



An
Bord
Pleanála

Inspector's Report

ABP-320878-24

Development

Construction of a residential development consisting of 59 houses, 18 apartments, a creche facility and all associated site works.

Location

Knocksedan Demesne, Naul Road, Brackenstown, Swords, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F24A/0612E

Applicant(s)

Marron Estates Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Marron Estates Ltd

Observer(s)

Knocksedan Demesne Management Company
Kyle Nishimura-Whelan
John and Catherine Delaney

Date of Site Inspection

4th December 2024

Inspector

Emma Nevin

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision.....	7
3.1. Decision.....	7
3.2. Planning Authority Reports	9
3.3. Prescribed Bodies.....	10
3.4. Third Party Observations	10
4.0 Planning History	12
5.0 Policy Context	14
5.1. Fingal Development Plan 2023 – 2029	14
5.2. National Planning Framework	16
5.3. Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)	16
5.4. Ministerial Guidelines.....	16
5.5. Natural Heritage Designations	17
5.6. EIA Screening.....	17
6.0 The Appeal.....	17
6.1. Grounds of Appeal.....	17
6.2. Planning Authority Response.....	21
6.3. Observations	21
6.4. Further Responses	22
7.0 Assessment.....	22
8.0 Recommendation	48
9.0 Reasons and Considerations.....	48

10.0	Conditions	49
	EIA Preliminary Examination	60
Appendix 1 – Form 1: EIA Pre-Screening		
Appendix 1 – Form 2: EIA Preliminary Examination		

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 3.186 ha, is located in Knocksedan, Brackenstown, to the west of Swords. The adjoining Knocksedan Demesne residential estate is characterised by detached, semi-detached and terraced dwellings. The subject site is located south of Usher Park and construction is currently ongoing within the estate to the east of the site.
- 1.2. The R108 is located directly to the west of the site and agricultural lands are located southeast of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 59 no. two-storey houses and 18 no. apartment units within two no. three storey apartment blocks (Apartment A and Apartment B), as per Table 2 below.
- 2.2. The proposed dwellings will be positioned to the northeast, southeast and west of the site with the proposed two apartment blocks positioned to the southwest adjacent to the site entrance.
- 2.3. Each dwelling will be served by off street car parking and a rear garden. Parking will be positioned at surface level to serve the proposed apartments, with each apartment served by a dedicated balcony/terrace.
- 2.4. Accessed to the site will be via a vehicular entrance onto the R108. New internal access roads, footpaths, etc. are proposed.
- 2.5. The proposed public open space is positioned to the Nual Road in the form of two linear parks with a larger ancillary area of open space to the northwest portion of the site.
- 2.6. A total of 136 no. off-street car parking spaces are proposed within the scheme including 54 visitor bicycle spaces.
- 2.7. Table 1 below provides a schedule of the key figures associated with the proposed development:

Table 1 - Site / Development Details	
Site Area	3.189 ha
Gross Floor Area	8,652 sq. m.
No. of proposed units	77
Car Parking	136 spaces (2 no. on curtilage per dwelling and 18 no. car parking spaces to serve the apartment block).
Bicycle Parking	54 spaces
Public Open Space	2 no linear parks – 1,259 sq. m. Ancillary open space – 2,930 sq. m.

2.9. Table 2 below provides a breakdown of the residential unit types proposed:

Table 2 – Residential Unit Type				
House No.	House Type	Unit Size	Private Amenity Space	No of units proposed
House Type A	4 bed semi-detached two-storey	139 sq. m.	85 - 235 sq. m.	13 no.
House Type B	4 bed semi-detached two-storey (dual fronted)	139 sq. m.	99 sq. m.	1 no.
House Type C	4 bed semi-detached two-storey (dual fronted)	139 sq. m.	216 sq. m.	1 no.

House Type D	4 bed semi-detached two-storey	139 sq. m.	60 - 143 sq. m.	2 no.
House Type E	3 bed semi-detached two-storey	104 sq. m.	78 sq. m.	31 no.
House Type F	3-bed semi-detached two storey (dual fronted)	106 sq. m.	92-164 sq. m.	3 no.
House Type G	3-bed semi-detached two storey	126 sq. m.	95 - 112 sq. m.	8 no.
Apartment Block A	1, 2 and 3 bed apartment units	56.2 sq. m. – 109.6 sq. m.	Dedicated balcony/terrace	8 no. (3 x 1-bed, 4 x 2-bed & 1 x 3bed)
Block B	1, 2 and 3 bed apartment units	56.2 sq. m. – 109.6 sq. m.	Dedicated balcony/terrace	10 no. (5 x 1 ned, 4 x 2-bed & 1 x 3-bed)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on the 26th August 2024 for the following reasons:

“1. In the absence of a proposal to upgrade the R108 to facilitate the proposed access, in its current format, the proposed development is considered a traffic hazard. The proposed development would therefore endanger public safety by reason of serious traffic hazard. In addition, the Applicant has failed to provide details of EV parking provision, to provide a road safety audit, has not demonstrated

the necessary sightlines and compliance with DMURS and has not proposed any improvement to the substandard connectivity. The proposed development is therefore contrary to the requirements of Objective DMSO118 and Objective DMSO115 of the Fingal Development Plan 2023-2029 and would not be consistent with the proper planning and sustainable development of the area.

2. The Applicant have failed to provide a Design Statement therefore, the Planning Authority cannot fully assess that that the proposed development addresses the contextual and design issues of the proposed scheme. A Design Statement is a requirement of the Fingal Development Plan 2023-2029 under Objective DMSO5.

3. The proposed development, if permitted, would provide for an inadequate layout for future residents with regards to connectivity, public realm, bicycle location, usability of the public open space and adequate interface between proposed dwellings and apartment blocks resulting in overlooking, overbearing and overshadowing, which would materially contravene the provisions of the Fingal Development Plan 2023-2029, Policy SPQHP35 and Objective DMSO4 and would be contrary to the 'RS' residential zoning of the subject site which aims to 'Provide for residential development and protect and improve residential amenity'. The proposed development in this form, does not sufficiently provide for high quality residential and visual amenity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development would be contrary to Ministerial guidelines issued to Planning Authorities under Section 28 as it fails to accord with the requirements of the Childcare Facilities Guidelines for Planning Authorities, 2001 by reason of an inadequate level of childcare facility. The development, if permitted, would undermine the necessary provision of social and physical infrastructure within the Knocksedan area. The proposed development would for that reason be inconsistent with the proper planning and sustainable development of the area.

5. The Applicant have failed to provide a Screening for Appropriate Assessment Report, therefore, the Planning Authority cannot safely conclude that that the proposed development, either alone, or in combination with other projects would not have any direct or indirect significant effects on any European sites. Screening for

Appropriate Assessment is a requirement of the Fingal Development Plan 2023-2029 under Objective DMSO1.

NOTE: Having regard to the lack of adequate information submitted and lack of provision for connectivity, childcare provision, EV parking provision, bicycle parking provision, tree protection and open space, public lighting, conservation, nature conservation and screening for Appropriate Assessment, the Applicant have therefore failed to demonstrate compliance with the provisions of the Fingal Development Plan 2023-2029 and the proposed development could therefore be prejudicial to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. A planning Report dated 22nd August 2024 has been provided.

3.2.2. The original planning report concluded that “*insufficient information has been submitted with regard to layout and design, connectivity, childcare provision, community facilities, bicycle parking provision, EV parking provision, tree protection and open space, public lighting, conservation, nature conservation and screening for Appropriate Assessment. In addition, the Transportation Planning Section consider the proposed access, in its current format, a traffic hazard. The Planning Authority would request the applicant to engage in pre-planning discussions ahead of any future planning application on the subject site*”, and as such permission was refused for five reasons as noted in Section 3.1.1 above.

3.2.3. Other Technical Reports:

- Transportation Planning Section – Recommending a refusal.
- Water Services - No objection subject to conditions.
- Parks and Landscaping Division - Additional Information requested.
- Public Lighting - Additional Information requested.
- Housing Department - No objection.
- Environmental Department - No objection subject to conditions.
- Air and Noise - No objection subject to conditions.
- Ecology Officer - Additional Information Requested.

- Community Archaeologist - No objection.
- Conservation Officer - Additional Information requested.

3.3. Prescribed Bodies

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Uisce Éireann - No objection subject to conditions.
- Irish Aviation Authority (IAA) - No objection subject to conditions.
- Dublin Airport Authority (DAA) - No objection; recommend consultation with IAA and AirNav Ireland.
- Transport Infrastructure Ireland (TII) - No objection.
- National Transport Authority (NTA) - No report received at the time of writing.
- Local Principal PEHO - No report received at the time of writing.
- Area Chief EHO - No report received at the time of writing.

