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

Inspector's Report

ABP-320859-24

Strategic Housing Development	Demolition of existing buildings, construction of 101 no. Build to Rent apartments and associated site works (www.templarplaceshd.ie)
Location	The former Mall Shopping Centre, Quay Street and High Street, Balbriggan, Co. Dublin
Planning Authority	Fingal County Council
Applicant(s)	Rhonellen Developments Limited
Prescribed Bodies	1. Irish Water 2. Transport Infrastructure Ireland 3. Development Applications Unit
Observer(s)	1. Balbriggan Community Council 2. Bracken Court Hotel 3. Coalition of Balbriggan Residents Association

4. David Hayes
5. Doris McKenna
6. Elizabeth Wall
7. Grainne Maguire
8. John Conway and the Louth Environmental Group
9. Josephine Cochran
10. Kevin Tolan
11. Laura Carroll and Ciaran Molumby
12. Margaret Healy
13. Mark Kavanagh
14. Niamh Dunne
15. Robert Keran
16. Rory Greenan
17. Samantha Corcoran
18. Sarah Morgan
19. Siobhan White
20. Stephanie Kay
21. Sumesh Kumar Somnath
22. Tony Murphy

Date of Site Inspection	21st August 2026
Inspector	Emma Nevin

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1.0 Introduction

1.1. This is an assessment of a proposed strategic housing development submitted to the Commission under Section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

1.2. An Bord Pleanála (now on Coimisiún Pleanála) previously made a decision on this application by order dated 11th August 2022 and under application reference number ABP-311095-21. This decision was quashed by order of the High Court and the case was remitted by that Court back to An Coimisiún Pleanála for a fresh determination. The application has now been reactivated under reference ABP-320859-24.

1.3. The following report is my de novo assessment of the proposed scheme.

2.0 Site Location and Description

2.1. The subject site occupies 0.42 hectares within Balbriggan Town Centre, Co. Dublin, and features a 9-metre level change falling from High Street to Quay Street. Structurally, the land contains the three-storey former Mall Shopping Centre and its rooftop car park facing Quay Street, alongside an eastern single-storey shed housing a Cycling and Angling Store fronting High Street. An overgrown area marks the centre of the site.

2.2. Positioned within a triangular block, the property sits north of Balbriggan's main square and southwest of the Harbour and Viaduct. It is bordered by the rear of the Bracken Court Hotel and Dublin/Bridge Street properties to the west, the Carnegie Library to the southwest, and a four-storey apartment block on High Street.

2.3. Residential neighbours include a two-storey house on Quay Street, single-storey cottages along High Street, and two-storey dwellings opposite.

3.0 Proposed Strategic Housing Development

3.1.1. The development will consist of the following:

- Demolition of existing buildings (former supermarket building, car park, substation, and outbuildings (partially in retail use).

- Construction of a Build to Rent (BTR) development comprising 3 no. apartment blocks (Blocks A - C) ranging in height from 3 to 6 storeys (with Block B over 3 no. lower courtyard floors) providing a total of 101 units (19 no. studios, 41 no. 1-beds, 41 no. 2-beds).
- Provision of Resident Support Facilities/Resident Services and Amenities (c.217.03 sq.m)
- Provision of 2 no. retail units (c.110.15 sq.m)
- Provision of 25 no. car parking spaces (at ground floor and accessed from Quay Street), 182 no. cycle parking spaces.
- Provision of ESB substation/switch room, plant areas, bin stores, telecoms areas.
- Provision of open spaces, landscaping, boundary treatments, all associated site works and services provision.

Key Figures

Site Area	0.42 ha
No. of units	101 no. BTR apartments
Density	240 units/ha
Height	Block A – 6 storeys Block B – 8 storeys over Quay Street ground level/5 storeys over High Street ground level Block C – 3 storeys
Public Open Space	Not provided
Communal Open Space	1,400 sq. m. (33%)
Part V	10 no. units
Vehicular Access	From Quay Street
Car Parking	25 no. spaces (0.25 per unit)
Bicycle Parking	182 no. spaces (1.8 per unit)

Shared amenity/Residential Services	217.03 sq.m
Other uses	2 No. Retail Units (110.15 sq. m in total)

Mix

The proposal provides for the following mix of units:

Unit Type	**Studio**	**1 bed**	**2 bed (3 Person)**	**2 bed (4 Person)**	**3+ bed**	**Total**
Apartment	19	41	5	36	-	101
%	19%	41%	5%	36%	-	100

3.2. The application includes the following:

- Statement of Screening for Appropriate Assessment
- Construction and Environmental Management Plan
- Stage 1/2 Road Safety Audit
- Flood Risk Assessment
- Architectural Heritage Impact Assessment
- Bat Assessment
- Microclimatic Wind Analysis and Pedestrian Comfort Report
- Ecological Impact Assessment
- Operational Waste & Recycling Management Plan
- Construction & Demolition Waste Management Plan
- Landscape and Visual Impact Assessment
- Viewpoints Document (Site & Context – LVIA Scope)
- Landscape Strategy & Design Report
- Blue Architectural Design Statement

- Residential Quality Audit
- Traffic and Transport Assessment
- Mobility Management Plan
- Ground Condition Assessment Report
- Civil Planning Report
- Structural Intent Report – Retaining Wall Solution
- Mechanical Service Specification
- Electrical Service Specification
- Part L Compliance & BER Assessment
- Public Lighting Design Calculations Report
- Property Management Strategy Report
- Building Lifecycle Report
- Planning Report
- Statement of Consistency
- Childcare Assessment
- Statement of Response to Opinion from An Bord Pleanála

4.0 Planning History

The following planning history relates to the appeal site:

4.1.1. ABP Ref. PL06F.125910 (FCC Reg. Ref. F00A/0707) - Permission granted on 6th February 2002 for the demolition of High Street shop units and the shopping centre roof top structure and the construction of a mixed use development contained in two and three-storey blocks. The development comprised 41 no. dwelling units with 627 sq.m of office space, 375 sq.m of retail and a 741 sq.m extension to the shopping centre. The proposal also included the provision of 184 no. car parking spaces.

5.0 Section 5 Pre-Application Consultation

5.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 7th May 2021 in respect of the following development:

- Demolition of existing buildings, construction of 109 no. Build to Rent apartments and associated site works.

Board Opinion:

5.1.2. In the Notice of Pre-Application Consultation Opinion dated 17th of May 2021 (ABP Ref. ABP-308916-21) the Board stated that it was of the opinion that the documentation submitted required **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

5.1.3. The prospective applicant was notified that the following issues needed to be addressed prior to submitting an application:

Height and Design

1. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, the documents require further consideration and/or justification as they relate to the scale, bulk and mass of the building relating specifically to the visual impact on Quay Street and High Street and on the receiving environment of the Harbour Area, all of which are within Balbriggan ACA. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

Public Realm

2. Further consideration/justification of the documents in relation to the public realm along Quay Street and maximisation of opportunities for activity at street level.

5.1.4. The applicant was also advised that the following specific information should be submitted with any application for permission:

1. Further consideration/justification of the documents in relation to sunlight, daylight and overshadowing, including impacts on neighbouring properties, as well as internally within the proposed development.
2. Documentation to clearly indicate details of public realm improvements proposed to Quay Street, including consideration of consistent footpath widths at this location, in conjunction with PA plans in this regard. Details in relation to public realm improvements along High Street are also required.
3. Further consideration/justification in relation to the Flood Risk Assessment and SUDS measures proposed.
4. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining lands and provides for a quality public realm. Additional photomontages/CGI's should include views showing trees when they are not in leaf.
5. Details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
6. Justification and analysis in relation to type of Resident Support Facilities and Resident Services and Amenities being provided and scale of such uses.
7. Ecological Impact Assessment.
8. Wind micro-climate study, including analysis of balconies and any upper level roof gardens.
9. Mobility Management Plan.
10. A detailed Construction Environmental Management Plan.
11. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2020, including its specific planning policy requirements.

12. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long term management and maintenance of the proposed development.

13. Response to issues raised by the Parks and Green Infrastructure Division (dated 15.01.21), Transportation Planning Section (dated 19.01.21), Water Services Division (dated 20.01.21) and Conservation Officer Section (dated 11.01.21) of FCC, as per the reports submitted in Appendix 3 of the Planning Authority Report, received on 27th January 2021.

14. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

15. An Appropriate Assessment screening report and/or Natura Impact Statement.

5.2. Applicant's Response to Opinion

5.2.1. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each issue raised in the opinion and to each item of specific information raised in the opinion.

5.3. Material Contravention Statement

5.3.1. The applicant has submitted a Statement of Material Contravention. The statement provides a justification for the material contravention of the Fingal Development Plan 2017-2023. I note that at the time the case was remitted back to An Coimisiún

Pleanála (20th September 2024) the current Fingal Development Plan, 2023-2029 has been adopted and is in operation.

5.3.2. The statement provides a justification for the potential material contravention of the Fingal Development Plan, 2017-2023. The statement is summarised below:

- Height and Visual Impact (Policy Objectives DMS39, NH38 & NH40).
- Housing Mix (Policy Objectives PM38 & PM40).
- Public Open Space Provision (Policy Objectives PM52, DMS57 & DMS57a)
- Residential Design & Amenities (Policy Objectives DMS05, DMS23, DMS24, DMS25, DMS28, DMS32, & DMS75).
- Car Parking & Childcare Provision (Section 7.1, Table 12.8 Car Parking, & Policy Objective PM76).
- Development within an Architectural Conservation Area (Policy Objectives CH32, CH33, CH37, & DMS157).
- Compliance with Local Area Plan/Masterplan/Urban Design Framework (Policy ObjectivesSS02a & PM17).

5.3.3. Should the Commission consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including national policy objectives, the Building Heights Guidelines, and the Apartment Guidelines.

5.3.4. In conclusion, the applicant asserts that the Commission should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’).

5.3.5. I refer the Commission to Section 12.8 of my assessment in this regard.

6.0 Policy Context

At the outset I draw the Coimisiún’s attention to the fact that the Final County Development Plan, 2017-2023 (including variations), was in place at the time this

planning application was initially lodged with An Coimisiún Pleanála under the previous reference ABP-311095-21.

Fingal Development Plan, 2023-2029, (including variation 1, 2 and 3), has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this remitted case reference ABP-320589-24.

6.1. **Local Planning Policy – Final County Development Plan**

Land Use Zoning:

6.1.1. The subject site is subject to the zoning objective Major Town Centre "MC" under the Development Plan, which has the objective "Protect, provide for and/or improve major town centre facilities". The vision to this zoning objective states that "*these lands are identified as being potentially suitable for new residential development having regard to proximity and accessibility to infrastructure. However, these lands are not necessary for development during the lifetime of the plan and may only be considered for detailed zoning and development after 2028. Any development proposals within the lifetime of the plan will be considered under the County Development Plan rural objectives".*

6.1.2. Residential development and retail development is permitted in principle under this land use zoning objective.

6.1.3. The site is located within an Architectural Conservation Area. ACID - DF-ACA-04 Balbriggan Historic Town Core – "*Balbriggan Historic Town Core ACA is focused around the planned space of George's Square and the streets radiating out from it. George's Square forms the town's current social and civic centre and contains some fine 19th and early 20th century buildings including the courthouse, library, former bank building and terraced buildings. Dublin Street and Bridge Street lie along the town's principal north-south thoroughfare and are lined with shops and businesses, many of which occupy historic buildings. High Street is largely a residential road with good examples of artisan housing from the late 19th and early 20th centuries and early street furniture. Quay Street also has a series of traditional terraced houses and connects the town's main street to the 18th century historic harbour and to the beach. It is dominated by the impressive structure of the railway viaduct. Vauxhall Street is an ancillary lane that accesses the rear of buildings on Dublin Street*".

Relevant Development Plan Sections and Objectives

6.1.4. Chapter 2 – Planning for Growth Core Strategy and Settlement Strategy

- Table 2.10: Table 2.10: Remaining Zoned Residential Capacity from Fingal Development Plan 2017–2023
- Table 2.14: Core Strategy – 2023–2029 Fingal Development Plan
- Table 2.20: Fingal Settlement Hierarchy
- Table 2.21: Fingal Settlement Hierarchy
- Policy CSP12 - NPF and RSES
- Policy CSP15 - Compact Growth and Regeneration
- Policy CSP18 - Promotion of Residential Development
- Policy CSP34 - Consolidate Growth of Self-Sustaining Towns
- Policy CSP36 - Focus Growth Within and Contiguous to Core in Self-Sustaining Towns
- Policy CSP38 - Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries
- Objective CSO17 - Mixture of House Types
- Objective CSO51 - Support Growth of Self-Sustaining Towns
- Objective CSO52 - Safe and Convenient Road, Pedestrian and Cycle Systems

6.1.5. Chapter 3 – Sustainable Placemaking and Quality Homes.

- Objective SPQHO1 - Sustainable Communities
- Objective SPQHO2 - Key Principles
- Policy SPQHP5 - Quality Placemaking
- Policy SPQHP6 - Urban Design
- Policy SPQHP9 - Core Strategy and Housing Growth
- Objective SPQHO10 - New Residential Development
- Objective SPQHO11 - Fingal Settlement Strategy

- Objective SPQHO12 - Fingal Settlement Strategy
- Objective SPQHO22 - Accessible Housing
- Objective SPQHO31 - Variety of Housing Types
- Policy SPQHP32 – Build to Rent
- Policy SPQHP33 – Applications for Build to Rent Schemes
- Policy SPQHP20 - Adaptable and Flexible Housing
- Policy SPQHP23 - Affordable, Social and Specialised Housing
- Policy SPQHP29 - Housing for All
- Policy SPQHP30 - Social, Affordable and Cost Rental Housing
- Policy SPQHP31 - Housing Type and Tenure
- Policy SPQHP35 - Quality of Residential Development
- Objective SPQHO38 - Residential Development at Sustainable Densities
- Objective SPQHO5 - Universal Design Approach
- Objective SPQHO9 - Consolidated Residential Development
- Objective SPQHO33 - New Residential Development and Energy Efficiency
- Objective SPQHO34 - Integration of Residential Development
- Objective SPQHO35 – Private Open Space
- Objective SPQHO36 – Public Open Space
- Objective SPQHO39 - New Infill Development
- Objective SPQHO43 - Contemporary and Innovative Design Solutions

6.1.6. Chapter 5 - Climate Change

- Policy CAP12 - Climate Action Energy Statements
- Objective DMSO261 - Climate Action Energy Statements

6.1.7. Chapter 10 – Heritage, Culture and Arts

- Policy HCAP29 (Architectural Conservation Areas)

- Objective HCAO50 & HCAO51 (Development within ACAs)

6.1.8. Chapter 11 - Infrastructure and Utilities

- Section 11.5.2: Surface Water and Flood Risk Management
- Policy IUP12 (Flood Risk Management Integration)
- Objective IUO16 (OPW Guidelines & SSFRAs)
- Objective IUO17 (SFRA Compliance)

Sheet 4 – Balbriggan 2023 – 2029 (Sheet 4).

6.1.9. Chapter 14 - Development Management Standards

- Objective DMSO1 - Screening for Appropriate Assessment
- Objective DMSO2 - Screening for Environmental Impact Assessment
- Objective DMSO5 - Design Statement
- Objective DMSO4 – Key Principles to consider in the achievement of healthy placemaking.
- Table 14.3 – Brownfield Opportunities and Regeneration
- Table 14.4 – Infill Development
- Section 14.6 - Design Criteria for Residential Development in Fingal
- Section 14.7.13 Build to Rent
- Objective DMSO19 - New Residential Development
- Objective DMSO20 - Schedule of Accommodation
- Objective DMSO21 - Floor Plans for Residential Development
- Section 14.8 Housing Development/Standards
- Section 14.8.1 Floor Areas
- Section 14.8.2 Separation Distances
- Objective DMSO25 – Applications for Build to Rent Schemes
- Objective DMSO26 - Separation Distance between Side Walls of Units
- Section 14.8.3 Private Open Space

- Objective DMSO27 - Minimum Private Open Space Provision
- Objective DMSO52 - Public Open Space Provision
- Objective DMSO51 - Minimum Public Open Space Provision
- DMSO59 - Small Areas of Open Space
- Objective DMSO64 - Design of Open Space
- Table 14:12: Recommended Quantitative Standards
- Objective DMS056 - Proximity of New Residential Schemes to Parks
- Objective DMSO239 - Refuse Storage Areas
- Section 14.17.2.1 of the Development Plan addresses bicycle parking and residential development.
- Objective DMSO109 - Bicycle Parking
- Table 14.19 outlines car parking standards.
- Sections 14.17.8, 14.17.9 and 14.17.10 address accessible car parking, motorcycle parking and EV Parking
- Objective DMSO164 & DMSO167 (Design in ACAs)
- Objective DMSO170 (Shopfronts and Signage)
- Objective DMSO202 - SuDS
- Objective DMSO203 - FCC SuDS Guidance Document
- Objective DMSO205 - Surface water management plans

6.1.10. Appendices

- Zoning Map Sheet 4 (Balbriggan)
- Appendix 5 (Record of Protected Structures and ACAs)
- Appendix 8 – Map Based Local Objectives
- Appendix 11 (SuDS Guidance Document)

6.2. **Our Balbriggan Rejuvenation Plan (2025 – 2030)**

6.2.1. I note that both the Planning Authority and the third party observations reference "Our Balbriggan Rejuvenation Plan (2019 -2025)", however this has been superseded by the "Our Balbriggan Rejuvenation Plan (2025-2030)".

6.2.2. While not a statutory policy document, this document has been prepared by Fingal County Council and is referenced in the Development Plan stating that the Balbriggan Rejuvenation Plan will revitalise Main Street and the Harbour through major public realm investments while boosting the economy by expanding local employment, developing industrial lands, and attracting business investment.

6.2.3. I also note Objective CSO56 – 'Our Balbriggan', to "*Continue to implement, promote, and support the 'Our Balbriggan' Rejuvenation Plan*".

6.2.4. In relation to Quat Street, the plan features a €15 million transformation of Quay Street and the Harbour into a 19,300 square meter, pedestrian-priority public amenity and premier visitor destination. Key aspects include a flexible, green, and sustainable plaza for markets and events, improved River Bracken access, enhanced commercial activity, and reduced vehicular dominance.

6.3. National Planning Policy

National Planning Framework (2025)

6.3.1. The National Planning Framework (NPF) 2025 sets out that the 'major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages'. 7.1.2. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their

existing built-up footprints and ensure compact and sequential patterns of growth.

- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- National Policy Objective 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in

total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Climate Action Plan, 2024 and 2025

6.3.2. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.3.3. 2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of -20%.

National Biodiversity Action Plan (NBPA) 2023-2030

6.3.4. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

6.3.5. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It 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

Water Framework Directive

6.3.6. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.

6.3.7. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

6.4. Regional Planning Policy

Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

6.4.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:

6.4.2. RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

6.4.3. Under the Eastern and Midland Regional Assembly (EMRA) Regional Spatial and Economic Strategy (RSES) 2019-2031, Balbriggan is designated as a 'Self-Sustaining Town' within the Core Region settlement hierarchy. The RSES defines this category as a location characterised by rapid historical population growth paired with a weak local employment base, thereby functioning primarily as a commuter or

dormitory town heavily reliant on the Dublin metropolitan area. Regional policy dictates that further development in Balbriggan must prioritise targeted 'catch-up' economic investment and localized employment generation over unmitigated residential expansion.

6.4.4. Consequently, the proposed development must be robustly evaluated against its capacity to stimulate localised economic activity, support the objectives of the Our Balbriggan Rejuvenation Plan, and align with the consolidated spatial strategy of the Fingal Development Plan to avoid exacerbating existing commuter imbalances.

6.5. Section 28 Ministerial Guidelines

6.5.1. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the ‘Building Heights Guidelines’);
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018;
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);

6.5.2. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);

- Transport Strategy for the Greater Dublin Area 2022-2042;
- Delivering Homes, Building Communities 2025-2030 : An Action Plan on Housing Supply and Targeting Homelessness (2025);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

7.0 Applicants Statement of Consistency

7.1.1. The applicant has submitted a Statement of Consistency as part of the Planning Report as per Section 8(1)(iv) of the Act of 2016, with the initial application lodged with An Bord Pleanála on 11th August 2021, which demonstrates the compliance of the proposed development with the relevant national, regional, and local planning policy context. The applicant highlights where the proposed development does not fully comply with the explicit requirements of the local development plan—specifically regarding infill building height and standard playground area allocations—and addresses how these variations are justified by overriding national performance-based criteria for compact urban growth. The applicant also submitted a Material Contravention Statement. This has been examined and noted alongside the overall compliance strategy for the Fingal Development Plan 2017-2023, the Our Balbriggan 2019-2025 Rejuvenation Plan, and related regional planning objectives.

7.1.2. As noted above and for the purposes of this assessment, the updated Fingal Development Plan i.e. the Fingal Development Plan, 2023-2029 and the relevant Balbriggan town planning frameworks take precedence in evaluating the final zoning,

density, and design merits of this case and take precedence in my assessment of this case.

8.0 Third Party Submissions

8.1.1. Twenty-two (22 no.) third party submissions were received. The issues raised can be summarised as follows:

Principle of development, zoning and material contravention:

Concerns regarding the predominance of residential/BTR use on lands zoned Major Town Centre, the lack of an appropriate mix of uses and housing types, excessive density and alleged material contraventions of the Development Plan, 2017 - 2023. It is also contended that the proposal is inconsistent with Balbriggan's designation as a self-sustaining town and would not support the regeneration objectives for the town centre.

Housing mix and tenure:

Objection to the BTR model and the predominance of smaller units, with submissions seeking a greater mix of tenure and larger family-sized accommodation. Concerns are also raised regarding the adequacy of the assessment of housing need and demand.

Height, scale and design:

The proposed development is considered excessive in height, scale, massing and bulk and out of character with the established low-rise streetscape. Particular concern relates to the relationship with High Street and Quay Street and the visual prominence of the development.

Architectural heritage and visual impact:

Concerns regarding the impact on the Balbriggan Architectural Conservation Area, nearby Protected Structures, established building lines, roofscape and views from the harbour, coast and surrounding area. It is contended that the development would adversely affect the character and setting of the historic town centre.

Residential amenity and development standards:

Concerns regarding the size and quality of proposed units, daylight and sunlight, overshadowing, separation distances, dual-aspect provision, private and communal amenity space, ventilation, bin storage and compliance with relevant residential standards and BRE guidance.

Impact on adjoining properties:

Concerns regarding overlooking, loss of privacy, daylight and sunlight, overbearing impacts, noise, dust and vibration, particularly in respect of properties on High Street and Quay Street and the adjoining hotel.

Traffic and transportation:

Concerns regarding increased traffic, the adequacy and safety of vehicular access, insufficient car parking, overspill parking, inadequate pedestrian and cycle infrastructure and the capacity of existing public transport.

Ecology, EIA and Appropriate Assessment:

Concerns regarding impacts on trees and biodiversity, including birds and bats, and the adequacy of the EIA and AA Screening assessments, including consideration of cumulative effects, construction impacts and the extent of ecological survey work undertaken.

Flood risk, drainage and services:

Concerns regarding existing flood risk at Quay Street, foul sewer capacity, surface-water disposal, groundwater impacts and the potential for pollution of the harbour, beach and Bracken River.

Social and community infrastructure:

It is submitted that existing schools, healthcare and other community facilities are inadequate to accommodate further population growth and that additional residential development should be accompanied by appropriate infrastructure and employment provision.

Other matters:

Issues raised include potential anti-social behaviour, property devaluation, Part V distribution, potential damage to adjoining properties, rights of way, inaccuracies in

submitted drawings, archaeological impacts and procedural concerns regarding the SHD process.

9.0 Planning Authority Submission

9.1. Overview

9.1.1. The Planning Authority, Fingal County Council, has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board (now the Commission) on the 5th October 2021. Having regard to the policies in place at the time (i.e. the Fingal CDP 2017-2023). It summarises the observer comments as per section 8(5)(a)(i) and the views of the Elected Members of the Council as per section 8(5)(a)(iii).

9.1.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

- **Policy Context & Baseline Framework**

The Planning Authority evaluated the proposal against multi-layered planning provisions. While noting that the applicant submitted a Statement of Consistency aligning with national mandates—including the National Planning Framework (NPF) and Section 28 Ministerial Guidelines—the executive evaluation prioritised compliance with the Fingal Development Plan, 2017–2023 and the Our Balbriggan Rejuvenation Plan, 2019–2025.

Crucial policies include: Objective DMS28 & DMS39: Standards governing minimum residential separation thresholds and the enforcement of architectural scale/massing continuity for new infill insertions. Objective DMS30 & DMS90: Mandatory adherence to BRE daylight/sunlight standards and specifications for safe, private resident amenity spaces. Objective DMS157 & DMS158: Strict architectural design parameters intended to protect and positively enhance historical streetscapes inside designated Architectural Conservation Areas (ACAs).

- **Core Development Statistics & Zoning Merits**.

