed to be located to the south of the proposed industrial units.
- 7.3.3. Given the nature and scale of the current proposal, regard is given to the requirements for private wastewater treatment plants as set out by the EPA Wastewater Treatment

Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) (referred to herein as the EPA Manual, 1999). Table 3 (Recommended Wastewater Loading Rates from Commercial Premises) of the EPA Manual, 1999 sets out the applicable loading rates which are detailed in Table 7.1 below. The purpose of this manual is to provide guidance in the selection, operation and maintenance of small wastewater treatment systems (i.e. for population equivalents between 10 - 500).

Table 7.1

Situation	Source	Flow litres/day per person	BOD₅ grams/day per person
Industrial	Office and/or factory without canteen	30	20

- 7.3.4. I note that it is also relevant to have due regard to the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021 (referred to herein as the EPA COP, 2021). Whilst it relates primarily to domestic treatment plants, it is the most recent EPA publication on wastewater disposal and sets out a relevant methodology for site assessment and selection, installation and maintenance of appropriate wastewater treatment systems. Of relevance, it sets out how trial hole and percolation tests are to be carried out and assessed. I note that the methodologies for site characterisation as detailed in the EPA COP, 2021 are therefore applicable to the subject proposal and are referred to in the Applicant's SCF. The objective of a site characterisation is to obtain sufficient information from an assessment of the site to determine if an on-site wastewater treatment can be developed at that location.
- 7.3.5. The appeal site is located in an area with a Locally Important (LI) aquifer of moderate vulnerability. The SCF notes groundwater was encountered at a depth of 1.2m in the 2.1m deep trial hole. Bedrock was not encountered within the trial hole. The soil was silt/clay (imported soil) in the upper 300mm and clay intermixed with stone within the remainder of the trial hole. Although the SCF does not identify a Groundwater Response, it is evident that a Groundwater Response of R1 applies to the site. As per Table E1 (Response Matrix for DWWTSs) of the EPA COP, 2021, a Groundwater Response of R1 is 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)'. As detailed in Section 6 of the SCF, it is recommended to instal a Kingspan Gamma Septic Tank (Model GST035). However as noted, the updated letter supporting the appeal from

Traynor Environmental Ltd. (25th March 2024) recommends the installation of one treatment system, Ecoflo coco filter and polishing filter which complies with the requirements of the EPA Manual, 1999. Given the projected staffing levels (i.e. 24), the hydraulic loading for the proposed development would equate to 0.72m³ (720L) per day which must disseminate to groundwaters. As detailed in Table 7.1 above, this figure is based on a daily hydraulic allowance per staff of 30L per day (i.e. Office and/or factory without canteen) as per the EPA Manual, 1999. I note the Applicant's consultant has calculated this on the basis of 50L per day which goes above what is recommended in the EPA Manual, 1999. The BOD₅ grams/day per person is also estimated to be 600grms (i.e. 20 grams/day per person as per the EPA Manual, 1999). Population Equivalent is the conversion value which aims at expressing non-domestic applications in terms of domestic loading and is typically based on 1 person creating 60 g/day BOD₅ and 150l/day as per the EPA COP, 2021. Therefore, a hydraulic loading of 0.72m³ would equate to a daily PE of 5 for the proposed development. I note that the revised proposals recommend the installation of a 12PE Treatment system on site. These calculations are provided in Table 5.2 below.

Table 7.2: Calculations based on 24 no. staff.

	Applicant's revised proposals	Calculations based on the EPA Manual, 1999 & EPA COP, 2021.
Hydraulic Loading	1,200L (24 staff @ 50L per person)	720L (24 staff @ 30L per person)
BOD ₅	600 grams	600 grams
Population Equivalent (Hydraulic Loading)	12	5
Tertiary Infiltration Area Required (sq.m.) (Table 10.1 of the EPA COP, 2021)	80sq.m.	75sq.m.
Coco Filters (Hydraulic Loading)	1 x 1Ecoflo 4 2,400L	Required 720L (i.e. 5 PE)

- 7.3.6. I note that the sizing of the infiltration area for the tertiary treatment system must accord with Option 6 in table 10.1 of the EPA COP (2021). In this instance, it is necessary to take the higher of the percolation rates returned (i.e. T-test result of 37.86). Therefore, the loading rate on the infiltration area will be 15l/m². This would require an infiltration area with a minimum surface area of 75m² given the hydraulic

loading (5 PE) of the proposed development. On this basis, it is my view that the infiltration area of 80m² as specified by the assessor would be acceptable for the hydraulic loading associated with the development. Further to this, the 1 no. Ecoflow 4 unit as shown in product details is adequately sized to cater to a development of this size.