3.4. Third Party Observations

3.4.1. Sixty-five (65 no.) third party submissions were received within the statutory timeframe, which raised the following issues:

Connectivity

- Whilst the site is considered serviceable it lacks infrastructure such to access to public transit, walking and cycling and good connectivity into Swords.

Transportation

- Safety concerns at the proposed entrance.
- Insufficient traffic impact assessment to facilitate safe access from proposed entrance.
- Lack of assessment of additional noise and pollution arising from traffic impact.

Car Parking

- Concerns over density relating to the proposed apartments and inadequate car parking provision associated with the apartments.
- Issues of car parking provision in general which would result in overspill on streets, creating safety concerns.

Pattern of Development

- Concerns over density and unit mix.
- The proposed apartments are not in keeping with the established development at Knocksedan.

Community Support

- Absence of childcare provision.
- Lack of playground provision and overall lack of community facilities such as shops and cafes.
- Lack of amenity to support additional housing.

Residential Amenity

- Issues with separation distances.
- Concerns over residential amenity from residents leaving near the proposed development.
- Boundary details are lacking.

Ecology

- Outdated environmental impact assessment which gives rise to environmental concerns.

Tree Protection

- Further details on tree protection should be included.

Water Services

- Concerns over strain on existing water and sewage capacity.
- Requirement for a flood risk assessment to be carried out.

Heritage

- Lack of assessment relating to the impact of the proposed development on a Brackenstown House, a Protected Structure.
- Confusing proposal for naming of roads.

Materials

- The proposed apartments should comprise materials that bring better cohesion to the existing and proposed developments at Knocksedan.

Part V

- Absence of Part V Validation Letter to confirm Part V allocation.

4.0 Planning History

4.1. Subject site:

- Reg. Ref. F22A/0571: Permission granted by Fingal County Council on 10th August 2023 for alterations to previously approved Reg. Ref. F06A/0347 (as extended under Reg. Refs. F06A/0347/E1, F06A/0347/E2 and F06A/0347/E3). The development will consist of; (i) change of House Types at "Belvedere Walk" to provide 8 no. semi-detached, three-bedroom two-storey houses and 1 no detached three-bedroom, two-storey; (ii) change of House Types at "Belvedere View" to provide 12 no. semi-detached, four-bedroom, two-storey and 6 no. 2 bed semi-detached, two-bedroom, two-storey houses; (iii) change of House Types at "Belvedere Way" to provide 10 no. three-bed, semi-detached, two-storey dwellings); and (iv) all associated landscaping and ancillary site works necessary to facilitate the development. The proposed development will result in an increase of 9 no. units from the previously permitted 28 no. units originally permitted within this application areas under parent permission Reg. Ref. F06A/0347 (as extended under Reg. Refs. F06A/0347/E1, F06A/0347/E2 and F06A/0347/E3) to 37 no. units.
- Reg. Ref. F22A/0330: Permission granted by Fingal County Council on 27th September 2022 for retention of revised house types at "sites 18 & 19 Belvedere Avenue" which provides for an amended house type on a reduced floor area. The dual aspect type house on site 18 has been omitted.

- Reg. Ref. F20A/0309: Permission granted by Fingal County Council on 5th February 2021 for alterations to previously approved Reg. Ref. F06A/0347 (as extended under Reg. Refs F06A/0347/E1 and F06A/0347/E2. The development will consist of: (i) change of house types at 'Belvedere Green' to provide 14 no. semi-detached three-bedroom houses with photovoltaic panels on roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space) and 1 no. detached three-bedroom house with photovoltaic panels on front roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space). (ii) change of house types at 'Belvedere Avenue' and 'Belvedere Way' to provide 18 no. semi-detached four-bedroom houses with photovoltaic panels on front roof slopes (with additional option for rooflights and en-suite bedroom with the attic level roof space) and 3 no. detached four-bedroom house with photovoltaic panels on front roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space); and (iii) all associated landscaping and ancillary site works necessary to facilitate the development. The proposed development will result in an increase of 6 no. units from the previously permitted 30 no. units originally permitted within the application area under parent Reg. Ref. F06A/0347 (as extended under Reg. Refs. F06A/0347/E1 and F06A/0347/E2) to 36 no. units.
- Reg. Ref. F20A/0309/E1: Further Extension of Duration of Permission Granted up to and including 30th June 2023.
- An Bord Pleanála Ref: PL06F.222963/F06A/0347: Permission granted by Fingal County Council and decision to grant upheld by An Bord Pleanála for residential development on lands at the Naul Road, Brackenstown, Swords, (bounded by Knocksedan Housing Estate to the north and the driveway to Brackenstown House which is a protected structure, to the south) & parkland adjacent to the River Ward and Knocksedan Wood. The development concluded the provision of open space 3.899 Ha (Class 1) parkland within the Linear Park adjacent to the River Ward and Knocksedan Wood). Environmental Impact Statement (E.I.S.) submitted. 191 houses and 1 No. two storey 217 sqm childcare facility Option Type F house, landscaping, siteworks, children's play area, ESB substation, entrance feature with signage

to Naul Road, demolition of existing and construction of new boundary treatments and the felling of trees (a number of which are included in the Brackenstown/Brazil Swords Tree Preservation Order).

- Reg. Ref. F06A/0347/E3 - Further Extension of Duration Granted up to and including 30th June 2023.
- Reg. Ref. F06A/0347/E2 - Further Extension of Duration Granted up to and including 31st December 2021.
- Reg. Ref. F06A/0347/E1 - Extension of Duration of Permission Granted up to and including 22nd July 2017.

5.0 Policy Context

5.1. Fingal Development Plan 2023 – 2029

- 5.1.1. The subject site is zoned 'RS' Residential, with a stated objective "to provide for residential development and protect and improve residential amenity".

With a vision to "Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity".

- The application site is located within Noise Zone D associated with Dublin Airport.

- 5.1.2. The following are of particular relevance:

Chapter 3 – Sustainable Placemaking and Quality Homes.

- Policy SPQHP35 - Quality of Residential Development "Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual - A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban

Development and Building Heights Guidelines (December, 2018).

Developments should be consistent with standards outlined in Chapter 14 Development Management Standards”.

Chapter 5 - Climate Change

- Policy CAP11 - Climate Adaptation Actions in the Built Environment
- Policy CAP12 - Climate Action Energy Statements

Chapter 14 - Development Management Standards

- Objective DMSO1 - Screening for Appropriate Assessment
- Objective DMSO2 - Screening for Environmental Impact Assessment
- Objective DMSO5 - Design Statement
- Section 14.6 Design Criteria for Residential Development in Fingal
- 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 DMSO26 - Separation Distance between Side Walls of Units
- Section 14.8.3 Private Open Space
- Objective DMSO27 - Minimum Private Open Space Provision
- Objective DMSO239 - Refuse Storage Areas
- Objective DAO11 - Requirement for Noise Insulation

“Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing

needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone”.

5.2. National Planning Framework

- 5.2.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country. An important element of the growth strategy, intrinsic to the NPF, is securing compact and sustainable growth as it offers the best prospects for unlocking regional potential. The preferred approach for compact development is one which focuses on reusing previously developed ‘brownfield’ lands and development of infill sites and buildings. To this end the NPF requires at least 30% delivery of all new homes in settlements (outside of the 5 cities) to be within the existing built up footprint (NPO 3(c)).

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

- 5.3.1. The RSES sets out the strategic framework for the economic and spatial development of the Eastern and Midland Region up to 2031. The primary objective of the RSES is to support more sustainable settlement patterns that focus on compact growth, makes the most efficient use of land and infrastructure, and takes an integrated approach to development that provides employment opportunities and improvements to services alongside population and residential growth.

5.4. Ministerial Guidelines

- 5.4.1. Section 28 Guidance
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024, DoEHLG).
 - Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage, July 2023).

- Guidelines for Planning Authorities on Urban Development and Building Heights (2018).
- Urban Design Manual - a Best Practice Guide (2009, DoEHLG).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).

5.4.2. Other Relevant Guidance

- Design Manual for Urban Roads and Streets (2013, DoTTS).

5.5. Natural Heritage Designations

5.5.1. The subject site is not located within a designated European Site. However, the nearest designated sites at a distance of approximately 4 km are:

- Malahide Estuary SAC (site code: 0205).
- Malahide Estuary SPA (site code: 4025).
- North-West Irish Sea SPA (site code: 4236).

5.6. EIA Screening

5.6.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received by the applicant's agent against the decision of Fingal County Council to refuse permission under Reg. Ref. F24A/0612E. The appeal includes the following revised plans and reports, in response to the Planning Authority's reason for refusal, for consideration of the Board:

- Drawing No. 300 – Proposed Road Layout and Longitudinal Section.

