An Bord Pleanála

Inspector's Report

ABP-320885-24

Development	Construction of 364 residential units and all associated site works. The application includes an Environmental Impact Assessment Report and a Natura Impact Statement. (www.ballymastonelrd2.ie)
Location	Ballymastone, Donabate, Co. Dublin
Planning Authority	Fingal County Council (FCC)
Planning Authority Reg. Ref.	LRD0039/S3
Applicant	Glenveagh Living Ltd.
Type of Application	Large-Scale Residential Development (LRD)
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties v Grant of Permission
Appellants	1. The Links Residents Association 2. DP Crossroads Committee 3. Donabate Portrane Community Council

Observers	1. Cllr. Corina Johnston 2. Cllr. Paul Mulville
Date of Site Inspection	5th November 2024
Inspector	Anthony Kelly

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Appropriate Assessment (AA) Conclusion

1.0 Site Location and Description

1.1. The site is located adjacent to the east of the built-up area of Donabate, north east of Dublin city. The Links residential development is adjacent to the west of the site, there is currently undeveloped land adjacent to the north of the part of the overall site proposed to be developed under this application, the R126/Donabate Distributor Road (DDR) runs along the eastern boundary, and phase 1 of the Ballymastone housing development is under construction adjacent to the south of the site and to the south east on the opposite side of the DDR.

1.2. While there are some tree lines and areas of surface vegetation, the site largely comprises a general building compound area for the associated phase 1 development. The north east area where the proposed pumping station is to be located remains under vegetation and free of any construction-related activity.

1.3. The site has an area of 13.74 hectares gross / 8.14 hectares net[1].

2.0 Proposed Development

2.1. Permission is sought for a seven-year permission for a continuation of permitted Ballymastone Phase 1 lands comprising 364 dwellings (158 houses, 82 duplexes, and 124 apartments) ranging in height from two to six storeys, public open space, car and cycle parking, pedestrian/cycle and road connectivity, a new foul pump station, and site enabling and development works etc. The proposed development represents Phase 2 of the wider development of the Ballymastone lands.

2.2. The following tables set out some key aspects of the proposed development.

Table 2.1 – Key Figures

Site Area (Gross/Net)	13.74 hectares / 8.14 hectares
Number of Units	364 (158 houses, 82 duplexes, and 124 apartments)

[1] The red line site boundary includes a significant area of land to the north of the proposed development that it is not proposed to develop as part of the current application.

Building Heights	Two to six storeys
Net Density / Units per Hectare (uph)	44.7uph
Dual Aspect (Apartments)	63 (50.8%)
Open Space / Amenities	Approx. 16.76% of the net site area / 1.3646 hectares as public open space
Part V	Approx. 20% for part V housing (72 no. units) and approx. 20% for affordable housing (73 no. units)
Pedestrian / Cycle Infrastructure	Separate footpaths and cycle paths throughout the development with good permeability in all directions
Car and Bicycle Parking	Car – 278 spaces (260 for residents (131 houses, 62 duplex, and 67 apartments), 6 accessible, 6 e-car share, and 6 public EV charging spaces) Bicycle – 1,457 spaces (1,353 long stay/resident and 104 short stay/visitor)

Table 2.2 – Unit Breakdown

	Bedroom Number				
Type	1-Bed	2-Bed	3-Bed	4-Bed	Total
Houses	0	54	99	5	158 (43.4%)
Duplexes	8	33	41	0	82 (22.5%)
Apartments	48	66	10	0	124 (34.1%)
Total	56 (15.4%)	153 (42.0%)	150 (41.2%)	5 (1.4%)	364 (100%)

2.3. The proposed development comprises phase 2 of a wider development. The construction phase is anticipated to last approximately 30 months. The applicant has an agreement with Fingal County Council (FCC), which is the landowner, to develop the lands. The proposed scheme complies with FCC requirements to develop a

sustainable mixed-tenure residential development. 40% of the proposed units are to be provided as social and affordable units. The phases are designed to be self-sufficient in their own right.

2.4. Phase 1 of the Ballymastone development is under construction, both adjacent to the south of the site and on the opposite side of the DDR to the south east. The proposed development occupies the central area of the land between The Links to the west and the DDR to the east. The proposed development links into the internal circulation roads and open spaces provided in phase 1. The site layout in terms of housing footprints is similar to phase 1, as the proposed houses are located closer to the existing houses with the apartment blocks facing the DDR. This phase provides a compact layout with some culs-de-sac as well as increasing permeability for both vehicles and pedestrians/cyclists through the area.

2.5. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include, but are not limited to:

- 'Planning Report & Statement of Consistency' dated April 2024,
- 'Response to Fingal County Council LRD Opinion' dated April 2024,
- 'Architectural Design Statement' (ADS) dated 17th April 2024,
- 'Community & Social Infrastructure Report' (C&SIR) dated April 2024,
- 'Infrastructure Design Report' dated April 2024,
- 'Traffic and Transportation Assessment' (TTA) dated April 2024,
- 'Landscape Strategy and Design Statement' dated April 2024,
- 'Site Specific Flood Risk Assessment' (SSFRA) dated April 2024,
- 'Preliminary Construction & Environmental Management Plan' (CEMP) dated April 2024,
- 'Daylight and Sunlight Analysis' dated 2nd April 2024,
- 'Housing Quality Audit' dated 17th April 2024,
- 'DMURS Design Statement' dated April 2024,

- ‘Verified Photomontages’ document dated April 2024, and,
- ‘CGI Image Book’ dated 17th April 2024.

3.0 Planning Authority Pre-Application Opinion

3.1. An LRD pre-application meeting (reference LRD0039/S2) took place on 24th January 2024 following an earlier section 247 meeting (reference LRD0039/S1) on 24th October 2023.

3.2. In the LRD opinion, FCC stated that the documentation submitted constituted a reasonable basis on which to make an application for permission for the proposed LRD. The planning authority specified information that should be submitted with the application. This related to water services and drainage infrastructure, part V, transportation and access, heritage, design and layout, various planning issues, and open space/green infrastructure.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. FCC granted permission for the proposed development subject to 33 no. conditions. Conditions of note include:

Condition 2 – A five-year permission was granted rather than the seven years sought.

Condition 5 – Unless otherwise agreed the creche facility permitted as part of phase 1 shall be operational prior to the occupation of any permitted residential unit.

Condition 15 – Revised drawings and schedules are required in relation to private amenity spaces, internal floor areas, and storage areas of some units and separation distances between the side walls of houses.

Condition 16 – Revised drawings are required relating to the design and external finishes of some units.

Condition 22 – Revised drawings required indicating the location and size of open space areas, with a financial contribution required in lieu of any shortfall.

4.2. Planning Authority Reports

4.2.1. Two Planning Reports were prepared by FCC, on foot of the original planning application and subsequent to the applicant's further information response.

4.2.2. The first report, dated 21st June 2024, contained, inter alia, a site description, a planning history, a summary of third-party submissions, internal reports, observations from prescribed bodies, and the planning policy framework. The report also contained an assessment which can be summarised as follows using some, but not all, of the subheadings in the report.

Compliance with zoning objectives – A residential development on 'RA – residential Area' land is acceptable.

Phasing – A phasing plan has not been submitted. This should be subject of a condition.

Density – The net density is reflective of the Compact Settlement Guidelines, is consistent with the overall masterplan, and would be a continuation of the density pattern permitted under phase 1.

Design and layout and visual integration of the scheme – This phase is envisaged as a distinctive contemporary neighbourhood. The proposal offers a good level of permeability and connectivity for all users. Proposed development in the western side of the site ties in with The Links in terms of height and massing. In general, the variation in elevational treatments is considered acceptable, however a greater mixture of external finishes should be introduced for the house types. Overall it is considered that the scheme relates well to existing and proposed development in the vicinity.

Residential mix and housing units compliance with section 28 guidelines – The private amenity space for some houses has not been indicated. There are a number of units which appear to be marginally below the required standard in terms of aggregate areas. These matters can be addressed by condition. The applicant states that relevant separation distances have been met though this is not shown on drawings.

Apartment and duplex units compliance with section 28 guidelines – The apartment blocks front onto the DDR which would provide a strong urban edge and the heights are consistent with those permitted in phase 1. Two duplex types have below required storage and others are subject of comments from the Architects section in terms of design.

Community and social infrastructure – A condition should be inserted that the phase 1 creche facility be operational prior to the occupation of any phase 2 dwelling. Primary and secondary schools have capacity to facilitate future demand.

Impact on residential amenity – There is appropriate separation distance between the proposed development and The Links to ensure the residential amenity of residents. Daylight and sunlight analysis indicates there would be no impact. It is not considered that there would be any impact to phase 1 units. Undue residential impacts are not anticipated between proposed duplex and apartment blocks. There would be no undue impact associated with the construction of the development.

Landscape – The information as requested in the Parks and Green Infrastructure Division report can be addressed by way of condition.

Transportation – The issues raised by the Transportation Planning Section can be addressed by way of condition.

Public art – The developer should provide a piece of public art, sculpture, or architectural feature to comply with objective DMSO194 of the Fingal Development Plan (FDP) 2023-2029.

Environmental Impact Assessment (EIA) – This is summarised on pages 36-49. Additional information is required to address information relating to biodiversity and hydrology. The EIA will be completed following receipt of the additional information.

Appropriate Assessment (AA) – Additional information should be sought in order to fully determine whether the proposed development will result in any impact on the integrity of qualifying features of any relevant European site.

Conclusion – Additional information is required in order that a full and complete assessment of the application may be concluded. Additional information related to a revised Natura Impact Statement (NIS) and addendums to the EIA Report (EIAR) in relation to biodiversity and hydrology.

4.2.3. Further information was sought by FCC on 21st June 2024. The further information response was received on 8th July 2024.

4.2.4. The planning authority's second Planning Report, prepared following the further information response, is dated 28th August 2024. The applicant's response was not deemed to be significant, so no revised public notices were necessary. One third party submission was received, and this was summarised in the report.

4.2.5. The applicant's response to both the NIS and EIAR issues were considered to be acceptable. On foot of this the planning authority was able to carry out an EIA and reach a reasoned conclusion. It was concluded that, subject to the implementation of mitigation measures, the effects on the environment by the proposed development, by itself and in combination with other developments, would be acceptable. In relation to AA/the NIS, the planning authority agreed with the conclusion of the NIS and determined that there would be no adverse impact on the integrity of any relevant Natura 2000 site.

4.2.6. The Planning Report considered that the further information issues had been satisfactorily addressed. The development of the site is supported in principle at a national, regional, and local level. The development would provide a satisfactory standard of residential amenity and infrastructural services, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height, and quantum of development, and would ensure pedestrian and traffic safety and the promotion of active travel.

4.2.7. **Other Technical Reports**

Transportation Planning Section – Commentary provided. No objection subject to conditions.

Water Services Department – No objection subject to conditions.

Environment, Climate Action, Active Travel and Sports Department – The Environment Section (Waste Enforcement & Regulation) recommends a condition for a Resource Waste Management Plan (RWMP).

Environment Air & Noise – No objection, and conditions recommended.

Parks and Green Infrastructure Division – Additional information is required in relation to public open space. Comments made in relation to play provision, boundaries, tree planting, surfacing, open space, and SuDS. Conditions recommended in relation to retention of existing trees and hedgerows, landscaping, and taking-in-charge.

Architects Department – Comments made in relation to some design issues.

Ecologist Officer Section – Subsequent to the further information response, no objection subject to conditions.

Archaeological Report – A programme of archaeological monitoring is recommended, though comments are also made about recent disturbance activity on-site.

Conservation Officer – The Planning Report states no objections/comment.

Housing Department – If permission is granted the applicant is to liaise with the Housing Department to satisfy the part V obligation.

Public Lighting – Operations Department – Conditions required.

Fehily Timoney Consultants[2] – The EIAR is generally comprehensive, robust, and accurate in nature. There is one recommendation re: invasive species, and a number of conditions are suggested should permission be granted.

4.3. Prescribed Bodies

Department of Housing, Local Government and Heritage (DHLGH) – In relation to archaeology, it is recommended that an archaeological monitoring condition be included in any grant of permission.

Uisce Éireann – No objection in principle.

[2] It appears that FCC sought independent analysis of the submitted EIAR. The letter/report is titled 'Review and Appraisal of an Environmental Impact Assessment Report for a Large-Scale Residential Development (LRD) …' and it is addressed to a Staff Officer in the Planning & Strategic Infrastructure Department of FCC.

Transport Infrastructure Ireland (TII) – FCC should have regard to the provisions of chapter 3 of the Spatial Planning and National Roads Guidelines in the assessment and determination of the application.

4.4. Third Party Submissions

4.4.1. Ten submissions were made on the original planning application to FCC: six from local residents/residents groups, three from local councillors/party representative, and one from a person with an address in Co. Meath. The main issues raised are largely covered by the grounds of appeal with the exception of the following:

- Queries about redaction on information on the FCC online portal[3]
- Building heights not consistent with LAP / sixth floor should be set back
- Housing mix does not reflect the norm in Donabate/Fingal
- Inconsistency with LAP phasing
- Lack of public open space materially contravenes the Development Plan
- Very long and straight stretches of road
- One submission states the 44.7uph density is below that required.

4.4.2. Notwithstanding that the application was not re-advertised, one further submission was received on foot of the further information response from two residents of Donabate who had also made a submission on the original planning application. No new issues were raised.

5.0 Planning History

5.1. The relevant planning history of the site and the general vicinity can be summarised as follows (this is not an exhaustive list of applications in the general vicinity).

[3] The redacted information relates to basic part V information. It is unclear why it is redacted on the FCC portal. It is not redacted on the application website, as viewed by me on 4th November 2024. It is also not redacted on the Board's physical copy of the file.

Adjacent to south and south east on the opposite side of the DDR:

FCC Reg. Ref. LRD0008/S3 / ABP Reg. Ref. ABP-315288-22 – In 2023, following third party appeals of the decision by FCC to grant permission, the Board granted permission for phase 1 of the wider development of Ballymastone lands for 432 residential units (213 houses, 126 duplexes, and 93 apartments) ranging in height from two to six storeys, a creche, public open space, vehicular accesses and upgrading of junctions etc. on a 15.02 hectare site. This is under construction.

Opposite side of the DDR to the east:

Part XI/004/21 – In 2021 FCC approved Ballymastone Recreational Hub which provides for sporting and recreational facilities including an athletics track, grass soccer pitch, all-weather GAA pitch, playground/skate park, and walking and cycling infrastructure.

Approx. 150 metres south with access off New Road (Lanestown View):

FCC Reg. Ref. F20A/510 / ABP Reg. Ref. ABP-311447-22 – In 2022, following a third party appeal of the decision by FCC to grant permission, the Board granted permission for 64 units (36 houses and 28 duplexes) etc. on a site of 1.96 hectares (revised and increased to 72 residential units (40 houses, 8 duplexes, and 24 apartments) during the course of the application). This has been constructed and is occupied.

FCC Reg. Ref. F22A/0686 – In 2023 permission was granted for limited alterations to the development approved under ABP-311447-21.

Approx. 200 metres south/south west with access off New Road:

FCC Reg. Ref. F17A/0373 / PL 06F.249206 – In 2019, following third party appeals of the decision by FCC to grant permission, the Board granted permission for 151 houses and duplexes and a creche (revised and increased to 199 units during the course of the application) on a site of 4.917 hectares. On my site inspection construction works had commenced.

South of New Road:

P.A. Reg. Ref. LRD0017/S3 – In 2024 FCC granted a ten-year permission for 1,020 residential units (houses, duplexes, triplexes, and apartments), two childcare facilities, three retail units, two cafes, community use unit, medical centre, car and bicycle

parking, open spaces including a nature park, modifications to the permitted phase 1 (F20A/0204 / ABP-308446-20) etc. It appears construction works have recently commenced.

Adjacent to north east of the crossroad junction to south east:

P.A. Reg. Ref. F19A/0243 / ABP Reg. Ref. ABP-307657-20 – In 2020, following a third party appeal of the decision of FCC to grant permission, the Board granted permission for an underground wastewater pump station. This is under construction.

5.2. The EIA Portal reference number for this planning application is 2024076.

6.0 Policy Context

6.1. Project Ireland 2040 National Planning Framework (NPF)

6.1.1. The NPF is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs).

6.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 4 – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 33 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. Climate Action Plan (CAP) 2024

6.2.1. The CAP 2024 is the third annual update to Ireland's Climate Action Plan. Its purpose is to lay out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-

wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

6.3. Ireland's 4th National Biodiversity Action Plan 2023-2030

6.3.1. This aims to deliver the transformative changes required to the ways in which we value and protect nature. It has been developed with the support, advice and input of the interdepartmental Biodiversity Working Group and the independent Biodiversity Forum. It strives for a 'whole of government, whole of society' approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to 'act for nature'.