7.3.7. In terms of the trial hole assessment, a subsurface (T) test is used to test the suitability of the subsoil at depths greater than 400mm below the ground level. As per the SCF, the initial T-test result (Average T₁₀₀) was 143.30 minutes. In instances where the T₁₀₀ is < 210 minutes, it is recommended to go to Step 4. Under Step 4, the subsurface percolation value was recorded to be 37.86. A P-test (surface) was also carried out which gave a surface percolation value 15.24. Whilst undertaking my inspection, I observed the site to be firm underfoot and there was an absence of features that would be typical of poor drainage such as rushes or evidence of ponding. Having inspected the appeal site and examined the ground conditions and having regard to the information on file, including the Site Characterisation Report and the revised proposal submitted in support of the appeal, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable and I am satisfied that the proposed treatment system is adequately sized to cater for a development of this scale. In this regard, it is considered that the development would not be prejudicial to public health, nor would it pose an unacceptable risk of environmental pollution.

7.3.8. In terms of the site's surface water drainage strategy, the Planning Authority noted that there was a lack of clarity on the proposed site plan as it showed that the attenuation provided to the north of the site is identified as either a pond or tank. Additionally, it was noted that details of the proposed discharge ditch had not been shown on the submitted plans. I note that the Third Party observer to the appeal has also raised concerns regarding surface water drainage and in particular, run-off associated with the operation of the proposed car wash. In terms of the discharge ditch, it is indicated that the Applicant's consultant engineer carried out a further site visit on 25th March 2024 and it is confirmed that the drainage layout has now been revised to reflect the amended discharge location of the development's stormwater drainage to this drainage ditch. The stormwater drainage now discharges to the site's

north-western corner as per Drawing No. 212257-PUNCH-XX-XX-DR-C-0100. In addition, the proposed attenuation feature has been re-named as a 'pond' and it is contended that the pond will serve to improve the quality and biodiversity. I note that the overall size of this attenuation pond has been significantly increased and now covers an area of c. 230sq.m.

- 7.3.9. As detailed in the Applicant's updated Engineering Planning Report, all surface water run-off from roof areas and hardstanding areas are designed to be collected by a gravity pipe network. It is proposed to discharge the stormwater to the drainage ditch in the north-western corner of the site and the consultant's report indicates that the Sluice River is the final discharge location and is located c. 100m to the north of the site. The report also confirms that all surface water will pass through a bypass separator prior to entering the attenuation pond and the flow will be controlled with a hydrobrake and will be limited to Qbar before being discharged to the drainage ditch. In terms of the SuDS proposals, the development includes green roofs, green walls, permeable asphalt and the surface water attenuation pond. It is indicated that relatively small volumes of rainwater collected on the respective SuDS devices will enter the existing drainage ditch during typical low intensity storms as the proposed SuDS measures will retain rainwater until it is either used via evapotranspiration in the green areas or naturally attenuates in the pond. During high intensity storms, attenuation will be used to store the runoff which will then be released at a rate which shall be consistent with the peak greenfield discharge rate or Qbar. Overall, I am generally satisfied that the Applicant's surface water strategy is acceptable. Whilst it is acknowledged that there is a lack of information regarding the disposal and treatment of wastewater associated with the proposed car wash, I note that there are pre-fabricated systems available which are designed to recycle 100% of recovered wash water for continuous re-use. Therefore, I am satisfied that the absence of this information does not warrant a refusal of permission.

7.4. Landscape & Boundaries

- 7.4.1. As indicated, the Applicant is proposing to provide a new centrally located entrance which includes the removal of the existing hedge and trees along the site's roadside boundary. Within their assessment of the proposed development, the Planning

Authority has referred to the policy of the current CDP (DMSO128) which seeks to safeguard townland boundaries, and they note that the existing hedgerow at this location demarcates the townland boundary for Glebe. The physical appearance of the townland boundary is a field ditch with native hedgerow planting and some trees. It is the Planning Authority's view that the hedgerow and trees carry cultural, historic and biodiversity significance and planning permission was ultimately refused as it was their view that the layout of the proposed development failed to properly preserve and incorporate the existing townland boundary, maximise opportunities for enhancement of this existing townland hedgerow and to protect and incorporate it as part of the County's Green Infrastructure network.