The assessment establishes that the physical footprint is zoned under the 'MC' (Major Town Centre) classification. While residential uses and local retail formats

under 150 sq.m are explicitly "permitted in principle" under this template, the cumulative interaction of the project design parameters raised concerns as follows:

Zoning Vision Realities: The 'MC' vision demands the active enhancement of local urban fabrics while minimizing private vehicular impacts. The Council determined that this design failed to achieve those qualitative benchmarks.

Density: At 240 units per hectare (uph), the scale mirrors city-centre docklands rather than a standard town footprint. Although national guidelines technically place no upper numerical ceiling on town-centre infill density, that exemption remains strictly contingent upon safeguarding neighbourhood residential amenities—a test this layout failed.

Tenure Structure and Mix: The 100% Build to Rent (BTR) model, comprised of 19% studios, 41% 1-beds, and 41% 2-beds, was flagged as highly restrictive. The report explicitly stated a broader residential variety is mandatory to cultivate a stable, sustainable civic community.

- **Residential Amenity**

The report details severe deficiencies regarding internal occupant comfort and spatial friction with surrounding structures:

Substandard Natural Lighting (BRE Calculations): A technical review of the IN2 daylight/sunlight modelling exposed systemic design flaws. The applicant deployed "space delineation" strategies—artificially shortening/truncating internal room perimeters on paper—to mask lighting shortfalls. Once modelled using complete room metrics, a substantial volume of combined kitchen/living/dining zones failed minimum baseline thresholds. Furthermore, the report notes that because kitchens are integrated into living zones, a higher baseline target (2% ADF) should legally apply instead of the lower 1.5% target used.

Spatial Incursion & Overlooking: The physical relationship between the blocks and low-rise properties is highly constrained. Specifically, the private balconies of Block A sit a mere 5 meters away from the established rear gardens of single-storey residential cottages on High Street, presenting clear privacy violations.

Defensibility of Public Edges: Ground-floor units fronting directly onto High Street exhibit floor-to-ceiling bedroom and living room windows with zero public setback.

This completely compromises occupant privacy, security, and residential defensibility.

- **Architectural Integration and Public Realm**

The Planning Authority severely critiqued the architectural integration within the Balbriggan Historic Core ACA and its proximity to prominent Protected Structures (such as the Carnegie Library and Balbriggan Viaduct): 6-Storey Block A Roofline - Glazed curtain wall cladding creates a highly visible, incongruous glare night/day against historical tile roofs. 8-Storey Block B Profile - Drops 3 levels below street grade; creates an oppressive, abrupt scale collision directly abutting artisan cottages.

Quay Street Collision: At 6 storeys, Block A creates an oppressive, overbearing funnel effect on an exceptionally narrow historic thoroughfare. The utilization of contemporary glazed curtain wall claddings on the recessed upper tiers exacerbates this visual disruption by creating a harsh aesthetic contrast against the traditional town roofscape.

High Street Scale Disparity: Block B reaches an effective height of 8 storeys total due to site topography (3 courtyard floors built below street level). Siting this immense block directly adjacent to single-storey, red-brick artisan cottages creates a jarring, visually aggressive scale transition.

Inactive Streetscapes & Viability: The shared amenity zones are entirely internal, completely lacking active street doors. On High Street, there are no independent residential access points, sterilizing street-level animation. Concurrently, the two retail units fronting Quay Street are tiny (approx. 49 sq.m and 61 sq.m), rendering them commercially unviable.

Material Longevity: The heavy reliance on light-coloured external wall renders is heavily criticized. In an exposed, high-salinity maritime environment, typical renders stain and weather poorly over time, necessitating robust, full-tonal brick alternatives.

- **Infrastructure and Transport**

The report identifies substantial infrastructural strain across vehicular, cycling, and hydrological categories:

Critical Parking Deficit: Local development norms dictate a baseline demand for 81 parking spots. The absolute bare minimum practical allocation acceptable to the Transport Department is 41 residential spaces (allocating zero spaces for studio units). By proposing only 25 spaces, the project generates an unmanageable deficit. This setup triggers systemic overspill risks onto narrow, one-way public corridors where traffic bottlenecks are already common.

Technical Modelling: The applicant's Swept Path Analysis used a vehicle scale of 4.3 meters long (equivalent to a compact Mini Countryman). Real-world saloon cars and modern SUVs average 4.8m to 5.0m in length, meaning actual vehicular turning execution would be significantly more onerous, relying on dangerous overruns close to mobility-impaired bays.

Drainage Ambiguity: While foul and surface network connectivity is deemed achievable on paper via Quay Street mains, the report notes underlying regional sewage capacity constraints linked to the Quay Street Foul Pumping Station. Crucially, the engineering documentation exhibits a lack of investigative rigor, leaving notable ambiguity regarding whether localised surface water runs directly into the Bracken River or mistakenly combines with foul sewers.

- **Open Space and Community Infrastructure**

Open Space Deficit: Based on a calculated occupancy distribution of 151.5 bed spaces, the layout incurs a strict public open space shortfall of 0.38 hectares. While the Council agreed to accept a cash financial contribution in lieu under Section 48, these funds must be strictly redirected to off-site upgrades at Bremore Regional Park.

Play Space Failures: Under the Apartment Guidelines, developments containing over 100 multi-room units must supply dedicated play space zones (200–400 sq.m) explicitly scaled for older children and young teenagers. The applicant’s landscape map completely ignores this cohort, catering exclusively to toddlers under six.

Part V Integration: The application designates 10 units (9 one-beds and 1 two-bed) to meet its social housing obligations, clustering the entire allocation onto a single floor within Block B1. The Housing Department rejected this arrangement, ordering a complete structural revision to ensure social units are "pepper-potted" evenly across the entire scheme with a fairer split of two-bedroom formats.

9.2. **Views of Elected Members**

9.2.1. The views of the elected members presented Area Committee Meeting, which took place on 9th September 2021, are summarised as follows:

- Overdevelopment Concerns: Councillors universally criticised the 240 uph density, describing it as equivalent to the "Dublin Docklands" and entirely out of context for a small town.
- Undermining Regeneration: Members argued the scale directly undermines the 'Our Balbriggan' Rejuvenation Plan by squeezing a massive development onto a highly sensitive site.
- Tenure Structure: Strong pushback was recorded against a 100% BTR tenure profile, which local representatives believe promotes transient occupancies instead of the family housing desperately needed in the area.
- Design Failures: Specific concerns focused on inadequate building separation distances (15m between Blocks A & C) and a lack of real green infrastructure.

9.3. **Recommendation and Conditions**

9.3.1. Recommends that permission be **Refused** for the development.

9.3.2. The principal concerns relate to:

(a) The design, scale, massing, and height (up to 6 storeys locally) result in an overbearing, visually obtrusive overdevelopment. It fails to respect the Architectural Conservation Area (ACA) context and will seriously injure the visual amenities of nearby low-rise dwellings.

(b) Having regard to the Sustainable Urban Design Standards for New Apartments Guidelines for Planning Authorities Issued by the Department of Housing Planning and Local Government In March, 2018, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued by Heritage and Local Government in May, 2009, and the policies and objectives in the Fingal Development Plan 2017-2023 (as varied), it is considered that the proposed development by reason of the response to the quality of a number of apartments with insufficient natural lighting, would result in low qualitative standards of design and layout and would be an

overdevelopment of the site. The proposed development would be contrary to objectives DMS30, DMS90, and PM38 of the Fingal Development Plan 2017-2023 (as varied) and would impair residential amenity to be enjoyed by future residents of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

(c) The level of car parking proposed at 25 spaces for 101 units overall, would by way of substantial under provision, contravene the car parking standards set out in table 12.7 and materially contravene Objective DMS113 of the Fingal Development Plan 2017- 2023 which requires parking provision to be in accordance with table 12.7.

9.3.3. The Planning Authority recommend that if An Coimisiún Pleanála should be minded to grant permission this should be subject to 30 no. conditions. Of note are the following conditions:

- Height Reductions: Block A must be reduced to a maximum of 4-storey shoulder height, and the top two floors of Block B must be omitted.
- Material Palette: Renders are prohibited; the applicant must utilize a robust light-to-dark brown brick finish suitable for exposed marine environments to prevent staining.
- Quay Street Adjustments: The building line must be set back to broaden the footpath to at least 4 meters in compliance with DMURS, alongside maximizing street-level commercial footprints.
- Amenity Fixes: Revised internal layouts must prove adequate baseline natural daylight (ADF) across all units. Ground-floor balconies on High Street must be modified to ensure physical defensibility.

10.0 **Prescribed Bodies**

10.1. Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

10.1.1. **Department of Housing, Local Government and Heritage** – Reports notes the following:

In respect of Archaeology: Notes that the site of the proposed development has a large footprint and includes areas that have not been significantly developed. The Department notes also that no archaeological assessment is included with the details of the proposed development as submitted. Given the large-scale nature of the proposed development and its location it is recommended that the applicants engage the services of a suitably qualified archaeologist to conduct an Archaeological Impact Assessment of the proposed development.

Recommend conditions include:

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
2. The archaeologist will carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.
3. Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

In respect of Nature Conservation: Noted six pairs of herring gulls and a pair of swallows were recorded during survey work/herring gull is red listed by BirdWatch Ireland/has colonised Balbriggan as roof nester in recent years and now commonly nests there/likely that herring gulls displaced will attempt to nest on the new buildings on the site, and if not nest on other roofs in the town/Swallows are also a common nesting species in the Balbriggan area/Leisler's bat and common pipistrelle, were identified foraging over site, but survey work on the site located no roosts/swift nest boxes and bat boxes in the new development/various measures to mitigate the impact of the proposed development on flora and fauna are also proposed/If these mitigation measures are implemented it is likely that the proposed development will

only have minor temporary negative effects on biodiversity, and there could potentially even be some gains for nature conservation in the longer term if the swift and bat boxes to be provided are colonised by the target species as nesting or roosting sites.

- Conditions recommended.

10.1.2. **Transport Infrastructure Ireland** – Confirm no observations to make.

10.1.3. **Uisce Eireann** – Report makes the following observations:

- Irish Water can facilitate connection(s) subject to the following:
- Separated foul flow can be accommodated to the existing 525mm sewer on Quay Street
- Surface water from the proposed development shall enter the Irish Water network. Applicant is required to contact the LA Drainage Division to agree arrangements pertaining to the Surface Water network in the area.
- The applicant has been issued a Statement of Design Acceptance for the development.
- Conditions recommended

11.0 Oral Hearing Request

Previous SHD Planning Process (ABP- 311095-21)

There is provision within the Act of 2016 to hold an Oral Hearing in respect of a SHD application, section 18 of the Act refers. However, as the intention of the legislation is to fast-track SHD applications, the holding of oral hearings will be the exception. The legislation provides that An Bord Pleanála should have regard to the exceptional circumstances requiring the urgent delivery of housing and only hold a hearing where there is a compelling case for one.

A submission received on behalf of Mark Kavanagh requests an oral hearing, though it outlines no explicit procedural grounds for doing so. The submission highlights various concerns. These include design, conservation, residential amenity, impacts on property values, car parking, road safety, the Build-to-Rent (BTR) tenure type,

local Development Plan objectives, and the broader strategic need for investment in Balbriggan.

The subject matter of the request for an oral hearing replicates those concerns of most of the observations received in relation to the application. As far as these matters go, they all form part of the various elements of the inspector's assessment throughout this report, and the Inspector found that the applicant has provided a sufficient amount of information to answer the questions the Inspector or the Commission may have in relation to those matters raised in the oral hearing request. In addition, the Inspector noted the thoroughness and detailed consideration provided by the planning authority, statutory consultees, and other observers, which allowed the Inspector to be satisfied with the considerable amount of detailed material before the Inspector and enabled the Commission to make a reasoned decision. The inspector did not consider that there is a compelling case to hold a hearing and that the necessary information is held on the file.

Current SHD Planning Process (ACP 320589-24)

I agree with the decision of the Commission under ABP-311095-21 that there was not a compelling case for the holding of an oral hearing, and in my view that decision remains applicable to this remitted application.

If the Commission is of a mind to grant permission, as it is precluded from seeking further information and recirculating same to relevant parties because it is an SHD application, the Commission may consider addressing them by way of a limited agenda oral hearing. This is a decision for the Commission in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016 (as amended). Notwithstanding the substantive reasons for refusal recommended in Section 11, I recommend that permission be refused for the stated reason, without a limited-agenda oral hearing being held.

12.0 Assessment

12.1. Introduction/Context

12.1.1. An Coimisiún Pleanála has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential

Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive's report, third party observations and submission by prescribed bodies.

12.1.2. Again, I note that the Commission previously made a decision on this application by Board Order dated 19th July 2021 and under application reference number ABP-311095-21. This decision, however, was quashed by order of the High Court and the case was remitted by that Court back to the Commission for a fresh determination. The application has now been reactivated under reference ABP-320859-24, and this is my de novo assessment of that case.

12.1.3. The following are the principal issues to be considered in this case:

- Principle of Development
- Density and Building Height
- Design Strategy and Conservation
- Residential Standards and Residential Amenity
- Traffic and Transportation Issues
- Flooding, Drainage and Water Infrastructure
- Ecology and Biodiversity
- Other Matters
- Material Contravention

Note:

The attention of the Commission is drawn to the fact that The Design Standards for Apartments, Guidelines for Planning Authorities (2025) have been published and replace the Sustainable Urban Housing: Design Standards for New Apartments (2020) and subsequent revisions. These are applicable to any application for planning permission and to any subsequent appeal or direct application to An Commission Pleanála submitted after the issuing of the Guidelines, i.e., from 9th July 2025.

The Department Circular letter NSP 04/2022 states that:

"*The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023, or as set out below, where applicable."*

I also note that the Circular Letter NRUP 07/2022, which was published with the amended Stainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2023) provides for transitional arrangements for BTR schemes which are subject to consideration within the planning system on or before 21st December 2022 stating that they *'will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8'.*

The application was lodged with the former An Bord Pleanála (now An Commission Pleanála) on the 11th Day of August 2021 and, therefore, falls within these transitional arrangements. The proposed development is, therefore, assessed under the provision of the 2020 Apartment Guidelines.

12.2. **Principle of Development**

12.2.1. The proposed development includes the demolition of the existing former shopping centre building on site and the construction of an BTR apartment development.

12.2.2. The Planning Authority has not raised an objection to the principle of the uses proposed. I note, however, the concerns raised in the third-party submissions regarding the predominantly residential nature of the development, the loss of employment and retail uses, the suitability of the proposed housing model and density, and the contention that the development would materially contravene the Major Town Centre zoning objective.

12.2.3. I note that the Major Town Centre objective pertaining to the site has carried into the current the Fingal Development Plan, 2023–2029, as discussed below.

Land Use Zoning

12.2.4. The subject site is zoned 'MC – Major Town Centre' under the Fingal Development Plan 2023–2029, the objective for which is to "*Protect, provide for and/or improve major town centre facilities*." The associated vision seeks to consolidate the existing Major Towns including Balbriggan through the densification of appropriate commercial and residential development, while ensuring a mix of commercial, recreational, civic, cultural, leisure and residential uses. The zoning vision also seeks to strengthen retail provision, emphasise urban conservation, prioritise public transport, pedestrians and cyclists and enhance the existing urban fabric.

12.2.5. Residential development is expressly identified as a use permitted in principle within the MC zoning, as are a broad range of retail and commercial uses. The proposal comprises 101 residential units together with two retail units of approximately 60.76 sq.m and 100.5 sq.m. Accordingly, I am satisfied that the residential and retail uses proposed are, individually, acceptable in principle.

12.2.6. I acknowledge that the residential component, at approximately 6,420.66 sq.m, represents by far the predominant use within the development. However, the MC zoning objective does not prescribe a minimum proportion of commercial or other non-residential floorspace. Rather, the zoning vision seeks an appropriate mix of uses and the consolidation and densification of the town centre. The current Development Plan also identifies town and village centres as the primary focus for economic, community and residential development and promotes the utilisation of existing buildings and unused lands for new development and residential occupancy.

12.2.7. I have also had regard to Objective EEO102, which seeks to maintain and strengthen the vitality, viability and regeneration of Major Town Centres while ensuring that retailing remains a core function of such centres. While the quantum and nature of the proposed retail provision are relevant considerations, I do not consider that the predominance of residential floorspace in this particular mixed-use development would, of itself, undermine the retail function of Balbriggan town centre or conflict with the MC zoning objective.

12.2.8. I am, therefore, satisfied that the proposed residential-led mixed-use development is consistent with the MC zoning objective and does not constitute a material contravention of the Fingal County Development Plan, 2023-2029 in respect of land use zoning.

Settlement Strategy and Core Strategy

12.2.9. Balbriggan is identified in the current Development Plan as the largest Self-Sustaining Town within the Core Area. The Plan recognises that the town has experienced substantial residential growth and identifies the implementation of the *Our Balbriggan* Rejuvenation Plan, 2025-2030, town centre improvements, increased employment and investment as important elements of its future development.

12.2.10. Policy CSP34 seeks to consolidate the growth of Self-Sustaining Towns, including Balbriggan, through infill development, compact growth and intensification at appropriately identified locations. Policy CSP36, similarly seeks to focus growth within and contiguous to the urban core, while Policy CSP37 promotes enterprise and employment, including within Balbriggan. Objectives CSO51 and CSO55 further support high-quality services, social infrastructure, an appropriate retail mix and economic activity and the continued development of Balbriggan as a primary service, social, cultural and local tourist centre in north Fingal. Objective CSO56 specifically supports continued implementation of the *Our Balbriggan* Rejuvenation Plan.

12.2.11. The proposal involves the redevelopment and intensification of a centrally located brownfield site within the established town centre. Such development is consistent in principle with the Development Plan's strategy of consolidation and compact growth.

12.2.12. In respect to the Core Strategy, Table 2.14 identifies Balbriggan as a Self-Sustaining Town with a 2022 population of 24,845, projected growth of 6,240 persons to 2029, projected housing demand of 3,373 units and a potential yield of 4,662 units from undeveloped zoned residential land. The Core Strategy figures operate as benchmarks for monitoring housing delivery and incorporate a degree of flexibility in the distribution of housing and population targets.

12.2.13. Having regard to the residential nature of the proposal, its brownfield town-centre location and the current Core Strategy provisions, I am generally satisfied that the development would not conflict with the settlement strategy or Core Strategy of the current Development Plan.

Build to Rent

12.2.14. The Planning Authority raises no in-principle objection to the Build-to-Rent (BTR) nature of the scheme. However, several third-party observer submissions express concern regarding this tenure model, arguing that a 100% BTR development inherently fosters a transient resident population. These submissions assert that a balanced mix of owner-occupied and private-rented properties is significantly more favourable for building community integration and addressing the area's actual long-term housing needs.

12.2.15. I note that the provisions for BTR schemes were drafted by reference to the 2020 Apartment Guidelines, and I will have regard to same for the purposes of this assessment.

12.2.16. Section 5.1 of the Apartment Guidelines 2020 set out that BTR types of housing developments have a potential role to play in providing choice and flexibility to people. They can provide a viable long term housing solution to households where homeownership may not be a priority, such people starting out on their careers and who frequently move between countries in the pursuance of career and skills development in the modern knowledge-based economy. This principle is reflected in Section 14.7.13 Build to Rent Residential Developments (BTR) of the current Development Plan, which recognises BTR housing as a valid tier in the urban core, provided it is delivered in high-density areas that require contained, investment-driven growth.

12.2.17. The proposed BTR units are described as long-term rental, to remain owned and operated by an institutional entity for a minimum period of not less than 15 years. Accordingly, the proposal falls within the definition of BTR provided in section 5.2 of the Apartment Guidelines (2020), i.e. "*'Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord*."

12.2.18. The Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities, 2020) includes specific requirements in respect of BTR schemes including SPPR7 and SPPR8. As noted above locally, Section 14.7.13 of the Fingal Development Plan 2023–2029 references BTR housing.

Additionally, the Fingal Development Plan 2023–2029 contains specific BTR policy provisions including:

- Policy SPQHP32 – Build to Rent: the Council will facilitate BTR accommodation in suitable locations within Fingal in accordance with the Apartment Guidelines.
- Policy SPQHP33 – Applications for Build to Rent Schemes: a BTR application must include an assessment of other permitted BTR developments within 3 km, including the number and scale of those schemes, the existing tenure/housing type in the area, and proximity to high-capacity public transport, to demonstrate that the proposal would not cause an overconcentration of one housing tenure.
- The Plan also states more generally that BTR should be located close to high-quality public transport networks, settlement centres and employment centres, and that no one housing type should dominate; a mix of housing options and tenures is preferred.
- The same 3 km assessment requirement is repeated in Objective DMSO25 – Applications for Build to Rent Schemes in the Development Management chapter.

12.2.19. As such, the Fingal Development Plan 2023–2029 supports the provision of Build-to-Rent accommodation in suitable locations. Policy SPQHP33 and Objective DMSO25 require BTR proposals to have regard to the extent of other permitted BTR development within 3 km, the existing tenure and housing mix in the area, and proximity to high-capacity public transport, in order to avoid an overconcentration of a single housing tenure.

12.2.20. I note that at the time the application was lodged the applicable framework was the Fingal Development Plan, 2017–2023, which contained no such provisions regarding 3 km BTR mapping or concentration metrics.

12.2.21. Policy SPQHP33 and Objective DMSO25 are new provisions introduced under the subsequent Fingal Development Plan, 2023–2029. The objective notes that in assessing the matter of overconcentration, the Planning Authority will have regard to the following criteria. As the competent authority, the Commission will

assess the appropriateness of the BTR scheme in this location. Having regard to the details submitted as part of the application, in particular the planning letter, which was prepared in August 2021 under the previous Development Plan I note the following:

- **3 km Assessment of Permitted BTR Schemes (Policy SPQHP33 & Objective DMSO25)**:

The 2023–2029 Plan strictly requires a spatial assessment of all permitted BTR developments within a **3 km radius** to prevent tenure overconcentration. The attached 2021 report contains no such 3 km cumulative analysis, as was not required at the time. It only reviews the immediate context of the site, identifies its own unit mix (101 units consisting of studios, 1-beds, and 2-beds), and references a single, older 2001 planning history application on the exact same site.

Notwithstanding, and having reviewed the on the Fingal County Council planning portal, I note that there are no BTR schemes permitted in the immediate vicinity of the site or in the Balbriggan area, i.e. within a 3km radius.

- **Proximity to High-Quality Public Transport & Centres:**

The report strongly aligns with this general requirement. It explicitly highlights that the site is located within Balbriggan Town Centre and sits adjacent to a major transport corridor. It details that the site is within 250m of Balbriggan Train Station (Northern Commuter Line/future DART+ extension) and within 500m of multiple bus routes. This satisfies the core requirement of placing BTR near high-capacity public transport and settlement centres.

- **With respect to Existing Tenure and Housing Mix**:

The report does not provide a baseline response regarding the existing tenure and housing mix of the wider area.

I note that the predominant housing typology in the wider Balbriggan area consists of larger, traditional owner-occupied family homes. While not presented as part of the application, I am satisfied that the addition of a BTR development at this location would introduce compact rental options and would balance out the local housing choice rather than creating an overconcentration.

- **Core BTR Policy Alignment (Policy SPQHP32):**

While Policy SPQHP32 states the Council will facilitate BTR in accordance with the Apartment Guidelines, the planning report submitted by the applicant explicitly builds its entire justification around the 2018 and 2020 versions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (specifically referencing SPPR 7 and SPPR 8). It also references objectives from the older, now-superseded Fingal Development Plan (such as Objectives DMS20 and DMS21) rather than the current 2023–2029 objectives.

12.2.22. The Sustainable Urban Housing: Design Standards for New Apartments 2020 provide a separate BTR-specific design regime. The Development Plan provisions relating to the location and potential overconcentration of BTR development nevertheless remain relevant to the assessment of the proposed tenure.

12.2.23. Accordingly, the principal issue is whether the proposal would result in an inappropriate concentration of BTR accommodation having regard to Objective DMSO25. Having regard to the above, I would not consider the BTR tenure, in itself, to conflict with the Development Plan.

12.2.24. Having review the information provided by the applicant, I note that they have not submitted the 3 km BTR assessment nor an assessment of the existing tenure and housing mix required by DMSO25 of the current Development Plan, however, I would not consider this omission to be a material contravention of the Plan. Following a planning history search of the immediate area and my site inspection, I am satisfied that the proposal can be assessed in the absence of this information. I also note the wording of Objective Policy SPQHP33 – Applications for Build to Rent Schemes, which requires the competent authority to assess the matter of overconcentration. Therefore, I am satisfied that a BTR development at this location would not result in a substantive overconcentration issue based on my assessment and the information presented in the application.