6.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

6.4.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, inter alia, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.

6.4.2. Donabate is located within the Dublin Metropolitan Area Strategic Plan (MASP) area, as per the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES). Having regard to the nature and location of the subject site it can be considered an urban extension area of a metropolitan town with a population greater than 1,500 i.e. 'urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development'[4]. The Guidelines state that 'It is a policy and

[4] I consider this to be the appropriate density range given the nature of the site, notwithstanding that a small area in the western part of the proposed phase 2 development would be within 1km walking

objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations …' (Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages).

6.4.3. I further address the issue of density in section 8.4 of this inspector's report.

6.5. Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

6.5.1. These Guidelines are intended to set out national planning policy guidelines. Reflecting the NPF strategic outcomes in relation to compact urban growth, there is significant scope to accommodate anticipated population growth and development needs by building up and consolidating the development of our existing urban areas.

6.6. Sustainable Urban Housing: Design Standards for New Apartments (July 2023)

6.6.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

6.7. Design Manual for Urban Roads and Streets (DMURS) (2019)

6.7.1. The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

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distance of Donabate train station, which is one of the requirements of a centre/urban neighbourhood which sets out a density range of 50-150uph.

6.8. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES)

6.8.1. The RSES provides for the development of nine counties / twelve local authority areas, including Fingal. It is a strategic plan which identifies regional assets, opportunities, and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

6.8.2. Donabate is included in table 5.1 (Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing) within the 'North-South Corridor' of the Metropolitan Area Strategic Plan (MASP) with the commentary, 'significant residential capacity in this strategically located rapidly growing coastal village'. Short-term phasing/enabling infrastructure is cited as 'DART expansion, distributor road and railway bridge, social infrastructure, local area water network and storage upgrades'.

6.9. Fingal Development Plan (FDP) 2023-2029

6.9.1. Donabate is identified as a 'Self Sustaining Growth Town'. It is the only such town in the county, and pages 83-85 are relevant.

6.9.2. The subject site is zoned 'RA - Residential Area', with a zoning objective to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. The site area is subject of a Local Area Plan objective.

6.9.3. The 'vision' for 'RA – Residential Area' zoning is 'Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'. Residential use is permitted in principle.

6.9.4. Chapter 14 (Development Management Standards) includes section 14.6.3 (Residential Density). This states that, in general, the density and number of dwellings to be provided within residential schemes should be determined with reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). These have now been superseded by the Compact Settlement Guidelines (2024). The Plan does not outline any specific density parameters.

6.9.5. Relevant policies and objectives cited in the grounds of appeal have been set out in section 8.2 (Compliance with Donabate Local Area Plan (LAP) 2016 (as extended) and Fingal Development Plan (FDP) 2023-2029) of this Inspector's Report (IR).

6.10. **Donabate Local Area Plan (LAP) 2016 (as extended to 7th March 2026)**

6.10.1. On 8th March 2021 FCC made a resolution to extend the life of the Donabate LAP 2016 for a further period of five years to 7th March 2026.

6.10.2. The LAP lands comprise approx. 138 hectares in four land parcels at Corballis (approx. 65 hectares), Ballymastone (approx. 50.2 hectares), Rahillion (approx. 5.5 hectares), and at Turvey (approx. 16 hectares). The LAP proposes to establish a framework for the planned, co-ordinated, and sustainable development of undeveloped lands.

6.10.3. The LAP lands are zoned Objective 'RA', which seeks to 'Provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure' in the FDP 2011-2017. This is a slight change from the objective cited in the current FDP as per paragraph 6.9.2, above. The LAP lands at Ballymastone are described in section 2.3.3 of the LAP.

6.10.4. Various sections outline the vision and development strategy, movement and transport strategy, green infrastructure, landscape, community infrastructure, and water and drainage. Section 8 is the urban design framework. Ballymastone is considered in section 8.2.3. Section 8, generally, states in relation to building heights that they will be predominantly two storeys with opportunities for increased heights at specific locations. In terms of general density approx. 35uph will be targeted in the LAP lands. A table in section 8.3.4 envisages approx. 1,200 units in Ballymastone on a net site area of approx. 38.3 hectares (approx. 31.3uph).

6.10.5. New development in Donabate will progress through a series of three sequential geographical phases expanding from the existing urban centre and each phase will be underpinned by infrastructural provision. Phasing is shown on figure 9.1. Ballymastone is in phase 3. It is envisaged that phases 2 and 3 will run consecutively, with a relatively short timeframe between the phases.

6.10.6. Phase 3 site/specific infrastructural requirements are set out in table 9.1.

6.10.7. Relevant objectives cited in the grounds of appeal have been set out in section 8.2 (Compliance with Donabate Local Area Plan (LAP) 2016 (as extended) and Fingal Development Plan (FDP) 2023-2029) of this IR.

6.11. Natural Heritage Designations

6.11.1. The nearest designated areas of natural heritage are Rogerstown Estuary special area of conservation (SAC) and Rogerstown Estuary special protection area (SPA) approx. 900 metres north of the proposed pump station location.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. Third party appeals were received from:

1. The Links Residents Association[5] (TLRA),
2. DP Crossroads Committee (DPCC), and,
3. Donabate Portrane Community Council (DPCoCo).

7.1.2. Given the crossover of issues raised they are collectively summarised under the following headings.

<u>Policy</u>

- Recent Ministerial guidelines can only be countenanced in the context of the FDP 2023-2029.
- TLRA grounds of appeal set out a number of policies and objectives of the FDP 2023-2029 that appear to have been ignored in FCC's assessment and were not given the importance they should have been.

[5] The Links is the adjacent housing development to the west of the subject site.

Climate

- The development fails to properly take on board the wider implications of the CAP 2024.

Scale/Density

- The proposed development by its scale and density is in material contravention of the LAP, FDP 2023-2029, and the NPF.
- The application will significantly contravene the relevant provisions of the LAP and FDP 2023-2029 in respect of sustainable population growth targets. The Core Strategy in the FDP 2023-2029 estimates the population of Donabate to grow to 11,226 by 2029. Estimates show this is likely to be closer to 16,000, a 113% increase since the inception of the LAP. This is inappropriate and a clear material contravention of population targets.
- The proposed density of 44.7uph is above the 35uph allowable in the LAP. The FDP 2023-2029 notes residential density should be in line with the Sustainable Residential Development in Urban Areas Guidelines (2009) i.e. 30-40uph.
- The applicant justifies the high density on proximity to the train station. The Public Transport Capacity Assessment fails to assess the current capacity constraints which are already oversubscribed. Dart does not serve Donabate as stated. Dart+ Coastal North does not have permission and may be ten years away.

Traffic/Transportation

- TLRA main objection is to the provision of the link road from New Road to the Portrane Road. Though it forms part of the LAP, TLRA were not directly consulted or made aware at the time. National planning policy has changed dramatically since the commencement of the LAP process in 2012 with a move away from car usage. The Board did not previously take national planning policy into consideration in this regard.
- The link road is unnecessary and is a material contravention of the FDP 2023-2029, NPF, CAP 2024, and RSES.

- The link road and vehicular access points onto The Links and Portrane roads will create major traffic issues on Portrane Road which is not fit for purpose. It will become a rat run and the main access road to schools, town centre etc.
- The area is car dependent. The link road will promote car usage.
- No detailed assessment of capacity on public transport. Train services are full at peak times and the 33D bus service is full in the mornings. The proposed development is only part of a cumulative impact. There is no short-medium term plan to improve public transport.
- All access points should be pedestrian/cycle access only. Should the Board grant permission without bollards on the link road a condition should require a traffic audit and review of traffic volumes and impact on The Links/Portrane Road in years 1, 3, 5, 7, and 10 following permission.
- TLRA is dismayed that FCC have conditioned the applicant to remove the modal filter that TLRA agreed with the applicant during phase 1, with the TLRA understanding the planning authority was supportive of the proposal.
- Planning permission F24A/0169 (98 units) has been ignored in the Traffic Impact Assessment (TIA). In addition, the TIA does not consider the impact of the proposed development on the junction of Hearse Road and Distributor Road. Further information should be requested.
- Trip rates have been amended to more favourable rates from phase 1 due to different parking standards. Phase 1 figures should be retained and further information sought on how this impacts analysis.
- The development should not be occupied prior to the completion of Dart+ Coastal North.

<u>Community/Social Infrastructure</u>

- TLRA is deeply concerned at the FCC decision to ignore its own objective in relation to a badly needed multifunction community facility.
- The applicant's Community & Social Infrastructure Report dated April 2024 is fundamentally flawed, does not meet the planning requirements, and is a material contravention of the FDP 2023-2029. DPCC notes errors relating to inappropriate

methodology in the selection of catchment areas, incorrect data on existing community facilities, omission of population profile figures, housing projections, and lack of analysis of transport facilities.

- The permitted recreational hub has no facilities for non-sporting activities.
- The omission of a youth centre from the plans is a material contravention of the FDP 2023-2029, and same must be provided.
- The needs of current and future residents/groups are not served by existing or committed facilities / serious deficiency of community facilities.
- The community facility must be provided in this development as it is in contravention of the LAP, FDP 2023-2029, RSES, and NPF / This LRD application should include a purpose built community facility.
- The original phase 1 creche condition should remain.
- No creche is proposed. Relying on other applications is not acceptable. A creche should be constructed as part of the development.
- Use of national figures in the Schools Demand Assessment skews data as Donabate has an extremely young population. Local data should be used.
- The development should not be occupied prior to the completion of new schools planned.
- As the required infrastructure for phases 1 and 2 of the LAP is not in place it would be a material contravention of section 9.1 of the LAP and objective SS17 of the FDP 2023-2029 to proceed with the proposed residential development.
- The proposed development would materially contravene objectives CIOSP3, 4, 5, and 6 of the FDP 2023-2029 and section 6 of the LAP regarding provision of community facilities and services. Adequate community facilities have not been provided despite the overdevelopment of housing being facilitated.
- The provision of a site for a permanent home for the town's arts, crafts, and cultural groups should be a condition of permission for phase 2 of Ballymastone.

- Objective CIOSO5 of the FDP 2023-2029 states LRDs must have a proposal for a community facility unless it can be established that this is already adequately provided for.
- DPCoCo is opposed to further housing development without commitment for further community gains.
- DPCoCo consider the application should be refused due to the lack of commercial and retail space provided.

Miscellaneous

- While TLRA is not opposed to housing development in the area it has concern in relation to impact on residential amenity.
- Hours of construction should commence no earlier than 8am.
- The application will lead to the overdevelopment of Donabate given its limited services and facilities.
- There is no mechanism to control the pace of implementation of the submitted phasing plan. Provisions like the schools and other services and facilities are not addressed. Nearly all critical infrastructure remains undelivered.
- It is disappointing the applicant did not engage with the community before lodging an additional planning application.
- The application is deeply flawed and oversimplifies elements.

7.2. Applicant's Response

7.2.1. While the applicant's response addresses the issues raised in each of the three separate grounds individually, I consider it more appropriate to summarise the applicant's response under broader collective themes, in the interest of clarity. The response notes the number of material contraventions cited in the grounds of appeal. The applicant states that not all perceived diversions from Development Plan or LAP policy are automatically material contraventions.

Traffic/roads

- A consulting engineers Technical Note dated 18th October 2024 is submitted which comprehensively responds to the traffic and transportation-related issues raised.
- The applicant proposes that the modal filter be provided by removing FCC condition 19 (f). This maintains permeability and prevents a through route/rat run.

Community/social infrastructure

- The Community and Social Infrastructure Report (C&SIR) submits there are established and proposed facilities which will meet created demand. The recreational hub is progressing for delivery in 2026 and will be in place before this residential project.
- With regard to objective DMSO78 (Community and Social Infrastructure Audit) of the FDP 2023-2029:
  - the response provides justification for the use of a 5km radius, as per the C&SIR, with both 1km and 5km radii clearly distinguished,
  - while the 15-minute city concept is good practice, it is not statutory,
  - it is acknowledged that there is no permanent swimming pool in the community and leisure centre,
  - the community and leisure centre website does not reflect the over-subscription referred to,
  - no error has been made in made in relation to financial services,
  - appellants fail to reference the extent of committed and permitted community and social infrastructure linked to residential delivery e.g. the recreational hub.
- The applicant has committed to the early delivery of the approx. 182 space phase 1 creche. This meets phase 1 and 2 requirements i.e. approx. 101 spaces in phase 1 and approx. 81-83 spaces in phase 2. Another creche is proposed in phase 3 to meet the demand generated by that phase.
- Both the primary and secondary schools within the catchment area will have capacity to facilitate future demand.

- Appropriate data sources were applied in the calculation of estimates for childcare and school demand.

Material contraventions

Population targets

- It is stated that population estimates as per the FDP 2023-2029 have already been exceeded. Donabate is a self-sustaining growth town and the site is residentially zoned in both the Development Plan and the LAP. It is phase 2 of a wider development. The planning authority Planning Report is quoted. It does not exceed the core strategy as the lands are already accounted for within both the current and previous Development Plans as lands zoned for residential development.

Phased development and social/community infrastructure

- The submitted Planning Report sets out how the proposed development aligns with phasing requirements.
- The permitted recreational hub will be delivered.
- In delivering residential development the application is aligned with the intent and objectives of the LAP and FDP 2023-2029 in the delivery of housing.

Density

- The densities achieved are the minimum that should be achieved given the location, accessibility, and scale of the site.
- The net density of 44.7uph reflects the Compact Settlement Guidelines (2024) and is consistent with the overall masterplan. Phase 1 had a density of approx. 43.6uph.
- Two storey housing is proposed to the west in response to existing two storey development, with increases in height toward the east fronting the DDR.

Miscellaneous

- Requested working hours are 7am-7pm Monday-Friday and 8am-2pm on Saturday as per phase 1. An 8am start, as per FCC condition 31, would have an unacceptable and disproportionate impact.

- In relation to lack of commercial/retail space there is established and yet to be delivered community facilities which will meet the demand created.

7.3. Planning Authority Response

7.3.1. In its response to the grounds of appeal, FCC stated that it has no further comments to make in relation to the proposal and the Board is requested to uphold its decision.

7.3.2. Should the Board uphold the decision, provision should be made in the determination for applying (i) a financial contribution and/or a provision for any shortfall in open space and/or any special development contribution in line with the section 48 Development Contribution Scheme, (ii) a bond/cash security, and (iii) conditions where a tree bond or contribution in respect of a shortfall of play provision facilities are required.

7.4. Observations

7.4.1. Observations were received by the Board from:

1. Cllr. Corina Johnston
2. Cllr. Paul Mulville

Cllr. Corina Johnston

7.4.2. The observer supports the three grounds of appeal. The issues raised in the observation are generally covered by the grounds of appeal, though it is also requested that direct access from phases 1-3 along The Links Road be restricted to pedestrians/cyclists.

Cllr. Paul Mulville

7.4.3. The observer supports the three grounds of appeal.

7.5. Further Responses

7.5.1. A further response was received by the Board from The Link Residents Association. The Association agrees with the other two grounds of appeal received by the Board and the Board is asked to refuse permission on the grounds included in the three grounds of appeal.

8.0 **Planning Assessment**

In terms of assessing the planning application there are three separate elements: a planning assessment, an environmental impact assessment (EIA), and an appropriate assessment (AA). This planning assessment section addresses issues that are not more appropriately addressed in the EIA, and it should be read in conjunction with both the EIA and AA sections.

Having examined the application details and all other documentation on file, including the grounds of appeal and the response to same, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out in detail within the EIA and AA sections, are as follows:

- Zoning
- Compliance with Donabate Local Area Plan (LAP) 2016 (as extended) and Fingal Development Plan (FDP) 2023-2029
- Traffic and Transportation
- Density and Building Height
- Site Layout and Development Design
- Impact on Existing Residential Amenity
- Residential Amenity for Future Occupants
- Other Matters

8.1. **Zoning**

8.1.1. The subject site is zoned 'RA - Residential Area', with a zoning objective to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure' in the FDP 2023-2029. Residential development is permitted in principle on this zoning. The subject site has the same zoning with a slightly different objective[6] in the LAP. Section 1.4 (Zoning) of the LAP states, inter alia, 'The LAP lands

[6] 'Provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure'.

are zoned Objective 'RA', which seeks to 'Provide for new residential communities ... The vision for this zoning objective is to 'Ensure the provision of high quality new residential environments …'

8.1.2. Therefore, the principle of the proposed development is acceptable on site. I address related issues of phasing, infrastructure etc. in the following subsection.

8.2. Compliance with Donabate Local Area Plan (LAP) 2016 (as extended) and Fingal Development Plan (FDP) 2023-2029

8.2.1. The grounds of appeal consider that the proposed development is not consistent with the provisions of the LAP in relation to matters such as the delivery of infrastructure and facilities and the phasing of the development. They also consider the proposed development is not consistent with the provisions of the FDP 2023-2029 in relation to matters of the delivery of social and community infrastructure and population growth. The grounds of appeal consider that the proposed development would materially contravene multiple policies and objectives of the respective plans.