7.4.2. In terms of cartographic sources, it is evident from reviewing the 'Historic 6inch' (1837) mapping that a historic townland boundary forms the southern, eastern and northern boundary of the appeal site. Section 4.4 of the Applicant's Archaeological Impact Assessment (AIA) indicates that the subject site is recorded on this map as the eastern part of a small townland called 'Part of Swords Glebe'. It is depicted as a greenfield site with no structures. The townland is bordered to the west by the Dublin Road, to the south by Kettles Lane and to the east and north by one large green field. Given the nature of the proposal, due regard is given to Objective DMSO128 (Demarcation of Townland Boundaries) of the current CDP and seeks to 'Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments'. Whilst the Planning Authority referred to this within their assessment, the application was ultimately refused for running contrary to Policy GINHP21 (Protection of Trees and Hedgerows). In summary, this policy seeks to protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/ or contribute to landscape character. I note that there are other specific policies/objectives referenced in the refusal reason that do not appear to be relevant to the subject proposal (i.e. Objective GI9 & Objective SPQHO89).

7.4.3. Notwithstanding the concerns of the Planning Authority, I note that the Applicant has sought to retain as many trees as possible, notably along the remainder of the site boundaries, two of which (eastern and northern) also form the historic townland

boundary. The application is supported by an Arboricultural Impact Assessment which identifies the vegetation along the southern site boundary which is proposed to be removed, and which includes a total of 5 no. trees and vegetation identified as 'scrub thicket'. The consultant arborist has also enclosed a Tree Protection Plan, Tree Impacts Plan and Tree Constraints Plan. Having inspected the subject site and surrounds, I am not of the view that the existing vegetation along the roadside boundary makes a significant contribution to the existing landscape character. Given the 'GE' that applies to the site and its development potential, I am entirely satisfied that the removal of the existing boundary vegetation is acceptable and justified in this instance subject to compliance with the various mitigation measures outlined in the Ecological Impact Assessment and Construction and Environmental Management Plan (CEMP) that has supported the application. I also note that no concerns had been raised regarding the removal of this boundary by the Planning Authority's Archaeologist or the Parks & Green Infrastructure Division. I am therefore satisfied that this aspect of the proposed development is acceptable.

7.5. Noise

- 7.5.1. Within their assessment of the application, the Planning Authority indicated that a noise sensitive development within Noise Zone A may be potentially exposed to high levels of aircraft noise. Concerns were raised regarding the associated harmful impacts to the health of future occupiers given the site's location within this zone. It was therefore their view that a noise assessment should be submitted which addressed the potential impacts on the future employees of the proposed development and an evaluation as to how they would be affected by aircraft noise. In the absence of same, the application was ultimately refused by the Planning Authority. Within their grounds of appeal, the appellant contends that the proposed development cannot be considered a 'noise sensitive development' given the employment nature of the proposed uses. Furthermore, it is the appellant's contention that the Planning Authority have not required the preparation of noise assessments for other permitted commercial developments within the vicinity and recent examples are provided. Notwithstanding this, it is confirmed that the Applicant is happy to accept a condition requiring the preparation of a noise assessment and to agree noise attenuation measures if deemed necessary.

- 7.5.2. Objective DMSO105 (Development within Airport Noise Zones) of the current CDP seeks to actively resist the provision of new residential development and other noise sensitive uses within Noise Zone A. As per the Noise Action Plan 2024-2028 – Dublin Agglomeration, I note that schools and hospitals are identified as other noise sensitive buildings and I note that no additional uses have been identified as being noise sensitive. Furthermore, the EPA's Guidance Note for Noise Action Planning (2006) clearly indicates that housing, hospitals and schools should generally be regarded as noise sensitive premises. In this regard, I would concur with the appellant that the proposed uses could not be regarded as being noise sensitive and it is my view that the Planning Authority's reason for refusal is therefore not warranted in this instance.