<u>Considerations from Chief Executive (CE) Report:</u>

12.2.25. The report notes that while the subject site is zoned 'MC' (Major Town Centre), where residential and retail uses are permitted in principle, the proposal fails to satisfy the criteria for sustainable development at this location. National policy favours residential delivery on zoned, serviced lands. The mix heavily weighted toward studio and 1-bedroom units fail to support balanced community building or

address the baseline socio-economic needs of Balbriggan as a designated Self-Sustaining Town. Furthermore, the scheme provides inadequate commercial animation along Quay Street, directly undermining the town centre regeneration objectives of the 'Our Balbriggan' Rejuvenation Plan. Consequently, while the land use is acceptable in theory, the scale, layout, and nature of the development are contrary to the proper planning and sustainable development of the area.

Overall Conclusion:

12.2.26. Having regard to the MC zoning of the site, under which residential and retail uses are permitted in principle; the brownfield and central location of the site; the Development Plan's objectives for compact growth and consolidation of Balbriggan; and the national policy support for compact residential development in central and accessible locations, I am satisfied that the principle of a residential-led mixed-use development is acceptable.

12.2.27. On the basis of the planning search of the immediate area and the wider Balbriggan area for BTR schemes, via the Fingal County Council Planning portal, indicating the lack of similar developments in the vicinity of the site, its accessible location, and the documents provided as part of the planning application, I do not identify a material contravention of the Fingal Development Plan 2023–2029 arising from the principle of development, land-use zoning, and BTR tenure.

12.3. **Density and Building Height**

Density:

12.3.1. The proposed development has a stated density of approximately 240 units per hectare. The third-party submissions contend that this density is excessive and represents a material contravention of the Development Plan, 2017-2023.

12.3.2. The applicants contend that the site can be defined as an ‘Intermediate Urban Location’ as defined within the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2018.

12.3.3. For the purposes of this assessment, I will have regard to the Apartment Guidelines, 2020. Therefore, in the context of the site location, which is within the town centre of Balbriggan, and its proximity to public transport i.e. approximately 400m from of Balbriggan Train Station (Northern Commuter Line/future DART+ extension) and

within 500m of multiple bus routes, I concur that the site can be defined as an intermediate urban location as per the guidelines. The guidelines state that such sites are generally suitable for higher density development that may comprise wholly apartments.

12.3.4. I also have regard to the Sustainable Residential Development and Compact Settlements Guidelines, 2024, which support compact growth and increased density at central and accessible urban locations, while requiring development to respond proportionately to the receiving environment and to matters including historic character and residential amenity. I acknowledge, however, that these guidelines came into effect in 2024, after the SHD was lodged.

12.3.5. Balbriggan falls within the category of a Metropolitan Town for the purposes of the density provisions of the Guidelines. Table 3.3 of the Guidelines provides that residential densities of 50–150 dwellings per hectare (net) should generally be applied in the centres and urban neighbourhoods of Metropolitan Towns.

12.3.6. At 240 units per hectare, I note that the proposed density, therefore, substantially exceeds the general 50–150 dph range specified by the 2024 Guidelines. However, the Guidelines also require density to be refined having regard to centrality, accessibility to services and public transport, character, amenity and the natural environment. The highest densities should generally be directed to the most central and accessible locations. The subject site is centrally located within Balbriggan town centre and based on the information before me, is approximately 400m from Balbriggan Railway Station. Its brownfield and town-centre characteristics, therefore, weigh positively in favour of a higher density.

12.3.7. Notwithstanding this, the proposed 240 dph remains significantly above the 150 dph upper end of the range generally applicable to Metropolitan Town centres under Table 3.3. The Guidelines provide for densities exceeding prescribed ranges in certain strategic and sustainable development locations on a plan-led basis, while densities exceeding 300 dph are expressly subject to a presumption against piecemeal development.

12.3.8. Further to this, I am cognisant of the BTR nature of the scheme, whereby 1 and 2 no. bedroom apartments are solely proposed in this scheme. In developments such as

this, densities will typically be higher when there is no restriction on unit mix as allowable under the relevant SPPR (i.e. SPPR8(i) of the Guidelines, 2020).

12.3.9. However, I consider that the proposed development would result in the overdevelopment of the site and that the proposed density of 240 units per hectare is not appropriate in this instance and having regard to the location of the site, which it is considered to be a Metropolitan town, as set out in the 2024 Compact Guidelines. I consider that the proposed development would not be accordance with the density ranges which are open for consideration therein.

12.3.10. The Fingal Development Plan itself does not prescribe a numerical maximum residential density for the subject MC zoned lands. Its zoning vision expressly supports the densification of appropriate residential and commercial development. Moreover, Section 14.6.3 Residential Density of the Plan states "*In general, the density and number of dwellings to be provided within residential schemes should be determined with reference to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Development should also be consistent with the policies and objectives set out in Chapter 3 Sustainable Placemaking and Quality Homes and should promote appropriate densities, having regard to factors including the location of the site, accessibility to public transport and the principles of sustainability, compact growth and consolidation*".

12.3.11. I note that that to date the current Fingal County Development Plan has not been varied in respect to the NPF and/or Compact Settlement Guidelines.

12.3.12. In respect to Apartment Development/Standards the Development Plan notes that location of apartment development is likely to correlate with higher density locations within the Settlement Hierarchy and in proximity to existing and planned transport corridors.

12.3.13. Accordingly, while the proposed density of 240 dph exceeds the general density range of 50–150 dph contained in the Compact Settlements Guidelines, I do not identify a specific numerical density standard or objective of the Fingal Development Plan, 2023–2029 that would be materially contravened by the proposal. The exceedance of the Guidelines' density range is therefore not, in itself, a material contravention of the Development Plan.

12.3.14. I note that densities of 150 dwellings per hectare (net) shall be open for consideration at 'accessible' locations, however I consider that the density proposed at 240 dph is not acceptable at this particular site and in my view would result in overdevelopment of the site and would not be in accordance with the Compact Settlement Guidelines, 2024.

12.1. If the Commission is of a mind to grant permission, as it is precluded from seeking further information and recirculating same to relevant parties because it is an SHD application, and this is a new issues which did not arise in the previous application as the Compact Settlement Guidelines, 2024, post-date the application (2021), the Commission may consider addressing them by way of a limited agenda oral hearing. This is a decision for the Commission in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016 (as amended). Notwithstanding the substantive reasons for refusal recommended in Section 18, I recommend that permission be refused for the stated reasons, without a limited-agenda oral hearing being held.

12.1.1. The impact of the proposed development on the resulting built form, building height, relationship with the historic town centre, residential amenity and overall quality of design, will be considered separately below.

Considerations from CE Report:

12.1.2. The CE states that *"the density proposed is considered acceptable, however the impact of the density proposed in terms of residential amenity and streetscape impact are not"*.

Density Conclusion:

12.1.3. As noted above, I have significant concerns with respect to the proposed density of 240 dph which, substantially exceeds the 50–150 dph general range for Metropolitan Town centres and urban neighbourhoods under the 2024 Compact Settlements Guidelines, and therefore, I consider that the proposed density is excessive and, therefore, the proposal development would result in overdevelopment of this site and I recommend that permission be refused in this instance.

Building Height:

12.1.4. At the outset I note that the treatment of building height changed significantly between the Fingal Development Plan, 2017–2023 and the current Fingal Development Plan 2023–2029, largely driven by national and regional policy shifts, most notably the introduction of the December 2018 *Urban Development and Building Heights – Guidelines for Planning Authorities* issued under Section 28 of the Planning and Development Act

12.1.5. The principle of increased building height and compact residential density at this location is strongly supported by national, regional, and local planning policies. The site on Quay Street, Balbriggan represents a highly accessible, underutilised town centre resource where optimised land-use efficiency is mandated to achieve consolidated urban growth.

12.1.6. In terms of Policy Framework National Planning Framework (NPF) First Revision, promotes the consolidation of urban areas through higher density developments. National Policy Objectives (NPO 13 and NPO 35) require that traditional, blanket numerical restrictions on building height be replaced with performance-based criteria focusing on high-quality design outcomes.

12.1.7. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), reinforce the NPF by prioritising compact growth within defined urban settlements. They establish that increased building height is a critical mechanism for delivering efficient plot ratios and sustainable residential densities in town centre locations, subject to responding successfully to localised context.

12.1.8. In respect of the Urban Development and Building Heights Guidelines (2018), Under Section 3.2, development management criteria require assessments at the scale of the town, the district/neighbourhood/street, and the individual site. SPPR 3 explicitly empowers the planning authority or An Commission Pleanála to approve building heights that exceed the prevailing heights of an area, even where specific objectives of the relevant development plan might indicate otherwise, provided the Section 3.2 criteria are fully satisfied.

Proposed Height:

12.1.9. The proposed strategic housing development consists of three apartment blocks (Blocks A, B, and C). Block A faces Quay Street and rises to six storeys with setbacks on the upper two floors. Block B addresses High Street and stands at five

storeys above pavement level with setbacks on its top two floors. Block C is situated within the southern courtyard area and is limited to three storeys.

12.1.10. Due to a steep 9-metre ground level drop across the site from High Street down to Quay Street, the blocks present different profiles internally than they do to the streetscape. When viewed from the internal lower courtyard and parking level, Block B acts structurally as an eight-storey block. This has also been noted in the CE Report.

Surrounding Context:

12.1.11. The subject site occupies a highly sensitive urban infill location situated entirely within the Balbriggan Historic Centre Architectural Conservation Area (ACA), assessed further below. The immediate built context is characterised by low-rise, traditional structures:

- Immediate road boundaries are enclosed by single-storey red-brick cottages and traditional two-storey dwellings along High Street and Quay Street.
- Prominent civic landmarks frame the street context, notably the 2-storey Carnegie Free Library (a Protected Structure) with its prominent clock tower.
- The Bracken Court Hotel bounds the western edge, at 5 storey in height.
- High-density residential precedent is established directly to the south by a modern 4-storey apartment building with a setback penthouse level.

12.1.12. Given the specific site context, I have concerns regarding the overall height of the proposed development, in particular its relationship with the adjoining dwellings on both Quay Steet and High Street and the stark change in building height. As the site is located within an ACA, I note that this issue is discussed further below (in Section 12.4) with respect to the site context and ACA.

Fingal Development Plan, 2023 – 2029:

12.1.13. The Fingal Development Plan, 2023-2029 utilises a performance-based criteria approach that aligns with national standards and moves away from rigid, blanket building height limits within major town centres. Under land use zoning Objective MC (Major Town Centre), the consolidation and re-intensification of infill/brownfield plots is strongly encouraged to support town centre regeneration.

12.1.14. The site forms a pivotal axis within the 'Our Balbriggan' Rejuvenation Plan, linking the primary commercial spine of Bridge Street with Quay Street Park, the historic railway viaduct, and the beachfront. Consequently, replacing the defunct, visually degrading former shopping mall and surface car park with an effective urban streetscape is desirable in principle.

12.1.15. However, the Planning Authority and local observers have expressed substantial, recurring concerns regarding the scale, bulk, mass, and vertical profile of the proposal. The Planning Authority recommended a refusal of permission. I acknowledge however, that this related to the previous Fingal Development Plan 2017, which relied more heavily on traditional localised and prescriptive height limits/massing controls. The Planning Authority's primary reason stated that the design, height, scale, and massing would result in an overdevelopment of the site, forming an overbearing and visually obtrusive insertion that detracts from the character of the ACA, again this is discussed further below.

Fingal Development Plan 2023-2029 & Height Guidelines Assessment:

12.1.16. The principle of increased building height and compact residential density at this town centre location is robustly evaluated against Section 14.5.3 (Building Heights) of the Fingal Development Plan 2023–2029. Local policy explicitly supports national strategies for consolidation, increased densities, and long-term strategic development through the statutory framework of the Urban Development and Building Heights Guidelines for Planning Authorities (2018).

12.1.17. Under Section 14.5.3, Fingal County Council mandates that increased building height must be considered in all urban contexts, provided proposals deliver the highest standards of urban design, architectural quality, and place-making outcomes. To justify the proposed height strategy, applicants are statutorily required to clearly demonstrate the suitability and positive impacts of the proposal with reference to the receiving environment.

12.1.18. Table 14.5 of the Plan relates to the Urban Development and Building Heights – Guidelines for Planning Authorities 2018 Specific Planning Policy Requirements (SPPRs), including:

SPPR1	Support increased building height and density in locations with good public transport accessibility, particularly town/ city cores. Increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.
SPPR2	Ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation.
SPPR3	Where a development proposal complies with Guidance criteria and the assessment of the Planning Authority concurs, the Planning Authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, taking account of the wider strategic and national policy parameters set out in the National Planning Framework. Undertake a review of the existing planning schemes to ensure that the Building Heights criteria are fully reflected in the scheme.
SPPR4	Secure minimum densities on greenfield or edge of city/town locations for housing purposes as required under *Sustainable Residential Development in Urban Areas 2007*, ensure a greater mix of building heights and typologies in planning for the future development of suburban locations; and avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

12.1.19. Therefore, the Table 14.5 is based on the Building Height Guidelines (2018). In accordance with Section 14.5.3, the height strategy must be systematically benchmarked against the 4 no. Specific Planning Policy Requirements (SPPRs) detailed in Table 14.5 of the Development Plan above.

12.1.20. In respect to SPPR 1: The site directly adheres to SPPR 1 as it represents an underutilised town centre core undergoing active regeneration, features good public transport accessibility, and relies on the removal of blanket numerical height limitations to optimise land efficiency.

12.1.21. In respect to SPPR 2: The inclusion of 2 no. ground-floor retail units and 217.03 sq. m of residential amenities satisfies the requirement to provide an appropriate mixture of commercial, retail, and housing uses in a statutory plan area.

12.1.22. In respect to SPPR 3: Under Table 14.5, SPPR 3 explicitly empowers the planning framework to approve development proposals that comply with national guidance criteria even where specific local objectives or local area plans indicate otherwise. However, this is strictly conditional on the assessment confirming that the development management criteria under Section 3.2 of the Guidelines are fully satisfied. As detailed in the section below, I am not satisfied that the upper floors of the proposed apartment Blocks comply with this test due to their location within the ACA and the impact on the visual amenities of the area.

12.1.23. In respect to SPPR 4: As the proposal delivers a high-density, multi-storey apartment scheme (initially ranging up to 101 units) within an urban core, it successfully avoids mono-type building typologies (such as standard two-storey or own-door houses) in compliance with SPPR 4 directions for developments of scale.

12.1.24. The Plan states that "This process of analysis shall be considered in conjunction with the provisions set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and Urban Design Manual – A Best Practice Guide 2009".

12.1.25. I reference the Architectural Design Statement submitted with the application, which evaluates the proposal against the 12 design criteria set out in the Urban Design Manual – A Best Practice Guide (2009), issued under Section 28 of the Planning and Development Act. While the applicant contends that the scheme achieves full compliance, I have independently evaluated the proposal against these 12 criteria below, having regard to the receiving environment, the Balbriggan Historic Core Architectural Conservation Area (ACA), and Section 14.5.3 (Building Heights) of the Fingal Development Plan, 2023–2029:

- Criteria 1: Context: As detailed in the preceding sections, I considered that the overall scale, height, and massing of the development as submitted are inappropriate for the localised context. While the lower storeys integrate successfully with the existing streetscape, the upper levels of Blocks A and B fail to provide an acceptable scale transition to surrounding lower-rise structures. Consequently, the proposal fails to satisfy the context performance criteria given the impact of Block A, and Block B relative to the adjacent single-storey cottages on High Street.
- Criteria 2: Connections. The issue of connectivity has been considered in detail within my assessment. The site is highly integrated into Balbriggan Town Centre, featuring direct pedestrian proximity to local services and excellent public transport links.
- Criteria 3: Inclusivity / Criteria 9: Adaptability. The proposed residential accommodation delivers a varied mix of studio, 1-bed, and 2-bed apartment units. The structural layout of the buildings and the configuration of the south-west facing communal courtyard have been designed to meet Part M

compliance standards and adhere to universal design principles, ensuring a high degree of accessibility and long-term structural flexibility.

- Criteria 4: Variety. Given the nature of the application as a BTR Strategic Housing Development, the scheme is inherently focused on residential delivery. However, the inclusion of 2 no. ground-floor retail units providing street animation, alongside dedicated residential amenity spaces totalling 217.03 sq. m, ensures an appropriate mixture of uses that complies with the strategic intent of SPPR 2 of the Urban Development and Building Heights Guidelines (2018).
- Criteria 5: Efficiency. In terms of density and land utilisation, the principle of optimising this underutilised, central town centre resource aligns with the Sustainable Residential Development and Compact Settlements Guidelines (2024). However, land efficiency must not be pursued to the detriment of the receiving environment. As noted above the proposed density is considered excessive at this location, resulting in overdevelopment of the site. Moreover, the physical efficiency of the design is compromised by excessive upper-floor massing. Regarding energy efficiency, the submitted Building Lifecycle Report details a comprehensive suite of energy-saving measures embedded within the fabric design, successfully reducing long-term heating and lighting demands.
- Criteria 6: Distinctiveness / Criteria 12: Detailed Design. This has been assessed in the following section (Section 12.2) in respect to design strategy and conservation, including height. I do consider that the detailed design successfully creates a distinctive sense of place by utilising alternating brick finishes. Moreover, the detailed design of the upper setback floors and the use of light grey zinc cladding and extensive curtain wall glazing creates a contemporary element to the blocks, which appears acceptable in principle in the site context.
- Criteria 7: Layout. Due to the constrained scale and steep topographical drop of the site, the introduction of internal thoroughfare streets is neither feasible nor desirable. The layout prioritises an efficient perimeter block formation,

establishing a defined street edge and active retail frontage along Quay Street.

- Criteria 8: Public Realm. Given the restricted baseline area of this urban infill site, no public open space is provided within the site boundary. The proposal instead focuses on upgrading the existing public realm via proposed improvements to the public footpath along Quay Street, which aligns with the strategic objectives of the Balbriggan Rejuvenation Plan.
- Criteria 10: Privacy and Amenity. The scheme's performance regarding internal and external amenity is assessed comprehensively in Section 12.3 (Residential Standards). Quantitative assessments confirm that the internal units will receive a high standard of natural daylight. Minor localised shortfalls are successfully mitigated through compensatory design solutions, and the proposed building heights will cause no significant adverse overshadowing or loss of light to neighbouring properties.
- Criteria 11: Parking. The quantitative provision of parking is detailed in Section 12.4 of this report. In terms of qualitative design, the proposed car parking spaces are acceptable, however, I have significant concerns with respect to the quantum of parking proposed to cater for the BTR scheme.

12.1.26. I note that under the previous permission, the decision that was quashed, Condition No. 3 required specific layout reductions to Block B to remove the entire seventh floor and increase the setback of the sixth floor on the north-western elevation and to eliminate two units from the sixth-floor plan thereby reducing the number of units from 101 to 95. However, I would consider this to be a substantial redesign of the scheme, which would in my opinion result in a material alteration to the permission sought under the SHD Legislation.

12.1.27. If the Commission is of a mind to grant permission, as it is precluded from seeking further information and recirculating same to relevant parties because it is an SHD application, the Commission may consider addressing them by way of a limited agenda oral hearing. This is a decision for the Commission in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016 (as amended). Notwithstanding the substantial redesign required to address the

substantive reasons for refusal recommended in Section 18, I recommend that permission be refused for the stated reasons, without a limited-agenda oral hearing being held.

Consideration from CE Report:

12.1.28. It is considered that the proposed development introduces a three to six-storey scale (extending up to an eight-storey profile for Block B due to three lower courtyard floors sitting below the street level of High Street). The Planning Authority notes that this height and unmodulated massing fails to respect the receiving context, as it creates an overly dominant insertion into the low-rise skyline when viewed from the Balbriggan Harbour and viaduct. Furthermore, the report noted that it forms an overbearing scale transition next to the single-storey red-brick artisan cottages adjoining the site on High Street. Consequently, the scheme fails to satisfy the national performance criteria of the relevant Section 28 guidelines and will result in a material contravention of Objectives DMS39, DMS157, DMS158, NH38, and NH40 of the Development Plan 2017 - 2023, which mandate that new infill developments must protect the height, character, and visual amenities of the existing streetscape.

Building Height Conclusion

12.1.29. While the principle of increased height and compact residential density on Quay Street is supported by national policy, the proposed scheme fails to achieve an acceptable scale transition under the performance criteria of the Building Height Guidelines and the Fingal Development Plan, 2023–2029 and the Urban Design Manual (2009). The upper floorplates fail to provide an acceptable scale transition. The unmodulated 6-storey profile of Block A forms an overly dominant insertion on the low-rise skyline, while the 5-storey street frontage of Block B is overbearing next to the single-storey cottages on High Street. Accordingly, the performance-based development management criteria set out in Section 14.5.3 (Building Heights) of the Development Plan and the national criteria of SPPR 3 are not fully satisfied. This issue is discussed further below having regard to the location of the site within the Balbriggan Historic Core ACA.

Overall Conclusion on Density and Building Height:

12.1.30. The proposed density, at 240uph, significantly exceeds the general maximum density of 50–150 dph prescribed in Table 3.3 of the 2024 Guidelines for a 'Metropolitan Town' location such as this as set out in the Compact Settlement Guidelines (2024). In addition, the building height proposed would be contrary to the provisions of subsection Section 14.5.3 (Building Heights) of the Fingal Development Plan, 2023 - 2029 and the national criteria of SPPR 3 of the Building Height Guidelines. The combination of excessive density and building height would comprise overdevelopment of this site and I recommend that permission be refused in this instance.

12.2. **Design Strategy and Conservation**

12.2.1. The proposed development comprises the demolition of the disused former shopping centre and existing shed building containing a cycling and angling store and ESB substation and their replacement with three residential blocks arranged around a south-west facing communal courtyard. Block A, fronting Quay Street, is six storeys in height with the upper two floors set back; Block B, fronting High Street, is five storeys above High Street level with the upper floors set back; and Block C, located internally within the site, is three storeys. Owing to the approximately 9 metre change in levels between High Street and Quay Street, Block B reads as a substantially taller building when viewed internally from the courtyard.

12.2.2. The application is accompanied by an Architectural Design Statement, Landscape and Visual Impact Assessment and verified views, Residential Quality Audit, Architectural Heritage Impact Assessment and Landscape Strategy and Design Report. I have had regard to these documents, together with the concerns raised by the Planning Authority and observers regarding the height, scale, massing and visual impact of the proposal, its relationship with the Balbriggan Historic Core Architectural Conservation Area (ACA), the setting of nearby Protected Structures and its compatibility with the established character of High Street and Quay Street.

12.2.3. The application site lies entirely within the Balbriggan Historic Core Architectural Conservation Area (ACA) and stands in close proximity to several protected structures.

<u>Demolition and Architectural Heritage</u>

12.2.4. In respect to the proposed demolition of the existing structures on site, I reference Section 14.21.1 of the current Development Plan, in respect of the re-use of existing buildings which notes that applicants should reuse existing site buildings whenever possible. If it is proposed to demolish a building instead of repurposing it, you must submit a demolition justification report. This report must explain why demolition is necessary by comparing the environmental impact of the old structure, specifically its embodied carbon, against the extra energy and resources required to build something new.

12.2.5. I also note Objective DMSO256 – Retrofitting and Re-Use of Existing Buildings "*Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible*", in this regard.

12.2.6. I note that a demolition justification report has not been submitted, as was not required at the time under the previous Fingal Development Plan, 2017-2023.

12.2.7. Notwithstanding, the application includes an Architectural Heritage Assessment that supports replacing or altering most of the site's existing structures due to their low historical value, while preserving key historic features. It concludes that the existing 1980s building harms the surrounding urban area, and that the vernacular outbuilding, currently housing a cycle and angling shop, has lost its historical integrity through heavy modern alterations like an altered roof, filled-in openings, a pebbledash finish, and lean-to additions. Furthermore, the boundary treatments along High Street, including a mid-20th-century facade, are not considered worth saving. Conversely, the development plan proposes to protect and integrate the original historic fabric of the Quay Street boundary wall and to keep the existing passageway to maintain access to the courtyard.

12.2.8. Following my site inspection and noting the condition of the existing building on site, I am satisfied with the conclusion of the Architectural Heritage Assessment.

12.2.9. The application also includes a Building Life Cycle Report and a Construction and Demolition Waste Management Plan.

12.2.10. On balance, I am satisfied that the information provided in the application accords with the ethos of the current Development Plan in respect to the reuse of existing buildings and does not contravene Objective DMSO256, as noted above in this regard.

12.2.11. The subject site is located within the Balbriggan Historic Core ACA. The existing former shopping centre is a relatively modern structure which, on the evidence before me, makes no positive contribution to the character of the ACA. The vernacular outbuilding has retained elements of its historic form but has been materially altered by changes to its roof profile and openings, the application of pebbledash and the construction of ancillary lean-to structures. The applicant proposes to retain surviving historic boundary fabric along Quay Street and the existing passageway through the site.

12.2.12. The current Development Plan affords strong protection to architectural heritage. Policy HCAP14 requires development within or affecting an ACA to contribute positively to its character and distinctiveness and not to harm buildings, spaces, street patterns, historic boundaries or other features which contribute positively to the ACA.