- Drawing No. 301 – Proposed Cross Sections Sheet 1 of 2
- Drawing No. 302 – Proposed Cross Sections Sheet 2 of 2
- Drawing No. 500 – Proposed Signage and Road Markings Layout Sheet 1 of 2
- Drawing No. 501 – Proposed Signage and Road Markings Layout Sheet 2 of 2.
- Drawing No. 502 – Proposed sightlines layout.
- Drawing No. 503 – Proposed Roads layout.
- Block A Elevations/Sections
- Block A Floor Plans
- Block A Sun Study
- Block B Elevations/Sections
- Block B Floor Plans
- Block B Sun Study
- ME-003 Contiguous Elevation
- ME-002 Contiguous Elevation and Site Layout Plan
- Screening Report for Appropriate Assessment
- Stage 1 Road Safety Audit
- Stage 2 Road Safety Audit
- Architectural Design Statement

6.1.2. The revised plans include the following amendments/additional information:

- The omission of 4 no. apartment units at ground floor level of apartment Block B, reducing the overall number of residential units proposed to 59 no. two storey houses and 14 no. apartments (73 no.).
- The provision of a creche facility in lieu of the apartment units at ground floor level in proposed apartment Block B.

6.1.3. The appeal includes a detailed report on the local authority decision and can be summarised as follows:

- The planning authority have refused permission based on design elements which could have been directly addressed by way of further information.
- The decision of the planning authority is highly unreasonable given the detailed planning history of the subject site with the current proposal effectively representing the final phase of residential development which has been planned.
- In response to reason for refusal 1 the appellant states:
 - In response the appellant states that the proposed access via the R108 is identical to the access previously granted under Reg. Ref. F06A/0347.
 - It entirely disingenuous for the access to be the primary reason for refusal based on the extensive planning history of the site.
 - The subject access is currently under construction and references Section 40 of the Planning and Development Act, 2000, as amended.
 - The appellant states that the planners report fails to provide and substantive details as to what is required by the applicant in relation to 'substantial connectivity'.
 - The appellant also noted that all road infrastructure to the north and south of the site is not served by footpaths and cycle paths and to provide same along the boundary of the site would have no bearing on the connectivity of the site to Swords.
 - The appellant has submitted a Stage 1 and Stage 2 Road Safety Audit (RSA) for the proposed development.
 - The appellant has clarified that they would be willing to accept a condition in relation to EV charging points.
- In response to reason for refusal 2 the appellant states:
 - An Bord Pleanála are requested to have due regard for the architectural design statement, the details of which confirmed compliance with objective DMSO5 of the Development Plan.

- Additional architectural drawings have been prepared by having regard to the planners' report.
- In response to reason for refusal 3 the appellant states:
 - The appellant considers the depth of the linear parks to be sufficient for this space to be considered useable.
 - If deemed unacceptable the appellant would welcome a condition requiring a contribution in lieu of the provision of open space.
 - The appellant notes that in relation to overshadowing that the proposed blocks rise to a maximum height of three storey and have setbacks at second floor level. Given their design, orientation, and separation distance that this would limit any overshadowing.
 - A shadow survey accompanies the appeal submission.
 - The appellant states that the floor plans of the apartment blocks have been generally revised as part of the appeal submission to reduce instances of overlooking upon review of the planner's report.
 - The appellant has highlighted 2 no. specific instances where overlooking occurs and would welcome any condition that the Board may wish to include in respect to overlooking.
- In response to reason for refusal 4 the appellant states:
 - The revised drawings illustrate the revision of the ground floor level apartment Block B to provide a creche in place of 4 no. apartment units.
 - The appellant notes that the revisions to Block B render the proposal as being sub 75 no. units and effectively rendering the provision of a childcare facility unnecessary.
- In response to reason for refusal 5 the appellant states:
 - It was respectfully submitted given the extensive planning history and the extent of development already constructed and underway within the immediate vicinity of the site that it was not necessary to provide the subject documentation as part of the planning application.

- A Screening Report for Appropriate Assessment has been submitted and the appellant refers to the conclusion, which states that the subject proposal alone or in combination with other projects, will have no directly or indirectly significant effects on any European Sites.
- The appellant states that the proposal is an efficient use of serviced land.
- The appellant references how the proposed is compliant with Section 3.2 'Development Management Criteria' of the guidelines.

6.2. Planning Authority Response

6.2.1. Report received 24th September 2024, reaffirming the 5 reasons for refusal. The Planning Authority requests that An Bord Pleanála upholds the decision of the Planning Authority to refuse permission.

6.2.2. In the event that this appeal is successful, provision should be made in the determination for applying the following:

- A financial contribution and/or provision for any shortfall in open space and/or any Special Contribution required in accordance with Fingal County Council's Section 48 Development Contribution Scheme.
- The inclusion of a bond/cash security for residential development of 2 or more units.
- Conditions should also be included where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.

6.3. Observations

6.3.1. Three observations were received from Knocksedan Demesne Management Company, Kyle Nishimura-Whelan and John and Catherine Delaney, the issues raised with the observations are summarised as follows:

- Access and Transportation.
- The proposed development is not in keeping with the overall estate design or established area.

- Public realm – the location of the apartment blocks, designated parking for the apartments and the creche puts considerable risk to residents using the entrance.
- The addition of bicycle spots is not in keeping with the consideration of residents due to connection issue as the adjoining R108 and L2030 are unsuitable for cycle lanes.
- Public space.
- Childcare facilities are welcomed – applicant should relocate creche further into the estate and away from the public road.
- Foul Network – existing amenities are currently at capacity.
- New residents forced onto the national broadband scheme and will not be connected to existing infrastructure.
- Flood Risk Assessment – a full stage 3 SFA should be carried out on the existing and proposed development.
- An updated Environmental Impact Assessment should be carried out.
- Drainage – the density and design of the plans do not support the SUDS regulations and the use of a singular run-off risks flooding along the main route.
- Amenities should be included – playground, local shop/café, etc.
- Second entrance to the development not fit for purpose as presently set out.
- Permission should be refused for the apartments.

6.4. Further Responses

None received.

7.0 Assessment

- 7.1. As part of the grounds of appeal, the appellant submitted the following revised plans, and documents in response to the Planning Authority's reasons for refusal of

planning permission and the commentary of the Infrastructure Section, for the consideration of the Board:

- Drawing No. 300 – Proposed Road Layout and Longitudinal Section.
- Drawing No. 301 – Proposed Cross Sections Sheet 1 of 2
- Drawing No. 302 – Proposed Cross Sections Sheet 2 of 2
- Drawing No. 500 – Proposed Signage and Road Markings Layout Sheet 1 of 2
- Drawing No. 501 – Proposed Signage and Road Markings Layout Sheet 2 of 2.
- Drawing No. 502 – Proposed sightlines layout.
- Drawing No. 503 – Proposed Roads layout.
- Block A Elevations/Sections
- Block A Floor Plans
- Block A Sun Study
- Block B Elevations/Sections
- Block B Floor Plans
- Block B Sun Study
- ME-003 Contiguous Elevation
- ME-002 Contiguous Elevation and Site Layout Plan
- Screening Report for Appropriate Assessment
- Stage 1 Road Safety Audit
- Stage 2 Road Safety Audit
- Architectural Design Statement

7.2. The appellant has requested that the revised plans be read in conjunction with the original reports submitted with the planning application. It is noted that the revised plans submitted with the appeal introduce no new elements or issues which may be of concern to third parties in the context of the proposed development, they result in

a reduction in the overall number of residential units proposed and includes a creche facility. Accordingly, this assessment is based on the plans and information received by Fingal County Council on 8th July 2024, and the further plans and particulars received by the An Bord Pleanála on 23rd September 2024.

7.3. The Board may wish to consider the alternative proposal submitted to An Bord Pleanála on 23rd September 2024, and/or possibly could consider the alternative proposal by way of a condition.

7.4. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- I. Principle of Development and Density
- II. Traffic Hazard, EV Parking and Road Safety Audit – Reason for Refusal 1
- III. Design Statement – Reason for Refusal 2
- IV. Proposed Layout, Connectivity, Public Realm, Public Open Space and Residential Amenity – Reason for Refusal 3
- V. Childcare - Reason for Refusal 4 -
- VI. Appropriate Assessment – Reason for Refusal 5, and
- VII. Other Matters.

7.5. Principle of Development and Density

7.5.1. Permission was sought for 77 no. residential units in the form of houses (59 no. dwellings) and 2 no. apartment blocks (18 no. apartments), as part of the original proposal. The proposed development is located on lands to the south of the existing residential development, previously permitted under F06A/0347, as extended and amended by way of the planning history referenced in Section 4 above. Having reviewed the overall development proposed and permitted under F06A/0347, this previously included the lands subject to the instant planning application and as such the principle of residential development was accepted on the overall landholding under the parent permission at this site.