7.6. Appropriate Assessment

- 7.6.1. Within their assessment of the application, the Planning Authority referred to the commentary of their Ecologist who outlined that the Applicant's Screening Report should be updated to identify what plans and projects were assessed when considering the 'in combination' effects. In the absence of this information, the Planning Authority indicated that there was insufficient information submitted to carry out a full assessment and permission was ultimately refused. I note that an updated AA Screening Report accompanies this appeal, and in-combination impacts are considered in further detail in Appendix 1 of screening report. The report identifies a number of other developments that have been proposed and permitted in the surrounding area in the last three years. It is stated that the proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA (Stage I) or where AA has taken place (Stage II). In addition, any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. I note that the permissions listed mainly relate to other residential & industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore, I agree with the Applicant 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). No further assessment is required for the project.

Screening Determination

7.6.2. 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 the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

7.6.3. This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report and the various documents supporting the application.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls for a development of this nature that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

7.6.4. I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed commercially operated multi-storey car park and ancillary valeting service fails to maximise the site's potential to provide employment intensive uses as required by Policy EEP2 of the Fingal County Development Plan, 2023-2029. For this reason, the proposed development fails to align or

accord with the Objective and Vision for the 'GE' (General Employment) zoned lands and is therefore contrary to the proper planning and sustainable development of the area.

2. The additional traffic movements associated with the proposed development would adversely affect the strategic function, efficiency and carrying capacity of the immediate surrounding road network and the road network accessing the Dublin Airport. Therefore, this has the potential to undermine the effective operation of existing and planned public transport services in the area. The proposed development would fail to accord with Policy CMP1, Objective CMO1, Objective CMO23, Objective CMO24 and Objective CMO31 of the Fingal Development Plan, 2023-2029, Measure INT2 of the Transport Strategy for the Greater Dublin Area, 2022-2042 and the measures outlined in the Climate Action Plan 2024 which seek a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. For this reason, the proposed development is contrary to the proper planning and sustainable development of the area.
3. The policies of the Fingal County Development Plan, 2023-2029 seek to ensure that car parking serving Dublin Airport is managed in a comprehensive manner so as to maximize the use of public transport and sustainable transport modes above the requirements of the private car. It is also indicated within the Dublin Airport Local Area Plan, 2020 that new car parking provision should only be provided where absolutely essential, thereby incentivising sustainable travel choices (Section 8.5.5). Furthermore, it is stated that any provision of additional car parking requires a careful balance to be struck between meeting the needs of accommodating future growth and undermining the economic viability of public transport routes servicing Dublin Airport (Section 8.6). As the commercially operated car park would be intrinsically linked and dependent on Dublin Airport, the proposed development would result in the increased supply of airport-related car parking and an increase in the volume of general traffic on the Airport's internal road network which may undermine the effective operation of existing and planned public transport services. The proposed development fails to accord with Objective DAO6 of the Fingal County Development Plan,

2023-2029, would set an undesirable precedent for similar development in the surrounding area and would therefore be contrary to the proper planning and sustainable development of the area.

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.

Enda Duignan
Planning Inspector

26th February 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319594-24		
Proposed Development Summary	Construction of a multi-storey (up to 5 storeys) car park of 362 spaces (with valet service) and all associated site works.		
Development Address	Lands at Kettles Lane, Glebe, Cloghran, Swords, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X	Class (10)(b)(ii) Class (10)(b)(iii)	Proceed to Q. 3
No			No further action required.
3. Does the proposed development equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class (10)(b)(ii) Class (10)(b)(iii)	EIA Mandatory EIA Required
No	X		Proceed to Q. 4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

		Threshold	Comment (if relevant)	Conclusion
Yes	X	<p>The construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.</p> <p>The proposed development includes a commercially operated car park with a total of 362 no. spaces.</p> <p>Identifies urban development which would involve an area of 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.</p> <p>The site has an area of 0.66 ha.</p>	<p>Class (10)(b)(ii)</p> <p>Class (10)(b)(iii)</p>	Preliminary Examination required