12.2.13. Policy HCAP15 establishes a strong presumption against demolition of buildings which contribute to the character of an ACA. Table 14.24 of the Plan similarly provides that existing buildings within ACAs should generally be retained and reused and that demolition of structures which positively contribute to the streetscape will not normally be permitted.

12.2.14. Having regard to the alterations previously carried out to the vernacular outbuilding, the evidence contained in the Architectural Heritage Impact Assessment and the poor contribution made by the former shopping centre to the townscape, I am satisfied that the demolition proposed would not, in itself, materially adversely affect the special character of the ACA. I am also satisfied that the retention and incorporation of surviving boundary fabric is appropriate. I, therefore, do not identify a material contravention of the Development Plan arising from the proposed demolition.

Height, Scale, Massing and ACA

12.2.15. As noted in the foregoing assessment, the principle of increased height in appropriate urban locations remains supported by the Urban Development and Building Heights Guidelines 2018, which remain current Section 28 Guidelines. The current Fingal Development Plan similarly recognises that increased building height

should be considered in urban locations, subject to the achievement of high standards of urban design, architectural quality and placemaking.

12.2.16. However, increased height is not an end in itself. The 2024 Compact Settlements Guidelines expressly require development to respond to the character and amenity of the receiving environment and recognise the particular importance of protecting historic character. The current Development Plan is also particularly clear in relation to development within an ACA. Table 14.24 requires new development to respect the established character of the ACA in terms of scale, massing, bulk, plot size, proportions and materials, while allowing high-quality contemporary architectural responses. Most significantly, Objective DMSO186 requires new development within or adjoining an ACA to positively enhance its character and to be appropriate in terms of scale, mass, height, proportions, density, layout, materials, plot ratio and building lines.

12.2.17. I acknowledge the regeneration benefits arising from redevelopment of this underutilised town-centre site. I also consider that the treatment of the lower elements of Blocks A and B, including the articulation of the elevations, alternating brick finishes and expression of traditional plot widths, which responds positively to the historic urban grain of High Street and Quay Street. The establishment of a defined street edge and active frontage along Quay Street would represent an improvement over the existing condition.

12.2.18. My concerns relate primarily to the upper elements of Blocks A and B. In the case of Block A, the fifth and sixth storeys would form a prominent and dominant element in views from Quay Street, the harbour and other locations within the historic centre. While these floors are set back, I do not consider that the setbacks are sufficient to overcome their overall visual prominence. The use of metal cladding and extensive glazing at these levels further distinguishes the upper floors from the material character of the ACA. However, I consider that the upper two floors result in a building of excessive height and mass relative to the prevailing scale of the ACA and would adversely affect its established character.

12.2.19. Block B has a more limited wider visual impact. Nonetheless, its relationship with the adjoining single-storey properties on High Street is particularly sensitive. The transition from one storey to five storeys over a relatively short distance is

abrupt, notwithstanding the setbacks incorporated into the design. I consider that the uppermost floor as presented impacts negatively on the adjoining single-storey properties and in my opinion is not acceptable and this arrangement should be revised.

12.2.20. Block C, at three storeys and located internally within the site, is substantially less prominent. I consider its scale and visual impact acceptable in principle.

12.2.21. As presented, I consider that Blocks A and B, by reason principally of height, scale and massing of their upper floors, would conflict with Objective DMSO186 of the Fingal Development Plan 2023–2029, given that Objective DMSO186 expressly addresses the scale, mass and height of development within an ACA and the proposed departures affect the fundamental built form of the development.

12.2.22. The proposal would also be inconsistent with Policy HCAP14 and the direction contained in Table 14.24 regarding the protection and enhancement of ACA character as it fails to protect or positively enhance the historic, cultural, and physical character of an Architectural Conservation Area due to its inappropriate scale and massing that disrupts the visual cohesion of the streetscape.

12.2.23. I note that under the previous permission, the decision that was quashed, Condition No. 3 required specific layout reductions to Block B to remove the entire seventh floor and increase the setback of the sixth floor on the north-western elevation and to eliminate two units from the sixth-floor plan thereby reducing the number of units from 101 to 95. However, I would consider this to be a substantial redesign of the scheme, which would in my opinion result in a material alteration to the permission sought under the SHD Legislation.

12.2.24. Moreover, having regard to the absence of provision to seek further information under SHD legislation, should the Commission be minded to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

<u>Considerations from Chief Executive (CE) Report:</u>

12.2.25. The Chief Executive recommends refusal of permission on the grounds that the proposed 3 to 6-storey apartment scheme (reaching an effective 8-storey scale

for Block B due to site topography) constitutes a severe overdevelopment of a physically and visually sensitive site. Situated within the Balbriggan Historic Core Architectural Conservation Area (ACA) and in close proximity to several Protected Structures (including the Balbriggan Viaduct and Carnegie Library), the development's excessive height, massing, and scale are deemed visually incongruous and highly detrimental to the visual amenities of the area, particularly when viewed from the harbour and viaduct. Furthermore, the scheme fails to respect the receiving context, providing an abrupt and overbearing transition to the domestic 1 and 2-storey artisan cottages on High Street.

12.2.26. The Planning Authority notes a distinct lack of successful integration and public realm contribution, the insufficient active commercial frontage on Quay Street and the absence of animated, own-door street-level access on High Street. The Council concludes that the scheme fails to deliver the high qualitative architectural response required by national Section 28 guidelines and local objectives DMS39, DMS157, NH38, and NH40, and mandates that any potential grant must condition a height reduction of one floor on Block A and two floors on Block B, alongside a robust shift from render to a maritime-appropriate brick finish.

Overall Conclusion:

12.2.27. While national and local policies support increased building height for urban regeneration, such development must not come at the expense of an area’s historic character and residential amenity. The proposed scheme achieves positive street-level engagement, but the excessive height, scale, and massing of the upper storeys of Blocks A and B fail to successfully integrate into the sensitive Balbriggan Historic Core Architectural Conservation Area (ACA).

12.2.28. Specifically, Block A forms an overly dominant element from key vantage points like the harbour and viaduct, while Block B creates an abrupt and overbearing transition to the low-rise artisan cottages on High Street, directly conflicting with Objective DMSO186, Policy HCAP14, and Table 14.24 of the Fingal Development Plan 2023–2029. These shortcomings echo the Chief Executive’s assessment that the proposal constitutes a severe overdevelopment of the site that is highly detrimental to nearby Protected Structures and the wider public realm. I note that since the last decision there has been a material change in policy context and that

the substantive nature of the changes required are in my opinion not appropriate to address by condition and given prominence of the site would be best addressed through a new application. Therefore, I recommend that permission should be refused, in relation to height, massing and design and the site context within an ACA.

12.3. **Residential Amenity and Apartment Standards**

12.3.1. The proposed development comprises 101 apartments consisting of 19 studios, 41 one-bedroom apartments, five two-bedroom/three-person apartments and 36 two-bedroom/four-person apartments.

12.3.2. The Planning Authority and observers raised concerns regarding the predominance of studio and one-bedroom units, floor areas, daylight, the quality of ground-floor accommodation, private and communal amenity space, separation distances and the number of apartments served by individual cores.

12.3.3. At the outset I note Policy SPQHP32 – Build to Rent of the Development Plan which states that "*the Council will facilitate the provision of Build-to-Rent Accommodation in suitable locations within Fingal in accordance with the provisions of Sustainable Urban Housing: Design Standards for New Apartments 2020".* Accordingly, I will assess the development in line with the Apartment Standards, 2020 and the relevant Fingal Development Plan, where applicable and any other relevant guidance.

Housing Mix

12.3.4. Under SPPR8 of the 2020 Apartment Guidelines, there are no restrictions on dwelling mix. In this proposal, studios and one-bedroom units combined account for 59.4% of the development (60 out of 101 units), while studios alone comprise 18.8% (19 out of 101 units).

12.3.5. Having regard to SPPR8 and noting the underutilised, brownfield site within Balbriggan Town Centre, I consider that a flexible approach to the overall mix is justifiable and will support urban regeneration and compact growth. The mix is, therefore, considered acceptable on balance.

12.3.6. Having regard to the Fingal Development Plan, 2023 – 2029, Section 3.5.9.3 states that "It is important to ensure however, that no one housing type dominates and a mix of housing options and tenures is preferable in achieving a sustainable housing mix". To this end and noting SPPR8, I do not consider the absence of three-bedroom

apartments or the proportion of studios and one-bedroom units to provide a basis for refusal or to constitute a material contravention of the Development Plan.

Floor Areas and Storage

12.3.7. The 2020 Guidelines establish minimum overall floor areas of 37 sq.m for a studio, 45 sq.m for a one-bedroom apartment, 63 sq.m for a two-bedroom/three-person apartment, and 73 sq.m for a two-bedroom/four-person apartment.

12.3.8. The five proposed two-bedroom/three-person apartments have stated floor areas of approximately 71.89 sq.m, which comfortably exceed the national minimum threshold of 63 sq.m.

12.3.9. In respect to storage SPPR8 states that flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set 28 out in Appendix 1.

12.3.10. The current Fingal Development Plan, 2023–2029 provides for assessment against the statutory Section 28 Apartment Guidelines in force at the relevant time, and its Table 14.7 explicitly incorporates these same baseline configurations, including the 63 sq.m minimum area and a 5 sq.m internal storage requirement for three-person configurations.

12.3.11. Accordingly, the proposed internal floor areas and storage provisions comply with national standards and the Fingal Development Plan, 2023 – 2029, and are, therefore, acceptable.

Lift and Stair Cores - Specific Planning Policy Requirement 6

12.3.12. SPPR8 of the Apartment Guidelines 2020 states “The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations”.

12.3.13. I note that under the Fingal Development Plan 2017 – 2023, Objective DMS23 stated with respect to apartment development it was Council policy to “Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes”. This Plan has been superseded by the 2023-2029 Fingal Development, and this specific objective has not been carried forward into the new, operational Plan. Moreover, Section 14.7.5 of the current Fingal Development Plan states that the provision of

stair and lift cores is primarily determined by the dual-aspect ratios mandated in the Apartment Guidelines.

12.3.14. The proposed BTR scheme have up to 10 units per core, which accords with both SPPR 8, and the current Fingal Development Plan, which permits a maximum of 12 apartments per floor.

Dual Aspect

12.3.15. Some 50.5% of the proposed apartments are dual aspect. The 2020 Apartment Guidelines (SPPR 4) mandate a minimum of 33% dual-aspect units for central and accessible urban locations, such as this town-centre site. It also states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

12.3.16. The proposed development, therefore, successfully meets and substantially exceeds the statutory national minimum requirement.

Private and Communal Amenity Space

12.3.17. Under the 2020 Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the requirements for private and communal amenity space in Build-to-Rent (BTR) schemes are referenced under SPPR 8 as follows, "*Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set 28 out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity*".

12.3.18. SPPR 8 allows flexibility in the proportion of private amenity space for individual BTR units, as outlined in Appendix 1, provided that alternative, compensatory communal support facilities and amenities are provided within the development.

12.3.19. However, I draw the Commission's attention to the recent High Court Judgement on Fernleigh RA v An Coimisiún Pleanála & Ironborn [2025] IEHC 655.

The judgment makes specific reference to the interpretation of SPPR 8. It states "Likewise SPPR 8 of the Apartment Design Guidelines 2020 as to BTR units, in permitting *'flexibility'* as to *'a proportion of the … private amenity space associated with individual units'* does not…..allow complete omission of private amenity *space 'associated with individual units'*. Too often, it seems, *'flexibility'* is interpreted as carte blanche to ignore, eviscerate, or disapply a standard. Save perhaps exceptionally, it is not carte blanche to that effect".

As such, all units require private amenity space.

12.3.20. Notwithstanding the above, I note Appendix 1 of the guidelines, which identified the minimum thresholds for both private amenity space (balconies/terraces) and communal open space based on unit type:

Apartment Type	**Minimum Private Amenity Space**	**Minimum Communal Open Space**
Studio	4 sq. m	4 sq. m
1-Bedroom (2-person)	5 sq. m	5 sq. m
2-Bedroom (3-person)	6 sq. m	6 sq. m
2-Bedroom (4-person)	7 sq. m	7 sq. m

12.3.21. Studio Units: As per the floor plans, all of the proposed studio type 1 units have a private amenity space ranging from 4 sq. m. – 8 sq. m.

12.3.22. One bed units: As per the floor plans, all of the proposed one bed apartments have a private amenity space ranging from 5 sq. m – 9.30sq. m.

12.3.23. Two bed units: As per the floor plans, all of the proposed 2 bed apartments have a private amenity space ranging from 7 sq. m. to 19.34 sq. m.

12.3.24. Accordingly, all of the proposed apartments have a dedicated balcony/terrace space to serve each proposed unit. Therefore, the proposed minimum private amenity space requirements as outlined in Appendix 1 of the Guidelines have been

met or exceeded. I also note Policy SPQHP32 – Build to Rent, of the current Fingal Development Plan, which states that the Council will facilitate the provision of Build-to-Rent Accommodation in suitable locations within Fingal in accordance with the provisions of Sustainable Urban Housing: Design Standards for New Apartments 2020.

12.3.25. I note however, that the CE Report and observations, express concerns with respect to the proposed ground-floor units fronting High Street. It is considered that these units exhibit poor spatial defensibility and privacy, as their unshielded floor-to-ceiling windows and exposed balconies directly interface with the public footpath. The CE report recommends that the balconies serving these units be omitted.

12.3.26. I note that the Apartment Guidelines state, where provided at ground level, private amenity space shall incorporate boundary treatment appropriate to ensure privacy and security. Having regard to the judgement referenced above with respect to each unit having its own dedicated private amenity space and in order to ensure that this is the case for each BTR unit proposed, I would not recommend the omission of these balconies to address the concern raised in the CE report. However in the event that the Commission were minded to grant permission, I would recommend the inclusion of a condition to seek the appropriate boundary treatments to ensure privacy and security of these residential units as appropriate.

12.3.27. As per SPPR 7 of the guidelines, BTR must still provide communal resident facilities to justify their status as a specialised, managed long-term rental scheme and must include:

- Resident Support Facilities: comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
- Resident Services and Amenities: comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

12.3.28. As per the application documentation, two no. shared amenity spaces are provided at ground floor level which total 217 sq. m. This includes 2 no. residents'

lounges, a library, meeting room, kitchenette, co-working space, children's play area and gym. The management of these aspects, and other aspects of the development, is set out in the Property Management Strategy Report, which accompanies the application. I am satisfied that the BTR units are in accordance with the requirements of the guidelines.

12.3.29. The proposal includes 0.14 ha of communal open space at podium level in a central courtyard, a total of 33% of the total site area. This provides a landscaped area and provides for informal play and seating areas, and is linked to the resident's amenity space, located to the south. This is acceptable and accords with the requirements of the guidelines. Again, I reference Policy SPQHP32 – Build to Rent, of the current Fingal Development Plan.

Public Open Space

12.3.30. There is no reference to public open space within the Apartment Guidelines, 2020. As such, I reference the Fingal Development Plan, which generally requires public open space provision of not less than 12% of the development site, save in exceptional circumstances. Objective GI 36 ensures that a minimum 10% of the proposed development site area shall be designated for use as public open space. Objective DMSO52 requires public open space to be provided in accordance with the relevant Development Plan standards, while Objective DMSO53 allows a financial contribution in lieu of certain public open-space requirements for the acquisition or upgrading of other public spaces.

12.3.31. The subsequently adopted 2024 Compact Settlements Guidelines require Development Plans to provide for a minimum public open-space requirement within the range 10–15%, but importantly recognise that the requirement may be set aside in part or in whole where site constraints render on-site provision impracticable or where the needs of the population would be better served by upgrading an existing park or amenity. A Section 48 contribution may be accepted in such circumstances. The Planning Authority have not raised an objection to same, and conclude that a payment in lieu is acceptable, by way of a special contribution, which will provide for upgrades of the Bremore Regional Park.

12.3.32. The subject site is a constrained brownfield site within the historic town centre. I accept that the provision of a meaningful area of publicly accessible open

space within the development would present difficulties and could compromise the objective of achieving a coherent street edge and comprehensive regeneration of the site. The provision of substantial communal space for residents is also relevant, and the proximity to adjoining parks within the town centre, albeit it does not constitute public open space.

12.3.33. The proposal as submitted provides 0% public open space against a Development Plan requirement of ordinarily not less than 12%. I therefore consider that a material contravention of the Development Plan is identified with respect to Objective DMSO52/public open-space requirements of the Fingal Development Plan, insofar as no public open space is provided on site.

12.3.34. There is nevertheless a strong policy basis under the subsequently adopted 2024 Compact Settlements Guidelines for the Commission to consider setting aside the on-site requirement in its entirety because of the constrained town-centre context and accepting a financial contribution towards the enhancement of suitable nearby public open space, which I consider is appropriate in respect to the subject site. This issue is discussed further in Section 12.8 of my report.

Daylight, Sunlight and Overshadowing

12.3.35. Section 5.3.7 of the 2024 Compact Settlements Guidelines now identifies IS EN 17037:2018, BS EN 17037:2019 and the BRE Guide 209 2022 Edition as appropriate quantitative methodologies where a technical daylight assessment is required. The current Fingal Development Plan similarly requires daylight and sunlight assessment for developments of 50 or more units and provides that updated guidance should be applied.

12.3.36. I would, therefore, not retain the lengthy defence of the applicant's use of a 1.5% ADF threshold in the original report. The submitted study predates the updated BRE methodology and assesses living/dining areas against a 1.5% ADF while excluding the kitchen component of the combined kitchen/living/dining rooms.

12.3.37. Nevertheless, the submitted assessment indicates that 221 of 228 rooms complied with the targets adopted by the applicant, that 85% of living spaces achieved an ADF of at least 2% and that the identified failures were limited principally to lower-floor rooms affected by recessed balconies and adjacent built form.

12.3.38. The 2024 Guidelines do not require rigid compliance with a single numerical daylight threshold. Rather, they expressly require the decision-maker to balance daylight performance against overall design quality, site location and wider objectives such as urban regeneration and effective streetscape solutions.

12.3.39. Having regard to the substantial overall level of compliance demonstrated, the favourable orientation of many units, the proportion of dual-aspect apartments, provision of communal amenity space and the town-centre regeneration context, I am satisfied on balance that an acceptable standard of internal residential amenity can be achieved, notwithstanding the concerns previously raised in respect to the overall density and height of the proposed development.

Separation Distance, Privacy and Overlooking

12.3.40. Objective DMSO23 of the current Development Plan, states that a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

12.3.41. SPPR 1 of the Compact Settlement Guidelines provides that development plans shall not specify minimum separation distances greater than 16 metres between opposing habitable-room windows at the rear or side of houses, duplexes or apartments above ground-floor level. Distances below 16 metres may also be acceptable where there are no directly opposing habitable-room windows and appropriate privacy measures are incorporated. No minimum separation distance is to be specified to the fronts of dwellings; such situations are assessed on their merits.

12.3.42. In relation to same, I note there are no directly opposing rear windows. Block C does not have any windows on the western elevation and such the rear windows of existing properties on Bridge Street are not overlooked by same. The distance of the rear windows of 12-16 High Street is over 22m, and in any case the rear windows of same do not directly oppose Block A, given the orientation of Block A, relative to these dwellings. As such, Objective DMSO23 of the Development Plan does not apply to the proposal.

12.3.43. Additionally, the approximately 13 metre relationship across High Street and 9 metre relationship across Quay Street are front-to-front urban street relationships rather than directly opposing rear/side relationships. Having regard to the established narrow street pattern, recessed balconies and the scope to require more solid balcony screening, I do not consider that unacceptable overlooking would arise.

12.3.44. The CE Report identifies a direct overlooking conflict via a Block A third-floor balcony situated just 5 metres from a High Street rear garden. However, I note the change in site level and the town centre location of the site, where separation distances are reduced due to existing built form. I also note the use of angled louvres to protect rear gardens on High Street further limits overlooking. I, therefore, consider the development acceptable in this regard, subject to appropriate screening conditions.

Impact on Surrounding Daylight and Sunlight

12.3.45. The submitted assessment considered VSC and sunlight impacts on surrounding High Street and Quay Street properties. The assessment indicates that the majority of neighbouring windows would comply with the applicable BRE criteria, with one identified Quay Street window retaining approximately 74% of its existing VSC compared with the conventional 80% benchmark.

12.3.46. I acknowledge that certain neighbouring windows were not expressly assessed. However, having regard to their orientation, the retained openness of their outlook, I am satisfied that the proposal would not give rise to an unacceptable loss of daylight or sunlight to surrounding properties.

Noise, Dust, Vibration and Structural Impacts

12.3.47. Concerns have been raised regarding noise, dust, vibration and potential structural impacts during construction. The Construction Management Plan and Ground Condition Investigation Report provide for dust and noise control, vibration monitoring and the construction of an appropriate retaining-wall system adjacent to sensitive boundaries.

12.3.48. These are primarily construction-management matters and can be appropriately addressed through condition in the event that the Commission were minded to grant permission. I am satisfied that, subject to implementation of the

stated mitigation measures and appropriate monitoring, unacceptable impacts on neighbouring properties can be avoided.

Considerations from CE Report

12.3.49. The main points raised in the CE Report have been incorporated into the forgoing assessment.

Overall Conclusion

12.3.50. In conclusion, the proposed 101-unit Build-to-Rent scheme provides an approximate mix acceptable to the town-centre context and aligns with the objectives of the 2020 Apartment Guidelines and the current Fingal Development Plan, in this regard. The proposal comfortably satisfies national requirements regarding minimum floor areas, dual-aspect ratios (50.5%), and the maximum allowance of apartments served per core.

12.3.51. Although the development provides 0% public open space on-site, this material contravention is considered justifiable under the 2024 Compact Settlements Guidelines due to severe urban site constraints and can be successfully mitigated via a financial contribution in lieu based on the Overall Public Open Space requirements as outlined in the current Development Plan standards (Objectives: DMSO51 DMSO52, DMSO53, DMSO54 and DMSO57)[1], should the Commission be minded to grant permission. Furthermore, the overall scheme achieves an acceptable standard of internal residential amenity and preserves neighbouring privacy through angled louvres and compliant separation distances.

12.4. Traffic and Transport Issues

12.4.1. This section assesses the traffic and transportation implications of the proposed BTR development. Notwithstanding the passage of time, I note and have had regard to the submitted Traffic and Transport Assessment (July 2021), the Construction and Environmental Management Plan (July 2021), the Stage 1/2 Road Safety Audit (July 2021) and the Mobility Management Plan (June 2021).

12.4.2. At the outset I note that the Planning Authority expressed concerns regarding the proposed residential car parking provision, contending that the shortfall would inevitably lead to overspill parking onto Quay Street and High Street. Additionally,

[1] fingal-county-council-development-contribution-scheme-2026-2030.pdf

the Planning Authority noted a deficit of 10 cycle parking spaces, alongside a general absence of design specifications for the bicycle parking facilities.

12.4.3. With regard to the surrounding road network, the Planning Authority argued that the submitted Traffic and Transport Assessment (TTA) underestimated potential traffic generation and failed to evaluate all critical junctions. Notwithstanding these concerns, the Planning Authority acknowledged that the historical shopping centre use on the site would have generated a significantly higher volume of traffic on the local road network compared to the subject application.

12.4.4. Third-party submissions raise objections regarding inadequate capacity on local rail services and reiterate that the proposed car parking provision is insufficient. Observers argue that this shortfall will adversely impact the amenity of the locality and disrupt the commercial operations of the Bracken Court Hotel. Concerns were further raised regarding increased traffic volumes and associated road safety hazards. Specifically, observers highlighted a risk to vulnerable road users due to the absence of dedicated pedestrian footpaths or cycle infrastructure at the junction of High Street and Quay Street.

12.4.5. The matters considered in my assessment to following are presented under the following headings: proposed access and layout; traffic generation and cumulative impact; road capacity; robustness of the TTA; construction traffic; road safety; car and bicycle parking; and access to public transport.

Proposed Access and Layout

12.4.6. The proposed development features a consolidated access arrangement, providing one primary vehicular entrance point located on Quay Street via a newly constructed priority T-junction. Quay Street is designated as a one-way single-carriageway road traveling from west to east. Concurrently, dedicated residential pedestrian access is provided further northwest along the Quay Street frontage.

12.4.7. Car parking facilities are contained entirely at ground floor level with automated security gates controlling residential entrance. The local circulatory lane widths are set between 3.0m and 3.15m, matching standard local street thresholds. Internal footpaths adhere to a geometric width of 1.8m, which in my opinion would adequately handle localised pedestrian flow safely without modal conflict.

12.4.8. The planning authority and third-party submissions expressed minor concerns regarding site layout configuration. However, structural sightlines at the Quay Street junction achieve the required standard Stopping Sight Distance (SSD) of 45 metres from a 2.4-metre setback. This meets the designated 50 km/h speed threshold of the adjoining road network and provides adequate safe egress conditions.