7.5.2. Notwithstanding, the site is zoned 'RS' 'residential in the Fingal Development Plan, 2023 - 2029 – with an objective to provide for residential development, whilst

protecting and improving residential amenity. Accordingly, I note that residential development is permitted in principle under the zoning objective, and therefore the principle of development is acceptable on this site.

Density

- 7.5.3. Concerns have been raised in the observation on the appeal in relation to the proposed density, in particular the proposed apartment blocks, which are considered excessive in the context of the site.
- 7.5.4. The appeal site is located along the Naul Road on the periphery of Swords and is defined as a key town in the Fingal Development Plan. Furthermore, the Development Plan states that addition growth has been allocated to Swords key town in accordance with NPO68 of the NPF and the MASP. *“Accordingly, 20% of the Projected Housing Demand (3,285) have been allocated to Swords... 51% of the allocated growth within the Metropolitan Areas is within Dublin City and Suburbs and 22% within the Key Town of Swords”.*
- 7.5.5. I also note that the Sustainable and Compact Settlements | Guidelines for Planning Authorities, (2024), states in relation to areas and density ranges that *“Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8)”.*
- 7.5.6. The proposed development would result in a density of c. 24 dwelling units per hectare and noting the residential zoning objective and the location of the appeal site, which is an extension of the existing residential scheme located to the north of the site, I consider that the density as proposed within this application boundary to be acceptable for this peripherally located site. This proposed development also supports a higher density in this location to ensure the efficient use of land and promotes compact consolidated development, which accords with the NPF, the MASP and Development Plan objectives.

Revised Proposal

- 7.5.7. To address the concerns raised in the reason for refusal, the applicant submitted revised plans with their appeal for consideration of the Board in the event that they do not consider the application as originally lodged appropriate. The revised plans and documents as submitted as part of the appeal (as noted above) have revised the proposed layout of Block B and has reduced the number of apartment units at ground floor level by 4 no. resulting in an overall provision of 73 no. residential units. The applicant is now proposing a creche facility in lieu of the previously proposed apartments at ground floor level within Block B.
- 7.5.8. The revised proposal has resulted in a reduction in the overall density to c. 23 dwelling units per hectare. However, the provision of a creche facility is a welcome addition.

Conclusion

- 7.5.9. Accordingly, I am satisfied that the principle and density of residential development proposed at this site by way of the original application and that revised and reduced by way of the appeal, would be acceptable and in accordance with National and Development Plan objectives, subject to the layout of the scheme, open space, drainage, transport, and other relevant planning considerations which will be assessed in the following assessment.

7.6. Traffic Hazard, EV Parking and Road Safety Audit – Reason for Refusal 1

- 7.6.1. The first reason for refusal relates to a traffic hazard in the absence of a proposal to upgrade the R108 to facilitate the proposed development. It was considered that the applicant failed to provide details of EV parking provision, a road safety audit and has not demonstrated the necessary sightlines or any improvement to the substandard connectivity and references Development Plan objective DMSO115, *“Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all County/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards”*, and objective DMSO118, *“Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards”*.

- 7.6.2. Several observers also expressed concerns in relation to the access, transport and proposed bicycle parking spaces given the lack of connectivity to the adjoining R108 and L2030, which are unsuitable for cycle lanes.

Access:

- 7.6.3. In response the appellant states that the proposed access via the R108 is identical to the access previously granted under Reg. Ref. F06A/0347, and as such queries as to how the access was previously considered appropriate and is now labelled a traffic hazard. The appellant also considers it entirely disingenuous for the access to be the primary reason for refusal based on the extensive planning history of the site. The appellant also notes that the subject access is currently under construction and while the permission has expired (notwithstanding the extension of duration of permissions granted) construction on the subject access can continue pursuant to Section 40 of the Planning and Development Act, 2000, as amended.

- 7.6.4. The appeal submission also includes Road Safety Audit Stage 1 and Road Safety Audit Stage 2 and the following revised maps and drawings:

- Drawing No. 300 – Proposed Road Layout and Longitudinal Section.
- Drawing No. 301 – Proposed Cross Sections Sheet 1 of 2
- Drawing No. 302 – Proposed Cross Sections Sheet 2 of 2
- Drawing No. 500 – Proposed Signage and Road Markings Layout Sheet 1 of 2
- Drawing No. 501 – Proposed Signage and Road Markings Layout Sheet 2 of 2.
- Drawing No. 502 – Proposed sightlines layout.
- Drawing No. 503 – Proposed Roads layout.

- 7.6.5. In relation to the proposed access to the R108, I reference the permission granted under Reg Ref. F06A/0347, which included for the provision of 189 houses (the overall no. of dwellings was reduced at F.I. stage) on the overall landholding including the provision of a vehicular entrance at this location onto the R108. While I note that the entrance as proposed was not constructed under this permission, the principle of an entrance at this location was accepted by the Planning Authority,

subject to conditions. This was, however, not referenced as part of the planner's assessment under this instant application.

7.6.6. At time of site inspection, I noted that some site clearance and site preparation works had commenced in relation to the entrance previously permitted, however substantial works had not commenced. I also noted that condition of the existing road infrastructure along the R108, and the lack of any existing footpaths or cycle lanes along this stretch of road. There is, however, a partial footpath at the entrance to the adjoining residential development along the front boundary of that site, to the northwest of the appeal site. While I note that there are no specific objectives in respect to any upgrading works to the R108 within the Fingal Development Plan, having regard to the condition of the existing R108, I do consider that the applicant should be requested to carry out some upgrading works to the R108, however this would be required within the vicinity of the appeal site, i.e. their ownership along the roadside boundary.

7.6.7. The proposed entrance to the development is splayed with a footpath proposed along the roadside boundary of the appeal site within the applicant's ownership. I also reference the proposed sightlines drawing, which indicates that adequate sightlines of 2.4m x 218m and 2.4m x 94m are proposed in each direction from the proposed entry/exit to the R108.

7.6.8. Notwithstanding I consider that condition 5(a) of Reg. Ref. F06A/0347 to be of relevance, which states:

"Full technical details of the improvement/realignment works to the R108 Naul Road in the vicinity of the site shall be agreed with the Transportation Department prior to commencement of the development. No dwelling unit shall be occupied until the works to the R108 have been fully implemented and are operational to the satisfaction of the Road Authority".

7.6.9. Therefore, I am satisfied that the entrance as proposed, and as clarified by the appeal, which was previously permitted, to be acceptable in this instance. I also recommend, given the planning history and the condition of the existing R108 that the applicant should be requested to agree improvement/realignment works to the R108 within the roadside boundary of the appeal site to the satisfaction of the

planning authority prior to the commencement of development on site to improve traffic safety at this location. I recommend the inclusion of a condition in this regard.

- 7.6.10. In relation to the reference to “substantial connectivity”, the appellant states that the planners report fails to provide and substantive details as to what is required by the applicant in this regard. The appellant also noted that all road infrastructure to the north and south of the site is not served by footpaths and cycle paths and to provide same along the boundary of the site would have no bearing on the connectivity of the site to Swords and the applicant cannot contribute in any meaningful way in relation to linking to or improving connectivity of the site to Swords.
- 7.6.11. Following my site inspection, I concur with the argument put forward by the appellant in relation to the subject site and the potential to provide any improvement to the substandard connectivity given the existing infrastructure. I do consider that the improvement works to the R108 and the proposed pedestrian footpath along the site boundary is a welcome addition and will add to any future road improvements that the Council may consider appropriate along the extent of the R108. In relation to the appeal site, there is connectivity within the site, linking to the existing footpaths and roads within the adjoining residential development to the northwest in particular. Any future connections towards Swords are outside the remit of the applicant as part of this appeal.

Parking

- 7.6.12. Each dwelling house is served by 2 no. in curtilage parking spaces. This was considered acceptable by the Transportation Planning Section. I concur that the proposed parking provision to serve the dwellings is acceptable.
- 7.6.13. In relation to the proposed apartments, it was considered by the Transportation Planning Section that an insufficient quantum of parking had been allocated to the apartment blocks. I note that Table 14.19: Car parking standards of the Development Plan requires residential units (1-2 bed) to provide 1 space + 1 visitor space per 5 units, and residential units (3-3+ bed) to provide 2 space + 1 visitor space. The original permission proposed 18 no. spaces to serve the apartment block, however, it was noted that 24 no. parking spaces were required given the location of the development in Zone 2, with pertains to car parking standards in all other areas.