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: 26th February 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319594-24	
Proposed Development Summary	Construction of a multi-storey (up to 5 storeys) car park of 362 spaces (with valet service) and all associated site works.	
Development Address	Lands at Kettles Lane, Glebe, Cloghran, Swords, Co. Dublin.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
•	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>Permission is sought for the construction of a commercial development on the subject site comprising 3 no. industrial units and a commercially operated car park. Whilst the site is located in a transitional area, where it borders agricultural lands, the site is located on GE zoned lands and adjacent to an existing business park which. This business park is characterised by a range of similar commercial uses. The site is also located proximate to Dublin Airport, where land uses of this nature are commonly seen. It is my view that the development could not be described as being exceptional in the context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste,</p>	<p>No, the development seeks permission for industrial units and a commercial car park. The development</p>	No

emissions or pollutants?	will not result in the production of any significant waste, emissions or pollutants. Further analysis with respect to emissions (i.e. surface and foul water) is detailed in Section 7 of this report.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	The overall site has an area of 0.66ha. and its size is not exceptional in the context of the existing environment. Having examined more recent permissions in the area, it is evident that there are no significant cumulative considerations in this instance. Additional analysis regarding cumulative impacts is provided within Appendix 2 of this report (i.e. Appropriate Assessment screening)	No No
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No designations apply to the subject site. The Application has been supported by an AA Screening Report and Ecological Impact Assessment, and it has been adequately demonstrated that the proposed development does not have the potential to significantly impact on an ecologically sensitive site or location. As noted, the Application has been supported by an AA Screening Report and Ecological Impact Assessment and it has been adequately demonstrated that the proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.	No No
Conclusion		

There is no real likelihood of significant effects on the environment.

EIA not required.

Inspector: _____

Date: 26th February 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An Appropriate Assessment (AA) Screening Report prepared by Whitehill Environmental dated October 2023 was submitted with the application. I note that an updated AA Screening Report accompanied the First Party appeal. In addition, I note that the application was supported by an Ecological Impact Assessment, a Construction and Environmental Management Plan (CEMP), a Resource and Waste Management Plan, an Engineering Planning Report and an Arboricultural Impact Assessment. The objective information presented within these documents informs this screening determination.

The address of the appeal site, as detailed in the public notices, are the lands at Kettles Lane, Glebe, Cloghran, Swords, Co. Dublin. Known locally as Kettles Lane, the L2060 is located within the townland of Cloghran and the subject site has a stated area of c. 0.66ha. I have provided a detailed description of the site and its surrounding context in Section 1 of my report and the proposed development is described in detail in Section 2. Detailed specifications of the proposed development are provided in the AA Screening Report and in other planning documents provided by the Applicant. In summary, the development seeks planning consent for:

- The construction of a multi-storey (up to 5 no. storeys) car park of 362 no. spaces (with valet service) and ancillary single storey staff facilities block;
- The construction of a 3 no. storey block of industrial units.
- The provision of new vehicular entrance from Kettles Lane to the south and closure of existing access (from private lane) to the east of the site, and,
- The provision of on-site wastewater.

I note that the Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies any European Sites within a possible zone of influence of the development. It is concluded within the Screening Report, following an examination, analysis and evaluation of best available information, and applying the precautionary principle, that the possibility of any significant effects on any European Sites, whether arising from the project alone or in combination with other plans or projects, can be excluded. Having reviewed the documents and submissions on the application, I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.

There are no Natura Sites within the immediate vicinity of the appeal site. The nearest designated site (Malahide Estuary SPA (site code 004025)) is located c. 3.2km to the north-east of the appeal site. SACs and SPAs within 15km of the site have been identified in the Applicant's Screening Report. The Screening Report indicates that

there are a total of 17. no European sites within c. 15km within the site's potential zone of influence and include:

SACs

- Malahide Estuary SAC (site code 000205) (3.4km to the north)
- Baldoyle Bay SAC (site code 000199) (5.8km to the south-east)
- Rogerstown Estuary SAC (site code: 000208) (6.9km to the north)
- North Dublin Bay SAC (site code: 000206) (7.9km to the south-east)
- Rockabill to Dalkey Island SAC (Site code: 003000) (10.1km to the east)
- Ireland's Eye SAC (Site code: 002193) (10.8km to the south-east)
- South Dublin Bay SAC (Site code: 000210) (11.1km to the south)
- Howth Head SAC (Site code: 000202) (11.3km to the south-east)
- Lambay Island SAC (Site Code: 000204) (13.8km to the south-east)

SPAs

- Malahide Estuary SPA (site code 004025) (3.2km to the north-east)
- Baldoyle Bay SPA (site code 004016) (5.9km to the south-east)
- North-West Irish Sea Candidate SPA (site code 004236)
- Rogerstown Estuary SPA (site code 004015) (7.3km to the north-east)
- North Bull Island SPA (Site code: 004006) (7.9km to the north-east)
- South Dublin Bay and River Tolka Estuary SPA (site Code: 004024) (8.3km to the south)
- Ireland's Eye SPA (site code: 004117) (10.5km to the south-east)
- Howth Head Coast SPA (Site code: 004113) (12.3km to the south-east)
- Lambay Island SPA (Site Code: 004069) (13.7km to the south-east)

In addition, I note that the North-West Irish Sea cSPA (Site code 004236) (6.75km to the east) also falls within the project's zone of influence. This cSPA has not been identified in the Screening Report.