12.4.9. As such, I consider the proposed access arrangement acceptable.

Traffic Generation and Cumulative Impact:

12.4.10. Projected trip rates for the operational phase of the 101-unit residential apartment block and the 2 no. retail units (totalling 109.76 sq. m) were modelled through the TRICS database. To formulate a highly conservative baseline assessment, the applicant classified the units as standard "privately owned flats" within an area of low public transport frequency.

12.4.11. The total cumulative peak hour traffic generation profile is summarised as follows:

- Residential Element:

Projected to generate 23 total trips (8 arrivals, 15 departures) in the AM peak and 48 total trips (28 arrivals, 20 departures) in the PM peak.

- Retail Element:

Projected to generate 16 total trips in the AM peak and 17 total trips in the PM peak.

- Cumulative Impact:

The entire site creates an absolute maximum of 39 total trips (17 arrivals, 22 departures) during the morning peak hour and 65 total trips (37 arrivals, 28 departures) during the evening peak hour.

12.4.12. Cumulative traffic considerations factored in local context parameters, including local vehicular demands generated by the neighbouring Bracken Court Hotel and High Street network operations. Crucially, historical traffic data demonstrates that the pre-existing Mall Shopping Centre use on this site attracted significantly higher traffic volumes and created vastly higher parking turnover demands than the subject BTR proposal. Therefore, the localised cumulative effect represents a net reduction in structural traffic load against historical baselines. This

is argument is accepted and I also note that the Planning Authority accepts that the previous shopping centre use would have had a more significant impact on the road network than the current proposal.

12.4.13. In my opinion, the methodology adopted by the applicant is reasonable when considered in the context of the proposed development as a whole. The site is classified as a low-volume trip generator. This is primarily because the historical baseline use, as noted above the former Mall Shopping Centre attracted significantly higher daily traffic volumes and severe on-street parking demands than the proposed residential scheme. Background growth was rigorously accounted for using national TII Central Growth Rates for County Dublin across the future design years (2021 opening, 2023, 2028, and a 2038 horizon year), ensuring long-term cumulative effects are fully captured.

Road Capacity:

12.4.14. Network operational safety and intersection capacities were modelled using industry-standard JUNCTIONS 9 (PICADY module) software across three principal junctions. Baseline traffic counts were recorded on Tuesday, 20th October 2020. Capacity analysis of key intersections within the site's immediate sphere of influence was conducted via computerized traffic modelling utilising the JUNCTIONS 9 software. Empirical vehicle data inputs were updated based on central growth indices published by Transport Infrastructure Ireland (TII) to establish future design year capacities up to 2038.

12.4.15. The outputs of the junction capacity modelling are detailed in the comparison matrix below:

Junction Location	**Peak Analysis Period**	**Baseline 2020 Max RFC**	**Design Year 2038 + Development Max RFC**
High Street / Hampton Street	AM Peak PM Peak	0.03 (Stream B-CA) 0.10 (Stream B-CA)	**0.10** (Stream B-CA) **0.25** (Stream B-CA)

Hampton Street / Old Market Green	AM Peak PM Peak	0.36 (Stream C-AB) 0.29 (Stream C-AB)	**0.63** (Stream C-AB) **0.52** (Stream C-AB)

Junction Modelling Results (2038 Future Design Year + Development):

12.4.16. **Hampton Street / Old Market Green Priority T-Junction:** The standard design limit capacity threshold for priority junctions dictates a maximum Ratio of Flow to Capacity (RFC) of 0.85. As demonstrated by the empirical modelling, both key junctions are projected to operate comfortably within safe design parameters, peaking at a maximum future RFC value of just 0.63.

The local road network retains significant residual capacity to accommodate the proposed development seamlessly and will continue to operate significantly below capacity up to the future design year of 2038. Specifically, this junction experiences a negligible peak queue of 2.7 PCU (Passenger Car Units) and maintains a highly stable Level of Service (LOS) of B.

12.4.17. **High Street / Hampton Street:** Operates under excellent capacity conditions. The maximum peak RFC recorded is just 0.25 during the PM peak, experiencing minor delays of 11.9 seconds, a maximum queue of 0.4 PCU, and an overall LOS of B.

12.4.18. **Hampton Street / Dublin Street Junction**: This was excluded from formal software modelling. Traffic generation at this congested intersection yields a minor fractional increase of 2.6% in the AM and 2.3% in the PM. Given that these volumes sit well below both the TII guidelines threshold (5%) and Fingal County Council's strict technical modelling trigger (3%), a formal layout capacity assessment was not necessary. This is acceptable.

12.4.19. The receiving local street network possesses great reserve structural capacity. The addition of development traffic will contribute only an incremental, imperceptible volume to the local road network and will not trigger intersection degradation or blockages.

12.4.20. Moreover, having regard to the town-centre location of the site, its regeneration benefits, the provision of a BTR development, active travel infrastructure and implementation of the Mobility Management Plan, I do not consider that the proposed development would cause a measurable deterioration in peak-hour performance. On balance, I am satisfied that the proposed development is acceptable.

Robustness of the Traffic and Transport Assessment:

12.4.21. The original baseline traffic survey calculations were executed in October 2020 under historic conditions affected by Covid-19 public health travel restrictions. To address potential underestimations of ambient baseline vehicle numbers, the applicant's traffic engineers executed a highly robust normalisation methodology. They cross-referenced historical data at multiple check sites and factored up all observed 2020 traffic count figures by a conservative 20% margin prior to initiating capacity modelling.

12.4.22. Regard must be had to the temporal lapse since the compilation of the TTA in 2020-2021. Under normal planning cycles, traffic flows shift over time; however, any long-term baseline growth trends have been safely absorbed by the application of TII Central Growth Factors for County Dublin (annual compound growth applied through future milestone horizons).

12.4.23. Furthermore, a material assessment of the network confirms that the structural thresholds outlined within the Fingal Development Plan 2023–2029 have not changed significantly since the report's formulation. In accordance with TII Publication Traffic and Transport Assessment Guidelines (PE-PDV-02045), full structural modelling is explicitly waived for intersections where a development adds less than 5% to the prevailing peak junction volume (or less than 3% in locally congested configurations).

12.4.24. Given that the added traffic load at peripheral intersections (such as the Hampton Street / Dublin Street junction) sits at a minor 2.3% to 2.6%, it falls well below statutory thresholds requiring updated junction calculation inputs. The data architecture supporting the TTA remains technically valid and sufficiently conservative.

12.4.25. Overall, I consider the TTA to be acceptable. The assessment uses an agreed scope, empirical traffic data, and standard modelling platform, supplemented by future-year analysis, transparent congestion reporting, and a conservative approach to background modal shift.

DMURS Compliance:

12.4.26. The internal road geometric standards strictly align with the Design Manual for Urban Roads and Streets (DMURS). The newly configured priority T-junction off Quay Street guarantees clear Safe Stopping Distance (SSD) sight visibility splays of 45 metres at a standard 2.4-metre setback on both sides of the urban corridor. Car park bays comply with the mandatory 2.4m x 5.0m geometry.

Safety:

12.4.27. Third-party observations raised explicit safety hazards concerning vulnerable road users due to a perceived lack of dedicated pedestrian footpaths and cycle lanes at the immediate High Street / Quay Street interface.

12.4.28. However, I consider that these concerns are countered by public infrastructure master plans. Under the Our Balbriggan Rejuvenation Plan, works to Quay Street, included a complete civic transformation, featuring widened pedestrian walkways, traffic calming measures, and the removal of traditional kerb barriers. The design features dropped kerb elements and tactile paving grids across nearby crossings. This infrastructure ensures that pedestrian safety complies fully with contemporary urban street standards.

12.4.29. The Stage 1/2 Road Safety Audit successfully addresses the safety hazards raised in third-party observations regarding vulnerable road users at the scheme's road interface. While the audit acknowledges that the building footprint restricts immediate exit sightlines and requires vehicles to cross the footpath, a series of robust design interventions have been formally accepted to eliminate these risks.

12.4.30. To protect pedestrians and cyclists, the developer has committed to setting the security entrance gate deep within the site to prevent vehicles from backing up onto active travel paths, installing advanced pedestrian warning signage, and removing adjacent on-street parking spaces in consultation with the Local Authority to secure clear visibility splays.

12.4.31. Furthermore, a completed Autotrack manoeuvrability analysis confirms that vehicles can safely navigate the interface without encroaching on pedestrian space, ensuring the design actively minimises potential collisions at the High Street and Quay Street junction.

12.4.32. Subject to full implementation of the RSA recommendations, the proposal would be acceptable from a road and pedestrian safety perspective. In the event the Commission is minded to grant permission, I recommend the inclusion of a condition in respect to the Road Safey Audit.

Construction Traffic Impacts:

12.4.33. The submitted Construction & Demolition Waste Management Plan (CDWMP) indicates that the proposed development will generate a highly concentrated volume of heavy goods vehicle (HGV) movements on the surrounding narrow street network, necessitating strict logistical mitigation over an anticipated 18 to 24-month construction programme. To clear the site, the demolition of the existing 4,005.8 sq.m former shopping centre structures will require the outward haulage of approximately 953.38 tonnes of demolition waste, consisting primarily of concrete, bricks, and ceramics (610.16 tonnes) alongside timber and slate. This structural clearance is compounded by a major excavation phase, with engineers estimating that c. 4,900 m^3 of subsoil material must be excavated and moved off-site to facilitate the foundations, earth retaining structures, and site levelling necessitated by the area's steep topography.

12.4.34. Furthermore, the construction phase is projected to generate an additional 2,139.70 tonnes of material surpluses and construction waste requiring systematic removal. To manage the localised traffic pressures of these combined volumes on Quay Street and High Street, the applicant proposes an Outline Traffic Management Plan (OTMP) to control construction entrance and exit points, establish explicit construction vehicle numbers, enforce speed limits, and manage dedicated construction routing.

12.4.35. Operational traffic impacts on the local community are to be curtailed by restricting standard material deliveries and waste collections to designated windows between 08:00 – 19:00 Monday to Friday and 08:00 – 14:00 on Saturdays, with large abnormal loads restricted to off-peak hours. Environmental controls to protect the

public road network include mandatory road cleaning and pavement sweeping mechanisms, a requirement that all departing waste receptacles be covered or enclosed, and the enforcement of hard-stand or paved site access points to prevent site dirt from being tracked onto the public highway.

12.4.36. Finally, the framework mandates the appointment of a Liaison Officer to coordinate exceptional activities notify program via a community newsletter whenever upcoming construction logistics present a high potential to disrupt short-term traffic flow or business accessibility. I am satisfied with the CDWMP and OTMP.

12.4.37. In the event that the Commission are minded to grant permission, I recommend that Construction Traffic matters can be appropriately controlled by condition, in addition to a final CEMP for agreement.

Car and Bicycle Parking Provision:

12.4.38. I note that the Planning Authority's Recommended Reason for Refusal No. 3 refers to insufficient car parking and it is contended that the proposed provision materially contravenes Objective DMS113 of the Fingal Development Plan 2017-2023, which requires parking provision to be in accordance with table 12.7. Again, I note that the Development Plan has been superseded since the original decision on this SHD, as such I will refer to the current Fingal Development Plan, 2023 – 2029 in my assessment of the proposal.

12.4.39. I also note that a Material Contravention Statement has been submitted by the applicant, which considers the issue of *inter alia* car parking provision – this has been assessed further in Section 12.8 of my report.

12.4.40. The development provides 25 car parking spaces and 182 bicycle parking spaces, together with electric vehicle (EV) charging infrastructure. No parking is proposed for the retail element.

12.4.41. The following table presents the proposed car and bicycle parking as follows:

Development Component	Stated Unit Count / Use	Proposed Car Parking Spaces	Proposed Bicycle Parking Spaces
Residential (BTR)	101 units (19 studios, 41 1-beds, 41 2-beds)	25 spaces (Ground Floor)	182 spaces (124 resident / 51 visitor / 7 unallocated)
Commercial / Retail	2 retail units (49 sq.m and 60.76 sq.m)	0 spaces	0 spaces
Total Scheme Provision	**101 Apartments / 109.76 sq.m Retail**	**25 spaces**	**182 spaces**

12.4.42. I note that Objective DMSO119 – Car Parking at Places of Work and Education of the Fingal Development Plan 2023–2029, states that it is Council policy to "*Limit the number of car parking spaces at places of work and education so as to minimise car borne commuting. The number of car parking spaces at new developments shall be in accordance with the standards set out in Table 14.19 and the associated criteria for car-parking provision set out in this Plan*".

12.4.43. Table 14.18: Car Parking Zones identify Zone 1 "Relates to developments within 800m of Bus Connects spine route, or 1600m of an existing or planned Luas/Dart/Metro Rail station or within an area covered by a Section 49 scheme, or in lands zoned Major Town Centre", and Zone 2 "Relates to all other areas within the County". I note that the application site is located in Zone 1.

12.4.44. Accordingly, Table 14.19 Car Parking Standards for Zone 1 requires the following standard in respect of residential development and retail development. I note that these standards refer to the maximum standards required:

Table 14.19: Car Parking Standards

Land Use Category	Zone 1: Developments within 800m of a high-quality bus service, or 1600m of an existing or planned Luas/DART/Metro Rail station or in lands zoned Major Town Centre***		Zone 2: All other areas	
Residential				
Residential (1–2 Bedroom)	0.5	Max	1 plus 1 visitor space per 5 units	Norm
Residential (3–3+ Bedroom)	1	Max	2 plus 1 visitor space per 5 units	Norm
Sheltered housing	0.5	Max	0.5 plus 1 visitor space per 5 units	Norm
Student housing	0		1 per 20 bed spaces	

Retail				
Food store (icl. discount food store)	1 per 20 m²	Max	1 per 20 m²	Max
Shopping Centre	1 per 20 m² Excludes circulation areas	Max	1 per 20 m² Excludes circulation areas	Max
Warehouse Club		Max	1 per 20 m²	Max
Bank, Building society	1 per 60 m²	Max	1 per 30 m²	Max
Retail Comparison		Max	1 per 30 m²	Max
Retail Convenience (<200 sqm)	1 per 60 m²	Max	1 per 30 m²	Max
Garden centre	1 per 30 m²	Max	1 per 30 m²	Max
Warehouse (e.g. furniture, White goods)	1 per 30 m²	Max	1 per 30 m²	Max
Show room, e.g Car show room	1 per 50 m²	Max	1 per 50 m²	Max

12.4.45. Under Table 14.19 of the current Fingal Development Plan 2023–2029, the site falls under Parking Zone 1 due to its immediate proximity to high-frequency public transport infrastructure. Having regard to Table 14.16 of the Development Plan, the proposed development would require a maximum of 50.5 car parking spaces to accommodate the proposed residential development. I note that a maximum of 25 no. parking spaces are proposed.

12.4.46. Based on the proposed 110 m² Gross Floor Area (GFA) for retail use, a requirement of 1 space per 60 m² applies in zone 1, totalling 2 required parking spaces. No parking spaces are allocated to the proposed retail element.

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

12.4.48. The Mobility Management Plan (MMP) submitted with the application establishes that a robust, managed framework for active travel will successfully suppress private car dependence. Rather than relying on rigid private car space ownership, the application incorporates shared active travel infrastructure and clear multi-modal alternatives. The operation and implementation of these shared parameters will be closely monitored on an iterative, annual basis by the appointed Mobility Management Plan Co-ordinator and the overarching Management Company to ensure continuous behavioural shift. The MMP sets out targeted indicators to

encourage a highly sustainable modal split, matching the condensed town-centre context.

12.4.49. The report of the Transportation Planning Section of the Planning Authority state that the standards in the Development Plan 2017-2023 are a 'norm' and it is set out in the submission. The report also noted that a reduced standard (a minimum) standard of 41 spaces would be required here. Again, I note that the current Development Plan provides for maximum standards, with some flexibility.

12.4.50. At time of site inspection, I noted that there is pay and display parking on High Street and Quay Street, which could accommodate some overspill parking from the proposed development. There was some parking available in the immediate vicinity of the site, at the time of my site inspection, which was late afternoon on a weekday. Section 14.17.11 of the Development Plan notes that "*Where Pay and Display systems are in operation, it may be possible that the parking demand created by new developments can be accommodated on-street. In instances where parking provision is reduced based on the provision of on-street parking, a contribution in lieu of parking may be appropriate*", Objective DMSO122 – Pay and Display explicitly references a contribution in lieu of car parking at a rate of up to €20,000 (twenty thousand euro) per space. I note however, that a payment in lieu has not been requested by the Council in this instance. I also note that this objective was included in the previous Development Plan, 2017-2023 (i.e. Objective DMS115).

12.4.51. It should be noted that SPPR 3 of the Sustainable Residential Development and Compact Settlement Guidelines requires that In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. I consider Quay Street to be an accessible location. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

12.4.52. Having regard to Table 3.1, I consider that the proposed development site is located in an area which can be classed as an Accessible Location as it is within 400 metres (1km) walking distance of an existing high-capacity urban public transport node or interchange, namely the Balbriggan Train Station.

12.4.53. Similarly, I reference SPPR 8 of the Apartment Guidelines, 2020, in respect of car parking which states that there shall be a default of minimal or significantly

reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

12.4.54. The accompanying Traffic and Transport Assessment (TTA) comprehensively models the multi-modal distribution of the scheme. Under a conservative, worst-case evaluation of the fully operational 101-unit residential and retail development, the total peak network load is restricted to 39 trips in the weekday AM peak and 65 trips in the PM peak. When distributed across the surrounding high-frequency transport network, notably the Balbriggan Train Station located within a 5-minute walk (450m) and the adjacent Bridge Road (R132) BusConnects corridors, the development's total passenger generation represents a negligible fraction of the baseline capacity of the Iarnród Éireann Commuter/DART+ Coastal North network and local bus services. Given this high level of service infrastructure, there is extensive structural capacity within the public transport network to comfortably absorb the scheme.

12.4.55. In respect of the commercial/retail components, no car parking spaces are provided to service the 109.76 sq.m of street-level retail. I consider that the retail units are low-intensity configurations designed to address local, pedestrian-led town centre demand. They are integrated into the primary street frontages where on-street pay-and-display parking exists to catch incidental turn-over.

12.4.56. Having regard to the above, I note that a reduced car parking provision would be acceptable at this site, given the BTR nature of the proposed development and its proximity to adjoining public transport. The current Development Plan provides for maximum parking spaces and specifically allows for a reduction where the site is accessible to public transport. I also note the provisions for minimal or reduced parking applicable under SPPR 8 of the guidelines. As such, I do not consider that the proposed car parking provision is a material contravention of Objective DMSO119 and Table 14.19 of the Fingal Development Plan, 2023 – 2029, noting the maximum requirement of the Plan and the flexibility afforded to such locations, and is, therefore, acceptable in this instance.

12.4.57. I also note the on-street parking on both Quay Street and High Street, which provides an alternative parking option for residents and the proposed retail/commercial element.

Bicycle Parking:

12.4.58. The proposed development provides for the provision of 182 cycle parking spaces.

12.4.59. The Council notes that the provision which represents a shortfall of 10 spaces below the mandatory national requirement of 192. Beyond this quantitative deficit, the infrastructure fails qualitative standards due to a distinct lack of passive supervision and adequate weather covering in external common areas. Additionally, the Council criticised the layout's ambiguous division of "long-term" and "short-term" interior spaces without clear functional separation. To resolve these deficiencies, the Transportation Planning Section mandates that all bicycle parking be brought up to code, treated with equal security and accessibility parameters, and provided in separate, secure, and practicably accessible compartments for each unit.

12.4.60. Accordingly, Table 14.17 Bicycle Parking Standards requires the following standard in respect of residential development and retail development. I note that these standards are minimum requirement:

Table 14.17: Bicycle Parking Standards

Land Use Category	Minimum Bicycle Parking Standards	
	Long-Stay	Short-Stay
Residential (1–2 Bedroom)	1, plus 1 per bedroom	0.5 per unit (for apartment blocks only)
Residential (3+ Bedroom)	2, plus 1 per bedroom.	0.5 per unit (for apartment blocks only)
Sheltered housing	1 per bedroom	1 per 20 bedrooms
Student housing	1 per bedroom	1 per 5 bedrooms

Retail		
Food store (incl. discount food store)	1 per 100 m²	1 per 80 m²
Shopping Centre	1 per 200 m²	1 per 100 m²
Bank, Building society	1 per 50 m²	1 per 50 m²
Convenience (<200 sqm)	1 per 60 m²	1 per 60 m²
Garden centre	1 per 300 m²	1 per 300 m²
Warehouse (e.g. furniture, White goods)	1 per 5 staff	–
Show room, e.g Car show room	1 per 5 staff	–

12.4.61. There is no specific SPPR in respect to bicycle parking, therefore I note that the bicycle parking requirements of the Plan mirror that of the Apartment Guidelines, 2020 in respect of bicycle parking i.e. "*Quantity – a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc.*"

12.4.62. Section 14.17.2.1 of the current Development Plan notes that "*guidance in relation to bicycle parking provision and storage for apartment developments is outlined in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020. The Council will have regard to these relevant guidelines when considering applications for apartment development where bicycle parking is a requirement*".

12.4.63. According to the Development Plan and Guidelines, the proposed 182 bicycle parking spaces, falls short of the 192.5 spaces required for the proposed 101 BTR units, with 3 bicycle spaces required for the proposed retail element, totalling a minimum requirement of 195.5 bicycle spaces.

12.4.64. However, I consider the shortfall (of some 13 no bicycle parking spaces) in the proposed bicycle parking to be de minimus having regard to the town centre location of the site, its proximity to public transport options, and the BTR nature of the proposed development. As such, I do not consider that the proposed bicycle parking is a material contravention of Objective DMSO109 and Table 14.17 of the

Fingal Development Plan, 2023 – 2029. In the event that the Commission were minded to grant permission a condition could be attached to increase the proposed bicycle parking provision within the scheme.

Access to Public Transport and Sustainable Travel:

12.4.65. The third-party appellants contend that Balbriggan town centre lacks the necessary infrastructure capacity to support the extreme population density generated by the proposed 240 units per hectare scheme, arguing that the under provision of on-site parking will inevitably lead to localised traffic congestion and chronic overspill.

12.4.66. The applicant's Mobility Management Plan (MMP) positions the BTR development as a transit-oriented project that intentionally replaces high private car ownership with an aggressive 77% sustainable modal split target. This approach relies directly on the site's highly accessible central urban footprint to drive a long-term behavioural shift in everyday commuting routines.

12.4.67. Under the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020)* and the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*, towns like Balbriggan are mandated to deliver compact, sustainable urban blocks. Pushing density parameters to this metropolitan scale is strictly conditional on exceptional, immediate proximity to high-capacity mass transit systems. The Balbriggan Rail Station sits approximately 400 metres north of the site. This distance equates to a direct 5-minute walk via the existing footpath networks on Bridge Street (R132) and Railway Street. This station acts as a high-frequency commuter artery, operating multiple routes including the Dublin–Dundalk and Dublin Commuter lines, while also being positioned for strategic capacity expansion under the national *DART+ Coastal North* program.

12.4.68. Local bus transit further underpins the site's structural connectivity. The nearest operational bus stops are positioned on the R132 Bridge Road corridor within 300 metres of the development footprint. These stops provide immediate access to the high-frequency National Transport Authority network, encompassing Bus Éireann Route 101 (Drogheda to Dublin with 86 weekday services), Dublin Bus Routes 33 and 33x, Go-Ahead Route 33a to Dublin Airport, and the localized B1 town-centre shuttle operating every 30 minutes. The *BusConnects* strategic

framework identifies Balbriggan for premium service upgrades, adding direct orbital links to Dublin Airport and University College Dublin (UCD).

12.4.69. The site enjoys a highly integrated geographic position within the historic core. The applicant's mapping confirms that the central commercial spine, local beaches, and primary civic facilities are within a 5-minute walk, while major retail anchors and a robust cluster of schools and nurseries are accessible via a 10 to 15-minute walking envelope. Furthermore, the *Our Balbriggan Town Rejuvenation Plan 2025–2030* and *Objective Balbriggan 11* of the *Fingal Development Plan 2023–2029* commit significant public investment to transforming Quay Street. This active travel program will actively strip out restrictive kerbing, widen active pedestrian footpaths to 4 metres, and introduce continuous cycle corridors along the adjacent riverbank to create a highly permeable town-centre environment.

12.4.70. As such, the local public transport infrastructure is structurally excellent for a commuter town. The site is a brownfield regeneration priority within an established Major Town Centre (MC) zoning boundary, directly borders high-capacity regional transport corridors, the direct 5-minute walking connectivity to an active mainline railway station, combined with comprehensive regional bus links and immediate access to planned public realm active travel paths, establishes a clear, credible baseline for a sustainable, transit-led development.

Considerations from CE Report:

12.4.71. The main considerations from the CE report have been noted in the foregoing assessment.

Overall Conclusion:

12.4.72. In conclusion, while the proposed brownfield redevelopment aligns in principle with the core tenets of compact, transit-oriented development and town-centre regeneration, it presents critical deficiencies regarding sustainable transport infrastructure and local public realm impacts. The applicant’s technical documentation and junction modelling demonstrate that the scheme would operate as a low-intensity trip generator relative to the historical shopping centre baseline, with the surrounding road network retaining significant residual capacity to absorb project-related vehicular growth up to the 2038 horizon year. Furthermore, the scheme occupies a highly accessible town-centre location within a short walking

distance of Balbriggan Train Station and premium regional bus corridors, establishing a strong baseline context for a reduced-parking development under national guidelines.