Donabate Local Area Plan (LAP) 2016 (as extended)

8.2.2. I note initially that the subject site is zoned for residential development, subject to the provision of the necessary social and physical infrastructure. The site is located within the overall 50.2 hectares Ballymastone area, one of four distinct areas in the LAP. It is specifically described in section 8.2.3 (Ballymastone Area) of the LAP. It is to be developed for a mix of housing, educational[7], and recreational development.

8.2.3. There are a number of objectives in the LAP that the grounds of appeal state would be materially contravened by the proposed development:

- Objective 6.3 is 'To support the provision of a new Church and Community Facility on lands at Ballymastone',
- Objective 6.7 is 'Facilitate the provision of local cultural spaces, performance and entertainment spaces, while protecting the existing amenities of the area', and,

[7] The LAP maps indicate a 'primary school site' objective in the phase 1 land immediately south of the subject site. The IR for the phase 1 application (ABP-315288-22) states that a 2018 framework plan indicated that this primary school site would instead be accommodated within the recreational and educational hub on the opposite side of DDR, and there would be three schools in that location.

- Objective 6.12 is ‘Support the provision of a Community / Cultural / Exhibition and Performing Arts Centre for Donabate-Portrane and encourage the development of multi-functional community buildings which are not used exclusively by any one group’.

8.2.4. I do not consider that the proposed development would materially contravene these LAP objectives. They relate to various infrastructure and facilities that will be supported or facilitated within the LAP area, apart from the church and community facility which is to be ‘supported’, not specifically ‘provided’, in Ballymastone. In my opinion, the proposed development subject of this planning application does not preclude the achievement of these objectives either elsewhere in the town or elsewhere within the Ballymastone area. The proposed development, in itself, is not contravening any of these objectives. As such, I am of the view that the LAP is not being materially contravened.

8.2.5. It is also stated that section 9 (Phasing and Implementation), specifically section 9.1 (Sequencing of Development), and objective 1.3 would be materially contravened.

8.2.6. I note that the LAP phase 1 developments at Turvey, Rahillion, and Corballis West have been carried out. Phase 2 includes Corballis West (150 units), Corballis East (300 units), and Spires East (300 units). The eastern part of the under construction Ballymastone phase 1 and the eastern part of this application are located on the Spires East land (see figure 9.1 of the LAP). It is stated that prior to the occupation of any phase 2 unit part of the DDR road shall be operational, which it is. 1,000 units in Corballis East and 900 units in Ballymastone are phase 3. Section 9.1.3 states this ‘final phase of development will be predicated on the completion and operation of the DDR infrastructure and the geographical growth of the settlement ... It is envisaged that Phase 2 and 3 will run consecutively, with a relatively short timeframe between these phases of construction’.

8.2.7. Phase 2 at Spires East/Ballymastone requires the following enabling infrastructure as per table 9.1: (i) completion of part of the DDR (this has been fully completed), (ii) a pedestrian and cycleway connection from Spires East to The Links open space (I noted this connection was practically completed on my site inspection), (iii) a local road to connect The Links south to Balcarrick Road (this was permitted as part of phase 1 and is further addressed under ‘The Links Road’ subheading of the traffic and

transportation chapter in sub-section 9.17 of this IR), (iv) SuDS is being provided, and (v) in relation to provision of a walking and cycling route along Malahide Estuary I note the provisions of paragraph 8.6.2 of the IR for the phase 1 application stated that the applicant has no control over the implementation or delivery of this, and I consider this remains the case.

8.2.8. Phase 3 at Ballymastone requires the following enabling infrastructure, also as per table 9.1: (i) that the DDR is operational, which it is, (ii) prepare a masterplan for the recreational and educational campus (this has received planning approval), (iii) a local road to connect 'The Links' east to the proposed Ballymastone Educational and Recreational Campus (this will be provided as part of the current planning application), and (iv) pedestrian/cycleway connections from the Ballymastone LAP lands west to St Ita's to complete the Rahillion Loop and to link into the Fingal Coastal Way. In relation to this the connection referred to already existed in 2016 along the north east boundary of the Ballymastone area (as per figure 4.4), it is outside the current site boundary, the proposed development does not rely on it in the way it does the other infrastructure, and, as with the route along the Malahide Estuary, it appears to be outside the applicant's control to implement or deliver.

8.2.9. Objective 1.3 of the LAP is somewhat similar to the phasing issues above as it states, 'Ensure timely delivery of enabling physical, social and green infrastructure in tandem with residential and commercial development'.

8.2.10. Having regard to the phasing issue, in my opinion the proposed development is consistent with the specific infrastructure that it is dependent on and would enable its functioning. The proposed development is similar to the under construction phase 1 Ballymastone development in that part of the site is in the phase 2 LAP and part in the phase 3 LAP. Permission was granted for phase 1 of this overall development and I consider there is no phasing issue with this planning application and certainly no issue that could be considered to be a material contravention. I am unaware of the current status of the pedestrian/cycleway connection to St. Ita's, however, it appears to be outside of the applicant's ownership and control. I also note that the planning authority's Planning Report conclusion states 'The proposed phasing and implementation of the scheme is generally in accordance with that set out within the LAP'.

8.2.11. Therefore, I do not consider that the proposed development would comprise a material contravention of any policy or objective of the LAP.

Fingal Development Plan (FDP) 2023-2029

8.2.12. There are a number of policies and objectives of the Plan that the grounds of appeal consider would be materially contravened by the proposed development. These are:

- Policy CSP31 (MASP Strategic Development Areas) – 'Deliver strategic development areas identified in the MASP, located at key nodes along high-quality public transport corridors in tandem with the delivery of infrastructure and enabling services to ensure a steady supply of serviced sites and to support accelerated delivery of housing'.
- Policy CSP32 (Donabate LAP) – 'Facilitate development on zoned residential lands within the settlement boundary of Donabate as prescribed in the Donabate LAP. Support the provision of the necessary social and community infrastructure including recreational facilities and strengthen and enhance the public realm, providing improved levels of connectivity and permeability'.
- Objective CIOSO5 (Residential Developments and Community Facilities) – 'Ensure proposals for large scale residential developments include a community facility, unless it can be established that the needs of the new residents can be adequately served within existing or committed community facilities in the area'.
- Policy CIOSP3 (Timely Provision of Community Facilities) – 'Ensure the timely provision in conjunction with housing development of community services, resources and infrastructure, including schools, community, religious, and health facilities, required for the creation of sustainable communities'.
- Policy CIOSP4 (Social Inclusion) – 'Ensure provision of accessible, adequate and diverse community facilities and services in new and established residential areas to provide for the well-being of residents'.
- Policy CIOSP6 (Facilities for Children, Teens and Young Adults) – 'Provide appropriate recreational, community, social and educational facilities for children, teens and young adults'.

- Objective DMSO78 – Planning applications for greater than 50 residential units shall include a Community and Social Infrastructure Audit which shall assess the provision of community and social infrastructure within the vicinity of the site and shall identify existing shortcomings in terms of these facilities and assess whether there is a need to provide additional facilities to cater for the proposed development. The audit shall include an assessment of existing community and social infrastructure facilities within 1 km, an assessment of the need in terms of necessity, deficiency, and opportunities to enhance/share existing facilities based on future population projections for the area, and a justification as to whether or not a new community facility will be provided as part of the proposed development, based on the findings of the audit.

Objective DMSO78 – Community & Social Infrastructure Audit

8.2.13. This is of importance to the consideration of the planning application and, in particular, the grounds of appeal which state that the town and area is deficient in a number of social and community facilities such as a community hall / multifunction community hall / youth centre / arts/cultural/heritage centre. Reference is made to waiting lists for use of the existing facilities and the general lack of these facilities. The increase in population would put further pressure on existing facilities and it is stated that this should be addressed as part of this planning application.

8.2.14. Apart from policy CSP31 which relates to physical infrastructure, in general terms the policies and objectives set out in paragraph 8.2.12 are broadly similar in their themes in that they seek to provide social and community infrastructure in tandem with residential development. However, there are no specific thresholds cited in any of these policies or objectives where requirement for a specific development would be triggered. In so far as it relates to this planning application, the only areas where specific infrastructure is required is physical infrastructure as set out in the LAP and which has been considered earlier in this sub-section.

8.2.15. A Community & Social Infrastructure Report (CSIR) dated April 2024 was submitted with the planning application, in line with objective DMSO78. The grounds of appeal make a number of comments about errors, discrepancies, and misleading information in this report, for example, use of a 5km radius rather than the required 1km radius, there is no swimming pool as stated, population profile figures, and detail in relation to

financial services and healthcare is inaccurate. The CSIR does reference the fact that both a 1km and a 5km radius was used for the report in section 1.3 and many of the maps and tables clearly reflect this, so I do not consider the CSIR is misleading. Notwithstanding, I note that many of these facilities are not necessarily easy or convenient to use for residents of Donabate. The CSIR concludes that the area, and the wider catchment (Malahide, Lusk, and Rush), possesses a wide range of physical, cultural, and social facilities that will serve potential residents. It is stated that the development will stitch into an established area with significant local facilities. As with the response to the grounds of appeal the applicant references the yet to be delivered community facilities i.e. the recreation hub. While the issue in the grounds of appeal clearly relates to a community hall or similar multi-function facility the applicant makes no reference to this in the response to the grounds of appeal.

8.2.16. In section 4.7 of its Planning Report, in relation to community and infrastructure, FCC 'notes concerns raised by third parties in relation to the shortage of community and social infrastructure, including discrepancies contained within the information'. The Report also references the submitted Schools Demand & Childcare Facilities Report and the concern about childcare provision. I address this separately in subsection 8.8 (Creche) of this IR. While there is no conclusion reached in section 4.7, the conclusion reached in the Planning Report specifically cites 'The availability in the area of a range of social, community and transport infrastructure' in terms of the list of issues that the planning authority had regard to. In its response to the grounds of appeal FCC had no further comments to make.

8.2.17. The planning authority, therefore, is of the opinion that there are sufficient social and community facilities available in the area. The applicant states, in the introduction to the Planning Report & Statement of Consistency submitted with the application, that the application is made on the basis of a development agreement with FCC, which is the landowner, and that the proposed scheme 'complies with the requirements as specified by Fingal County Council as part of this procurement process for developing a sustainable mixed tenure residential development, while according with proper planning and sustainable development principles'. Clearly it was open to FCC to require a community hall or other similar facility be provided as part of the application, or to reserve a site for same.

8.2.18. Having regard to the foregoing, a CSIR was submitted as required with the planning application which assessed the community and social infrastructure within the vicinity of the site and concluded that no additional facilities were required to cater for the proposed development. The planning authority agrees with this conclusion. In my opinion a refusal of permission because of a lack of sufficient community or social infrastructure would not be warranted. The proposed development is in line with its zoning objective and the infrastructure that is specifically set out in terms of phasing requirements.

8.2.19. The policies and objectives cited by appellants as being materially contravened are set out earlier in this subsection. I do not consider that the proposed development would materially contravene policies CSP31, CSP32, CIOSP3, CIOSP4, or CIOSP6, or objectives CIOSO5 or DMSO78. These are high-level, county wide policies and objectives. The proposed development does not preclude the achievement or delivery of any of these elsewhere in Donabate nor is there any threshold specified whereby any particular community facility must be provided. The planning authority could have required this as part of the development agreement, but it did not.

8.2.20. Therefore, I consider that the proposed development would not materially contravene the policies or objectives of the FDP 2023-2029 set out above.

Core Strategy / Population Projections

8.2.21. The grounds of appeal state that, individually and cumulatively, the proposed development will contribute to a material contravention of the LAP and FDP 2023-2029 in respect of sustainable population growth targets. Table 2.14 (Core Strategy) of the FDP 2023-2029 provides an estimated 2029 population of 11,226. The 2022 census population was 9,669. Appellants consider the April 2024 population is 10,527, and with a number of developments under construction and the population likely to be close to 16,000 by 2029, this would be an inappropriate population increase and material contravention of various plans.

8.2.22. The applicant's response to the grounds of appeal notes Donabate's status as a Self-Sustaining Growth Town, and that the site is zoned and is contained within the LAP. The provisions of policy CSP32 of the FDP 2023-2029 are noted (paragraph 8.2.12) as are the positive comments in the conclusion of the FCC Planning Report.

8.2.23. While I note the concerns outlined in the grounds of appeal relating to population increase, the proposed development is fully consistent with the zoning objective of the site. The site has been zoned for development going back to the Donabate LAP 2006. In the current 2016 LAP, approx. 1,200 residential units are envisaged on the Squires East / Ballymastone lands. This is the second of the three anticipated phases with the first phase at an advanced stage of construction. Phasing requirements for phases 2 and 3 of the LAP have been satisfied to allow this application to be made and the grant and subsequent development of this application would achieve other objectives of the LAP, such as the provision of a road from The Links Road to the DDR.

8.2.24. Donabate is specifically referenced in the MASP, as contained within the RSES, as having a significant residential capacity. Policy CSP32 of the FDP 2023-2029 specifically states that it is the policy of the Council to facilitate development on zoned residential lands within the settlement boundary of Donabate as prescribed in the Donabate LAP. Further in relation to the policy, as assessed previously, there is adequate social and community infrastructure, and the public realm would be strengthened and enhanced by the increased connectivity, permeability, open spaces, and active travel facilities that the proposed development would provide.

8.2.25. Having regard to the foregoing, there are robust policies and objectives in both the LAP and FDP 2023-2029 that strongly support the proposed development. Therefore, in my opinion, granting this application would not result in a material contravention of the FDP 2023-2029 in terms of the core strategy.

8.3. Traffic and Transportation

8.3.1. In the interest of clarity, all traffic and transport-related issues raised in the grounds of appeal such as The Links Road, the Portrane Road, the modal filter, car parking, and public transport capacity are addressed in paragraphs 9.17.15-9.17.40 of this IR relating to chapter 18 (Traffic & Transportation) of the EIAR.

8.4. Density and Building Height

8.4.1. Density and building height are standard issues to address in development of the type proposed.

Density

8.4.2. One of the grounds of appeal states that the proposed density of 44.7uph is in excess of the 35uph cited in the LAP and the 30-40uph range set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The 2009 Guidelines have been replaced by the Compact Settlement Guidelines (2024), and I note in this regard that a submission was originally received by the planning authority which stated that the proposed density was below the 50-150uph range set out in the 2024 Guidelines. The grounds of appeal links density to public transport capacity which I address in paragraphs 9.17.33-9.17.36 of my EIA.

8.4.3. The 'Housing' section of section 8.2.3 (Ballymastone Area) of the LAP considers the area to have the capacity to provide for approximately 1,000 residential units, based on an average density of 35uph. There is conflicting information in the LAP, however, with the table on page 89 of the LAP citing the provision of approximately 1,200 units at Ballymastone. Section 14.3.1 (Ballymastone Residential Development – Overall Masterplan) of the EIAR states that the overall masterplan for Ballymastone (of which the proposed development constitutes the second of three phases) involves the construction of approximately 1,194 residential units. This figure is also cited on page 18-25 of the EIAR. Therefore, the proposed development would contribute to achieving the number of residential units envisaged in the LAP. Also in relation to density, I note that the phase 1 density, as per the IR for that application (ABP-315288-22), is 43.6uph, so the proposed phase 2 density is consistent with the permitted phase 1 density.

8.4.4. Donabate is located within the Dublin MASP area, as set out in the RSES. I consider the site to be an urban extension area of a metropolitan town with a population greater than 1,500 i.e. 'urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development'. Residential densities in the 35uph-50uph range shall generally be applied at these locations.

8.4.5. Having regard to the foregoing, I am satisfied that the number of proposed units in the development would contribute to the overall provision of approximately 1,200 units in Ballymastone as envisaged in the LAP, the proposed density is consistent with that

provided in phase 1, and the proposed 44.7uph density is in line with the applicable density range set out in the Compact Settlement Guidelines (2024).

Building Height

8.4.6. Section 8.3.1 (Building Heights) of the LAP states that 'Building heights will be predominantly two storeys with opportunities for increased heights at specific locations ... Increased heights may be appropriate at locations where higher buildings would make a contribution to the streetscape or would provide overlooking of open space/ recreation areas'. The proposed development comprises two-storey houses with three-storey duplex units and five and six-storey apartment buildings along the DDR. This is similar to the phase 1 development.

8.4.7. There are no specific height restrictions in the FDP 2023-2029, with development to be assessed on its merits. In section 14.5.3 (Building Heights) the Plan references the Building Height Guidelines (2018). Having regard to the nature of existing development in the vicinity i.e. the phase 1 apartment buildings to the south, I do not consider that the proposed buildings are notably higher than the prevailing building height.