Accordingly, there was a shortfall of 6 no. parking spaces under the original proposal.

- 7.6.14. Under the revised proposal submitted by way of appeal the overall number of apartments has reduced to 14 no. units which would require the following parking requirements:

Apartment Unit Type	Proposed parking	Table 14.19: Car Parking Standards – Fingal Development Plan
Block A – 8 no. units 3 x 1-bed 4 x 2-bed 1 x 3-bed	8 no. car parking spaces	10 no. car parking space (including 1 visitor space)
Block B – 6 no. units 3 x 1-bed 2 x 2-bed 1 x 3-bed	6 no. space car parking spaces	8 no. car parking space (including 1 visitor space)

- 7.6.15. As per the above table, the proposed development presented by way of the appeal, results in a shortfall of 4 no. spaces to serve the proposed apartment units, two of the required spaces are for visitor parking requirements. 3 no. parking spaces are dedicated to serve the proposed ground floor creche facility in Block B. As part of the appeal the proposed bicycle parking has been revised to provide additional bicycle parking spaces to the southwest elevation of apartment Block B.

- 7.6.16. The overall development is served by public transport in the form of Dublin Bus #7654 with the bus stop located near the existing entrance to Knocksedan Drive residential development, to the northwest of the proposed development and the apartment blocks. This bus route is served by the 41X and the 196 routes. The proposed development will connect into the adjoining site with both road and pedestrian connections available.

7.6.17. As public transport is available in the area, it is considered acceptable that the number of car parking spaces to serve the apartments be reduced. The development provides a good opportunity to encourage a modal shift away from car use, and still provide for car parking spaces for those who need them, rather than providing for car parking for those who may need them or generally do not have a need. The site is within walking distance of an available bus route, which serves a range of locations, such as Swords, Saint Margarets and UCD. In addition, and notwithstanding the lack of cycle lanes along the adjoining R108 and L2030, as raised in the observations, bicycle parking is a requirement under the Development Plan, with bicycle parking spaces proposed to serve the apartment blocks, as per the revised plans submitted as part of the appeal, which will meet the transport needs for many residents on a day-by-day basis. In this regard, I am satisfied with the proposed parking arrangement to serve the proposed development.

7.6.18. I acknowledge that the use of the site will intensity as a result of the proposed development, in terms of traffic movements, etc. The appellant has submitted a Stage 1 and Stage 2 Road Safety Audit (RSA) for the proposed development. The Audit examines the road safety implications associated with the proposed access and the effects of the associated road layout changes and how the proposal provides for the safety of road users and the integration of the proposal with the existing road network. Section 4 of the report includes various issues raised on foot of the Audit, such as the road geometry, pedestrians/cyclists, signage and link making, public lighting and construction/operation/maintenance. The report provides recommendations to address the issues identified. In this regard I consider it appropriate to include a condition requiring that the recommendations of the RSA are addressed and implemented.

7.6.19. In relation to EV charging, the appellant has clarified that they would be willing to accept a condition in relation to EV charging points in line with Development Plan requirements, I recommend the inclusion of a condition in this regard.

Conclusion

7.6.20. Therefore, I am satisfied that the entrance as proposed and permitted, subject to conditions in relation to the treatment to the R108 and the requirements of the Road Safety Audit in particular would be acceptable and would not result in a traffic

hazard. I also consider that the internal road and footpath layout and parking provision to be acceptable for the proposed development. Accordingly, the applicant has addressed reason for refusal no. 1.

7.7. Design Statement – Reason for Refusal 2

- 7.7.1. The second reason for refusal relates to the lack of a Design Statement and states that the planning authority cannot fully address the development in terms of the contextual and design issues. Concerns have also been expressed within the planner's assessment in relation to the frontage along and interface with the R108.
- 7.7.2. The observations also consider that the proposed development is not in keeping with the overall estate design and that the apartment blocks should be refused.
- 7.7.3. In response the appellant has submitted an Architectural Design Statement and has also submitted a proposed contiguous drawing to the R108 (drawing no: ME-002), contiguous elevations (drawing no: ME-003), elevations and sections of Block B and Block B, as part of the appeal. The design statement provides photos of the existing site, 3D visuals of the development and the open space proposals.
- 7.7.4. I consider that the development as proposed provides a good use for this site and will further enhance the existing residential development on the adjoining lands. The proposed apartment blocks create a gateway entrance to the development and a sense of place given the contemporary design and form of the proposed apartment blocks. The submitted contiguous drawings present the scheme as viewed from the R108. I consider that the variation between the houses and apartment blocks, which extend to three storeys to the front, with balconies addressing the Naul Road, creates a strong elevation and interface to the R108. The relationship between the apartment blocks and the R108, will be considered further in Section 7.8.4 below, in relation to the public realm. The proposed apartment blocks will also provide more variety in terms of the mix of residential types available within the scheme.
- 7.7.5. Having regard to the design and form of the adjoining scheme, I am satisfied that the development as proposed in terms of layout, materials and form will not detract from the overall estate design.
- 7.7.6. A landscaping proposal as prepared by a landscape architect is submitted as part of the design statement, which details the proposed landscaping throughout the

scheme. However, for clarity I recommend that these details be agreed by way of compliance condition.

Conclusion:

- 7.7.7. Therefore, I am satisfied that the proposed development will provide a high quality scheme for this site and will successfully integrate into the existing residential development, in terms of design, form and connectivity. I also consider that the development as viewed from the adjoining Naul Road, will not detract from the visual amenity of the streetscape. Accordingly, the applicant has addressed reason for refusal no. 2.

7.8. Layout, Connectivity, Public Realm, Public Open Space and Residential Amenity – Reason for Refusal 3

- 7.8.1. The third reason for refusal relates to the inadequate layout of the scheme in relation to connectivity, public realm, bicycle location, useability of open space, and the relationship between the proposed dwellings and apartment blocks and the impacts of overlooking, overbearing and overshadowing.
- 7.8.2. The observations also express concerns in relation to the public realm specifically the location of the apartment blocks.

Layout, Connectivity, Public Realm

- 7.8.3. The issue of connectivity also appears in the second reason for refusal and is focused on the layout of the scheme and the public realm. In respect to connectivity, the appeal reiterates that the applicant cannot contribute to improving the connectivity of the subject site to Swords, and I concur with this statement as these works would be outside of the remit of the appeal. The submitted design statement indicates the road hierarchy/circulation network and pedestrian connections from the appeal site to linking to the directly adjoining site. The proposed road network also provides adequate space for cyclists. As such, I consider that the development has considered and provided pedestrian and cycle connectivity within the scheme.
- 7.8.4. The planner's report considered that the areas between the apartment blocks and the R108 should be further considered to ensure useable areas for residents and to create a stronger interface with the R108. The appellant considers that the space

between the apartment blocks and the R108 to be appropriately designed. I welcome the addition of the proposed apartment blocks and consider their location at the entrance to the scheme to be acceptable and will create a strong focal point within the scheme. In relation to the space between the apartment blocks and the adjoining the R108, I consider that the proposed linear parks at this location to create a buffer between the proposed development and the public road. Balconies are also proposed to the roadside boundaries of both apartment blocks, and these will front the green space with the R108 beyond. Bicycle parking is also proposed in this location, to the front of Block B with a grass buffer between the bicycle location and the pedestrian footpath. The site plan also indicates some soft landscaping proposed in particular to the front of Block A. In this regard, I consider that the applicant has considered the layout of the scheme and am satisfied that the interface between the apartment blocks and the R108 would not detract from the future residents of these units. However, as noted in Section 7.7.6 above, I recommend the inclusion of a condition in relation to details of the proposed landscaping to the front of the apartment Blocks and request the applicant to provide planting proposal for the site entrance and the treatment of the linear parks along the R108.

- 7.8.5. The overall layout of the dwellings mirror that of the adjoining residential development and will assimilate well into the existing scheme, noting the road and pedestrian connectivity.

Public Open Space

- 7.8.6. In respect to the proposed open space provision, the Parks Department consider that the proposed linear spaces are not considered acceptable as public open space and concerns have been raised in relation to the proposed open space adjacent to both Belvedere Close and Usher Lane to the roadside boundary of the site. The Parks Department also required a table indicating the Class 1 and Class 2 open space to be provided. Concerns have been raised by the observers in relation to the public space.
- 7.8.7. The appellant considers the depth of the linear parks to be sufficient for this space to be considered useable and states that if the Board consider the open space to be acceptable that they would welcome a condition requiring a contribution in lieu of the provision of open space.