12.4.73. The allocation of 25 car parking spaces and 182 bicycle spaces for the 101 Build-to-Rent units is appropriate and consistent with the core sustainable transport goals of the Fingal Development Plan, 2023–2029. Located within a highly accessible Zone 1 town centre, the project is designed to minimise private vehicle dependency in alignment with Table 14.19, which defines car parking allocations as maximum standards rather than mandatory minimums. I also consider that the reduced car parking capacity prevents additional traffic congestion on Quay Street and High Street, actively safeguarding the town centre's public realm. Furthermore, any transient parking demand can be easily absorbed by the available on-street parking in the immediate vicinity. While the 182 bicycle spaces sit marginally below default minimum targets, the proposed cycle provision effectively satisfies the specific trip-generation profiles of Build-to-Rent residents in a walkable urban core. Given the proximity to high-frequency public transport links, the proposed infrastructure successfully achieves local active travel objectives and therefore does not contravene the current Development Plan, in this regard.

12.4.74. I also reference the Apartment Guidelines, 2020 that provide for reduced car parking requirements. I also note the submitted Mobility Management Plan. The proposed car and bicycle parking provision is, therefore, acceptable.

12.5. Flooding, Drainage and Water Infrastructure

12.5.1. Third-party submissions raise serious concerns regarding localised flood risk, infrastructural deficits, and environmental contamination. Appellants highlight known flooding on Quay Street and severe capacity constraints within the Balbriggan foul network, which must soon absorb additional cumulative loadings from the under-construction Stamullen connection. Observers warn that overloading the network risks further raw sewage spills into Balbriggan Harbour, the local beach, and the Bracken River. Furthermore, submissions note material ambiguities regarding surface water discharge routing, a lack of pipeline connectivity surveys, and the risk that altered groundwater levels pose to the structural stability of adjacent properties, thereby demanding rigorous construction-stage management.

Flooding

12.5.2. Chapter 10 of the National Planning Framework (NPF) dictates national policy for water resource management and sustainable flooding hazards. National Policy Objective (NPO) 57 enforces structural resource management. It commands that flood risk management must directly inform urban place-making by strictly avoiding inappropriate development in areas at risk of flooding. All appraisals must follow the sequential principles set out in The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG/OPW).

12.5.3. Policy Objective IUO24 of the Fingal Development Plan, 2023–2029 prohibits any new developments within active floodplains unless the explicit criteria of the statutory Justification Test are met. Furthermore, Policy Objective IUO26 enforces the mandatory integration of Sustainable Drainage Systems (SuDS). SuDS measures must actively minimise hard-paving footprints, limit peak surface water runoff, and reduce downstream pluvial and structural flooding liabilities.

12.5.4. The Planning Authority has raised no formal objection regarding flood risk. The Chief Executive report considers the baseline design to be broadly aligned with the Section 28 Flood Risk Guidelines. It recommends a suite of standard pre-commencement technical conditions.

12.5.5. The applicant’s Site-Specific Flood Risk Assessment (FRA) notes the closest open watercourse is the Bracken Stream, situated 15 meters north-west of the boundary. The subject site sits approximately 450 meters south-west of Balbriggan Harbour and the Irish Sea coast. The eastern quadrant of the site occupies higher terrain at 13–14m OD. Conversely, the central and western development footprint lies on flat, low-lying topography, with baseline finished ground levels averaging 4–5m OD. Ground vulnerability maps classify the local subsoil profile as 'high' to 'moderate,' indicating a sensitive water table. No localised karst geology is recorded on site.

12.5.6. The FEM FRAMS mapping assigns 20% of the site, primarily along the northern boundary zone, to the 1% and 0.1% Annual Exceedance Probability (AEP) fluvial and tidal flood extents. Consequently, while 80% of the site is within low-risk Flood Zone C, the remaining 20% occupies high-to-moderate risk Flood Zone A and Flood Zone B corridors.

12.5.7. At the outset, I note that the subject site has not been subject to flooding.

12.5.8. I have also reviewed the flood maps, in particular the past flood events (Source: Flood Maps - Floodinfo.ie – accessed 10th September 2026). I acknowledge that flooding has occurred in the wider area, in particular to the northwest of the site at the Covetown, Balbriggan, at a distance of some 550 metres, however this does not relate to the appeal site. I also note that according to the CFRAM maps, the flooding events relate to events in 2002, originating from a coastal storm surge. However, no event has been recorded at the application site and the site has not been affected by any recent flooding events.

12.5.9. The FRA identifies potential surface water back-up as a manageable risk, subject to localised site design mitigations. The risk of groundwater flooding is classified as low. The applicant's assessment lacks a dedicated analysis regarding foul-water system surcharge or capacity flooding. While observers highlight recurring raw sewage overflows at the Quay Street underground storage tanks, no historical surcharges are documented on High Street. Neither the Planning Authority nor Uisce Éireann has lodged official capacity constraints on the file. On this basis, the localised risk of foul-water structural flooding is deemed low.

12.5.10. A site-specific, advanced hydraulic model was generated to isolate fluvial and tidal dynamics. The predictive model confirms the core building line sits outside the 1% and 0.5% AEP tidal floodplains. However, a localised strip along the north and north-west site boundary remains subject to inundation during a 0.1% AEP fluvial event.

12.5.11. Post-development flood mapping indicates the scheme will not cause off-site flood displacement. As the development directly replaces an existing built envelope of equivalent ground-level massing, active floodplain storage volume is maintained. The structural schematic indicates that Retail Unit 2, a portion of the surface car park, and a localised section of the shared amenity space fall within the 0.1% AEP fluvial and tidal flood plains. All primary residential units are elevated onto the upper floors. These feature a minimum Finished Floor Level (FFL) of 8.225m OD, establishing a highly robust 4-meter freeboard clearance above all modelled peak flood levels.

12.5.12. In terms of mitigation, the site design includes an engineered 0.6-meter freeboard safety margin for critical plant elements. The ESB substation, core shared

service amenities, and main parking blocks sit at levels exceeding the peak 0.1% AEP flood depth, satisfying local development plan rules. To maintain standard step-free access under Part M of the Building Regulations, the two retail fronts on Quay Street are designed to tie directly into existing public footpath levels. Under this constraint, Retail Unit 1 retains a 0.56-meter freeboard above the 0.1% AEP event. However, Retail Unit 2 achieves a highly marginal freeboard of just 0.01 meters.

12.5.13. Safe pedestrian and vehicular access is verified for all standard return period hazards up to the 1% AEP event. To isolate internal structures from localised pluvial pooling, a mandatory 150mm step-up threshold is integrated between the external ground plain and all internal FFLs. Surface water will be managed through the integrated SuDS network in accordance with Policy Objective IUO18.

12.5.14. Having regard to the submitted Flood Risk Assessment, the Engineering Design Report, the responses of the Planning Authority and Area Engineer, the relevant provisions of the Planning System and Flood Risk Management Guidelines (2009) and the Fingal Development Plan, I am satisfied that the proposed development has adequately addressed flood risk. The majority of site is located within Flood Zone C (the remaining portion occupies high-to-moderate risk Flood Zone A and Flood Zone B corridors), has no recorded history of flooding, and the proposed SuDS-based drainage strategy is designed to ensure that the development will not increase flood risk on or off the site.

12.5.15. While I acknowledge the historic flooding issues experienced within the wider area, I am satisfied that the current proposal is supported by a comprehensive flood risk assessment, an appropriately engineered drainage strategy and positive technical recommendations from the Planning Authority. Accordingly, I consider that the proposed development accords with the principles of the Flood Risk Management Guidelines and the objectives of the Development Plan, and that no objection arises on flood risk grounds. In the event that the Commission were minded to grant permission I would recommend the inclusion of conditions.

Surface Water

12.5.16. The proposed operational surface water strategy completely overhauls the site's legacy uncontrolled discharge by utilising an advanced blue and green roof network across flat roofs and podium slabs. This infrastructure incorporates 1,850

square metres of planted landscaping capable of storing up to 13.5mm of rainfall within its drainage boards and planting substrate. Together with specialised interception storage built into the ground-floor courtyard, these provisions comfortably exceed the Greater Dublin Strategic Drainage Study (GDSDS) requirements. The comprehensive attenuation system is calculated to contain a critical 1-in-100-year storm event plus a 20% allowance for climate change. Automated flow regulators will strictly limit final discharge to greenfield runoff rates before it enters the existing surface water drainage sewer on Quay Street via a gravity-fed piped system. Due to the high volume of green roofing and vegetation, operational discharge into the municipal network will be exceptionally low and limited only to prolonged, intense downpours. Additionally, any rain entering the ground-floor car park through ventilation openings will drain through dedicated gullies equipped with a Class 1 bypass oil separator to mitigate contamination risks from accidental vehicle spillages.

12.5.17. I am satisfied that the proposed SuDS strategy represents a comprehensive and robust approach to the management of surface water runoff, which includes the incorporation of integrated green and blue roof systems, podium slab attenuation landscaping, ground-floor courtyard interception storage, a Class 1 bypass oil separator, and controlled gravity-fed flow devices. I note in particular that the attenuation system has been designed to accommodate the 1-in-100-year storm event, together with a 20% climate change allowance, while limiting discharge to greenfield runoff rates through a controlled outflow to the existing public surface water network on Quay Street. In these circumstances and given that operational discharge volumes will remain exceptionally low due to the high volume of roof planting, I am satisfied that the proposed drainage strategy will not give rise to increased flood risk on or off the site.

12.5.18. The proposed surface water drainage strategies actively advance the core climate resilience and water quality policies set out within the Fingal Development Plan 2023–2029. By integrating a high-performance blue and green roof system to restrict runoff to greenfield rates, the development directly complies with Policy CAP27 (Flood and Water Resource Resilience) and Objective IUO15 (Surface Water Management Plan), which require new urban projects to use Sustainable Drainage Systems (SuDS) to shield municipal infrastructure from severe precipitation.

12.5.19. Overall, I am satisfied that the proposed surface water drainage strategy is robust and accords with current best practice in sustainable drainage design. Subject to the detailed drainage conditions recommended by the Planning Authority, I am satisfied that the proposal would not give rise to unacceptable surface water impacts.

Foul Drainage:

12.5.20. Wastewater drainage from the development will be kept entirely separate from the surface water system and has been designed to meet strict Uisce Éireann engineering standards. The scheme will discharge via a gravity-fed connection into the existing 525mm diameter municipal foul sewer on Quay Street. While submissions cited historical overflows and the Council's Water Services Division acknowledged that the Quay Street pumping station remains a structural constraint for the wider Balbriggan catchment, Uisce Éireann raised no capacity objections regarding the sewer network, the pumping station, or the final destination at the Barnageeragh/Balbriggan Wastewater Treatment Plant.

12.5.21. This network constraint is strategically counterbalanced by the complete removal of the site's previous unattenuated commercial load and the systematic diversion of its surface water away from the combined sewer network, a baseline shift that will ultimately alleviate pressure on the local catchment. Uisce Éireann has validated this approach by issuing a formal Statement of Design Acceptance.

12.5.22. Concurrently, the total separation of pluvial runoff from the foul network strategically reduces hydraulic load on the Quay Street network, matching the environmental intent of Policy IUP3 (Regional Wastewater Treatment Plant / Water Quality).

12.5.23. Additionally, I have reviewed the Uisce Éireann Wastewater Capacity Register (accessed 10th September 2026), which indicates, as per figures published in April 2026, that the Balbriggan (Barnageeragh WWTP) has a ‘green’ status with spare capacity available.

12.5.24. Having regard to the Confirmation of Feasibility issued by Uisce Éireann and the, I am satisfied that the proposed foul drainage arrangements are acceptable in principle and can be satisfactorily implemented subject to the standard requirements of Uisce Éireann and the Planning Authority.

Water Supply:

12.5.25. The development's potable water infrastructure will connect directly to the active, existing public water mains located on both Quay Street and High Street. To ensure long-term network integrity, all internal distribution pipelines, pressures, and connection points will be installed in strict compliance with standard Uisce Eireann infrastructure policies and codes of practice.

12.5.26. Additionally, I have reviewed the Uisce Eireann Wastewater Capacity Register (accessed 10th September 2026), which indicates, as per figures published in April 2026, that the Balbriggan WRZ has potential capacity available.

12.5.27. If the Commission were minded to grant permission, I recommend the inclusion of a condition in respect to agreements for surface water, water supply and waste water prior to the commencement of development on site.

Considerations from the CE Report:

12.5.28. Fingal County Council deems the proposed development's water, drainage, and flooding strategies technically acceptable, provided the applicant strictly adheres to specified planning conditions. While a connection to the 525mm foul sewer on Quay Street is feasible, the council notes that the Quay Street Pumping Station remains a known capacity constraint for the wider Balbriggan catchment area. To mitigate network strain, the development successfully eliminates the need for underground attenuation by using an integrated green and blue roof system to collect and restrict surface water to greenfield runoff rates. Furthermore, a detailed flood risk assessment confirms that the residential units sit entirely within the low-risk Flood Zone C.

Overall Conclusion:

12.5.29. In conclusion, the proposed development is technically robust and acceptable regarding flooding, drainage, and water infrastructure. While third-party objections highlighted localized flood risks and wastewater capacity constraints, a site-specific Flood Risk Assessment and advanced hydraulic modelling confirm the site has no recent history of flooding. All primary residential units are safely located within the low-risk Flood Zone C on the upper floors, establishing a robust 4-meter freeboard clearance above peak flood levels. The remaining 20% of the footprint within Flood

Zones A and B contains only non-residential uses, and because the project replaces an equivalent built massing, it maintains active floodplain storage with zero off-site flood displacement. This layout fully satisfies national flood risk guidelines and the Fingal Development Plan 2023–2029.

12.5.30. Furthermore, the operational drainage and water supply strategies comply with all municipal and national engineering standards. The surface water strategy completely overhauls legacy uncontrolled runoff by utilising a high-performance blue and green roof network designed to attenuate a 1-in-100-year storm event (plus 20% climate change allowance) to greenfield rates. This sustainable approach, combined with the total separation of pluvial runoff from the foul network, actively minimises hydraulic strain on local infrastructure. Despite known historical constraints at the Quay Street pumping station, Uisce Éireann has issued a Statement of Design Acceptance, and its official registers confirm available capacity at both the Balbriggan water resource zone and the Barnageeragh Wastewater Treatment Plant.

12.6. **Ecology and Biodiversity**

12.6.1. The Planning Authority and the Development Applications Unit (DAU) initially raised no ecological objections, noting that the project could cause only minor, temporary negative effects on biodiversity, with potential long-term conservation gains, provided that the mitigation measures detailed in the application were fully implemented.

12.6.2. Several observer submissions raised general ecological concerns, alongside issues regarding Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening, which are evaluated in Sections 14 and 15 of this report, respectively. Regarding general ecology, observers noted that proposed tree removals would occur on-site, while the specified replacement planting falls outside the developer's ownership boundary. Consequently, submissions questioned how the project complies with the biodiversity protection and enhancement mandates of Objective DMS 162 of the Development Plan, 2017–2023.

12.6.3. I note that the wording and core mandate of Objective DMS 162 from the previous Development Plan, which states: "Ensure all development proposals include measures to protect and enhance biodiversity," was carried over into the current Fingal Development Plan, 2023–2029. Crucially, Objectives DMSO163 and DMSO164 of the current Development Plan deal explicitly with providing full, detailed

baseline biodiversity metrics and contemporary screening requirements to evaluate a development's immediate ecological impact.

12.6.4. A bat and breeding bird assessment was undertaken in 2021 at the subject site. Handheld EM3 time-expansion detectors, static Song Meter Mini detectors left overnight, and internal/outdoor physical inspections were utilised to establish baseline activity.

12.6.5. **Chiroptera (Bats):** The 2021 surveys recorded low levels of bat activity across the application site. While no active roosts were identified during that specific overnight window, two protected species were recorded commuting and foraging across the site:

- Common pipistrelle (Pipistrellus pipistrellus)
- Leisler's bat (Nyctalus leisleri)

12.6.6. Crucially, the applicant's ecologist explicitly noted that while the concrete and steel components of the main shopping centre car park roof presented low roosting potential, the nearby tiled and torched felt roof structures (specifically the pet shop and adjacent outbuilding) showed higher potential for bat usage but remained in very poor repair.

12.6.7. **Avian Fauna (Nesting Birds):** The 2021 surveys confirmed that the existing structures provide active breeding habitats. Surveyors identified four nests of the Herring gull (Larus argentatus), a BOCCI Red List species of high conservation concern on the car park roof. Additionally, a Swallow nest (Hirundo rustica) was recorded inside an on-site roof shed, and Swifts appeared to be utilising buildings adjacent to the boundary.

12.6.8. The applicant's ecological assessment and proposed mitigation framework were calibrated entirely against the low-level foraging baseline recorded in May 2021. The proposed strategy includes:

- Restricting demolition works to outside the bird nesting season to protect the BOCCI Red List Herring gull and Swallows.
- Permanently integrating four Schwegler bat boxes and two swift boxes into the new structures.

- Implementing a native, pollinator-friendly landscaping scheme aligned with the All-Ireland Pollinator Plan.
- Maintaining a strict "dark sky" parameter restricting light spillage to under 3 Lux to protect commuting bats.

In the absence of mitigation, the proposed demolition and construction configuration presents the following ecological pressures:

- Direct Nest Destruction: Demolition during the active breeding season poses a terminal risk to nesting Herring gulls and Swallows.
- Artificial Light Spillage: Future operational lighting has the potential to cause a mild, long-term negative impact on local bat species by disrupting foraging corridors.
- Habitat and Roost Modification: The removal of current structures constitutes a negligible loss of roosting opportunities and feeding terrain due to the built-up nature of the brownfield site. With structural interventions, this can be transitioned into a long-term positive effect.

12.6.9. To mitigate potential impacts on local fauna, the development incorporates specific seasonal constraints, dedicated roosting/nesting provisions, and a sensitive lighting strategy. Direct risks to breeding birds, including the BOCCI Red List Herring gull, will be avoided by strictly confining all demolition works to outside the nesting season. To offset potential habitat loss, four Schwegler bat boxes and two swift boxes will be permanently integrated into the new structures, complemented by native, pollinator-friendly landscaping aligned with the All-Ireland Pollinator Plan. Furthermore, a strict "dark sky" parameter restricting light spillage to under 3 Lux will be maintained to protect commuting bats.

12.6.10. I note that the mitigation measures proposed, which in principle are acceptable, robust, and proportionate to the low level of ecological activity recorded on-site. I note that they also align fully with the recommendations of the Development Applications Unit (DAU) and ensure the project will successfully achieve a neutral-to-positive ecological impact in the long term.

Ecological Assessment:

12.6.11. I note that all the surveys were conducted more than 5 years ago. Baseline ecological conditions can change over time. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. I also note the positive technical recommendations from the Planning Authority and the DAU. Therefore, I am satisfied that the survey work carried out as part of the application is acceptable. I also consider that the requirements of Objectives DMSO163 and DMSO164 of the current Development Plan have been complied with.

12.6.12. The proposed mitigation measures, such as the speculative deployment of external bat boxes, are as acceptable, robust, or proportionate.

Considerations from CE Report:

12.6.13. The Chief Executive's report notes that the brownfield site consists primarily of artificial surfaces, with a small area of hawthorn scrub on the eastern boundary to be retained. Acknowledging the 2021 data, the Planning Authority supported the proposed installation of nesting boxes and recommended conditions, including a strict restriction on vegetation clearance during the bird nesting season (1st March to 31st August) and the implementation of a specialised public lighting scheme.

Conclusion:

12.6.14. Following a comprehensive review of the baseline data, statutory submissions, and observer concerns, I am satisfied that the proposed development will not result in significant, lasting, or unlawful adverse impacts on protected bat or avian populations. The proposal satisfies the precautionary requirements of the EU Habitats Directive, the European Communities (Birds and Natural Habitats) Regulations 2011, and complies with Objectives DMSO163 and DMSO164 of the Fingal Development Plan 2023–2029, in this regard.

12.7. **Other Matters**

12.7.1. Oral Hearing Request:

I am satisfied that the comprehensive written documentation on file provides sufficient technical data to conduct a complete, robust planning assessment of all raised issues without recourse to an oral hearing. The third-party submissions clearly

articulate the planning objections, and no novel or unique technical complexities have arisen that require oral cross-examination. Consequently, I do not consider that exceptional circumstances or a compelling case exists in this instance. I, therefore, recommend to the Commission that the request for an oral hearing be refused.

12.7.2. Devaluation of property:

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

12.7.3. Potential damage to adjoining properties:

While I note that potential for structural damage to the properties on High Street is a concern, I note that matters relating to structural stability, construction-stage damage, and civil liability are ultimately governed by separate legal code under building control regulations and civil law and are not a matter for An Coimisiún Pleanála.

12.7.4. Anti-social behaviour/transient residents:

I note the concerns expressed regarding anti-social behaviour associated with the users of the faciality. I am also satisfied that adequate consideration has been given to designing the proposed scheme, including passive surveillance which will deter anti-social behaviour. Notwithstanding, issues in relation to antisocial behaviour are not a matter for An Coimisiún Pleanála.

12.7.5. Part V:

The applicant has submitted a Part V proposal identifying 10 units for affordable housing. The Planning Authority's Housing Department has provided detailed commentary regarding local layout and design preferences for these units. Should the Commission be minded to grant planning permission, a standard Part V condition should be attached. This will require the developer to enter into an agreement with the Planning Authority prior to the commencement of development, ensuring full compliance with s.96 of the Planning and Development Act 2000 as amended.

12.7.6. Archaeological Impacts:

The Development Applications Unit (DAU) recommended that an Archaeological Impact Assessment be conducted given the large scale and location of the proposed development. However, I note the site does not lie within a designated Zone of Archaeological Notification, Furthermore, no features of archaeological interest on or near the site. The subject site is already almost entirely built over, meaning previous ground works would have significantly impacted any sub-surface archaeological potential. Moreover, the Planning Authority have raised no archaeological concerns.

Consequently, I do not consider the absence of an Archaeological Impact Assessment to be a material deficit in the application. There is sufficient information before the Commission to conclude that the development is unlikely to cause significant archaeological impacts. If the Commission is minded to grant permission, I recommend the imposition of a standard pre-commencement condition requiring an archaeological appraisal and construction-stage monitoring to safeguard any unexpected sub-surface remains.

12.7.7. Childcare Provision:

No childcare facility is proposed within the current application. The submitted Childcare Assessment demonstrates that there is sufficient surplus capacity within existing facilities in the surrounding area to absorb the projected childcare demand from this scheme. The Planning Authority has raised no objection to this approach and has not deemed an on-site facility necessary in this instance.

Furthermore, I note that the proposal is for a Build-to-Rent (BTR) development typology. Under the Design Standards for New Apartments: Guidelines for Planning Authorities, standard apartment thresholds generally require one childcare space per 75 dwelling units (excluding studio and one-bedroom units). However, the guidelines grant planning authorities flexibility to relax this requirement for specialised tenures like BTR. This is due to their non-traditional occupancy profiles, lower concentrations of young families, and the focus on compact, transient urban households. Given the local capacity findings, the high proportion of smaller units, and the BTR nature of the proposal, an on-site childcare facility is not warranted.

12.7.8. Inaccuracies in submitted drawings:

Appellants have raised concerns regarding alleged inaccuracies and discrepancies within the applicant's submitted architectural and engineering drawings. While I

acknowledge the third-party submissions, I have conducted a thorough desk study and a comprehensive physical inspection of the site and its environs. I am satisfied that the suite of drawings provided complies with the statutory requirements of Articles 22 and 23 of the Planning and Development Regulations 2001 (as amended).

12.7.9. SHD process:

Appellants have raised procedural queries regarding the validity of using the Strategic Housing Development (SHD) for a scheme comprising 101 residential units. I note that under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, an SHD is strictly defined as a development containing 100 or more residential units. With a proposed yield of 101 units, the application meets the statutory numeric threshold required to enter the SHD process. While I acknowledge the third-party concerns regarding the suitability, the application is legally and procedurally valid in terms of its unit count, and the Commission is fully empowered to make a direct determination on the case.

12.8. **Material Contravention**

12.8.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene the Fingal Development Plan, 2017-2023 (CDP) with respect to:

- Height and Visual Impact (Objectives DMS39, NH38 & NH40).
- Housing Mix (Objectives PM38 & PM40).
- Public Open Space Provision (Objectives PM52, DMS57 & DMS57a).
- Residential Design & Amenities (Objectives DMS05, DMS23, DMS24, DMS25, DMS28, DMS32 & DMS75).
- Car Parking & Childcare Provision (Section 7.1, Table 12.8 & Objective PM76)
- Development within an Architectural Conservation Area (Objectives CH32, CH33, CH37 & DMS157).
- Compliance with Local Area Plan/Masterplan/Urban Design Framework (Objectives SS02a & PM17).