8.4.8. Paragraphs 3.6-3.7 (Building height in suburban/edge locations (City and Town)) of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) state 'Development should include an effective mix of 2, 3 and 4- storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Such development patterns are generally appropriate outside city centres and inner suburbs, i.e. the suburban edges of towns and cities, for both infill and greenfield development and should not be subject to specific height restrictions. Linked to the connective street pattern required under the Design Manual for Urban Roads and Streets (DMURS), planning policies and consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach, returning to traditional compact urban forms which created our finest town and city environments'. The provisions of specific planning policy requirement (SPPR) 4 of the Guidelines are set out after paragraphs 3.6-3.7. This states, in summary, that at greenfield, edge-of-town locations, minimum densities and

a greater mix of building heights and typologies must be secured, and mono-type building typologies must be avoided, particularly in developments of over 100 no. units.

8.4.9. With reference to the previous paragraph, the proposed apartment buildings overlook the relatively wide DDR to the east and small open space areas to the west. As set out in the EIA section of this IR, there is no adverse impact in terms of sunlight, daylight, or wind micro-climate (sub-sections 9.15 and 9.16). These buildings would further extend a strong urban edge to the DDR, would provide increased activity along same, and would provide a variation in physical form within the development. The proposed visual impact is also illustrated in the various documents submitted with the application.

8.4.10. Having regard to the foregoing, I consider that the proposed building heights are acceptable and appropriate and are consistent with the LAP, the FDP 2023-2029, and the Building Height Guidelines (2018), and no material contravention issue arises.

8.5. Site Layout and Development Design

8.5.1. Site layout and development design are standard issues to address in development of the type proposed. Section 8.3.6 of the LAP seeks to promote integrated, balanced communities and a sustainable social mix. A range of house types and sizes are to be delivered. The envisaged design is a move away from the large scale suburban residential estates of the late 20th Century. Contemporary architectural designs will be encouraged which reflect the evolution of Donabate and respect existing building forms into a style that is sensitive to its surrounding landscape with a general layout of development that makes it easy for people to find their way around. I consider that the proposed development, which is similar in layout and design to the permitted phase 1 development, is reasonably consistent with the provisions of section 8.3.6.

8.5.2. A number of accompanying documents contain layouts, images, drawings etc. which illustrate various aspects of the proposed development and which help in visualising the impact of the proposed development and its internal layout. These include the Landscape Strategy and Design Statement, the CGI Image Book, and the Architectural Design Statement.

Site Layout

8.5.3. The proposed development comprises phase 2 of an overall three-phase development at Ballymastone. Phase 1 has been permitted and is under construction adjacent to the south of the proposed phase 2, on both sides of the DDR. The proposed layout is similar to the phase 1 layout in that the houses are located away from the DDR with the five and six storey apartment buildings, and a duplex block, along the DDR. There are also three-storey duplex blocks dispersed throughout the 'housing' area. The three overall phases are interlinked and are cognisant of each other rather than being 'separate' developments. Some of the existing trees and hedgerows have been retained within the scheme. Permeability between phases, and existing development such as The Links, is a feature of the application through roads, footpaths/cycle paths, and areas of open space.

8.5.4. One of the grounds of appeal cites two policies, CMP1 and CMP7, that it claims were ignored in the planning authority adjudication. In my view, the proposed development/layout is broadly consistent with both these high-level policies. CMP1 supports the decarbonisation of motorised transport and facilitation of a modal shift to walking, cycling and public transport while supporting an efficient and effective transport system, and CMP7 states, inter alia, that it is policy to secure the development of a high-quality, connected, and inclusive pedestrian and cycling network. Dedicated footpaths and cycle paths and connectivity to permitted and proposed schemes to the north and south and the existing road networks to the east and west are a feature of this development. The site is also within walking distance of the town centre and train station. Also proposed are three mobility points which contain car sharing spaces, EV charging spaces, bicycle and scooter sharing spaces, and a bike repair location. Climate issues are also addressed in sub-section 9.11 of this IR.

8.5.5. One of the submissions received by the planning authority considered that the development layout included long, straight stretches of road that were not DMURS compliant. While I do not agree that there is any DMURS concern I note that the three longest and straightest stretches i.e. The Links Road and road extension along the western boundary, the east-west road along the southern boundary, and the north-south road parallel to the DDR in the eastern area of the site, already exist or were previously permitted as part of phase 1. The streets/roads specifically proposed under

this application are shorter than the permitted streets/roads and incorporate some vehicular culs-de-sac and bends/traffic calming features. I am satisfied the proposed layout is not contrary to the broad themes of DMURS.

Condition 22

8.5.6. Condition 22 (as per paragraph 4.1.1 of this IR) of the planning authority's decision is a compliance condition relating to revised drawings and schedules indicating the location and size of public, environmental[8], and private open space areas. If there is a shortfall of public open space a financial contribution in lieu will be required in accordance with the section 48 contribution scheme. I consider appropriate private open space has been provided for each residential unit.

8.5.7. The application provides for 1.364 hectares of public open space, which is approx. 16.76% of the net site area. The open space is mainly in the form of two small parks and a pocket park located centrally on site linking to other phases and allowing active modes of transport to The Links and the DDR. Existing hedgerows are integrated into these areas. Section 4.3.1 of the LAP requires pocket parks to be located at regular intervals throughout the LAP lands.

8.5.8. Table 14.12 of the FDP 2023-2029 cites a minimum public open space standard of 12%-15% for new residential development on greenfield sites or LAP land, with a discretion to accept a financial contribution in lieu (objective DMSO53). Note 5 on page 7 of the FCC Development Contribution Scheme 2021-2025 provides discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. Notwithstanding, I note that section 4.3 of the LAP states 'The required quantum of open space will include a minimum of 10% of the LAP residential lands …'

8.5.9. The planning authority's Parks and Green Infrastructure Division report considered the layout in terms of open space provision. Among a number of issues, it cited confusion over specific open space allocations such as the inclusion of a footpath/cycle path as public open space when it is the dominant feature, as opposed to it being one element

[8] Page 570 of the FDP 2023-2029 states that environmental open space is 'incidental or narrow pieces of open space used for the preservation of trees/hedgerows and or as a visual relief and screen planting e.g. along roads'.

of the space, in the area south of duplex block BZ16 and apartment block BA06[9]. Concern was also expressed in relation to some site boundaries e.g. hedges as boundaries between private and public open spaces should have a railing with the hedge, and clipped hedges are not acceptable for supervision reasons. Tree planting types and locations were also referenced. Further, concern was also expressed about the narrow width of some of the public open space. Notwithstanding, the report did not recommend a refusal of permission on any of these issues.

8.5.10. In general, I am satisfied with the public open space in terms of quantity and quality. It is provided in both north-south and east-west orientations on site connecting and linking permitted and proposed open space areas in the first and third phases and providing pedestrian and cycling connectivity to The Links Road and the DDR. Communal open space for apartments is provided to the west of the three apartment buildings and adequate private open space for all units is provided. I consider that all open space areas are subject of reasonable surveillance from the roads/streets and from passive overlooking from residential units.

8.5.11. Notwithstanding, further to condition 22 and the Parks and Green Infrastructure Division report, I consider that compliance conditions (included as recommended conditions 5 (e) and (f) and 29) relating to public open space allocation and quantity, boundary treatment, and tree planting are reasonable.

8.5.12. Overall, I consider that the proposed site layout is acceptable and is consistent with the provisions of section 8.3.6 of the LAP.

Development Design

8.5.13. The overall masterplan has eight 'neighbourhoods', four of which are in phase 2. There is an overlap between some phase 2 neighbourhoods and those in the first and third phases. The Architectural Design Statement identifies the four neighbourhoods as:

- Neighbourhood B – Ballisk Village – Southern area of phase 2 and part of phase 1. These houses and duplexes have materials comprising roof tiles, a light coloured render, buff brick, and cast concrete dressings.

[9] on the 'Public Open Space, Communal Open Space and SuDS' drawing (drg. no. 19164_2-C-2-103)

- Neighbourhood D – Ballymastone Avenue – Central/north west area. These houses and duplexes have materials comprising roof tiles, white/cream coloured render, white/cream brick, and metal cladding.
- Neighbourhood E – Ballymastone Village – Along the DDR south of the entrance road. These duplexes and apartments have materials comprising grey and buff brick with metal cladding to the duplexes and light coloured render to the apartments.
- Neighbourhood G – Ballalease Mews – North east area and part of phase 3. These duplexes and apartments have materials comprising red brick and grey metal cladding.

8.5.14. Page 24 of the planning authority's Planning Report considers that, in general, the elevational treatments are acceptable. However, 'it is recommended that a greater mixture of external finishes be introduced within the building elevations for the house types in order to break up the cream buff brick …' Condition 13 of the FCC decision requires details of materials and external finishes to be agreed with the planning authority. Having regard to the rationale for the external materials to be used I consider that they are acceptable and that there is no necessity to introduce any new external finishes to the development. I consider the proposed development would be visually acceptable and would provide a reasonable variety in finishes resulting in placemaking effects to the various neighbourhoods through the phase and overall masterplan area.

8.5.15. The planning authority decision included two conditions, 15 and 16, which relate to the design of houses and private open spaces.

Condition 15

8.5.16. Condition 15 (as per paragraph 4.1.1 of this IR) of the FCC decision has four subsections, (a) to (d). Revised drawings and associated schedules are required by the condition.

8.5.17. Subsection (a) raises issues over the private amenity space associated with three house types. Page 25 of the FCC Planning Report states that the areas were not provided in the Housing Quality Audit (HQA).

- It appears that House Type H4AA (1 no.) is the house identified as Block BD03/67 on the 'Proposed Site Layout Plan – Planning Zone 3' drawing and inaccurately labelled as a 'terrace' on sheet nos. 20003-MDO-BD03-XX-DR-A01-073001/083001. Page 12 of the accompanying HQA identifies this as unit no. 473, and states that it has a private open space area of 93.14sqm, significantly in excess of the 50sqm required by the Compact Settlement Guidelines (2024).
- It appears that House Type H4BB (2 no.) are the houses identified as Block BS07/96 on the 'Proposed Site Layout Plan – Planning Zone 3' drawing and inaccurately labelled as a 'terrace' on sheet nos. 20003-MDO-BS07-XX-DR-A01-073007/083007. Page 12 of the accompanying HQA identifies these as unit nos. 587 and 588, and states that they have private open spaces of 89.11sqm and 93.58sqm respectively, significantly in excess of the 50sqm required.
- House Type H4AC is set out in page 73 of the HQA though it is unclear what houses on the layout it relates to. It is described as a semi-detached version of House Type H4AA (first bullet point); however I am unable to identify this on the site layout. Notwithstanding, I note that the private open space provision for all 158 houses is set out on page 12 of the HQA and all areas exceed the minimum areas required by the Compact Settlement Guidelines (2024).

8.5.18. Subsection (b) relates to the internal floor areas associated with two house types (H2C and H3A) and one duplex unit (no. 435). Page 25 of the FCC Planning Report considers that these are marginally below the required areas.

- There are 15 proposed H2C houses. The aggregate bedroom area is cited as 24.48sqm on page 65 of the accompanying HQA. This is below the 25sqm area set out in Table 5.1 (Space provision and room sizes for typical dwellings) in the Quality Housing for Sustainable Communities Guidelines (2007).
- There are 6 proposed H3A houses. The aggregate bedroom area is cited as 31.5sqm on page 66 of the accompanying HQA. It appears that the planning authority assumed a five-person occupancy of this three-bed house which requires an aggregate 32sqm for bedrooms. However, the HQA cites an occupancy level of four which under table 5.1 requires an aggregate floor area of 28sqm, which has been provided.

- Duplex no. 435 relates to unit type D3IA in duplex block BZ09. It is unclear why this unit number has been cited for internal floor area as it appears to be compliant with standards. However, it appears that this is a typographical error as page 27 of the FCC Planning Report queries a 204.337sqm private open space area associated with this unit, which also appears to be a typographical error. Private open space is provided at ground level. It is unclear as to the specific area provided, however all private open space areas for these units are similar in area and I do not consider any deficiency occurs.
- It is mentioned on page 25 of the FCC Planning Report that the four-bed houses are below the aggregate living area standard. Houses H4BA and H4BB, of which there are four proposed, have an aggregate living area of 39.39sqm, slightly below the 40sqm required by table 5.1.

Having regard to the foregoing, I consider that a condition should be included in any grant of permission that the aggregate bedroom area for the H2C houses and the aggregate living areas for the H4B houses should be increased to achieve the required standards.

8.5.19. Subsection (c) requires a separation distance of 2.3 metres between the side walls of detached, semi-detached, and terraced blocks in accordance with objective DMSO26 of the FDP 2023-2029. The FCC Planning Report does not cite a location where this has not been achieved. From an inspection of the site layout plan there are several locations, specifically in the western area of the site, where it is unclear whether a 2.3 metres separation is achieved. I consider a condition to the effect that a 2.3 metres separation be achieved is warranted, though I do not consider a compliance condition necessary. I do not consider that any minor revisions to the layout as a result of this would have any material impact on the overall layout in terms of, for example, private open spaces.

8.5.20. Subsection (d) relates to the storage areas for duplex unit types D2LA and D3LA. Page 50 of the accompanying HQA illustrates a storage area of 5.69sqm for D2LA, which is below the 6sqm required by the Apartment Guidelines (2023). However, page 59 of the HQA (type D3LA) illustrates storage in excess of the 5sqm required by the Quality Housing Guidelines (2007). As such, I consider the storage for D2LA should be increased.

Condition 16

8.5.21. Condition 16 (as per paragraph 4.1.1 of this IR) relates to alterations to three of the duplex units and is based on a report from the Architects Department. They are relatively minor issues relating to the balcony treatment at second floor level and treatment of a main roof and an entrance porch roof.

8.5.22. Subsections (a) and (b) relate to duplex blocks BZ08 (balcony treatment) and BZ22 (main roof revisions). I note initially that effectively the same conditions were included as conditions 3 (c)(i) and 3 (b)(ii) in FCC's phase 1 grant of permission. This was assessed in section 8.13.4 of the IR for ABP-315288-22 in the context of the overall revisions set out in the FCC grant. The IR stated that the overall design and urban form of the development was acceptable and that the revisions proposed were unnecessary and would have no significant material benefit to the overall proposal. The Board accepted this. I agree with the previous IR and consider that these design conditions can be omitted from any grant of permission that may issue. I note that these issues were raised by FCC at pre-planning stage and the applicant's responses to same are set out on pages 68 and 69 of the Architectural Design Statement.

8.5.23. Having regard to the previous paragraph, I also consider that the entrance porch roof revisions for block BZ03, as conditioned by the planning authority, would have negligible benefit.

8.5.24. Therefore, I do not consider that condition 16 of the FCC decision is warranted.

8.5.25. Overall, I consider that the development design is acceptable. The proposed houses, duplexes, and apartment buildings would result in a visually interesting development whose internal neighbourhoods, by virtue of the subtle differences in external finishes and the varying scale of buildings within each, would contribute to placemaking. The higher buildings along the DDR would provide an appropriate urban edge and create activity on the road and would be consistent with the phase 1 development.

8.6. Impact on Existing Residential Amenity

8.6.1. Concern in relation to an adverse impact on the residential amenity of adjoining properties through, for example, overlooking, shadowing impact, overbearing impact, construction phase nuisance etc., has not been cited in the grounds of appeal. The

only issue in this regard is that of additional traffic on The Links Road which I address in subsection 9.17. Notwithstanding, I will briefly consider the issues commonly raised in terms of impact on existing residential amenity.

Overlooking

8.6.2. No overlooking would occur to the north of the subject site as there would be a separation distance of approx. 130 metres between proposed houses and existing houses in Priory Wood. The undeveloped area between the proposed and existing houses is likely to be developed in a future phase 3. The proposed houses and apartments along the eastern site boundary would overlook an internal circulation road and the R126/DDR. Proposed two-storey terraced houses along the southern boundary of phase 2 overlook an internal circulation road with open space and terraced housing associated with phase 1 on the opposite side with a minimum separation distance of approx. 20 metres. Along the western boundary two-storey terraced housing and three storey duplexes overlook a circulation road with the side or rear elevations of houses in The Links at a minimum distance of approx. 20 metres.

8.6.3. I do not consider that undue overlooking would result from the proposed development. I also consider that it is important to have houses overlooking roads in the interests of passive surveillance and creating an appropriate urban form. Notwithstanding that houses along the eastern, southern, and western site boundaries overlook roads, I am satisfied that the minimum separation distances of 16 metres, as set out in SPPR 1 of the Compact Settlement Guidelines (2024) are achieved.