Step 2: Potential impact mechanisms from the project

It is detailed within the Applicant's Screening Report that the site is located within the Liffey and Dublin Bay Hydrometric Area (09) and Catchment (09), the Mayne Sub-Catchment (010) and the Sluice Sub-Basin (010). There are dry drains along the site boundaries and it is indicated within the appeal documentation that clean surface water from the attenuation pond will discharge into the existing drainage network located within the north-western corner of the site. This drainage ditch ultimately discharges to the Sluice River, which is located c. 110m north of the application site. The Sluice River rises in lands to the west of the site, and it flows east /south-east until it discharges into Baldoyle Estuary (i.e. c. 8.1km). The EPA have defined the ecological status of the Sluice River as poor for its entire length. The Baldoyle (Mayne) Estuary is noted as being of moderate ecological status. I note that the development is proposed to be served by a private wastewater treatment system and depending on the characteristics of the soil or in the event of a failure of the treatment system, foul water would be seen as output from the site during the operational phase of the development that could potentially extend to some of these Natura 2000 sites. With this in mind, and implementing the precautionary principle, an assessment of potential hydrological impacts on the Natura 2000 sites is necessary. These are considered in further detail below.

Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

Natura 2000 Site	Qualify Interests/Special Conservation Interests for which the Natura 2000 Site has been designated.	Connections (Source, pathway, receptor)	Impact Assessment & Screening Conclusion
SACs			
Malahide Estuary SAC (site code 000205)	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>CO: To maintain or restore the favourable conservation status of the habitat.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
Baldoyle Bay SAC (site code 000199)	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>CO: To maintain the favourable conservation status of the habitats.</p>	The appeal site is hydrologically connected to this SAC via the existing drainage ditches and the Sluice River which outflows in the SAC, c. 8.1km downstream.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of the European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse the European site there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental</p>

			<p>management measures. I am satisfied that these measures are standard practices for construction 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. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>The scheme includes attenuation measures and in order to restrict surface water drainage and sustainable drainage systems (SuDS) will be implemented. This will include green roofs, green walls, permeable asphalt and the surface water attenuation pond. Furthermore, all surface water will pass through a bypass separator prior to entering the attenuation pond and the flow will be controlled with a hydrobrake and will be limited to Qbar before being discharged to the drainage ditch. The SUDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site.</p> <p>It is noted that the development is reliant upon a private wastewater treatment system. Having inspected the appeal site, the ground conditions and having regard to the information on file, including the SCF and the revised proposal submitted in support of the appeal, it is considered that the Applicant's proposals for the disposal and treatment of wastewater are acceptable and do not pose a risk of environmental pollution.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore</p>
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			screened out.
Rogerstown Estuary SAC (site code: 000208)	<p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>CO: To maintain or restore the favourable conservation status of the habitats.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
North Dublin Bay SAC (site code: 000206)	<p>Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]</p> <p>CO: To maintain or restore the favourable conservation condition of the habitats listed.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>

Rockabill to Dalkey Island SAC (Site code: 003000)	<p>Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>CO: To maintain the favourable conservation condition of the habitat and species listed.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
Ireland's Eye SAC (Site code: 002193)	<p>Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>CO: To maintain the favourable conservation condition of the habitats listed.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
South Dublin Bay SAC (Site code: 000210)	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p> <p>CO: To maintain the favourable conservation condition of the habitats listed.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact</p>

			on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.
Howth Head SAC (Site code: 000202)	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]</p> <p>CO: To maintain the favourable conservation condition of the habitats listed.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
Lambay Island SAC (Site Code: 000204)	<p>Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Halichoerus grypus (Grey Seal) [1364] Phoca vitulina (Harbour Seal) [1365]</p> <p>CO: To maintain the favourable conservation status of the habitats.</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
SPAs			
Malahide Estuary SPA (site code 004025)	<p>Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Pintail (Anas acuta)</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p>