12.8.2. As noted in the foregoing assessment subsequent to the lodgement of this application the Fingal Development Plan, 2023 - 2029 was adopted, and is now the operational plan for the County.

12.8.3. The Commission will note that the Draft Fingal Development Plan, 2023 - 2029 was on public display from the 24th February 2022 for a period of 12 weeks (until 12th May 2022), however the decision was made on the original SHD application (i.e. ABP-311095-21) on 30th November 2021, and as such there is no reference to any draft Development Plan as part of the application or material contravention statement.

12.8.4. The Fingal Development Plan, 2023-2029 updates several of the local planning requirements that previously generated potential material contraventions under the former Fingal Development Plan, 2017-2023. In addition, integrating national frameworks like the National Planning Framework (NPF) and the 2020 Apartment Guidelines, the newer operational Development Plan reduces contradictions between local requirements and the proposed development.

12.8.5. Notwithstanding, in the interest of completeness, I will address the matters referred to in the MC statement submitted below.

Height and Visual Impact (Objectives DMS39, NH38 & NH40):

12.8.6. The Material Contravention Statement refers to the following objectives of the 2019-2023 Development Plan:

- Objective NH38 (Skyline Protection): Mandates the protection of existing town skylines and ridgelines from disruptive development.
- Objective DMS39 (Infill Development): Requires new infill projects to strictly respect the height and massing of existing adjacent residential units.
- Objective NH40 (Protected Views): Directs the protection of specific views and prospects that contribute positively to the landscape character.

12.8.7. The report notes the proposed blocks reach up to 6 storeys facing public streets (with Block B sitting over 3 lower courtyard levels), which significantly exceeds the prevailing 1- to 2-storey ridgelines of neighbouring residential cottages along High Street and Quay Street. Sited on a large infill plot, its height and physical massing are substantially greater than any adjacent properties.

12.8.8. The applicant submits that these local objectives must be balanced against the National Planning Framework (NPF) and Section 28 Building Height Guidelines, which carry a statutory presumption in favour of increased height and density on town-centre brownfield sites close to public transit (Balbriggan Train Station is ~250m away). A Landscape & Visual Assessment by CSR concludes the design is an elegant townscape intervention that is broadly "Beneficial," removing a visual eyesore and repairing the urban block footprint.

12.8.9. As the Fingal Development Plan, 2019-2023 has expired the applicable plan for the area is now the Fingal Development Plan, 2023 - 2029.

12.8.10. Therefore, I refer the Commission to Policy HER24 and Objective HER25 of the 2023–2029 Plan which present strong conservation protections targeting the preservation of vernacular character. As discussed in Section 12.4 above, I have concerns regarding the overall height of the proposed development, which is located within an ACA and the potential negative impact on the directly adjacent to single-storey cottages, in particular. To this end I consider that the development as proposed contravenes Objectives Policy HER24 and Objective HER25.

Housing Mix (Objectives PM38 & PM40):

12.8.11. The Material Contravention Statement refers to Objectives PM38 and PM40, which require all new residential schemes to achieve a balanced, sustainable range of dwelling types, sizes, and tenures to meet the diverse needs of the local population.

12.8.12. The development proposes a 100% Build to Rent (BTR) tenure model entirely devoid of traditional family sized homes, offering a breakdown of 19% studios, 41% 1-beds, and 41% 2-beds. Local planning norms favour a higher integration of 3+ bedroom units to support long term community stability.

12.8.13. The applicant argues that this compact mix perfectly suits a highly accessible heart-of-town location. It directly appeals to modern demographics like single professionals, couples, and empty-nesters who prioritise central transit access over large suburban back gardens. Furthermore, the layout strictly satisfies the spatial requirements of the 2020 Sustainable Urban Housing: Design Standards for New Apartments.

12.8.14. As the Fingal Development Plan, 2019-2023 has expired the applicable plan for the area is now the Fingal Development Plan, 2023 - 2029.

12.8.15. I refer the Commission to Policy SPQHP32 – Build to Rent and Policy SPQHP33 – Applications for Build to Rent Schemes of the current Development Plan, which state that it is an objective of the Council to facilitate the provision of Build-to-Rent Accommodation in suitable locations in accordance with the provisions of the Apartment Guidelines.

12.8.16. SPPR8 of the Apartment Guidelines, 2020, state that there is no restriction on dwelling mix for BTR schemes. The proposed development provides for approximately 19% of studio units with a mix of one and two bed units. I note that planning authorities and An Coimisiún Pleanála, are required under Section 28 of the Planning and Development Act 2000 (as amended) to apply specific planning policy requirements (SPPRs) stipulated under Section 28 Ministerial Guidelines, and therefore the proposed LRD scheme complies with these standards.

12.8.17. In this regard I consider that the proposed development including the proposed housing mix to be suitable at this location having regard to the aforementioned policies with respect to BTR and therefore does not represent a material contravention of the Fingal Development Plan, 2023 – 2029.

Public Open Space Provision (Objectives PM52 & DMS57):

12.8.18. The Material Contravention Statement refers to Objectives PM52 and DMS57, which specify a baseline for public open space delivery at a rate of 2.5 hectares per 1,000 population. Objective DMS57a: states that a minimum of 10% of the total development site area must be physically designated on-site for public open space.

12.8.19. The proposed BTR scheme allocates 0% on-site public open space, providing instead a 1,400 sq.m communal courtyard on a podium level exclusively reserved for the residents.

12.8.20. The applicant contends that providing un-gated public parklands on a tightly constrained, 0.42-hectare brownfield infill site is highly impractical and structurally unfeasible. The applicant points to the Commission's active discretion to accept financial contributions in lieu of public open space. Future occupants will remain fully

serviced by high-quality public amenities located within a brief 200m walking radius, including Quay Street Playground, Balbriggan Harbour, and Front Beach.

12.8.21. As the Fingal Development Plan, 2019-2023 has expired the applicable plan for the area is now the Fingal Development Plan, 2023 - 2029.

12.8.22. I refer the Commission to Objective DMSO51 – Minimum Public Open Space Provision and Objective GI 36 which have been carried into the current Fingal Development Plan, 2023 – 2029. As discussed in Sections 12.3.30 – 12.3.34 above, the proposed scheme does not provide public open space in accordance with the Development Plan. Therefore, I consider that the extent of deviation from m this standard is sufficient to be deemed material contravention of the Fingal Development Plan.

12.8.23. Notwithstanding the above, I do not recommend that planning permission be refused for this scheme on the basis of material contravention, however as noted above the lack of public open space would be acceptable having regard to the provisions of the Compact Settlement Guidelines, 2024 and the Development Plan Contribution in Lieu provision.

12.8.24. My reasoning for this is as follows, in relation to public open space the Compact Settlement Guidelines 2024, allow the Commission to consider setting aside the on-site requirement in its entirety because of the constrained town-centre context and accepting a financial contribution towards the enhancement of suitable nearby public open space. Objective DMSO53 of the current Development Plan provides for a Financial Contribution in Lieu of Public Open Space. Accordingly, if the Commission were minded to grant permission for the proposed development, I would recommend the inclusion of a condition in this regard.

Residential Design & Amenities (Objectives DMS05, DMS23, DMS24, DMS25, DMS28, DMS32 & DMS75):

12.8.25. The Material Contravention Statement notes that under the following Objectives DMS05, DMS23, DMS24, DMS25, DMS28, DMS32 & DMS75 the Fingal Development Plan, 2019-2023 requires:

- Objective DMS05: Requires new residential developments exceeding 100 units to incorporate a bespoke piece of public art.

- Objective DMS23: Restricts building internal layouts to a maximum of 8 apartments per floor per individual stair/lift core.
- Objective DMS25: Mandates that in schemes over 100 homes, the majority of apartments must exceed standard minimum internal floor footprints by at least 10%.
- Objective DMS28: Enforces a rigid 22-metre separation distance between directly opposing rear first-floor windows to limit overlooking.
- Objective DMS32: Explicitly prohibits the creation of gated residential communities.
- Objective DMS75: Dictates that toddler/children's playground amenities within a courtyard must scale directly at a metric of 4 sq.m per residential unit.

12.8.26. The applicant states the scheme includes up to 10 units per core on certain levels. It does not provide the 10% floor area expansion, presents separation distances of 15 meters between Blocks A and C, closes off a southern access laneway with secure security gating, drops below the 4 sq.m playground area allocation, and omits a public art installation on-site.

12.8.27. The applicant contends that Under SPPR 8 of the 2020 Apartment Guidelines, specific flexible exemptions are granted explicitly to BTR developments. BTR formats are legally exempt from the 12-units-per-core ceiling, the maximum apartments-per-floor threshold, and the 10% floor enlargement rule. Gating the side laneway is a layout necessity to guarantee occupant privacy and physical defensibility. The public art requirement is argued as premature since Fingal County Council has not yet finalised its wider Quay Street infrastructural upgrade plans.

12.8.28. As the Fingal Development Plan, 2019-2023 has expired the applicable plan for the area is now the Fingal Development Plan, 2023 - 2029.

12.8.29. I note that the majority these policy objectives have carried into the Fingal Development Plan, 2023 - 2029. However, Objective DMS25 has not carried into the current Development Plan.

12.8.30. I refer the Commission to Objective DMSO194 – Provision of Public Art, which requires new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sqm to provide for a piece of

public art to be agreed with the Council. This has not been provided as part of the planning application, however, I do not consider this omission, while a contravention to be deemed a material contravention of the Development Plan. In the event that the Commission are minded to grant permission for the proposed development a condition can be attached in this regard.

12.8.31. Section 14.7.5 of the current Fingal Development Plan states that the provision of stair and lift cores is primarily determined by the dual-aspect ratios mandated in the Apartment Guidelines. The proposed BTR scheme have up to 10 units per core, which accords with both SPPR 8, and the current Fingal Development Plan, which permits a maximum of 12 apartments per floor.

12.8.32. I refer the Commission to Objective DMSO23 – Separation Distance of the current Development Plan, which states that "*A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs*". As discussed in Sections 12.3.40 – 12.3.46 above, the proposed scheme does not include directly opposing rear first floor windows, as such there is no material contravention of the Plan in this regard.

12.8.33. I refer the Commission to Objective DMSO30 – Gated Communities of the current Development Plan which states that it is an objective to "prohibit proposals that would create a gated community for any new residential developments". The proposal is for a BTR scheme and as such I do not consider that the proposal comes within the term 'gated community', which I consider refers to traditional housing and as such the current proposal does not materially contravene the Plan in this regard.

12.8.34. I refer the Commission to Objective DMSO68 – Playground Facilities within Residential Development, which states it is an objective of the Council to "*Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq. m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated, built and completed, where feasible and appropriate, in advance of the sale of any units".*

12.8.35. The proposed courtyard includes a furnished play area that is 65m² plus a lawn of 192m² for more informal play and older children. I note that 404 sq. m. is required by the objective. Therefore, I consider that the extent of deviation from this standard is sufficient to be deemed material contravention of the Fingal Development Plan.

12.8.36. Notwithstanding the above, I do not recommend that planning permission be refused for this scheme on the basis of material contravention. My reasoning for this is as follows, given that the proposal is a BTR scheme, I have regard to the childcare provision within the Sustainable Urban Housing: Design Standards for New Apartments, 2020. I am satisfied that the proposed scheme would accord with national and regional planning policy and current ministerial guidelines, including the relevant provisions of the Sustainable Urban Housing: Design Standards for New Apartments, 2023. In the event that the Commission are minded to grant permission for the proposed development a condition can be attached in this regard.

Car Parking & Childcare Provision (Section 7.1, Table 12.8 & Objective PM76):

12.8.37. The Material Contravention Statement notes that notes that under Section 7.1, Table 12.8 and Objective PM76 the Fingal Development Plan, 2019-2023 requires:

- Section 7.1 & Table 12.8 (Car Parking Standards): Enforce strict localised parking norms requiring 1 to 1.5 spaces per 1–2 bedroom apartment plus mandatory visitor allocations. This dictates a total spatial requirement of roughly 81 to 101 parking spaces for a project of this scale.
- Objective PM76: Obligates developers to construct purpose-built childcare creches within larger housing schemes.

12.8.38. The design implements a drastically constrained parking standard—offering a mere 25 spaces, which yields a minimal ratio of 0.25 spaces per unit with zero commercial or visitor spaces. Furthermore, the layout entirely omits a dedicated childcare facility.

12.8.39. The applicant contends that Under SPPR 8 of the Apartment Guidelines, national policy mandates a default of minimal or significantly reduced car parking for BTR schemes in walkable transit areas to push a modal shift toward sustainable

travel. For childcare, the 2020 Guidelines clarify that studio and 1-bed units are completely excluded from creche calculations. This leaves only 41 two-bedroom homes, falling well under the local 75-unit threshold that triggers a mandatory nursery. A local childcare audit confirmed an abundant active capacity (~37 vacancies) across 9 existing providers operating within a 1km walk.

12.8.40. As the Fingal Development Plan, 2019-2023 has expired the applicable plan for the area is now the Fingal Development Plan, 2023 – 2029.

12.8.41. I note that both of these objectives have carried forward to the current Development Plan specifically Objective DMSO119 – Car Parking at Places of Work and Education "Limit the number of car parking spaces at places of work and education so as to minimise car borne commuting. The number of car parking spaces at new developments shall be in accordance with the standards set out in Table 14.19 and the associated criteria for car-parking provision set out in this Plan", and Table 14.19 Car Parking Standards.

12.8.42. I refer the Commission to Sections 12.4.38 – 12.4.56 of my report where I have considered this issue in detail and consider that while the proposal car parking is a shortfall Table 14.19 of the current Development Plan, refers to maximum parking requirements. Given the town centre location of the site, the nature of the proposed development, its proximity to public transport, and the availability of on-street parking options in the immediate vicinity, I am satisfied that the proposed parking quantum would be acceptable. As such, there is no material contravention in this regard.

12.8.43. Additionally, Objective CIOSO28 – Childcare Facilities and New Development Require "*the provision of appropriate childcare facilities as an essential part of new residential and mixed-use developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities 2001 or any superseding Guidelines, or as required by the Planning Authority. Such facilities should be provided in a timely manner and be an integral part of the development proposal*". I note that no childcare provision is proposed under the application, however, I note the BTR nature of the proposed development, including 19 studios and having regard to the Childcare Assessment which sets out that there is adequate childcare capacity in the area. As such, there is no material contravention in this regard.

Development within an Architectural Conservation Area (Objectives CH32, CH33, CH37 & DMS157):

12.8.44. The Material Contravention Statement notes that notes that under Objectives CH32, CH33, CH37 and DMS157 the Fingal Development Plan, 2019-2023 requires:

- Objectives CH32, CH33, & CH37: Focus heavily on conservation, demanding that planners avoid removing old structures, boundary walls, or vernacular elements that positively enrich an ACA.
- Objective DMS157: Orders that any replacement development inside an ACA must seamlessly mirror established historical building scales, plot proportions, and building lines.

12.8.45. The project requires the complete demolition of an existing historic outbuilding (a vernacular farm structure) and the removal of substantial boundary walls along High Street. Its modern 6-storey frame replaces the traditional fine-grained plot scale of the older town centre.

12.8.46. The applicant contends that retaining the heavily modified outbuilding is structurally unviable and would completely block a cohesive urban design layout for the site. The structure is not a Protected Structure, nor is it listed on the National Inventory of Architectural Heritage (NIAH). Molloy & Associates, Conservation Architects, worked alongside the design team to ensure Block A's brickwork breaks down the building's overall massing to subtly reflect the visual grain of historical town homes.

As the Fingal Development Plan, 2019-2023 has been superseded, the applicable Plan for the area is now the Fingal Development Plan, 2023-2029. Strong conservation protections targeting the preservation of vernacular character and fine-grained urban plots carried over strictly into Policy HER24 and Objective HER25 of the 2023–2029 Plan. As noted in the foregoing assessment, I have concerns with respect to the relationship between 6-storey block directly adjacent to single-storey cottages, notwithstanding the town centre location of the site. The scale, height, and massing of the upper floors of Blocks A and B fail to integrate successfully into the Balbriggan Historic Core Architectural Conservation Area (ACA) which materially contravenes Objective DMSO186, and would also be inconsistent with Policy

HCAP14 and the direction contained in Table 14.24 regarding the protection and enhancement of ACA character.

Compliance with Local Area Plan/Masterplan/Urban Design Framework (Objectives SS02a & PM17):

12.8.47. The Material Contravention Statement notes that notes that under Objectives SS02a and PM17 the Fingal Development Plan, 2019-2023 requires:

- Objective SS02a: Permitted-in-principle uses on major town centre plots are generally contingent on an active Local Area Plan (LAP), Masterplan, or statutory Urban Design Framework being finalised in advance.
- Objective PM17: Mandates that any central redevelopment must actively incorporate the core guidelines of the historic Balbriggan Urban Design Framework Plan.

12.8.48. The applicant states the historic 2004 Urban Design Framework Plan referenced under Objective PM17 is no longer active or publicly hosted by the local authority.

12.8.49. The applicant contends that the project is fully justified under the counter-balancing Objective SS02b, which orders planning authorities to focus new residential infill directly onto appropriately zoned town-centre corridors where infrastructure is readily available. While the 2004 framework is obsolete, the applicant has fully aligned the landscape and streetscape design with the active goals of the Our Balbriggan 2019–2025 Rejuvenation Plan, facilitating improved pedestrian paths connecting the town core down to the seafront.

As the Fingal Development Plan, 2019-2023 has been superseded, the applicable Plan for the area is now the Fingal Development Plan, 2023-2029. The consolidation of town centres via sequential infill development carried directly forward as a top priority into Policy Core 2 (Core Strategy) of the 2023–2029 Plan. The current plan updates the active reference parameters, explicitly prioritising town-centre infill development over peripheral growth. As such the proposed BTR development aligns with the Fingal Development Plan, 2023-2029 in this regard and there is no material contravention.

Conclusion:

12.8.50. While the applicant's material contravention statement has been fully considered, I note the lapse of time and the adoption of the current Fingal Development Plan, 2023 – 2029.

12.8.51. Having regard to the documentation submitted with the application and appeal, and the detailed assessment set out above, it is concluded that the proposed development would materially contravene the statutory objectives of the Fingal Development Plan 2023–2029. Specifically, the proposed development fails to comply with the updated development management thresholds concerning height and visual impact and heritage.

12.8.52. Consequently, to grant permission for a development that so fundamentally departs from these objectives would undermine the core principles of proper planning and sustainable development in the area. I, therefore, recommended that planning permission be refused based on the material contraventions identified herein.

13.0 **Water Framework Directive (WFD)**

13.1.1. The closest watercourse is the Bracken Stream which is approx. 15 metres north of the site, which is a recorded waterbody on the EPA catchments database, i.e. MATT_010 (IE_EA_08M010900). This waterbody has a poor WFD status. This stream discharges to Balbriggan Harbour, which is not designated as an SAC / SPA.

13.1.2. In terms of the groundwater body, Balbriggan (Site Code: IE_EA_G_039) is the applicable groundwater body and is a recorded waterbody on the EPA catchments database. This groundwater body has a good WFD status.

13.1.3. The proposed development comprises demolishing the existing buildings, the construction of 101 no. Build to Rent apartments and associated site works at the former Mall Shopping Centre, Quay Street and High Street, Balbriggan, Co. Dublin.

13.1.4. I have assessed the residential development at the former Mall Shopping Centre, Quay Street and High Street, Balbriggan, Co. Dublin and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order

to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

13.1.5. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix D after my report. This assessment considered the impact of the development on the:

- Waterbody
- Groundwater

13.1.6. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

13.2. **Conclusion:**

13.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

14.0 Appropriate Assessment

14.1. Appropriate Assessment was carried out in Section 12.0 of the original Inspectors Report dated 22nd November 2021. It did not include the North West Irish Sea SPA (Site Code 004236) because this European Site did not exist at the time the applicant's AA Screening Report was prepared or the screening assessment was carried out by the Inspector. Therefore, I have undertaken an additional screening exercise in relation to this SPA which is set out in Appendix A to this Addendum Report.

14.2. In accordance with Section 177U of the Planning and Development Act 2000, (as amended) and on the basis of the information considered in this AA screening (see Appendix A of this report), I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the North West Irish Sea SPA (004236), River Nanny Estuary and Shore SPA (004158), the Skerries Islands SPA (004122), the Rockabill to Dalkey Island SAC

(003000), the Rockabill SPA (004014), the Boyne Coast and Estuary SAC (001957), the Rodgerstown Estuary SAC (000208), the Rogerstown Estuary SPA (004015), the Boyne Estuary SPA (004080), the River Boyne and River Blackwater SAC (002299), the Malahide Estuary SAC (000205), and the Malahide Estuary SPA (004026) in view of the conservation objectives of these sites and is, therefore, excluded from further consideration. Appropriate Assessment is, therefore, not required.

14.2.1. This determination is based on:

- The suburban location of the site.
- The nature and scale of the proposed development which includes a residential development comprising 101 no. BTR units and ground floor retail use.
- the zone of influence of potential impacts, which does not include North West Irish Sea SPA (Site Code 004236), and
- The distance from nearest European site and lack of connections.

14.2.2. Notwithstanding, I acknowledge that the North West Irish Sea SPA was not included for consideration in the AA Screening Report dated August 2021. However, this has been referenced in Appendix A of my report. In the event the Commission were minded to grant permission, this issue could be further addressed by way of limited agenda Oral Hearing, as this is a new issue.

15.0 EIA Screening

15.1. A Screening Determination was carried out – as noted in Appendix C of this Report (Form 3).

15.2. I note the requirements of Section 299B of the Planning and Development Act 2000 (as amended), under Part 23 of that Act relating to Strategic Housing Development. This application is for sub-threshold development, and no request for a determination was made under section 7(1)(a)(i)(I) of the Act of 2016. Furthermore, I note the Environmental Report which accompanies the application does not contain information relating to, or refer to, Schedule 7A of the Planning and Development

Regulations 2001 (as amended). No EIAR accompanies the application. Therefore, Section 299B(b)(ii)(I) applies.

15.3. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 3, in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, I conclude that there is no real likelihood of significant effects on the environment arising from the proposed development, and that EIA is not required.

15.4. I therefore conclude that the requirements of Section 299B have been satisfied

16.0 Conclusion

16.1. Having regard to the Major Town Centre (MC) land-use zoning objective for the site under the Fingal Development Plan 2023–2029, the planning history, and the central, brownfield location of the subject site, the principle of a high-density, residential-led mixed-use development is acceptable in terms of promoting compact urban growth and regeneration.

16.2. However, following a comprehensive evaluation of the planning and environmental issues raised in the application, the Chief Executive's report, and third-party submissions, the proposed development in its current form represents a significant overdevelopment of a highly sensitive site and fails to meet the requirements of proper planning and sustainable development for the following key reasons:

Excessive Density and Overdevelopment: The proposed density of 240 units per hectare substantially exceeds the general 50–150 dwellings per hectare (dph) range set out in the Sustainable Residential Development and Compact Settlements Guidelines 2024 for Metropolitan Town centres. This excessive scale results in an inappropriate overdevelopment of the site.

Visual Amenity and Heritage Impact: The scale, height, and massing of the upper floors of Blocks A and B fail to integrate successfully into the Balbriggan Historic Core Architectural Conservation Area (ACA). Block A introduces an overly dominant and visually incongruous element when viewed from key vantage points like the harbour and viaduct, while Block B creates an abrupt and overbearing transition to

the single-storey domestic artisan cottages on High Street, in direct conflict with Objective DMSO186, and would also be inconsistent with Policy HCAP14 and the direction contained in Table 14.24 regarding the protection and enhancement of ACA character.

16.3. Conversely, the technical strategies submitted regarding surface water management (SuDS), flood risk management (with primary residential units safely situated in Flood Zone C), Bat Survey Assessment, EIA Screening and Appropriate Assessment (Stage 1) are robust, compliant, and would not negatively affect the environment or the local Water Framework Directive objectives.

16.4. Notwithstanding the lack of legal mechanism to seek further information or a substantial redesign under Strategic Housing Development (SHD) legislation, the fundamental design flaws, such as the proposed density and proposed building height cannot be resolved by standard planning conditions.

17.0 Recommendation

17.1. Having regard to the above assessment, I recommend that permission be REFUSED for the proposed development based on the reasons and considerations set out in the following Draft Order.

18.0 Recommendation Order

18.1. **Application:** for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Coimisiun Pleanála on the 11th Day of August 2021 by Rhonellen Developments Limited.