Shadowing impact

8.6.4. The three proposed five and six storey apartment buildings are located along the eastern site boundary, overlooking the DDR. There is a minimum separation distance of approx. 60 metres to the permitted phase 1 houses on the opposite side of DDR, and the apartment buildings are generally to the north of the permitted houses. Apart from these three buildings the houses and duplexes are two to three storeys in scale with reasonable separation distances to existing and permitted houses. The issue of daylight and sunlight is addressed in section 9.15 of the EIA and no issues of concern arise. There would be no undue shadowing impact on existing/permitted residential units as a result of the proposed development.

Overbearing impact

8.6.5. While the proposed development includes three five and six storey apartment buildings, I note that similar buildings are under construction as part of the phase 1 development, in a similar location along the DDR. I do not consider these would have any adverse impact on existing residential amenity and would, together with the phase 1 blocks under construction, create an appropriate urban streetscape.

Construction phase nuisance

8.6.6. The proposed development would comprise phase 2 of a likely three phase development on the overall landholding. Noise and traffic nuisance etc. is unavoidable during the construction phase of any development. However, because of the DDR, construction traffic can avoid residential areas such as The Links or Priory Wood. A Construction Management Plan can be conditioned for the construction phase, to be agreed in advance with the planning authority. Construction hours have been specifically raised in the grounds of appeal, which I address in paragraphs 8.8.10-8.8.11. Construction phase issues such as air quality, noise and vibration, and traffic and transportation have been fully addressed in the relevant EIA sections.

8.7. Residential Amenity for Future Occupants

8.7.1. Having regard to the overall provisions of this IR I do not consider that a separate, specific assessment of the proposed development in terms of the residential amenity for future occupants is necessary. This Planning Assessment (section 8) addresses issues such as social and community infrastructure, the site layout, development design, and open space provision. The EIA (section 9) addresses issues such as daylight and sunlight access and car parking. The planning authority's Planning Report indicates that all relevant SPPRs of the Apartment Guidelines (2023) are met e.g. unit mix, floor areas, dual aspect, floor to ceiling heights, and number of apartments per floor per core, and therefore I do not consider there is any issue with the proposed apartment buildings. Taking all of these issues into consideration, I consider that the proposed development would result in a reasonable level of residential amenity for future occupants of the proposed development.

8.8. **Other Matters**

8.8.1. There are also other relevant issues which can be addressed.

Creche

8.8.2. The absence of a creche from phase 2 is a matter raised in the grounds of appeal.

8.8.3. The applicant states that the proposed development would create a childcare demand of 81-83 spaces. A creche was permitted as part of phase 1 which has a capacity of approx. 182 spaces, even though the phase 1 demand was only approx. 101 spaces. No creche-specific condition was attached to the phase 1 grant of permission under ABP-315288-22. A creche will also be delivered in phase 3. It is stated that these two creches have the capacity to accommodate the phase 2 demand, further to existing off-site facilities.

8.8.4. The planning authority noted the provision of the phase 1 creche and considered the proposal to be acceptable, subject to a condition requiring the phase 1 creche to be constructed and operational prior to the occupation of any phase 2 unit. Condition 5 was included in the FCC grant of permission, as per paragraph 4.1.1 of this IR.

8.8.5. In my opinion, given the phase 1 creche with its capacity to accommodate phase 2 demand, there is no requirement for a creche to also be provided as part of the current application. Development of the overall masterplan will provide sufficient spaces to cater for the childcare demand from the three phases. Phase 1 is currently under construction. It is envisaged that it would be complete by the time any of the phase 2 units are ready for occupation should permission be granted. Although it is part of a different planning application, in this case they are different phases of the same masterplan, the applicant is the same for both applications, and the first phase is already at a relatively advanced stage of construction. Therefore, I consider it reasonable that a condition be attached to this current application to the effect that no residential unit shall be occupied until such time as the creche in the first phase is fully fitted out and suitable for immediate occupation and operation (if not already operational).

Seven-Year Permission

8.8.6. The planning application seeks a seven-year planning permission. The rationale for this is set out on page 6 of the Planning Report & Statement of Consistency. It is 'to allow for any delays that might be encountered post planning such as Judicial Review, supply chain delays etc. This short extension to the standard five-year permission ensures that if there are any post planning delays that the scheme can be completed within the life of the permission'. Condition 2 of the FCC grant of permission restricted the permission to a five-year period.

8.8.7. A ten-year permission was sought in the phase 1 planning application (LRD0008/S3 / ABP-315288-22) for 432 residential units etc. Condition 2 of both the FCC and Board decisions restricted the permissions to a five-year period. The Inspector was of the view that given the size of the proposed development and its estimated construction period there was no justification for a ten-year permission (paragraph 8.13.3 of the Inspector's Report).

8.8.8. In my opinion there is no justification in this case for extending the standard five-year permission, given the nature and scale of the proposed development. I note that an extension of duration to the permission can be sought should this be necessary.

8.8.9. Having regard to the foregoing, should permission be granted, I recommend that a five-year permission be conditioned, and this is included as recommended condition 2.

Hours of Construction

8.8.10. One of the issues raised in the grounds of appeal relates to hours of construction, and specifically that construction should commence no earlier than 8am. Condition 31 (a) of the FCC grant cited construction hours of 8am-7pm Monday to Friday and 8am-2pm on Saturday. The applicant's response to the grounds of appeal requested working hours of 7am-7pm Monday-Friday[10] and 8am-2pm on Saturday as per phase 1. It is stated that an 8am start would have an unacceptable impact.

8.8.11. Should permission be granted, I recommend hours of construction in line with objective DMSO243 of the FDP 2023-2029 be conditioned i.e. between the hours of 0700 to

[10] Section 5.5.8 of the EIAR cites envisaged weekday working hours as 7am-6pm.

1900 Mondays to Fridays inclusive, 0900 to 1300 on Saturdays, and not at all on Sundays and public holidays. This is included as recommended condition 23.

Devaluation of Property

8.8.12. It is submitted that the proposed development would devalue property in the area. I note the concerns raised in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out in this IR, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

Services and Flood Risk

8.8.13. Water and foul connections to the public systems are available. A pumping station is proposed in the north east corner of the site to facilitate connection to the public foul system along the DDR. A pumping station which is under construction to the south east would also facilitate connection to the public foul system. Uisce Éireann has expressed no issue in relation to these connections.

8.8.14. Surface water is to be attenuated on site and then discharged to the surface water network. Some surface water is to be discharged to an existing 1350mm surface water culvert to the north west and some to existing ditches which flow to Portrane Canal. Both networks outfall to Rogerstown Estuary to the north.

8.8.15. No flood risk concern was expressed in the Site Specific Flood Risk Assessment submitted with the application. It concludes, inter alia, that the residential development proposed is appropriate for the flood zone category and that the Planning System and Flood Risk Management Guidelines Sequential Approach is met.

8.8.16. These issues are addressed in more detail in the ‘Hydrology’ and ‘Material Assets – Services’ sub-sections of the EIA section of this IR (sub-sections 9.9 and 9.19 respectively), and also in the Appropriate Assessment section. Sub-section 9.19 also refers to utilities such as power, gas, and telecommunications.

9.0 Environmental Impact Assessment (EIA)

9.1. Statutory Provisions

9.1.1. This section sets out the EIA of the proposed project and should be read in conjunction with both the planning and appropriate assessment sections of this report. The proposed development provides for 364 residential units and associated site works on a site with a gross area of 13.74 hectares in Donabate, Co. Dublin.

9.1.2. Item 10 (Infrastructure projects) to Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended) and section 172 (1)(a) of the Planning & Development Act, 2000 (as amended) provide that EIA is required for infrastructure projects that involve:

- (b)(i) construction of more than 500 dwelling units,
- (b)(iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

9.1.3. The current proposal is an urban development project in a built-up area. The gross site area is 13.74 hectares, and the net site area is 8.14 hectares. The applicant considers that the proposed development corresponds to the two bullet points set out in the previous paragraph. When considered together, the combined phases 1 and 2 (796 residential units) exceed the relevant threshold, and the applicant is required to prepare an EIAR.

9.2. EIA Structure

9.2.1. Section 9 of this IR comprises my EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended) and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and,

(b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

9.2.2. Article 94 of the Planning and Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

9.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section provides an examination, analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.4. It also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Board's decision, should it agree with the recommendation made.

9.3. Consultations and Issues Raised in Respect of EIA

9.3.1. The application has been advertised and submitted in accordance with statutory requirements. Direct and formal public participation in the EIA process was undertaken through the statutory planning application process. FCC sought further information, in part, for appropriate addendums to the biodiversity and hydrology chapters, further to the further information request relating to AA. In response, the applicant was of the opinion that no changes were required to the conclusions of these, or any other, chapters.

9.3.2. This EIA has had regard to the submissions and observations received from FCC, prescribed bodies, local representatives, and members of the public. These are summarised in sub-sections 4.3 and 4.4, and in section 7. Issues raised in the grounds of appeal do not directly reference the EIAR or specific environmental matters, apart from issues relating to traffic and transportation which I address in subsection 9.17.

9.3.3. I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

9.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 (paragraphs 1 and 2) of the Planning & Development Regulations, 2001 (as amended).

Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94 (b).
A description of the proposed development is contained in chapter 5 (Description of the Proposed Development) of the EIAR. Chapter subsections include Site of the Proposed Development, Characteristics of the Proposed Development, and

Construction Phase. It is stated in the introduction to the chapter that specific details of the proposed development that are relevant to particular specialist topics are set out, where relevant, in the corresponding chapter. I am satisfied that the development description provided is adequate to enable a decision.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94 (b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94 (b).
The proposed development includes embedded design mitigation e.g. in relation to climate and mobility management. Mitigation is addressed in each of the EIAR technical chapters. Chapter 23 (Mitigation Measures & Monitoring) collates and summarises the mitigation measures that have been identified in the individual chapters. I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94 (b).
Chapter 4 (Consideration of Alternatives) of the EIAR provides an overview of the alternatives that were considered for the proposed development. Chapter subheadings include Do-Nothing Alternative, Alternative Locations, and Alternative Layouts & Design.

In the do-nothing scenario it is likely that the existing status, disused agricultural land, would continue, or the site would likely be developed for residential development at some point which is the more likely alternative given the policy context and the demand for housing in the area. Given the zoning of the site and the development objectives the site is suitable for the proposed development, and it is not necessary to consider alternative locations or sites. It is stated that the evolution of the design and layout was an iterative process involving the entire design team. The final layout responds appropriately to the site. Phase 2 forms part of a wider masterplan and follows on from the phase 1 development. Five alternative layouts are included in section 4.6 of the EIAR and commentary on each is provided under headings such as character area and neighbourhoods, vehicular links, pedestrian/cycle links, density, daylight, and natural features and archaeology. I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed, and potential impacts on the environment have been taken into account.
A description of the baseline environment and likely evolution in the absence of the development.
The baseline environment is addressed in each technical chapter within the EIAR and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to ‘do nothing’ scenarios. I am satisfied with the descriptions of same.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.
The relevant methodology employed in carrying out the EIA, including desk-based assessment, site visits, various evaluations, determining significance, predictions, definitions, impact assessment etc. is set out in the individual chapters.

The applicant has identified any difficulties encountered in each technical chapter. It includes any limitations that may affect the reliability of baseline data and includes the availability, completeness, accuracy, age, and accessibility of data. No significant difficulty was encountered in the majority of technical chapters. Some level of assumption was necessary in completing the model for the daylight/sunlight assessment. In terms of waste, it is difficult to predict with a high level of accuracy the construction waste that will be generated, and there may also be issues relating to contaminated material or availability of a particular waste facility. I am satisfied that the forecasting methods overall are adequate in respect of likely effects.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
Section 2.5.1 (Major Accidents & Disasters) of the EIAR states, inter alia, that an assessment of major accidents and disasters has been scoped out of the EIAR, but that the risks of feasible accidents and natural events, for example flood risk and geohazards, are addressed, where relevant, in the Report. There is no Seveso site in the area. Having regard to the location and zoning of the site, and the residential nature of the proposed development, I am satisfied that there are not likely to be any significant effects of the project deriving from major accidents and/or disasters.
Article 94 (c) A summary of the information in non-technical language.
The EIAR submitted with the application comprises a Non-Technical Summary (volume I), a Main Text (volume II), and Appendices (volume III). I am satisfied that the Non-Technical Summary is concise, suitably comprehensive, and would be easily understood by members of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.

Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.
Article 94 (e) A list of the experts who contributed to the preparation of the report.
A list of the various experts who contributed to the EIAR, their roles/input, and their qualifications are set out in table 1.4 (EIAR Contributors) of the EIAR. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

9.4.3. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and the associated supplementary information provided with this by the applicant, is sufficient to comply with article 94 of the Planning & Development Regulations, 2001 (as amended). Matters of detail are considered in my assessment of likely significant effects below.

9.5. Assessment of Likely Significant Effects

9.5.1. The EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It considers the interactions between factors (a) to (d) in chapter 21 (Interactions). The EIAR also describes and assesses the direct and indirect significant effects on other issues i.e. noise and vibration, microclimate, and traffic and transportation.

9.5.2. A decommissioning phase for the project has not been proposed or assessed due to the intended permanent residential nature of the development and nature of the associated development e.g. roads/footpaths and services infrastructure. Should the proposed buildings be demolished, further permission would be required, and it is assumed that the legislation, guidance, and good practice at that time would be followed, and the effects are likely to be similar to the proposed construction effects.

9.5.3. In accordance with section 171A of the Planning & Development Act, 2000 (as amended), which defines EIA, this assessment includes an examination, analysis, and evaluation of the application documents, including the EIAR and submissions and observations received, and identifies, describes, and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised
- Context
- Baseline
- Predicted impacts
- Mitigation measures
- Residual impacts
- Direct and indirect impacts assessment
- Direct and indirect impacts conclusion

9.6. Population and Human Health

Issues Raised

9.6.1. The grounds of appeal did not raise any specific issues in relation to population and human health, other than broad concerns relating generally to density / population growth / core strategy / and the lack/absence of community facilities. These issues have been addressed in section 8 (Planning Assessment). Issues relating to transport/traffic are addressed in subsection 9.17, below. FCC's Environment Air & Noise Section stated it had no objection subject to conditions.

Context

9.6.2. Impacts of the project on population and human health are addressed in chapter 7 of the EIAR. A broad definition of human health is set out as well as the topics that should be addressed in this chapter. There is significant potential for interactions with other EIAR technical chapters such as chapter 11 (Air Quality). Guidance documents and

sources used in the chapter are listed. I note that census results from 2022 are used. No difficulties were encountered in the preparation of the chapter.

Baseline

9.6.3. The baseline provided describes the population (Donabate has experienced significant population growth in recent years; from 8,733 in 2011 to 11,783[11] in 2022), land use and settlement patterns, economic activity and employment (it is a commuter town which does not support high levels of employment), tourism and amenity, community infrastructure (separate reports to the EIAR have been prepared), and human health (there appears to be a relatively high level of well-being in the area).

Predicted Impacts

9.6.4. Table 9.2 – Summary of Predicted Impacts on Population and Human Health in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	It is likely that either the existing status and use of the land (disused agricultural) would continue, or a similar development to that proposed would be permitted under a separate application in the future. Under the former no significant impact would arise in relation to population and human health, but it would be a socially suboptimal use of the land with the opportunity cost of 364 residential units. The latter scenario is more likely, given the site location, policy context, and demand for housing.
Construction	Negative and slight impact in terms of air quality. Negative, significant, short-term noise and vibration impacts. Negative, slight, and short-term traffic impacts. Negative, significant and short-term landscape and visual impacts. Negative and significant waste management impact.

[11] This appears to be the population of the wider electoral division/peninsula. The 9,669 figure cited in paragraph 8.2.21 under the Core Strategy/Population Projections sub-heading appears to relate to the population of the town itself.

	Negative and short-term impact on utilities infrastructure. Brief and not significant daylight and sunlight impact. There would be a positive, slight to significant, and short-term economic impact in terms of demand for services from e.g. shops or cafes, and providers of construction materials and supporting services.
Operation	Long-term and negative impact on air quality and climate. Noise impact would be typical of a development of this nature and scale. Noise associated with traffic would be imperceptible. Additional traffic generation is slight, negative, and long-term. There would be a low to significant landscape and visual impact, depending on proximity. In the absence of proper waste management procedures there would be a negative, significant, and long-term impact. There would be neutral daylight and sunlight impacts on existing neighbours. Population growth would contribute positively to the local economy by creating additional demand for local goods, services, and infrastructure. 145 social and affordable residential units would be provided, which is positive in the context of the housing crisis, in addition to the other units. This is a moderate to significant, positive aspect of the proposed development. Though strain can be placed on existing services and infrastructure, separate reports have concluded that there are sufficient school places and community facilities in the area.
Cumulative	Traffic generation has taken into consideration other committed residential developments in the locality. There would be a slight, negative, and long-term impact.