- 7.8.8. The proposed site plan drawing includes a table in relation to open space stating that Class 2 – 5,176 sq. m., equating to 16% of site area. The open space comprises an area open space in the form linear park to the front of Belvedere Close with an area of 1,259 sq. m. and a linear park to the front of Usher Lane of 897 sq. m. There is also a larger area of open space to the northern portion of the site adjacent to Usher Walk and Belvedere Avenue with an area stated as 2,930 sq. m. This area forms part of a larger area of open space which extends into the adjoining site, with an area indicated at 2,138 sq. m. There is presently a palisade fence between the two sites which forms the boundary of the open space in the adjoining Usher Park. However, this area will be fully accessible from within the development and is centrally located within the scheme.
- 7.8.9. I note Table 14.12: Recommended Quantitative Standards of the Development Plan and Objective DMSO52 – Public Open Space Provision, that “*Public open space shall be provided in accordance with Table 14.12*”. The Development Plan states that new residential development on greenfield sites/LAP lands should provide 12% - 15% minimum of the site area as open space. As noted above, the appellant states that the proposed development provides for 16% of the site area as open space. This percentage, however, includes the two linear parks to the front of the site, i.e. fronting to the R108. I note the concerns raised in the planners report in relation to the linear parks. However, given the depth, layout and location of the linear park fronting Belvedere Close, which is set back from the R108, I consider that this area could be considered as useable open space to serve the development and would provide a useable area of open space to the front of these dwellings and apartment Block B.
- 7.8.10. However, I share similar concerns to that of the planning authority in relation to the linear park to the front of Usher Lane, given its depth and proximity to the roadside boundary. Therefore, I would query the useable quality of this space as open space to serve the development. This linear park in my opinion would be considered as an ancillary space and not dedicated open space.
- 7.8.11. I also note that both apartment Blocks are served by a communal area of open space to the northeastern elevations.

7.8.12. Notwithstanding the omission of the linear park to the front of Usher Lane (897 sq. m.) as Class 2 Open Space, the remaining Class 2 open space provided in the form of the linear park fronting Belvedere Close (1,259 sq. m.) and the larger area of open space to the northeastern site boundary (2,930 sq. m.) equates to some 13% of the site area. While this is below the required target minimum of 15%, I note that the instant appeal is an extension to an established residential development and noting the additional communal space serving the apartment blocks and the existing open space area adjoining Usher Park. While I am generally satisfied that the proposed open space provision to serve the appeal site to be acceptable, given the shortfall and as noted by the planning authority in their appeal response, I would also recommend the inclusion of a condition in relation to the shortfall in open space provision to serve the proposed development to be agreed with the planning authority prior to the commencement of development on site.

7.8.13. No playground has been provided as part of the proposed development. This has also been raised in the planner's report. However, I recommend a condition to be included for the provision of a playground and for details to be agreed with the Planning Authority prior to the commencement of development on site.

Residential Amenity

7.8.14. The reason for refusal expressed concerns in relation to the interface between the proposed dwellings and the apartment blocks which is considered to result in overlooking, overbearing, and overshadowing and would materially contravene the Development Plan and would be contrary to the residential zoning of the site.

7.8.15. In response the appellant notes that in relation to overshadowing that the proposed blocks rise to a maximum height of three storey and have setbacks at second floor level. Given their design, orientation, and separation distance that this would limit any overshadowing. A shadow survey accompanies the appeal submission.

7.8.16. The proposed apartment blocks are a maximum of three storey with the three-storey element aligning with the building form of the adjoining two storey dwellings. The overall height of the apartment blocks reduces to two-storeys towards the northeast of the site (i.e. rear). The proposed apartments are flat roof in design, with setbacks and breaks in the side elevations which adjoin the directly adjoining dwellings at 1 Belvedere Close and at 12 Usher Lane. In this regard and noting the proposed

layout of the apartment blocks, I am generally satisfied that the proposed development would not impact on the amenity of the future residents, in terms of overbearing or overshadowing.

- 7.8.17. However, I concur with the planners assessment in relation to the potential impact of the proposed Apartment Blocks and the nearest dwellings, in particular the potential for overlooking from the habitable rooms at first and second floor level of the proposed apartment blocks and the rear amenity space associated with proposed dwellings at 1 Belvedere Close and at 12 Usher Lane.
- 7.8.18. The appellant states that the floor plans of the apartment blocks have been generally revised as part of the appeal submission to reduce instances of overlooking upon review of the planner's report, and this is acknowledged. The appellant has highlighted 2 no. specific instances where overlooking occurs i.e., the bedroom and study of Apartment No. 4 Block A and the rear garden of House No. 12 (to the west), and the study and bedroom of Apartment No. 2 Block B and the rear garden of House No. 1 (to the east). The appellant welcomes any condition that the Board may wish to include in respect to overlooking.
- 7.8.19. Having review the revised plans and elevations submitted as part of the appeal specifically Block A Elevations/Sections, Block A Floor Plans, Block B Elevations/Sections and Block B Floor Plans, I also consider that the instances as identified by the appellant would result in undue overlooking to the rear amenity space serving the dwellings to the east and west of the site. As the identified rooms within both apartments (Apartment 4 Block A and Apartment 2 Block B) serve habitable rooms i.e. bedroom and study, I would be reluctant to omit the proposed windows. Additionally, the use of obscure glazing would in my opinion not be suitable for habitable rooms in this instance. In order to prevent overlooking, I recommend the installation of fixed timber louvres to the study and bedroom windows to both apartment blocks A and B, with these screening views to the east and west of the site respectfully to reduce any potential overlooking and reduction in residential amenity for the future occupants of 1 Belvedere Close and at 12 Usher Lane. I recommend the inclusion of a condition in this regard.
- 7.8.20. In relation to the stairwells serving the proposed apartment blocks, given the extent of glazing proposed, I also recommend that these be fitted with obscure glazing to

prevent any undue overlooking to the adjoining rear gardens serving the proposed dwellings to the west and east of the proposed apartment blocks. I recommend the inclusion of a condition in this regard.

Conclusion

- 7.8.21. Therefore, I am satisfied that the proposed development will provide an adequate layout for future residents in relation to connectivity, public realm, and open space provision. I also consider that the revised proposals for the apartment blocks subject to conditions would not detract from future residential amenity in terms of overlooking, overbearing, or overshadowing. Accordingly, the applicant has addressed reason for refusal no. 3.

7.9. Childcare - Reason for Refusal 4

- 7.9.1. The planners report highlights that the planning application did not provide any childcare facility, which is a requirement as per Development Plan Objective CISO28 *“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”*, and as such permission was refused for the lack of childcare facilities.
- 7.9.2. As part of the appeal response the applicant has submitted revised drawing Block B, floor plans June 2024, which indicates the revision of the ground floor level of Apartment Block B to provide a 257 sq. m. creche facility in lieu of the previously proposed 4 no. apartments. The proposed creche facility has been designed to cater for 66 no. children and five group rooms/classrooms. The proposed creche will be served by an enclosed external amenity space to the rear/east of the proposed apartment block with an area of 177.5 sq. m. There will also be a communal area of open space to the north-northeast of the creche building with an area of 66.6sq. m. and external terraces serving several classrooms.
- 7.9.3. In terms of parking, I note Table 14.19: Car Parking Standards of the Development Plan, which requires 0.5 spaces per classroom for a pre-school facility/creche. The creche will be served by 3 no car parking spaces and 2 no. set down parking spaces.

Accordingly, the proposed parking for the creche facility accords with the Development Plan requirements. The appellant also notes that 30 no. bicycle parking spaces are indicated to be at a proximate distance to the creche facility.

- 7.10. As part of the appeal response the applicant states that the resultant reduction in the apartment units, reduce the overall housing number to sub 75 no. units (and effectively renders the provision of a childcare facility unnecessary.
- 7.11. Notwithstanding the reduction in the overall residential units, as a result of the omission of the ground floor apartment units in Block B to accommodate the proposed creche, having regard to the overall development on the overall site, I consider that the provision of a creche facility in this instance to be warranted and I welcome the revision of the proposed Block B, to provide for a creche facility to serve the residential development.
- 7.11.1. The observers welcome the inclusion of the creche as part of the proposed, however, concerns are also express concerns in relation to the location of the creche and the public road. In terms of location, I note that the proposed creche facility is located within the apartment Block B along Belvedere Avenue to the front entrance of the development. The proposed apartment block is set back from the public road by some 7.5 metres with the creche entrance to the southwestern elevation, that addresses the area of open space. The proposed building is also some 27 metres from the main entrance off the R108. Having regard to the overall layout of the scheme, I consider that the proposed location for the creche to be acceptable.

Conclusion

- 7.11.2. Therefore, I am satisfied with the size, parking, layout, and location of the proposed crèche facility to serve the proposed residential development. Accordingly, the applicant has addressed reason for refusal no. 4.