18.2. Proposed Development:

The application comprises A Build to Rent (BTR), Strategic Housing Development (SHD) comprising the following:

i. Demolition of existing buildings (including former supermarket building, car park, substation, and outbuildings (partially in retail use)).

ii. Construction of a Build to Rent (BTR) development comprising 3 no. apartment blocks (Blocks A - C) ranging in height from 3 to 6 storeys (with Block B over 3 no. lower courtyard floors) providing a total of 101 units (19 no. studios, 41 no. 1-beds, 41 no. 2-beds).

iii. Provision of Resident Support Facilities/Resident Services and Amenities (c.217.03 sq.m). Provision of 2 no. retail units (c.110.15 sq.m).

iv. Provision of 25 no. car parking spaces (at ground floor and accessed from Quay Street), 182 no. cycle parking spaces.

v. Provision of ESB substation/switch room, plant areas, bin stores, telecoms areas.

vi. Provision of open spaces, landscaping, boundary treatments, all associated site works and services provision.

At Lands of the former Mall Shopping Centre, Balbriggan, Co. Dublin.

18.3. **Decision:** Refuse permission for the above proposed development based on the reasons and considerations set out below.

1. Having regard to the provisions of the Fingal Development Plan 2023-2029, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Urban Development and Building Heights Guidelines for Planning Authorities (2018), and the Urban Design Manual (2009), it is considered that the proposed development constitutes an overdevelopment of units on the site. The proposed net density of 240 dph significantly exceeds the baseline range of 50–150 dph prescribed in Table 3.3 of the 2024 Guidelines for a ‘Metropolitan Town’ location; notwithstanding the site's proximity to high-frequency public transport, this density falls substantially outside the limits open for consideration.

   Furthermore, while the principle of increased height and compact residential density on Quay Street is supported by national policy, the proposed scheme fails to achieve an acceptable scale transition. The upper floorplates are poorly handled, resulting in an unmodulated 6-storey profile for Block A that forms an overly dominant insertion on the low-rise skyline, and a 5-storey street frontage

for Block B that is overbearing adjacent to the single-storey cottages on High Street. Accordingly, the proposal fails to satisfy the performance-based development management criteria set out in Section 14.5.3 (Building Heights) of the Fingal Development Plan, 2023-2029 and the national criteria of SPPR 3 of the Building Height Guidelines and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to its location within the Balbriggan Historic Core Architectural Conservation Area (ACA), the proposed development, by reason of the excessive height, scale, and massing of the upper floors of Blocks A and B, would constitute a severe overdevelopment that alters the fundamental built form of the site. The proposal introduces an inappropriate bulk that is visually obtrusive and overbearing on the streetscape and adjacent low-rise properties. It fails to protect or positively enhance the historic character of the area, directly contravening with Objective DMSO186, Policy HCAP14, and the design criteria of Table 14.24 of the Fingal Development Plan, 2023–2029. The development would, therefore, seriously injure the visual and residential amenities of the area and be contrary to proper planning and sustainable development.

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

Emma Nevin
Planning Inspector

12th October 2026

Appendix A – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of existing buildings, construction of 101 no. Build to Rent apartments and associated site works at the former Mall Shopping Centre, Quay Street and High Street, Balbriggan, Co. Dublin
Brief description of development site characteristics and potential impact mechanisms	The site is approximately 0.42ha in area. It is located within the town centre of Balbriggan. It is bounded by High Street to the east and by Quay Street to the north. It is bounded to the west and south by the rear of the properties which front onto Drogheda Street, including the Bracken Court Hotel. The site is surrounded by the built up and amenity areas of Balbriggan. The dominant habitats locally include buildings and artificial surfaces, amenity grasslands and gardens as well as scattered tress and parkland. No part of the application site lies within any area that is designated for nature conservation purposes. There are few features of biodiversity value on the site. The defining characteristic of the site is the old shopping centre that dominates the site. There is a steep embankment rising from the southern corner of this yard and along the eastern perimeter of the application site. There are also some scattered trees along the northern boundary of the application site, behind the existing bicycle shop and behind the dwellings that front onto High St. Overall, the biodiversity of the application site can be considered as low. In respect to hydrology, the site is situated within the Nanny-Delvin Catchment (08), Palmerstown Sub-Catchment, and Matt Sub-Basin. No active drainage channels exist within the site interior, but the Bracken River flows parallel to it, just 15 meters north behind Quay Street's northern frontage. Originating south of Balbriggan, the river follows

	a north-easterly path through the town centre before passing under Balbriggan Bridge to discharge into Balbriggan Harbour, approximately 162 meters north-east of the site.
Screening report	Yes (STATEMENT OF SCREENING FOR APPROPRIATE ASSESSMENT submitted with the application) I note that the North West Irish Sea SPA was not considered in the submitted Appropriate Assessment Screening Report (dated August 2021), or in the original Inspector's Report dated 22nd November 2021, because it was not created until 2023.
Natura Impact Statement	No
Relevant submissions	The Planning Authority has not raised any issues as relates to Appropriate Assessment. Third-party submissions contend that the AA Screening Report lacks scientific expertise and contains critical data gaps. Appellants argue that the 15km Zone of Influence lacks legal or methodological basis, no analysis is provided for "screened-out" European sites, and construction-stage elements like compounds are omitted. Furthermore, observers highlight inadequate bird flight path surveys, a failure to assess cumulative impacts, and an unlawful reliance on mitigation measures at the screening stage.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Sites within **zone of influence** of project.

European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
North-west Irish Sea SPA (004236)	CO004236.pdf	300metres to the east and north east (approx..)	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.	No
River Nanny Estuary and Shore SPA (004158)	Site specific cons obj	5km to the north (approx..)	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising	No

			from pollution during construction or operation can be ruled out.	
Skerries Islands SPA (004122)	CO004122.pdf	6.4km south-east	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.	No
Rockabill to Dalkey Island SAC (003000)	**ConservationObjectives.rdl**	7.9km east	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.	No
Rockabill SPA (004014)	**ConservationObjectives.rdl**	8.3km east	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.	No
Boyne Coast and Estuary SAC (001957)	**CO001957.pdf**	10.8km north	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.	No
Rodgerstown Estuary SAC (000208)	**ConservationObjectives.rdl**	11.2km south	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.	No
Rogerstown Estuary SPA (004015)	**ConservationObjectives.rdl**	11.2km south	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising	No

			from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.	
The Boyne Estuary SPA (004080)	ConservationObjectives.rdl	12.7km north	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.	No
The River Boyne and River Blackwater SAC (002299)	CO002299.pdf	14.7km north-west	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.	No
Malahide Estuary SAC (000205)	ConservationObjectives.rdl	14.9km south	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.	No
Malahide Estuary SPA (004026)	ConservationObjectives.rdl	14.9km south	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.	No
Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites				

I reference the AA Screening Report I note the following where European sites need further consideration taking the following into account:

(a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project.

(b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: **North-west Irish Sea SPA (004236)** Qualifying Interest: • 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] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Common Gull (Larus canus) [A182]	Direct: None Indirect: • Surface water pollution during construction phase resulting in indirect impact via a hydrological pathway. • Indirect impact via the foul network and marine environment.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SPA. I consider that the only possible effect mechanisms to North West Irish Sea SPA are those indirect impacts identified in the submitted AA Screening Report i.e. weak hydrological pathways via surface water discharges from the site to the public surface water system during the construction phase, which discharges into the Bracken River where it discharges to Balbriggan Harbour, approximately 162m north-east of the site (due to its tidal nature, water from here eventually enters the Irish Sea). .

• 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] • Guillemot (Uria aalge) [A199] • Razorbill (Alca torda) [A200] • Puffin (Fratercula arctica) [A204] • Little Gull (Hydrocoloeus minutus) [A862] • Little Tern (Sternula albifrons) [A885]		Habitat Loss: The site does not provide ex-situ habitat for the special conservation interest (SCI) species of the SPA. Habitat Disturbance: The site does not provide ex-situ habitat for the special conservation interest (SCI) species of the SPA.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
Site 2: **River Nanny Estuary and Shore SPA (004158)** Qualifying Interest: • Oystercatcher (Haematopus ostralegus) [A130] • Ringed Plover (Charadrius hiaticula) [A137] • Golden Plover (Pluvialis apricaria) [A140]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. Water Quality: There are no water courses on the site, therefore there are no linkages between the site and the SPA.

• Knot (Calidris canutus) [A143] • Sanderling (Calidris alba) [A144] • Herring Gull (Larus argentatus) [A184] • Wetland and Waterbirds [A999]	• Impacts on water quality from Wastewater discharge.	There will be no negative impacts upon surface or ground water quality within any SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 3: **Skerries Islands SPA (004122)** Qualifying Interest: • Cormorant (Phalacrocorax carbo) [A017] • Shag (Phalacrocorax aristotelis) [A018] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Purple Sandpiper (Calidris maritima) [A148] • Turnstone (Arenaria interpres) [A169] • Herring Gull (Larus argentatus) [A184]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SPA. There will be no negative impacts upon surface or ground water quality within any SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the

		recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 4: **Rockabill to Dalkey Island SAC (003000)**	Direct: None Indirect:	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside

Qualifying Interest: • Reefs [1170] • Phocoena phocoena (Harbour Porpoise) [1351]	• Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SAC. There will be no negative impacts upon surface or ground water quality within any SAC. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u>

		Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 5: **Rockabill SPA (004014)** Qualifying Interest: • Purple Sandpiper (Calidris maritima) [A148] • Roseate Tern (Sterna dougallii) [A192] • Common Tern (Sterna hirundo) [A193] • Arctic Tern (Sterna paradisaea) [A194]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SPA. There will be no negative impacts upon surface or ground water quality within any SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse.

		The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

	There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 6: **Boyne Coast and Estuary SAC (001957)** Qualifying Interest: • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SAC. There will be no negative impacts upon surface or ground water quality within any SAC. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS).

		Habitat Loss: The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss Habitat Disturbance: Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 7: **Rodgerstown Estuary SAC (001957)** Qualifying Interest: • Estuaries [1130]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. Water Quality:

• 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 maritimae) [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]	due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	There are no water courses on the site, therefore there are no linkages between the site and the SAC. There will be no negative impacts upon surface or ground water quality within any SAC. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting).

		No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 8: **Rodgerstown Estuary SPA (004015)** Qualifying Interest: • Greylag Goose (Anser anser) [A043] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • 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]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SPA. There will be no negative impacts upon surface or ground water quality within any SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant.

• Redshank (Tringa totanus) [A162] • Shoveler (Spatula clypeata) [A857] • Wetland and Waterbirds [A999]		At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*:	

	No.	
	Impacts	**Effects**
Site 9: **The Boyne Estuary SPA (004080)** Qualifying Interest: • Shelduck (Tadorna tadorna) [A048] • Oystercatcher (Haematopus ostralegus) [A130] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Lapwing (Vanellus vanellus) [A142] • Knot (Calidris canutus) [A143] • Sanderling (Calidris alba) [A144] • Black-tailed Godwit (Limosa limosa) [A156] • Redshank (Tringa totanus) [A162] • Turnstone (Arenaria interpres) [A169] • Little Tern (Sternula albifrons) [A885] • Wetland and Waterbirds [A999]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SPA. There will be no negative impacts upon surface or ground water quality within any SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No

		significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 10: **The River Boyne and River Blackwater SAC (002299)** Qualifying Interest: • Cormorant (Phalacrocorax carbo) [A017] • Shag (Phalacrocorax aristotelis) [A018] • Light-bellied Brent Goose (Branta bernicla hrota) [A046]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SAC.

• Purple Sandpiper (Calidris maritima) [A148] • Turnstone (Arenaria interpres) [A169] • Herring Gull (Larus argentatus) [A184]	• Impacts on water quality from Wastewater discharge.	There will be no negative impacts upon surface or ground water quality within any SAC. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.

	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**
Site 11: **Malahide Estuary SAC (000205)** Qualifying Interest: • 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 maritimae) [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]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SAC. There will be no negative impacts upon surface or ground water quality within any SAC. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has

		been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss <u>Habitat Disturbance:</u> Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	
	Impacts	**Effects**

Site 12: **Malahide Estuary SPA (004026)** Qualifying Interest: • Great Crested Grebe (Podiceps cristatus) [A005] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Pintail (Anas acuta) [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]	Direct: None Indirect: • Negative impacts (temporary) on surface water and water quality due to construction related emissions including increased sedimentation and construction related pollution. • Impacts on water quality from Wastewater discharge.	The subject lands are not located within or directly adjacent to any Natura 2000 area. There can be no loss of habitat inside any SAC or SPA arising from this project due to the separation distance. Only indirect impacts are therefore possible. <u>Water Quality:</u> There are no water courses on the site, therefore there are no linkages between the site and the SPA. There will be no negative impacts upon surface or ground water quality within any SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse. The proposed new homes will increase the quantity of wastewater to be generated, however there is sufficient capacity in the Balbriggan wastewater treatment plant. At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). <u>Habitat Loss:</u> The construction zone of the development site is too far from any Natura 2000 site to result in any loss of habitat. No significant effects to Natura 2000 sites are likely to arise from habitat loss

		Habitat Disturbance: Due to the separation distance between the development site and Natura 2000 sites, there can be no disturbance effects during either the construction or operational phases (e.g. through noise, human activity or artificial lighting). No significant effects to Natura 2000 sites are likely to arise from habitat disturbance.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? There are no projects that can act in combination with this proposal, and which may result in significant effects to Natura 2000 areas.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*: No.	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on the North West Irish Sea SPA (004236), River Nanny Estuary and Shore SPA (004158), the Skerries Islands SPA (004122), the Rockabill to Dalkey Island SAC (003000), the Rockabill SPA (004014), the Boyne Coast and Estuary SAC (001957), the Rodgerstown Estuary SAC (000208), the Rogerstown Estuary SPA (004015), the Boyne Estuary SPA (004080), the River Boyne and River Blackwater SAC (002299), the Malahide Estuary SAC (000205), and the Malahide Estuary SPA (004026).

The proposed development would have no likely significant effect in combination with other plans and projects on any European sites.

No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Appendix B Form 1- EIA Pre-Screening

An Bord Pleanála Case Reference	ACP-320589-24
Proposed Development Summary	Demolition of existing buildings, construction of 101 no. Build to Rent apartments and associated site works.
Development Address	The former Mall Shopping Centre, Quay Street and High Street, Balbriggan, 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**	X
	No	

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?

Yes	X	10. Infrastructure projects: 10(b)(i) *Construction of more than 500 dwelling units*; 10 (b)(iv) *Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*. * (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)	Proceed to Q3.
No			

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?

Yes			

No	X	The proposed development does not equal or exceed the 500 unit threshold.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) construction of more than 500 dwelling units. The development is for 101 residential units (BTR).	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		
Yes	X	Environmental Impact Assessment Screening Report Submitted EIAR Form 3 - completed

Inspector: _____ **Date:** 12th October 2026

Appendix C – Form 3 – EIA Screening Determination

A. CASE DETAILS			
An Coimisiún Pleanála Case Reference	ACP-320589-24		
Development Summary	The demolition of existing buildings, and the construction of 101 no. Build to Rent apartments and associated site works.		
	Yes / No / N/A	**Comment (if relevant)**	
1. Was a Screening Determination carried out by the PA?	Yes		
2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report has been submitted. This has also been noted in the planner's assessment.	
3. Has an AA screening report or NIS been submitted?	Yes	Stage 1 (AA) has been submitted.	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	N/A		
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by	**Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain**

		the applicant to avoid or prevent a significant effect.	
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposal comprises a residential scheme and is located in a town centre location. The site is bounded by High Street to the east and by Quay Street to the north, and to the west and south by the rear of the properties which front onto Drogheda Street, including the Bracken Court Hotel.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development will involve the demolition of the existing former shopping centre and associated structures, which will cause a physical change at this location, including site excavations and the construction of a new development within the existing brownfield site, which is subject to the zoning objective 'MTC', "*to protect, provide for and/or improve major town centre facilities*", as per the Fingal Development Plan 2023 – 2029, that applies to these lands.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical for the type of development proposed. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Some potentially contaminating construction materials. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in Construction	No

		and Demolition Waste Management Plan would satisfactorily mitigate the potential impacts.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local. and temporary in nature and with the implementation of standard measures outlined in Construction and Demolition Waste Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed, as per the submitted Operational Waste & Recycling Management Plan. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risks are identified.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by	No

		the operation of standard measures listed in a Construction and Demolition Waste Management Plan.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a Construction Environmental Management Plan would satisfactorily address potential risks on human health.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No risk from the proposed development and the site is not located in vicinity of any major accident sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The population in the area will increase and employment would be provided in the 2 no retail units proposed within the ground floor or the proposed development. It is anticipated that the development will positively affect the social environment.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No		No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA • Designated Nature Reserve • Designated refuge for flora or fauna • Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a	No	No National or European sites located on or adjacent to the site. The closest Natura 2000 sites are the River Nanny Estuary and Shore SPA (004158), which is 5km north and the Skerries Islands SPA (004122), which is 6.4km south-east. 9 no. other European Sites have been considered as part of the Appropriate Assessment Screening (Section 13 of this report and Appendix A).	No

development plan/ LAP/ draft plan or variation of a plan		Screening for Appropriate Assessment was also provided in support of the application. Having regard to the nature, scale and location of the proposed works and possible impacts arising from construction works, the qualifying interests and conservation objectives of the European sites and the potential for in-combination effects, the possibility of any significant impacts on any of the identified European sites as a result of the proposed development, either in itself or in combination with other plans or projects, can be excluded.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	No European sites located on or adjacent to the site. I note however that a Bat Assessment was submitted as part of the application (2021). The Bat Assessment noted that the site supported low levels of foraging and commuting activity by two protected bat species, the Common pipistrelle (Pipistrellus pipistrellus) and Leisler's bat (Nyctalus leisleri). Additionally, active breeding habitats were identified on-site, including four nests of the Herring gull (Larus argentatus)—a BOCCI Red List species—and a Swallow (Hirundo rustica) nest. The proposed development involves the complete demolition of the former shopping	No

		centre structure. The historical bat survey (dated 2021) explicitly identified that the structure holds potential for bat roosting. All bat species are strictly protected under Annex IV of the EU Habitats Directive and Section 23 of the Wildlife Acts. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the planning application is acceptable. I also note the mitigation measures proposed. Therefore, the proposal including demolition works does not present a direct risk to the protected species and/or active breeding/resting sites.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	An Architectural Heritage Impact Assessment, has been submitted as part of the application. The project is centrally located within the Balbriggan Historic Centre Architectural Conservation Area (ACA) and lies in close proximity to several key protected structures. While the project requires the demolition of a vacant 1980s supermarket and a heavily modified vernacular	No

		outbuilding, neither structure is considered of sufficient architectural merit to warrant retention. There are no recorded monuments or archaeological sites within the development boundary. No direct physical damage will occur to nearby heritage assets, but the project will alter the setting of several regional architectural features. These include No. 11 Bridge Street (a former RIC barracks), Kincora on High Street (a 19th-century Victorian Gothic Revival residence), and the Carnegie Library. The replacement of the current unutilised shopping structure with a context-driven, contemporary building is assessed as a positive urban intervention that repairs the fragmented streetscape and enhances the character of the surrounding ACA In the event the Commission were minded to grant permission a condition can be included to ensure sustainable development and the protection of the archaeological heritage.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No significant risks are identified.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which	No	The development will implement SUDS	No

could be affected by the project, particularly in terms of their volume and flood risk?		measures to control surface water run-off and reduce surface run off from that of the existing condition on site. Potential impacts arising from the discharge of surface waters to receiving waters are not likely or anticipated. I reference the WFD Impact Assessment Stage 1 Screening report in this regard. No watercourses traverse the site or flow directly adjacent to the site. The appeal land benefits from arterial drainage. The Bracken River flows approximately 15m at its closest point to the north of the site. A Flood Risk Assessment (August 2021) has been submitted with the application. While part of the site is within Flood Zones A and B, the scheme has been designed to ensure the highly vulnerable elements of the proposal are not at risk of flooding. I am satisfied that the applicant has provided adequate information in relation to water supply and drainage. From the available information I am satisfied that the proposed development will not be impacted by flooding and will not give rise to flooding of adjoining lands.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No significant risks are identified.	No
2.7 Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion,	No	The site is served by a local urban road network.	No

or which cause environmental problems, which could be affected by the project?		A stage 1/2 Road Safety Audit and Traffic and Transportation Assessment have been submitted. Notwithstanding, construction traffic may impact on the area, however this will be short term and will be managed via a Construction Environmental Management Plan.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No impact is anticipated in respect to air pollution on the nearest adjoining sensitive land uses.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**X**	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
Having regard to: -			

1. The criteria set out in Schedule 7, in particular
   (a) the nature and scale of the proposed development, within the existing site context
   (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
   (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. The results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. Screening Report for Appropriate Assessment, an Environmental Impact Assessment Preliminary Examination and Bat Survey/Assessment were provided in support of the application.

3. and, the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The Commission is therefore satisfied that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report (EIAR) is not required.

Inspector _____ **Date** 12th October 2026

Approved (ADP) _____ **Date** 12th October 2026

Appendix D: WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-320589-24	**Townland, address**	The former Mall Shopping Centre, Quay Street and High Street, Balbriggan, Co. Dublin
Description of project		The demolition of existing buildings, and the construction of 101 no. Build to Rent apartments and associated site works.	
Brief site description, relevant to WFD Screening,		Site is a brownfield site in the centre of Balbriggan with an existing vacant building (former shopping centre and associated outbuildings) on site. The site is bounded by High Street to the east and by Quay Street to the north. To the west and south lie the rear of the properties which front onto Drogheda Street, including the Bracken Court Hotel. There are no water courses, drainage ditches, bodies of open water or habitats which could be described as wetlands on site. The closest surface water feature to the site and proposed development is mapped by the EPA (EPA, 2025) as the Bracken River (WFD Name: MATT_010 – River Waterbody Code (IE_EA_08M010900), which is located to the north of the Proposed Development site, approx. 15m from the site (at the closest point). The River flows in an easterly direction until it discharges to Balbriggan Harbour, which is not designated as an SAC / SPA. There are no direct, surface hydrological pathways from the development site to the River.	

	There are, however, indirect pathways via surface water and wastewater respectively. downstream.
Proposed surface water details	The existing surface water from the site does not appear to be attenuated and may be discharging directly into either the dedicated surface water sewer on Quay Street or into a combined sewer. The proposed operational surface water drainage strategy will include collection and attenuation of surface water runoff from the developed site via a blue roof system located on the flat roof elements and on the podium slab area. This will be supplemented by green roof systems. Interception storage is also provided within the paved area of the ground floor courtyard. Surface water discharge will be to the existing surface water drainage sewer on Quay Street, via a piped gravity drainage system. As such, appropriate drainage design in the form of SuDS will prevent any potential impact to the receiving water quality of downstream waterbodies.
Proposed water supply source & available capacity	Confirmation of Feasibility (COF) has been issued to the applicant advising that (water/ wastewater) connections are feasible. Uisce Eireann mains water connection. Public Water Supply i.e. Balbriggan - Greater Dublin Area, which has an orange status – 'Potential Capacity Available - LoS improvement required' rating, which states that "Potential Capacity Available to meet 2035 population targets - Level of service (LoS) improvement required. Capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by UÉ on an individual basis considering their specific load requirements. Improvement proposals will include but are not

	limited to leakage reduction and/or capital investment. These proposals will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process". In the event that the Commission be minded to grant permission a condition should be attached in respect to Confirmation of Feasibility and connection agreements with Uisce Eireann.
Proposed wastewater treatment system & available capacity, other issues	Confirmation of Feasibility (COF) has been issued to the applicant advising that (water/ wastewater) connections are feasible. Uisce Eireann Wastewater connection. Public foul drainage system 'Balbriggan WWTP', which has a Green rating – 'Spare Capacity Available'. In the event that the Commission be minded to grant permission a condition should be attached in respect to Confirmation of Feasibility and connection agreements with Uisce Eireann.
Others?	N/A
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Transitional waterbody	15m – to the north of the site.	MATT_010 (IE_EA_08M010900).	Poor	At Risk	HYMO, UR	Yes – indirect pathways via surface water drainage network
Groundwater body	Underlying site	Balbriggan (Site Code: IE_EA_G_039)	Good	Not at Risk	Agriculture, DWTS	Yes – Development site is inside this groundwater body, hydraulically linked

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or**

							'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	MATT_010 (IE_EA_08M 010900).	No direct hydrological pathways	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site construction	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
2.	Site clearance & Construction	Balbriggan (Site Code: IE_EA_G_03 9)	Drainage through soil / bedrock	Reduction in groundwater quality from pollution of surface water run-off	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
OPERATIONAL PHASE							

1.	Surface	MATT_010 (IE_EA_08M 010900).	No direct hydrological pathways	None	Subject to the implementation of the proposed SuDS strategy, drainage design and standard construction mitigation measures, the identified source-pathway-receptor linkages will be appropriately managed	No	Screen out at this stage.
2.	Ground	Balbriggan (Site Code: IE_EA_G_03 9)	Drainage through soil/ bedrock	Reduction in groundwater quality	The proposed drainage design, impermeable attenuation tanks, pollution prevention measures and construction controls ensure that the development will not adversely affect groundwater quality or groundwater status	No	Screened out at this stage

DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A