Mitigation Measures

9.6.5. Mitigation measures are prescribed in the EIAR to avoid/minimise the predicted impacts. Section 7.5 (Mitigation Measures) of the EIAR notes that, in relation to impact on population and human health, it is imperative that all mitigation measures are implemented in full.

9.6.6. Construction phase mitigation includes the updating and implementation of the CEMP, appointment of a Community Liaison Officer, and implementation of the mitigation measures contained in the relevant chapters.

9.6.7. Operational phase mitigation includes measures relating to mobility management, open space, management of existing hedgerows, attenuation and drainage, and management of operational stage waste.

9.6.8. Section 7.10 (Cumulative Impacts) of the EIAR considers that mitigation would ensure that significant negative cumulative impacts on population and human health are not likely to occur.

9.6.9. Conditions attached in any grant of permission would further reinforce human health.

Residual Impacts

9.6.10. According to the EIAR, assuming implementation of mitigation measures, there would be no likely significant effects.

Direct and Indirect Impacts Assessment

9.6.11. I have examined, analysed, and evaluated chapter 7 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified. I note that section 11.11 in the air quality EIAR chapter addresses risk to human health and concludes that the construction and operation phase impacts are not significant. Broader issues relating to population and human health that were raised in the grounds of appeal are addressed elsewhere in this IR, such as community facilities in sub-section 8.2 and traffic related issues in sub-section 9.17.

9.6.12. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on population and human health. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.6.13. Having regard to my examination of environmental information in respect of population and human health, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect effects on human health and population are, and will be mitigated where relevant, as follows:

- significant direct positive impact for population, due to the substantive increase in the housing stock during the operational phase including 40% social and affordable housing units,
- significant positive socio-economic benefit through construction stage employment and associated construction phase economic activity and an increase in the local population for services in the operational phase, and,
- significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, resulting in no significant residual impacts on population and human health[12].

9.7. Biodiversity

Issues Raised

9.7.1. The grounds of appeal did not raise any specific issue in relation to biodiversity. FCC sought further information for a revised NIS and, consequently, appropriate addendums to the EIAR biodiversity and hydrology chapters. The applicant's response

[12] To avoid duplication, given that the specific environmental factors (noise, visual impact, and waste) are also set out individually in the reasoned conclusion, I do not include this 'umbrella' bullet point in it.

stated that no change was required to the conclusion of the biodiversity chapter, or any other chapter, and the response was considered acceptable to FCC.

Context

9.7.2. Impacts of the project on biodiversity are addressed in chapter 8 of the EIAR. Appendices are attached at appendix 8.1 ('Bat Survey Report' dated 24th April 2024), appendix 8.2 (an undated 'Breeding Bird Survey'), and appendix 3 ('Habitat and Hedgerow Study'[13] dated April 2024). No difficulties were encountered in compiling the chapter. An NIS is submitted as a separate report, and I address this in section 10 of this IR.

9.7.3. A comprehensive desk-based assessment was undertaken in accordance with cited publications and sources, and habitat surveys, rare plant surveys and surveys for invasive alien species, large mammal surveys, bat and bird surveys, and an appraisal of site suitability for lepidoptera (butterflies/moths), amphibians, and reptiles, were undertaken. Section 8.12 (Difficulties Encountered) states that all surveys were undertaken to an appropriate level, and that the report is based on surveys undertaken over multiple seasons across multiple receptors. The methodologies used to determine the value of ecological resources, characterise impacts, and assess significance of impacts are set out. Key ecological receptors (KERs) are features of sufficient value to be material in the decision-making process. Only features of local importance (higher value) are considered to be KERs.

Baseline

9.7.4. A general description of the existing environment is set out. Though there are no mapped water features on site the site is located approximately midway between the Rogerstown and Malahide Estuaries, to the north and south respectively. There is a network of drainage ditches which eventually discharge to Rogerstown Estuary. The site is not under any wildlife or conservation designation. European sites are identified; Rogerstown Estuary SAC and SPA are the closest. Other designated sites are also identified. All habitats on site are described. The habitats that cover the greatest site surface area are spoil and bare ground and an area of buildings and artificial surfaces / spoil and bare ground mosaic. Habitats considered to be KERs are drainage ditches

[13] Referred to in the chapter as a botanical survey.

(widely found on site, mostly along the base of treelines), (mixed) broadleaved woodland (mainly to the north east), wet grassland (also in the north east area), and hedgerows and treelines. All are of local importance (higher value). No rare, threatened, or legally protected plant species was recorded.

9.7.5. While there is evidence of badgers in the wider area, there are no badger setts within the site boundary. The primary area of bat feeding was the north east area, and no bats were recorded roosting on site. Rabbits and the occasional fox were recorded. No signs of otter, hare, hedgehog, or frog were found. 35 bird species were recorded during surveys, including meadow pipit and yellowhammer (both red-list species of high conservation concern in Birds of Conservation Concern in Ireland 2020-2026). Some wintering species were also recorded, though no special conservation interest (SCI) species of SPAs were found.

9.7.6. Overall, the site is considered to be of local importance (high value).

Predicted Impacts

9.7.7. Table 9.3 – Summary of Predicted Impacts on Biodiversity in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	In a do nothing scenario no change to the biodiversity value of the site can be expected. Disturbed area would be recolonised. However, development of the site is likely to occur at some stage, with similar impacts to those predicted to arise as a result of the current proposed development.
Construction	Short-term, moderate, and negative impact on air and water quality in the context of biodiversity from e.g. contaminated surface water and dust generation[14]. Short-term, moderate, and negative impact on local ecological receptors by way of noise, vibration, and visual impacts. There would be no likely lighting impacts.

[14] Though this is not considered to be a significant construction phase concern in the EIAR, in my view, given the wider biodiversity implications of contaminated surface water discharge to Rogerstown Estuary, and possibly Malahide Estuary, as per my AA in section 10 of this IR, I consider that it should be considered a significant construction phase impact, in the absence of mitigation.

	There would be a permanent/long-term, moderate, and negative impact on biodiversity as a result of existing habitat loss/disturbance. In addition, a badger sett in phase 1 is in proximity to the phase 2 site and there is the potential for construction to result in disturbance to the sett and impact on badgers.
Operation	Loss of habitat and vegetation would affect breeding birds, bats, and badgers. There would be a long-term, moderate to minor, and negative impact on fauna. There would be negligible risk of bird strike on apartments. Lighting would likely have more of an effect on bats than it would on badgers. Impact is long-term and negative, moderate to slight. No significant impact on watercourses is expected.
Cumulative	See paragraph 9.7.12.

Mitigation Measures

9.7.8. Mitigation measures are set out in section 8.5 of the EIAR.

9.7.9. Construction phase measures are set out under the sub-headings of:

- Water quality, dust and other emissions – The measures large relate to the treatment of contaminated surface water runoff, treatment of groundwater, construction of settlement ponds, storage of chemicals, location of refuelling, concrete batching off-site etc.
- Noise, vibration and visual effects – Measures referenced include general best practice methods and implementation of tree protection measures.
- Lighting – These include provision of minimum levels and directing light away from hedgerows and open space network.
- Badgers – Measures include a pre-construction badger survey and construction site housekeeping e.g. escape ramps in excavations.

- Other measures – These include examination of trees to be removed for the presence of bats, retention of trees/hedgerows, clearance of vegetation at the appropriate time, appropriate biosecurity measures, appropriate mixture of planting, and implementation of Inland Fisheries Ireland recommendations.
- In addition to the measures set out above, I also note that section 8.8 (Monitoring) of the EIAR states that a suitably experienced Project Ecologist 'will be appointed for the duration of the construction phase … will ensure that all construction works take place in accordance with planning conditions, the project CEMP and the mitigation measures set out in this EIAR'.

9.7.10. In terms of the operational phase, it is proposed to retain a significant proportion of hedgerows and new planting is proposed as part of a landscape strategy. It is proposed to erect bat boxes or provide access to elements of buildings. Bird boxes, insect hotels, and small openings in property boundaries are also proposed. As the development is designed in accordance with SuDS principles, no mitigation is required in relation to surface water quality.

9.7.11. Section 8.8 also refers to annual monitoring for two years of the bat and bird boxes and insect hotels to ensure accessibility and repositioning if necessary. The installed lighting will be reviewed by the Project Ecologist and a bat specialist to ensure it is operating according to approved specifications.

9.7.12. Section 8.11 (Cumulative Impacts) of the EIAR notes that relevant plans and projects have been subject of appraisal in relation to ecological receptors. As a result of SuDS it is considered that cumulative impacts on surface water quality are neutral and imperceptible.

9.7.13. Conditions attached in any grant of permission would further protect biodiversity.

Residual Impacts

9.7.14. According to the EIAR, temporary negative impacts at local level will in general be fully mitigated over time to be rendered negligible, though there would be a slight, negative, and long-term impact on badgers due to the reduction in the suitability of the area.

9.7.15. The site would be changed by the proposed development, though I note from my site inspection that this process has already started given that some areas of road in phase 2 overlap with those in phase 1 and the construction compound is located in the phase

2 site. Notwithstanding, the site is appropriately zoned and mitigation measures would be included as part of any grant of planning permission.

Direct and Indirect Impacts Assessment

9.7.16. I have examined, analysed, and evaluated chapter 8 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified. As noted above, impact on biodiversity was not an issue identified in the grounds of appeal. I have considered the proposed development in the context of the broad themes of the National Biodiversity Action Plan 2023-2030 and consider the proposed development to be reasonably in line with these, taking into consideration the zoned nature of this LAP land.

9.7.17. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on biodiversity. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Effects Conclusion

9.7.18. Having regard to my examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect effects on biodiversity are, and will be mitigated where relevant, as follows:

- Significant, indirect, negative effects on wider biodiversity as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.

9.8. Land, Soils, Geology, and Hydrogeology

Issues Raised

9.8.1. The grounds of appeal did not raise any specific issues in relation to land, soils, geology, and hydrogeology. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that, subject to the proposed mitigation, the proposed development would not have any direct, indirect, or cumulative effects on these factors.

Context

9.8.2. Impacts of the project on land, soils, geology, and hydrogeology are addressed in chapter 9 of the EIAR. Appendices are attached at appendix 9.1 ('NRA Criteria for Rating the Magnitude and Significance of Impacts at EIA Stage') and appendix 9.2 ('Relevant Borehole Logs' for various dates in 2022). I note that the 'Water Framework Directive (WRD) Screening Assessment' dated 25th April 2024, which is attached as appendix 10.2 to the EIAR, is also of relevance to this chapter.

9.8.3. Section 9.2 (Method) of the EIAR sets out the principal attributes and effects to be assessed and the sources of information used in the chapter. It is stated that no specific difficulties were encountered in compiling the chapter.

Baseline

9.8.4. The site investigations that were carried out are summarised. The site is relatively flat. Topsoil on site was present to a maximum depth of 0.5 metres below ground level (mbgl). Bedrock was encountered at depths of 1.5 to 3.5mbgl in the south of the site though the majority of excavation holes did not encounter bedrock. Perched water within the overburden strata was encountered across the site. There is no evidence of any soil contamination. The regional area is highly geologically variable. It is stated the site overlies the Donabate and Malahide formations (figure 9.8 also shows the bedrock geology in the north east area of the site being the Portrane Volcanic Formation). There is a negligible risk of any landslide event occurring.

9.8.5. The bedrock aquifer underlying the site is classified as (LI) a locally important aquifer i.e. moderately productive only in local zones. Aquifer vulnerability is generally low in the northern area and moderate in the central and southern area, though site

investigations show some areas in the south of the site have a high vulnerability. The groundwater body (GWB) in the region of the site is the Swords GWB and it currently has a good Water Framework Directive (WFD) status in the 2016-2021 cycle. It is projected as not at risk and therefore is meeting its WFD objective. There is no potential for adverse effects on the Rogerstown Estuary transitional waterbody[15]. It is stated that the proposed development would have no impact on either the GWB or the transitional waterbody in terms of their WFD objectives. I consider that if the proposed development would not affect Rogerstown Estuary then it would also not affect Malahide Estuary, given the absence of any obvious surface water pathway.

9.8.6. Bedrock and soil features are rated as being of low importance. Hydrogeological features are rated as being of high importance as the aquifer discharges to the Rogerstown and Malahide Estuaries SACs and SPAs. A conceptual site model is illustrated in figure 9.12. Though there is a hydrogeological connection to both Estuaries through the underlying aquifer there is no likely potential impact during construction or operation on groundwater quality. These are not groundwater dependant ecosystems.

Predicted Impacts

9.8.7. Table 9.4 – Summary of Predicted Impacts on Land, Soils, Geology and Hydrogeology in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	No impacts are predicted in a do nothing scenario and therefore there would be a neutral impact. However, it is likely that a similar development would be progressed with similar effects to the current proposed application.

[15] The Environmental Protection Agency's (EPA) geographic information system (GIS) website, accessed on 17th December 2024, shows the Rogerstown Estuary transitional waterbody has a poor 2016-2021 status and that it is at risk of not meeting its WFD objective. Malahide Estuary is to the south, The area west of the railway line is identified as Broadmeadow Water, a transitional waterbody, and the area to the east of the railway line is identified as Malahide Bay, a coastal waterbody. Malahide Bay, the closest area to the subject site, had a moderate 2016-2021 status and is also at risk of not meeting its WFD objective.

Construction	Groundworks will require the excavation of topsoil, subsoil, and potentially bedrock. Soil stripping reduces the thickness of subsoil and the natural protection it provides to an aquifer. Lime stabilisation is due to be undertaken which improves the properties of soil. This may result in temporary increase in alkaline saturate run-off. There is no requirement for significant groundwater dewatering. There is potential for water to become contaminated with pollutants associated with construction activity which could affect soils and groundwater quality. Loss of agricultural land/soil. Overall, the construction phase impact is considered to be neutral, short-term, and slight.
Operation	An increase in hardstanding will result in a localised reduction in recharge to the aquifer, though given the area of the aquifer there will be no significant change in the natural regime. There may be accidental release of hydrocarbons. Overall, the operational phase impact is considered to be neutral, long-term, and imperceptible.
Cumulative	See paragraph 9.8.12.

Mitigation Measures

9.8.8. Mitigation measures are set out in section 9.5 of the EIAR.

9.8.9. Construction phase measures include implementing best practise measures and protocols set out in a CEMP, re-use of suitable soil on site where possible, appropriate soil storage, appropriate sourcing of fill and aggregate, appropriate storage of fuels and chemicals, appropriate treatment of any groundwater, and use of silt traps if required.

9.8.10. During construction, there will be monitoring of, for example, surface water runoff and sediment controls such as discharge from attenuation ponds and silt traps, and soil sampling to confirm disposal options for excavated soils.

9.8.11. No particular operational phase mitigation is required. Any fuel spills would drain to the hydrocarbon interceptors on the drainage system.

9.8.12. Section 9.10 (Cumulative Impacts) of the EIAR considers that there would be a short-term, neutral, and imperceptible cumulative impact during the construction phase and a long-term, neutral, and imperceptible impact during the operational phase.

9.8.13. Conditions attached in any grant of permission would further reinforce land, soils, geology, and hydrogeology.

Residual Impacts

9.8.14. The magnitude of residual impacts is predicted to be negligible, for both construction and operation phases.

Direct and Indirect Impacts Assessment

9.8.15. I have examined, analysed, and evaluated chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land, soils, geology, and hydrogeology. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on land, soils, geology, and hydrogeology, as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.

9.8.16. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on land, soils, geology, and hydrogeology. Having regard to the provisions of the WFD Screening Assessment, I do not consider that the proposed development would have WFD objective implications for the groundwater environment. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.8.17. Having regard to my examination of environmental information in respect of land, soils, geology, and hydrogeology, in particular the EIAR provided by the applicant, the

planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect land, soils, geology, and hydrogeology effects.

9.9. **Hydrology**

Issues Raised

9.9.1. The grounds of appeal did not raise any specific issue in relation to hydrology. FCC sought further information for a revised NIS and, consequently, appropriate addendums to the EIAR biodiversity and hydrology chapters. The applicant's response stated that no change was required to the conclusion of the hydrology chapter, or any other chapter, and the response was considered acceptable to FCC.

Context

9.9.2. Impacts of the project on hydrology are addressed in chapter 10 of the EIAR. Appendices are attached at appendix 10.1 ('Criteria for Rating the Magnitude and Significance of Impacts at EIA Stage'), appendix 10.2 ('Water Framework Directive (WFD) Screening Assessment' dated 25th April 2024), and appendix 10.3 ('Hydrological and Hydrogeological Qualitative Risk Assessment' dated 24th April 2024).

9.9.3. Both the criteria for rating of effects and the principal attributes and effects to be assessed are set out and the sources used in the chapter are listed. It is stated that no difficulties were encountered during the preparation of the report.