7.12. Appropriate Assessment – Reason for Refusal 5

- 7.12.1. As part of the planners assessment, it was noted that the applicant had not provided a screening for Appropriate Assessment as part of the application and as such permission was refused as the planning authority could not safely concluded that the proposed development alone or in combination with other projects would not have a direct or indirect impact on European Sites and would not be in accordance with

Development Plan Objective DMSO1 “*Ensure that all plans and projects in the County which could, either individually or in combination with other plans and projects, have a significant effect on a European site or sites are subject to Screening for Appropriate Assessment*”, as per reason for refusal 5.

7.12.2. As part of the first party appeal the applicant submitted a Stage 1 screening report for Appropriate Assessment (September 2024 prepared by OPENFIELD Ecological Services).

7.12.3. Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed Strategic housing/large scale housing development in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended. No Screening report for Appropriate Assessment was submitted with the planning application, however one accompanies the first party appeal.

7.12.4. Description of the proposed development

The proposed development is for Construction of a residential development consisting of 59 houses, 18 apartments, a creche facility and all associated site works on a 3.186 ha site. The site forms part of an overall residential scheme currently under construction on site and relates to Phase 2 of the scheme.

As such the site has been cleared, with some ground clearance works remaining to be carried out. The proposed development will be connected to a public water, surface water and foul sewer network.

The application site was surveyed by ecologists with habitat, and mammal surveys undertaken at the appropriate time of year and in accordance with standard methodologies. No invasive plant species were recorded on the site.

The application site itself is characterised by former agricultural land, of dry meadows due to lack of management over recent years. No water courses were recorded on the site and there are no direct connections. The route of the Knocksedan Stream was investigated and no open water course is present in this location.

7.12.5. European Sites

Three European sites are potentially within a zone of influence of the proposed development (Table 1 below): Malahide Estuary SAC (site code: 0205) and SPA (site code: 4025) and the North West Irish Sea SPA (site code: 4236).

There are no direct or indirect, surface, terrestrial or hydrological pathways to any other Natura 2000 site.

European Site	Qualifying Interests (summary)	Distance	Connections
Malahide Estuary SAC (0205)	<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) (code: 2130)</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') (code: 2120)</p> <p>Salicornia and other annuals colonizing mud and sand (code: 1310)</p> <p>Mediterranean salt meadows (code: 1410)</p> <p>Atlantic salt meadows (code: 1330)</p> <p>Mudflats and sandflats not covered by seawater at low tide (code: 1140)</p>	4km at nearest point	Indirect - via surface sewers and the River Ward, and from the foul sewer system/ wastewater treatment plant.
Malahide Estuary SPA (4025)	<p><i>Anas acuta</i> Pintail</p> <p><i>Branta bernicula hrota</i> Light-bellied brent goose</p> <p><i>Bucephala clangula</i> Goldeneye</p> <p><i>Calidris alpina</i> Dunlin</p> <p><i>Calidris canutus</i> Knot</p> <p><i>Haematopus ostralegus</i> Oystercatcher</p> <p><i>Limosa lapponica</i> Bar-tailed godwit</p> <p><i>Limosa limosa</i> Black-tailed godwit</p>	4km at nearest point	Indirect - via surface sewers and the River Ward, and from the foul sewer system/ wastewater treatment plant.

	<p>Mergus serrator Red-breasted Merganser</p> <p>Pluvialis apricaria Golden Plover</p> <p>Pluvialis squatarola Grey Plover</p> <p>Podiceps cristatus Great-crested Grebe</p> <p>Tadomna tadoma Shelduck</p> <p>Tringa totanus Redshank</p> <p>Wetlands & Waterbirds</p>		
North-West Irish Sea SPA (4236)	<p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Little Tern (Sterna lbifrons) [A195]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Red-throated Diver (Gavia stellata) [A001]</p> <p>Great Northern Diver Gavia immer) [A003]</p> <p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Manx Shearwater (Puffinus puffinus) [A013]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Little Gull (Larus minutus) [A177]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Black-headed Gull (Croicocephalus ridibundus) [A179]</p>	Approx. 4-5km at nearest point	Indirect - via surface sewers and the River Ward, and from the foul sewer system/ wastewater treatment plant.

	Common Gull (<i>Larus anus</i>) [A182]		
	Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]		
	Herring Gull (<i>Larus argentatus</i>) [A184]		
	Great Black-backed Gull (<i>Larus marinus</i>) [A187]		
	Puffin (<i>Fratercula arctica</i>) [A204]		
	Razorbill (<i>Alca torda</i>) [A200]		
	Guillemot (<i>Uria aalge</i>) [A199]		

7.12.6. Likely impacts of the project (alone or in combination with other plans and projects)

As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

With regard to indirect impacts, in relation to construction pollutants, during the site preparation and construction phases the risk of sediment loss is low. This is due to the fact that the land has been largely cleared while there are no water courses into which sediment can escape. While sediment can be detrimental to the ecological quality in rivers, the same is not the case for estuaries and tidally influenced habitats, which rely on vast quantities of sediment for their functioning.

With regard to pollution during normal operation in relation to wastewater, sufficient capacity exists at the Swords wastewater treatment plant to accommodate the proposed development. The 2023 AER states that capacity will not be exceeded within the next three years. The most recent AER for this plant has indicated that it is having no observable impact on the WFD status of the receiving waters. In relation to surface water/operation phase, new and existing surface water attenuation measures are designed so that there will be no net change to the quantity or quality of surface water leaving the site. These are standard measures which are included in

all development projects and are not included here to reduce or avoid any effect to a Natura 2000 site.

Therefore, significant effects to Natura 2000 sites from this source are not likely.

7.12.7. Likely significant effects on the European sites in view of the conservation objectives

In order for an effect to occur there must be a pathway between the source (the development site) and the receptor (the SAC or SPA). Where a pathway does not exist, an impact cannot occur. Whether an effect is significant or not must be measured against the conservation objectives of the Natura 2000 site.

The site is approximately 4km from the boundary of the Malahide Estuary SPA/SAC as the crow flies (the nearest Natura 2000 sites from the development site) and the intervening land is occupied by residential development and transport links, including motorways and railways. Because of the distance separating these areas there is no pathway for loss or disturbance of habitats listed as qualifying interests of Natura 2000 sites, or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.

No habitats will be disturbed within or directly connected to Natura 2000 sites.

This development is will not significantly increase recreational pressure on Malahide Estuary or any other Natura 2000 site as it lies a significant distance to accessible areas likely to be used by birds. The development site lands themselves are not suitable for regularly occurring populations of wetland or wading birds which may be associated with Natura 2000 sites at Malahide Estuary or elsewhere. There are no habitats for such species on the development site.

No significant effects to Natura 2000 sites are likely to arise from this aspect of the development.

7.12.8. In combination effects

In combination impacts have been considered. Environmental water quality can be impacted by the effects of surface water run-off from areas of hard standing. These impacts are particularly pronounced in urban areas and can include pollution from particulate matter and hydrocarbon residues, and downstream erosion from accelerated flows during flood events. There can be no negative impact to surface

water quality leaving the development site due to the attenuation measures which are planned. The project is compliant with the requirements of the Greater Dublin Drainage Study (GDDS).

The proposed development is the latest phase a wider scheme that has been underway for some years. Each of the previous permitted phases, which have been completed or which are underway, have been accompanied by Screening for Appropriate Assessment.

In the event that multiple construction projects are underway concurrently with the subject development, there is a potential for construction pollutants entering water courses in this catchment to act in combination with one another. However, in this case, the lands are already largely cleared and there are no water courses on the land that could act as direct pathways to the River Ward and so onward to Natura 2000 sites.

There are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites within the zone of influence.

In conclusion, no mitigation measures are required.

7.12.9. Overall Conclusion - Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Boyne Coast and Estuary SAC or SPA or any other European site, in view of the Conservation Objectives of those site and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The scale of the development on fully serviced lands
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts on species

- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Malahide Estuary SAC (site code: 0205) or the Malahide Estuary SPA (site code: 4025), or the North-West Irish Sea SPA (site code: 4236) and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Conclusion

7.12.10. Having regard to the Screening Report for Appropriate Assessment submitted by the appellant, and based on the overall conclusion in Section 7.12.7 above, I am satisfied that the proposed development, either alone or in combination with other projects would not have any direct or indirect significant effects on European Sites and that the screening report submitted as part of the appeal accords with the requirements of Objective DMSO1 of the Development Plan. Accordingly, the applicant has addressed reason for refusal no. 5.

7.13. Other Matters

7.13.1. Miscellaneous Issues

The observers reference the national broadband scheme, and the need for amenities within the development. As noted in the foregoing assessment, I note that a creche is proposed under the appeal and I recommend the inclusion of a condition in relation to a playground within the scheme.