	<p>[A054] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]</p> <p>CO: To maintain the favourable conservation conditions of the bird species and habitats listed.</p>		<p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
<p>Baldoyle Bay SPA (site code 004016)</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Bar-tailed Godwit (Limosa lapponica) [A157] Wetland and Waterbirds [A999]</p> <p>CO: To maintain the favourable conservation status of the species.</p>	<p>The appeal site is hydrologically connected to this SAC via the existing drainage ditches and the Sluice River which outflows in the SPA, c. 8.1km downstream.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of the European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse the European site there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water</p>

			<p>management, material storage, waste management and other environmental management measures. I am satisfied that these measures are standard practices for construction 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. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>The scheme includes attenuation measures and in order to restrict surface water drainage and sustainable drainage systems (SuDS) will be implemented. This will include green roofs, green walls, permeable asphalt and the surface water attenuation pond. Furthermore, all surface water will pass through a bypass separator prior to entering the attenuation pond and the flow will be controlled with a hydrobrake and will be limited to Qbar before being discharged to the drainage ditch. The SUDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site.</p> <p>It is noted that the development is reliant upon a private wastewater treatment system. Having inspected the appeal site, the ground conditions and having regard to the information on file, including the SCF and the revised proposal submitted in support of the appeal, it is considered that the Applicant's proposals for the disposal and treatment of wastewater are acceptable and do not pose a risk of environmental pollution.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site</p>
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			and therefore, no significant effects likely. The need for AA is therefore screened out.
North-West Irish Sea Candidate SPA (site code 004236)	<p>Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Little Gull (Larus minutus) [A177] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Little Tern (Sterna albifrons) [A195] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204]</p> <p>CO: To maintain or restore the favourable conservation status of the habitats</p>	No hydrological or ecological connectivity exists between this Natura 2000 site.	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>

<p>Rogerstown Estuary SPA (site code 004015)</p>	<p>Greylag Goose (Anser anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999] CO: To maintain the favourable conservation conditions of the species.</p>	<p>No hydrological or ecological connectivity exists between this Natura 2000 site.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
<p>North Bull Island SPA (Site code: 004006)</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156]</p>	<p>No hydrological or ecological connectivity exists between this Natura 2000 site.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>

	<p>Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]</p> <p>CO: To maintain the favourable conservation condition of the bird species listed.</p>		
<p>South Dublin Bay and River Tolka Estuary SPA (site Code: 004024)</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]</p> <p>CO: To maintain the favourable conservation condition of the bird species listed.</p>	<p>No hydrological or ecological connectivity exists between this Natura 2000 site.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>

<p>Ireland's Eye SPA (site code: 004117)</p>	<p>Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed.</p>	<p>No hydrological or ecological connectivity exists between this Natura 2000 site.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
<p>Howth Head Coast SPA (Site code: 004113)</p>	<p>Kittiwake (Rissa tridactyla) [A188]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed.</p>	<p>No hydrological or ecological connectivity exists between this Natura 2000 site.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>

<p>Lambay Island SPA (Site Code: 004069)</p>	<p>Fulmar (Fulmarus glacialis) [A009] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratrula arctica) [A204]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed.</p>	<p>No hydrological or ecological connectivity exists between this Natura 2000 site.</p>	<p>In terms <i>habitat loss and fragmentation</i>, the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.</p> <p>The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.</p>
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Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

The proposed residential development is catered for through land use planning, including the Fingal Development Plan, 2023-2029, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

Within their assessment of the application, the Planning Authority to the commentary of their Ecologist who outlined that the Screening Report should be updated to identify what plans and projects were assessed when considering the 'in combination' effects. In the absence of this information, the Planning Authority indicated that there was insufficient information submitted to carry out a full assessment and permission was ultimately refused. I note that an updated AA Screening Report and in-combination impacts are considered in further detail in Appendix 1 of this report. The report identifies a number of other developments that have been proposed and permitted planning permission in the area in the last three years. It is stated that the proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA (Stage I) or where AA has taken place (Stage II). In addition, any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. I note that the permissions listed mainly relate to other residential & industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore,

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). No further assessment is required for the project.

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 the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report and the various documentation supporting the application.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls for a development of this nature that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.