Baseline

9.9.4. The site lies within the Nanny-Delvin Catchment and the Ballough Stream sub-catchment. EPA mapping does not show any watercourses within the site. The nearest watercourses are the Rahillion[16] (also known as Beaverstown Stream) approx. 790 metres to the north west and the Ballalease North[17] (also known as the Portrane

[16] Its EPA name.
[17] Its EPA name.

Stream/Portrane Canal), approx. 445 metres to the north east. Both discharge to Rogerstown Estuary, an SAC and SPA.

9.9.5. The site is currently drained by a network of drainage ditches which feed into the Beaverstown and Portrane Canal catchments. A surface water strategy has been developed and runoff will be attenuated to greenfield runoff rates. Much drainage infrastructure is also part of the phase 1 development. Attenuation is provided through both above and below ground systems. Surface water from one area of the site will discharge to an existing 1350mm surface water culvert to the north west which discharges to Rogerstown Estuary. Surface water from the other area will discharge to the existing ditches on site which eventually flow to the Portrane Canal and also discharge to Rogerstown Estuary. As per footnote 16, this transitional waterbody has a poor 2016-2021 WFD status and it is at risk of not meeting its WFD objective. Both the Beaverstown Stream and Portrane Canal have a poor status for the 2016-2021 WFD period and both are at risk of not meeting their WFD objective.

9.9.6. Uisce Éireann has indicated a wastewater connection can be facilitated and foul wastewater will be treated at Portrane wastewater treatment plant. No flood risk concern is identified.

9.9.7. The hydrological features on site are rated as low importance. However, because of the hydrological connectivity to the Rogerstown Estuary SAC and SPA, and proximity to Malahide Estuary SAC and SPA, the off-site rivers are rated as high-very high importance.

Predicted Impacts

9.9.8. The inter-relationship with land, soils, geology, and hydrogeology is noted. The WFD Screening Assessment indicates that there is no potential for effects on Rogerstown Estuary or Swords GWB as a result of the proposed development, in terms of their WFD objective.

9.9.9. Table 9.5 – Summary of Predicted Impacts on Hydrology in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	In a do nothing scenario there would be a neutral effect. However, it is likely that a development of a similar nature would be

	progressed with likely similar effects to those in the current application.
Construction	Contaminated surface water runoff from e.g. silt, cementitious material, hydrocarbons, and wastewater from on-site toilets, could cause damage to surface water systems. Compaction of soils could affect local drainage. In the absence of mitigation there would likely be a negative, short-term, not significant impact[18].
Operation	There are no discharges to open water without adequate attenuation included in the design. There is sufficient capacity. Separate foul and surface water sewer systems. Any accidental leakage of hydrocarbons from car parking areas will be intercepted by drainage infrastructure. In the absence of mitigation there would be a neutral, long-term, imperceptible impact.
Cumulative	See paragraph 9.9.14.

Mitigation Measures

9.9.10. Mitigation measures are set out in section 10.4 of the EIAR. It is stated that measures have been incorporated in the design to mitigate the potential effects on the surrounding water bodies. It is also stated that the CEMP submitted with the application will be updated as required and it will contain the full schedule of environmental commitments.

9.9.11. A number of construction phase measures have been set out under the headings of:

[18] As per footnote 15, though this is not considered to be a significant construction phase concern, in my view, given the wider hydrological implications of contaminated surface water discharge to Rogerstown Estuary, and possibly Malahide Estuary, as per my AA in section 10 of this IR, I consider that it should be considered a significant construction phase impact, in the absence of mitigation.

- Suspended solids management – Most drainage is directed to the phase 1 permitted attenuation pond and interceptor. Where waters are not directed to the phase 1 infrastructure, additional sediment retention ponds will be provided. Other measures include silt fencing, road sweeping, power washing/wheel cleaning, road surfaces, appropriate storage of soil, sand, and gravel, and having excavations open for as little time as possible to minimise the potential for water ingress.
- Cement/concrete works – A risk assessment for wet concreting will be completed prior to works being carried out. Any washouts of concrete vehicles will only take place in designated areas.
- Hydrocarbons and other construction chemicals – Measures relate to, for example, appropriate bunding, storage, labelling, and refuelling.
- Surface water runoff – Use of settlement ponds/distilling tanks and appropriate design of settlement ponds are referenced.
- Water pumped from excavation – Mitigation is similar to the previous heading.
- Wastewater management – Site welfare facilities will be established.

9.9.12. During construction, there will be monitoring of, for example, surface water runoff and sediment controls such as silt fencing and soil sampling to confirm disposal options for excavated soils.

9.9.13. In terms of the operational stage, the development has been designed with SuDS ensuring that stormwater is attenuated and treated before discharge to the public system. It treats runoff and removes pollutants, restricts outflow, and increases the amenity value.

9.9.14. Section 10.9 (Cumulative Impacts) of the EIAR considers that no significant negative cumulative impacts are likely to arise during either the construction or operation phases.

9.9.15. Conditions attached in any grant of permission would further reinforce hydrology.

Residual Impacts

9.9.16. The magnitude of residual impacts is predicted to be negligible, during both construction and operation phases.

Direct and Indirect Impacts Assessment

9.9.17. I have examined, analysed, and evaluated chapter 10 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of hydrology. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on hydrology, as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.

9.9.18. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on hydrology. Having regard to the provisions of the WFD Screening Assessment, I do not consider that the proposed development would have any adverse WFD objective implications for the surface water environment. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.9.19. Having regard to my examination of environmental information in respect of hydrology, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect effects on hydrology are, and will be mitigated where relevant, as follows:

- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.

9.10. Air Quality

Issues Raised

9.10.1. The grounds of appeal did not raise any specific issue in relation to air quality. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that, subject to the proposed mitigation, there would not be any unacceptable direct, indirect, or cumulative impacts associated with air quality arising from the proposed development. FCC's Environment Air & Noise Section stated it had no

objection subject to conditions, one of which related to submission of a Dust Management Plan.

Context

9.10.2. Impacts of the project on air quality is addressed in chapter 11 of the EIAR. It is stated in the introduction to the chapter that it should be read in conjunction with both chapter 18 (Traffic and Transportation) of the EIAR and the Traffic & Transport Assessment (TTA). Dust arising and engine emissions are the main construction phase issues, while vehicular emissions is the main operational phase issue in terms of air quality.

9.10.3. Guidance and best practice used to inform the assessment is set out. Limit values (also known as air quality standards) for nitrogen dioxide (NO_2), PM_{10}, and $PM_{2.5}$[19] are outlined. These are the most relevant to the assessment. Dust is considered in some detail. The baseline air quality was established using EPA monitoring data rather than on-site surveys. The EIAR considers that a detailed air assessment of construction stage traffic emissions was not required under TII guidance. In terms of the risk of dust impacts, it is explained how the impact from construction phase site activities is determined. Operational phase traffic has the potential to affect local air quality as a result of increased movements. An air quality modelling assessment of operational phase traffic emissions was conducted because the proposed development will result in traffic increasing by more than 1,000 annual average daily traffic (AADT) on one road link i.e. DDR. It is stated that no difficulties were encountered in compiling the assessment.

Baseline

9.10.4. The baseline is set out under the sub-headings of:

- Meteorological data – the prevailing wind direction is west to south west with a mean wind speed of 5.4 metres per second.
- Air quality – zone D (towns <15,000 population and rural Ireland) data is used. The air quality is generally good.

[19] Particles are defined by their diameter for air quality regulatory purposes. PM_{10} has a diameter of 10 microns or less. $PM_{2.5}$ has a diameter of 2.5 microns or less.

- Sensitivity of the receiving environment – for the construction phase, the sensitivity of the area to dust soiling impacts is considered to be high and the worst-case sensitivity of the area to human health is considered low. Sensitive ecological areas would be unaffected by dust emissions. For the operational phase, three high sensitive receptors were modelled (R1-R3, existing and proposed development).

Predicted Impacts

9.10.5. Table 9.6 – Summary of Predicted Impacts on Air Quality in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	No effects of dust or emissions would occur. However, it is likely a development of a similar nature would be constructed in future with likely similar effects to those outlined.
Construction	Dust would have the greatest potential impact on air quality. The extent of dust generation is affected by the nature of the dust e.g. soil, peat, sand, and meteorological conditions such as wind and rain. There is no demolition activity involved so no demolition impact arises. Earthworks would result in a high risk of dust soiling and a low risk to human health. Construction works would result in a high risk of dust soiling and a low risk to human health. Trackout (transport of dust and dirt from the site to the public roads) would result in a high risk of dust soiling and a low risk to human health. Dust impacts are predicted to be direct, short-term, negative, and slight, but overall not significant. Construction stage traffic will have a direct, short-term, negative, and imperceptible impact on air quality.

Operation	Potential effects have been modelled for do nothing and do something scenarios for NO_2, PM_{10}, and $PM_{2.5}$, for opening and design years, at R1-R3. There would be neutral impacts[20] from NO_2, PM_{10},and $PM_{2.5}$ as a result of the proposed development, resulting in direct, long-term, negative effects which are not significant in EIA terms.
Cumulative	See paragraph 9.10.11.

Mitigation Measures

9.10.6. Construction phase mitigation measures are set out in Section 11.8.1 of the EIAR. It is stated these will be incorporated into the CEMP.

9.10.7. Construction phase mitigation is divided into different categories for different activities:

- Communications – community engagement and appropriate contact details.
- Site management – complaints register and detail of remedial actions, record exceptional incidents, liaison meetings with other relevant construction sites.
- Preparing and maintaining the site – erection of screens, avoid site runoff, stockpile management.
- Operating vehicles/machinery and sustainable travel – No idling, speed limits on-site, Construction Logistics Plan, Travel Plan.
- Operations – use of suitable dust suppression techniques, enclosed chutes and covered skips, minimise drop heights.
- Measures specific to earthworks – re-vegetate/stabilise stockpiles, use of a bowser.
- Measures specific to construction – use of bunded areas, enclosed deliveries, appropriate storage.
- Measures specific to trackout – speed restriction, hard surfaced haul routes, wheel wash system.

[20] Annual mean concentrations are <5% of the annual mean ambient air quality standards and the annual mean concentrations are <75% of the air quality standard.

- Monitoring – Dust soil checks, agree dust deposition monitoring locations with FCC.

9.10.8. No operational phase mitigation is required.

9.10.9. Conditions attached in any grant of permission would further reinforce air quality.

Residual Impacts

9.10.10. Construction phase residual impacts of dust soiling and construction traffic, and residual impact on human health, are direct, short-term, negative, and not significant. Traffic emissions during the operational stage are direct, long-term, negative and not significant, as are residual impacts on human health.

9.10.11. Seven other sites are identified as potentially having cumulative effects. Provided mitigation is implemented, the cumulative construction phase residual effects are predicted to be direct, short-term, negative, and not significant. The cumulative operational phase impact is predicted as direct, long-term, negative, and not significant.

Direct and Indirect Impacts Assessment

9.10.12. I have examined, analysed, and evaluated chapter 11 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of air quality. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on air quality, as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.

9.10.13. I note that the applicant did not carry out a detailed air assessment of construction stage traffic emissions. Having regard to TII guidance I agree that this is not required. I consider that the operational phase air quality modelling assessment is suitably detailed and that there would be no significant air quality impact. In terms of the use of zone D data for baseline air quality, I consider that this is appropriate given the 2022 census population of the town (9,669) i.e. <15,000.

9.10.14. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on air quality. Those set out in paragraph 9.10.7 are summaries of the measures set out and is not an exhaustive

list. I am also satisfied, subject to the implementation of mitigation, that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.10.15. Having regard to my examination of environmental information in respect of air quality, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect air quality effects.

9.11. Climate

Issues Raised

9.11.1. One of the grounds of appeal considers that the proposed development fails to properly take on board the wider implications of the CAP 2024. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that, subject to the proposed mitigation, the impacts on climate would not be significant and there would not be any unacceptable direct, indirect, or cumulative impacts associated with climate arising from the proposed development.

Context

9.11.2. Impacts of the proposed development on climate are addressed in chapter 12 of the EIAR and it is stated that it should be read in conjunction with a number of other chapters and submitted documents. Relevant aspects of the development include construction phase engine emissions and embodied carbon. For the operational stage engine emissions are the main issue. The vulnerability of the project to future climate change must be considered. There are two sections to the climate assessment: a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA). Relevant legislation, policy, and guidance is outlined. No difficulties were encountered in compiling the assessment.

9.11.3. Methodologies for the construction and operation phases of the GHGA are set out, such as calculation of embodied carbon in the construction phase and an assessment of traffic related carbon dioxide (CO_2) emissions for the operation phase because the DDR will experience a change of greater than 10% in its AADT. Significance criteria

is also outlined. The CCRA involves determining the vulnerability of the proposed development to climate change. A detailed CCRA for either construction or operation phase is not necessary.

Baseline

9.11.4. The baseline environment is set out in section 12.6 and includes both the current and future GHGA baselines and the current and future CCRA baselines.

Predicted Impacts

9.11.5. Table 9.7 – Summary of Predicted Impacts on Climate in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	Construction works, increased traffic, and associated emissions would not occur.
Construction	GHGA Embodied carbon is CO_2 emitted during the manufacture, transport, and construction of building materials, together with site activities. 83% of embodied carbon is the construction materials. The total construction phase embodied carbon has been calculated as 88,077 tonnes CO_2 equivalent. Table 12.8 sets out the estimated GHG emissions relative to 2030 sectoral budgets. It ranges from 0.0001% (waste sector) to 0.1% (industry sector). The significance of GHG emissions is minor adverse. CCRA No detailed CCRA is required. However, some consideration has been given to the development's vulnerability to some climate change hazards with best practice mitigation proposed.
Operation	GHGA A number of measures have been incorporated into the design to ensure operation phase energy emissions are minimised. Low increases of traffic emissions are predicted.

	The significance of GHG emissions is minor adverse. CCRA The proposed development has low vulnerability to identified climate hazards. The significance of effects is imperceptible.
Cumulative	The assessment approach is inherently cumulative. In relation to GHG the cumulative impact is direct, long-term, negative, and slight.

Mitigation Measures

9.11.6. Best practice measures will be implemented during the construction phase to prevent significant GHG emissions such as reuse and recycle opportunities for construction waste, no idling, maintained machinery, minimise waste, local sourcing, and use of timber frames for the houses.

9.11.7. In relation to the operation stage, design mitigation has been incorporated in construction and design such as a Building Energy Rating (BER) of A2 for the residential units, EV charging, bicycle parking, and adequate attenuation and drainage has been incorporated to avoid potential flooding impacts due to increased rainfall.

9.11.8. Conditions attached in any grant of permission would further reinforce climate issues.

Residual Impacts

9.11.9. The residual effects of the proposed development in relation to GHG emissions and climate change vulnerability are direct, long-term, and negative. In the case of GHG emissions it is slight, and in the case of climate change it is imperceptible.

Direct and Indirect Impacts Assessment

9.11.10. I have examined, analysed, and evaluated chapter 12 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of climate. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on climate, as a consequence of the proposed development, have been identified.

9.11.11. A high-level reference to CAP 2024 was made in one of the grounds of appeal. This appeared to focus more on roads-related issues which I address in more detail in my assessment of the Traffic and Transportation chapter.

9.11.12. I note the provisions of section 12.10 (Residual Impact Assessment) of the EIAR which states 'The impact to climate as a result of a proposed development must be assessed as a whole for all phases. The proposed development will result in some impacts to climate through the release of GHGs. TII state that the crux of assessing significance is "not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050". The proposed development has proposed some best practice mitigation measures and is committing to reducing climate impacts where feasible'.

9.11.13. Further to the previous paragraph, I note both section 1.1 of the NPF, which states 'By 2040 there will be roughly an extra one million people living in our country', and the current housing crisis. It is inevitable that GHG emissions will be released in the construction of the residential units and ancillary services and infrastructure required to accommodate the envisaged number of people. Therefore, a residential development cannot be considered on the basis of the GHG emissions that will result. I note the mitigation measures proposed as part of the development, inter alia, the aim in relation to BER and the surface water system.

9.11.14. The site is zoned for residential development and, although it is a greenfield site, it is located immediately adjacent to the built-up area of Donabate and it is in relatively close proximity to the train station. Therefore, in principle, the site is an appropriate site for development and GHG emissions as a result are inevitable. Notwithstanding, given the zoned status of the land and the proximity of the train station I consider that the proposed development is consistent with the broad themes of the CAP 2024 and I consider that the proposed development would not have any undue climate-related impact, having regard to the foregoing.

9.11.15. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on climate. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.11.16. Having regard to my examination of environmental information in respect of climate, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect climate effects.

9.12. Noise & Vibration

Issues Raised

9.12.1. The grounds of appeal did not raise any specific issue in relation to noise and vibration. In the assessment of this EIAR chapter in its Planning Report, the planning authority considered that effective application of mitigation measures would help ensure noise levels are kept within an acceptable range. FCC's Environment Air & Noise Section stated it had no objection subject to conditions, one of which related to submission of a Noise and Vibration Management Plan for the construction phase.