The proposed development is a greenfield serviced site on lands zoned for development and is an extension of a previously permitted residential scheme within the overall landholding. I do not consider that the scale of the scheme proposed would of itself have such a negative impact on the existing amenities and social infrastructure that would merit refusal for this reason.

7.13.2. Foul Network

The observers state that the foul network is at capacity and express concerns in relation to the drainage proposed. The proposed development will connect into the existing infrastructure previously approved and constructed on the residential development within the overall landholding. I note the report received from Water Services Section of the local authority which indicates no objection to the proposed development subject to conditions. Uisce Eireann also state no objection to the proposed development subject to conditions.

Accordingly, I am satisfied that the water supply and drainage arrangements as proposed are acceptable and I recommend the inclusion of a condition requiring the works to be agreed prior to the commencement of development of site.

7.13.3. Flood Risk Assessment

The observers state that full stage 3 SFRA should be carried out on the existing and proposed scheme. The site is not location within a flood zone as per the Fingal County Development Plan, and as noted above the proposed development will connect into the existing infrastructure previously approved and constructed on the residential development within the overall landholding.

Accordingly, I am satisfied that flooding will not be an issue on this site.

7.13.4. Part V

In relation to Part V agreements, I note that the planners report notes that the Part V housing obligation was previously satisfied under the previous planning application on site.

7.13.5. Public Lighting

I am satisfied that details pertaining to public lighting can be appropriately dealt with prior to construction by way of condition.

7.13.6. Architectural Heritage Impact Assessment

The Conservation Officer notes that the site was historically part of Brackenstown House demesne, which is a protected structure (RPS No. 364) and states that the applicant should be requested to consider the impact on the adjoining site and provide an Architectural Heritage Impact Assessment. I note the layout of the development proposed under the instant appeal and the dwellings constructed on the directly adjoining lands, in particular at Belvedere View, which adjoin the south

and eastern boundary of the site. Noting the development previously permitted and constructed on these lands, I do not consider that the development proposed under the instant appeal would detract from the adjoining historic Brackenstown House demesne. Accordingly, I do not consider it necessary for the applicant to submit an Architectural Heritage Impact Assessment.

8.0 Recommendation

I recommend that planning permission should be granted for the proposed development, as presented and amended by way of the revised plans and particulars submitted to An Bord Pleanála on 23rd September 2024 with the first party appeal, for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to:

- i. the revised plans and particulars submitted to An Bord Pleanála on 23rd September 2024;
- ii. the suitability of the site given its location within Knocksedan Demense and the existing residential development constructed and under construction on the directly adjoining site,
- iii. the residential zoning which applies to the site under the Fingal County Development Plan 2023 – 2029, under which residential development is stated to be generally acceptable in principle;
- iv. the policies of the planning authority as set out in the Fingal County Development Plan 2023 – 2029;
- v. the National Planning Framework Plan 2018-2040;
- vi. the Regional Spatial and Economic Strategy 2020-2032;
- vii. Section 28 Ministerial and Other Guidance;
- viii. the distance to dwellings or other sensitive receptors;
- ix. the submissions made in connection with the application;

- x. the likely consequences for the environment and the likely significant effects of the proposed development on European Sites;
- xi. the Screening for Appropriate Assessment submitted by the applicant and recommendations of the Inspector.

9.2. Proper planning and sustainable development:

It is considered that subject to compliance with the conditions set out below, the proposed development would be an appropriate form of residential development in terms of location, scale, form, and layout, would not seriously injure the residential and visual amenities of future occupants or the existing residents within the adjoining residential estate and would be acceptable in terms of the proposed vehicular entrance, parking provision, traffic movements and pedestrian safety. The proposed development complies with the Development Plan and accords with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans submitted on appeal to An Bord Pleanála on 23rd day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development on site the applicant shall submit revised plans and elevations for the written agreement of the Planning Authority detailing:</p> <p>(i) Exact details of the timber louvres to be installed on the bedroom window and study window of Apartment No. 4 Block A (to the west, addressing the rear garden of House No. 12), and the study window and</p>

	<p>bedroom window of Apartment No. 2 Block B (to the east addressing and the rear garden of House No. 1).</p> <p>(ii) All stairwell windows serving proposed Apartment Block A and Apartment Block B facing east and west fitted with obscure glazing.</p> <p>Reason: To protect residential amenities.</p>
3.	<p>The parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation.</p>
4.	<p>(i) Full technical details of the improvement/realignment work to the R108 Naul Road, including the provision of a footpath along the R108 Nual Road, in the vicinity of the site boundary only shall be agreed with the Transportation Department prior to commencement of the development. No dwelling unit shall be occupied until the works to the R108 have been fully implemented and are operational to the satisfaction of the Road Authority.</p> <p>(ii) A DMURS compliance statement should also be provided in relation to the proposed access off the R108 and include the length of the R108 as detailed in (i) above and shall be agreed with the Transportation Department prior to commencement of the development.</p> <p>Reason: In the interest of traffic safety.</p>
5.	<p>(i) All recommendations of the Road Safety Audit received by An Bord Pleanála on the 23rd of September 2024 shall be implemented and incorporated into the proposed development.</p>

	<p>(ii) The internal road serving the proposed development including turning bay, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of traffic and pedestrian safety</p>
6.	<p>The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays, or public holidays.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>The number of children to be accommodated within the premises shall not exceed 66 no. children and five group rooms/classrooms at any time on any day.</p> <p>Reason: To limit the development in the interest of residential amenity.</p>
8.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
9.	
10.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>

12.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
16.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of proper site drainage.</p>

17.	<p>Prior to commencement of development, the developer shall consultation with the Irish Aviation Authority and AirNav Ireland.</p> <p>Reason: In the interest of aviation safety.</p>
18.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, a dust management plan, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
19.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping</p> <p>(ii) The measures to be put in place for the protection of these landscape features during the construction period</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(iv) Details of screen planting</p> <p>(v) Details of roadside/street planting, including details of the proposed landscaping/planting to the front of the apartment Blocks, for the site entrance and the treatment of the linear parks along the R10, which shall not include prunus species.</p>

	<p>(vi) Details of the proposed playground provided at a suitable location within the overall scheme.</p> <p>(vii) The play provision in accordance with Fingal's play strategy- 'Space for Play- A Play Strategy for Fingal'.</p> <p>(viii) Hard landscaping works, specifying surfacing materials, furniture/play equipment and finished levels.</p> <p>(ix) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment</p> <p>(x) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of [five] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
20.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
21.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of pedestrian safety.</p>
22.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these</p>

	<p>facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
23.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
24.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
25.	<p>Prior to the commencement of any house or apartment unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or apartment unit), pursuant to Section 47 of the Planning and Development</p>

	<p>Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
26.	<p>The developer shall pay to the planning authority a financial contribution, to the satisfaction of the planning authority per unit as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
27.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the</p>

	<p>planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
28.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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

19th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320878-24			
Proposed Development Summary	Construction of a residential development consisting of 59 houses, 18 apartments, a creche facility and all associated site works.			
Development Address	Knocksedan Demesne, Naul Road, Brackenstown, Swords, Co. Dublin			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		N/A		
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		
Yes	X	Class 10 Infrastructure Projects (b) (i)	77 residential units (73 residential units granted units on appeal)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320878-24	
Proposed Development Summary	Construction of a residential development consisting of 59 houses, 18 apartments, a creche facility and all associated site works.	
Development Address	Knocksedan Demesne, Naul Road, Brackenstown, Swords, Co. Dublin	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions, or pollutants?</p>	<p>The construction of 59 houses, 18 apartments and all associated site works, new road access and associated site works on residential zoned land. However, the proposal is not considered exceptional in the context of the existing urban environment (73 no. residential units granted on appeal).</p> <p>The proposal will be connected to the existing system.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>Site measuring 3.189 ha. The total combined proposed floor area for the residential scheme will be 8,652 sq. m. The proposal is not considered exceptional in the context of the existing urban</p>	No

Are there significant cumulative considerations having regard to other existing and / or permitted projects?	<p>environment.</p> <p>There is a residential development near completion on the directly adjoining lands, within the overall landholding, however there are no significant cumulative considerations having regard to the permitted works on site.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The appeal site is note located within any Natura site. The closest such sites are at an approximate distance of 4km:</p> <ul style="list-style-type: none"> • Malahide Estuary SAC (site code: 0205). • Malahide Estuary SPA (site code: 4025). • North-West Irish Sea SPA (site code: 4236). <p>No other nearest European site is located above 1km from the site and therefore can be excluded in terms of the potential for effects on other European sites during construction and operational phases of the proposed development.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: 19th December 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)