Context

9.12.2. Noise and vibration impacts of the proposed development are addressed in chapter 13 of the EIAR. It is addressed in terms of two aspects, outward effect of the development and inward effect on the development.

9.12.3. Standards and guidelines referred to are set out. The methodology for construction and operational phase noise and vibration are set out, though there are no noteworthy sources of vibration associated with the operational stage.

Baseline

9.12.4. An environmental noise survey was conducted to quantify noise emissions across the site in November 2021 at five locations identified in figure 13.1. The results are set out in tables 13.10-13.14.

Predicted Impacts

9.12.5. Table 9.8 – Summary of Predicted Noise and Vibration Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Something	In the absence of development the noise environment will remain largely unchanged.
Construction	Noise will occur from excavation and piling (non-percussive piling methods will be employed) and construction works. The EIAR notes that, for most of the time, plant and equipment will be a greater distance from noise sensitive locations (NSLs) than those used within the calculations and the 'on time' of plant and equipment will be less than assumed. The construction noise threshold will be exceeded at the closest NSLs when activities are occurring along the closest site boundaries. Noise mitigation will be required. For NSLs within 15 metres-30 metres of the site boundary the impact will be negative, significant, and short-term when works are occurring along the boundary. At other NSLs the noise impact will be negative, not significant, and short-term. Potential for vibration impact is likely to be limited and is predicted as being short-term, neutral, and imperceptible. All construction traffic will use the DDR and the impact is predicted to be neutral, short-term, and imperceptible.
Operation	Vehicular traffic noise on three roads (including the DDR) is predicted to be long-term and imperceptible. Building services and plant noise is predicted to be negative, not significant, and long-term.
Cumulative	It is stated that if works are generating significant noise on another site, the working programme will be phased to ensure noise limits are not exceeded due to cumulative activities. 17 other developments have been identified in this regard. The majority are a sufficient distance away. However, there is potential for cumulative noise impacts with a small number or projects if construction periods overlap. Though given the proposed project

	would be the dominant noise source immediately adjacent to the boundary it is unlikely that nearby sites would add to overall construction noise levels. In a worst-case scenario construction noise levels could increase by up to 3dB. No cumulative traffic effects are predicted during either phase.

Mitigation Measures

9.12.6. Construction phase measures are set out under sub-headings of selection of quiet plant, noise control at source (site compounds away from sensitive boundaries, switching off of plant, localised screens around breaker or drill bit, and maintenance of plant), screening along residential boundaries, and appointment of a community liaison officer. Noise monitoring will be undertaken.

9.12.7. Operational phase mitigation refers to building services and plant as part of the detailed design.

Residual Impacts

9.12.8. Construction phase residual impacts will be negative, significant, and short-term within 30 metres of the closest NSLs, in a worst-case scenario. At greater distances the residual noise impact will be negative, not significant and short-term.

9.12.9. Operational phase traffic will have an imperceptible impact. No significant impact is predicted from the building plant and services.

Direct and Indirect Impacts Assessment

9.12.10. The noise and vibration impact of the proposed development was not an issue particularly raised in the grounds of appeal. I have examined, analysed, and evaluated chapter 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of noise and vibration impacts. I am satisfied that the key noise and vibration impacts, as a consequence of the proposed development, have been identified.

9.12.11. However, I consider that there are a couple of areas where the chapter is not particularly robust. I note that the environmental noise survey carried out does not reflect the current situation on site. Apart from the fact that the survey was not

comprehensive (only three fifteen-minute periods were measured at four of the five locations over the late morning/afternoon of one midweek day), this survey was carried out prior to any construction activity being carried out for phase 1. The current site condition does not reflect that which was in place when the noise survey was carried out. Phase 1 is well under construction and the site compound and site roads for same are located on the site subject of this application. Therefore, the baseline noise survey is not of any particular value for this application. I acknowledge this is alluded to in section 13.3.5 of the EIAR where it is noted that phase 1 is currently under construction.

9.12.12. In addition, the nearest NSLs to the site boundaries, identified in figure 13.4, excludes any reference to the phase 1 units which are currently under construction and whose occupants would be affected by noise impact during the construction phase of phase 2, should permission be granted. Though, again, I note that section 13.5.2.1 acknowledges that phase 1 is under construction.

9.12.13. In addition, there is reference throughout the chapter to a commercial element in the proposed development e.g. section 13.1, section 13.5.3, and section 13.5.3.2. There is no commercial element proposed in the application so these references should not be included.

9.12.14. Notwithstanding the content of the previous three paragraphs, I do not consider that these issues are such that the overall conclusions reached in relation to noise and vibration are invalid. The site is zoned for residential development and noise impact is inevitable. The proposed development is a standard residential development with no basement car parking. Noise impact, therefore, would likely be as set out in the chapter, and can be appropriately controlled by way of, for example, working hours and a Construction Management Plan.

9.12.15. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant noise and vibration impacts. I am also satisfied that there would be no significant cumulative adverse impacts, and if so, this can be appropriately managed.

Direct and Indirect Impacts Conclusion

9.12.16. Having regard to my examination of environmental information in respect of noise and vibration impacts, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect noise and vibration impact is, and will be mitigated where relevant, as follows:

- direct negative noise effects arising for noise sensitive locations along some site boundaries during the construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures.

9.13. Landscape & Visual

Issues Raised

9.13.1. The grounds of appeal did not raise any specific issues in relation to landscape and/or visual impact. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that, taking account of the mitigation measures outlined, that there would not be any unacceptable direct, indirect, or cumulative impacts associated with landscape or visual impact.

Context

9.13.2. Landscape and visual impacts are addressed in chapter 14 of the EIAR. It describes the landscape at the site location and assesses the likely impacts on landscape and visual amenity. It was informed by a desktop study and site surveys, most recently in January 2024. No specific difficulties were encountered in preparing the chapter.

9.13.3. Landscape is defined as an area, as perceived by people, whose character is the result of action and interaction of natural and/or human factors. It can change, for example from wilderness to agriculture or townscape. Visual assessment is concerned with changes that arise in the composition of available views, the response of people to these changes, and the overall effects on the area's visual amenity. Landscape and visual impact assessment (LVIA) is a tool used to identify and assess the significance and effects of change resulting from development on both the landscape as an environmental resource in its own right and on people's views and visual amenity. The

methodology for assessment of landscape and visual effects is set out. Sensitivities, magnitudes of change, and visual receptor sensitivities are defined, and the significance of effects is referenced. Professional judgement is involved.

Baseline

9.13.4. This is referred to as the receiving environment in section 14.4 and sets out in detail landscape-related planning policy in the FDP 2023-2029 and a description of the study area. The site is in a 'Coastal' landscape character type in the Plan. This has an 'exceptional' landscape value and a 'high' landscape sensitivity. It is in an area identified as a 'Highly Sensitive Landscape'.

Predicted Impacts

Landscape

9.13.5. The FDP 2023-2029 and the LAP reflect a body of policy that is supportive of landscape change at this location as part of general town expansion. The proposed development would directly affect the physical character of the Coastal Character Area (having an exceptional value and a high sensitivity) and the immediate environs of the site, which is classified as having a medium landscape sensitivity.

9.13.6. Table 9.9 – Summary of Predicted Landscape Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	The site would continue to operate as an open, abandoned network of fields. The FDP 2023-229 and LAP objectives and the purpose and investment in the DDR would not be realised.
Construction	Construction phase impacts are temporary to short-term. The construction effects are considered to have a slight to moderate, temporary to short-term, adverse effect on the landscape. Works would only affect a small extent of the coastal character area and it is not directly linked to the coast itself. In the immediate environs there would be a significant, temporary to short-term, adverse landscape impact.

Operation	There would be limited change resulting in minor alteration to the landscape as the existing urban area incrementally extends east. In terms of the coastal character area the change would be neutral, in that it complements the pattern of the landscape/townscape and maintains landscape quality. There would be a low to significant (depending on proximity) and neutral to beneficial effect in the immediate environs given it would achieve local policy objectives and would contribute to local placemaking.
Cumulative	The cumulative effects during construction would be significant to very significant (depending on proximity) and adverse. During operation the cumulative effects would be moderate to very significant (depending on proximity) and neutral to beneficial. The core coastal areas would remain unaffected by cumulative effects.

Visual

9.13.7. 21 representative viewpoints were selected to assess visual impacts and effects. Existing photographs and proposed photomontages are set out in a 'Verified Photomontages' document dated April 2024 which was submitted with the application.

9.13.8. Table 9.10 – Summary of Predicted Visual Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	The site would continue to operate as an open, abandoned network of fields. The FDP 2023-229 and LAP objectives and the purpose and investment in the DDR would not be realised.
Construction	Construction phase effects are predominantly adverse in nature, depending on visibility. Visual effects are much more pronounced in proximity to the site such as from The Links (viewpoint 1) and the DDR (viewpoints 20 and 21) where there would be a

	significant, adverse, and temporary to short-term impact with reduced impact elsewhere.
Operation	In general, operational phase visual effects are identified as neutral to beneficial and permanent, where visible. The most significant changes are along the DDR where the largest buildings are located and where the landscape is most open.
Cumulative	Cumulative views with other permitted developments are set out where required such as viewpoints 4, 13, 14, 15 and commentary is provided on these, and others. Impact is described as significant to very significant in places and neutral to beneficial in terms of quality.

Mitigation Measures

9.13.9. Construction phase mitigation revolves around appropriate site management e.g. control of lighting, material storage, compound location. The site will be kept tidy and hoarding erected. Trees and hedgerows to be retained will be protected.

9.13.10. The design incorporates best practice for successful integration into the receiving environment. Retained trees and hedgerows, and additional planting, will reduce the visual mass of buildings and open spaces will be created. Mitigation is adequately delivered as an integral part of the design.

9.13.11. Conditions attached in any grant of permission would further reinforce landscape and visual impacts.

Residual Impacts

9.13.12. No adverse residual impacts are predicted.

Direct and Indirect Impacts Assessment

9.13.13. I have examined, analysed, and evaluated chapter 14 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on landscape and visual impact, as a consequence of the proposed development, have

been identified. As noted above, landscape and visual impact was not a specific issue identified in the grounds of appeal.

9.13.14. I consider that the viewpoints selected for use in the photomontage document are representative of the general area and I generally agree with the conclusions reached in terms of landscape and visual impacts. The photomontages, and other CGIs, drawings, and illustrations contained in some of the other accompanying documents, are very useful in setting out the visual impact of the proposed development. There will inevitably be a landscape and visual impact as a result of development of the type proposed. However, the site is zoned for such development. The proposed development reflects existing development in the vicinity such as the two storey houses in The Links and Priory Wood and the apartment buildings along the DDR in phase 1. The site itself is closer to the town core than parts of phase 1, the DDR, and the permitted recreational hub so the proposed development, in itself, would not extend the urban fabric footprint of the town. The proposed development is reflective of an urban area and the emerging pattern of development.

9.13.15. Notwithstanding that mitigation for this type of development is limited, I consider the measures proposed are sufficient. I am also satisfied that there would be no cumulative adverse impacts given the nature and location of the proposed development.

Direct and Indirect Impacts Conclusion

9.13.16. Having regard to my examination of environmental information in respect of landscape and visual impacts, in particular the EIAR and Verified Photomontages which were submitted with the application, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect landscape and visual impacts are, and will be mitigated where relevant, as follows:

- Significant direct negative landscape impact in the immediate environs and visual impacts to nearby receptors during the construction phase, which would be mitigated as much as practical by appropriate construction phase management measures.

- Significant beneficial impact on the landscape in the immediate environs in the operational phase as it would improve the landscape/townscape, it would achieve local policy objectives, and it would contribute to local placemaking.

9.14. Cultural Heritage, Archaeology & Architectural Heritage

Issues Raised

9.14.1. The grounds of appeal did not raise any issues in relation to cultural heritage, archaeology, and/or architectural heritage. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that, subject to compliance with mitigation measures, there would not be any unacceptable direct, indirect, or cumulative impacts associated with cultural heritage, archaeology, and/or architectural heritage arising from the proposed development. The DHLGH made an observation on the file in relation to archaeology and recommended that an archaeological monitoring condition be included in any grant of permission. Archaeological monitoring was also recommended by the planning authority's Heritage Officer/Archaeologist.

Context

9.14.2. Cultural heritage, archaeology, and architectural heritage are addressed in chapter 15 of the EIAR. The objective is to identify and record the location, nature, and dimensions of archaeological or cultural heritage features that may be impacted by proposed development, gauge the level of impact, and include recommendations for potential mitigations. No major difficulties were encountered.

9.14.3. A 500 metres study area was established from the site boundary, an area of 214.55 hectares. A desk-based study was carried out as were field surveys in 2021. A full archaeological excavation was undertaken in the area in advance of development.

Baseline

9.14.4. A brief historical background is set out. There are no recorded monuments within the site boundary, though there are four (an enclosure and three ring ditches) in the wider study area. Historic maps are outlined. There are no protected structures, nor structures included in the national inventory of architectural heritage, within the site boundary. Numerous archaeological excavations have been carried out in the area.

These are summarised in table 15.3 of the chapter. Results in the area indicate that it is of high archaeological potential.

9.14.5. Test excavations were carried out on site in July and August 2021. 90 trenches were excavated across the masterplan area. Five archaeological areas were identified within the stage 2 site. These were subject of full archaeological excavation (preserved by record) and are described.

Predicted Impacts

9.14.6. Table 9.11 – Summary of Predicted Visual Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	Any unrecorded buried archaeological features would be preserved. However, it is likely that a development of a similar nature would be progressed with a similar archaeological impact to that proposed.
Construction	The five known archaeological sites could be significantly, directly, negatively, and permanently impacted during groundworks. Should there be other buried archaeological sites or features topsoil stripping could have a significant, direct, negative, and permanent.
Operation	No potential negative effects are identified as issues of interest will have been resolved.
Cumulative	Mitigation measures, on site and on other sites, will ensure that cumulative effects will not be significant.

Mitigation Measures

9.14.7. It is stated that advanced archaeological assessments were commissioned at design stage to inform the design process.

9.14.8. No construction stage mitigation is required for the five archaeological areas as these have been fully archaeologically excavated. General construction phase mitigation cited is monitoring of ground disturbance works by a qualified archaeologist with

further consultation with the DHLGH in the event that archaeological material is recorded.

9.14.9. No operational phase mitigation is proposed.

9.14.10. A standard condition in relation to archaeology can be included in the event of a grant of permission.

Residual Impacts

9.14.11. It is not anticipated that there will be any potential negative residual impacts.

Direct and Indirect Impacts Assessment

9.14.12. I have examined, analysed, and evaluated chapter 15 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of cultural heritage, archaeology, and architectural heritage. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on cultural heritage, archaeology, and architectural heritage, as a consequence of the proposed development, have been identified. As noted above, impact on cultural heritage, archaeology, and/or architectural heritage was not an issue identified in the grounds of appeal.

9.14.13. There is a slight contradiction within the chapter. The five archaeological sites within the site are described in section 15.3.9 as having been subject of full archaeological excavation. The final bullet point in section 15.3.10 (Summary of Baseline Environment Survey) states that these five sites were preserved by record. Further, it is stated in section 15.5.2 (Construction Phase) that no specific mitigation measures are required for these five sites as they have been fully archaeologically excavated. I also note that the subject site has been significantly altered from its original condition by the construction compound, staff car parking, and roads. However, a significant, direct, negative, and permanent construction phase impact on these five sites is predicted should large-scale removal of topsoil occur during the construction stage. Given that it stated elsewhere that these have already been fully excavated, it does not appear that any significant impact would occur and for that reason I am excluding this from my conclusion.

9.14.14. I consider that the mitigation measures proposed are sufficient to ensure that there would be no significant adverse impacts on cultural heritage, archaeology, and

architectural heritage. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.14.15. Having regard to my examination of environmental information in respect of cultural heritage, archaeology, and architectural heritage, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect cultural heritage, archaeology, and architectural heritage impacts are, and will be mitigated where relevant, as follows:

- Significant direct negative impact on currently unknown archaeology during the construction phase, which would be mitigated by monitoring of ground disturbance works by a suitably qualified archaeologist who would consult with the DHLGH should archaeological material be recorded.

9.15. Microclimate – Daylight & Sunlight

Issues Raised

9.15.1. The grounds of appeal did not raise any particular issues in relation to daylight and sunlight. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts associated in relation to daylight and sunlight on existing and proposed dwelling units.

Context

9.15.2. Daylight and sunlight are addressed in chapter 16 of the EIAR. The accompanying Daylight and Sunlight Analysis gives a more detailed account. Relevant standards and guidelines are referenced. A three-dimensional (3D) digital model of the proposed development and existing buildings was constructed. The methodology for calculating internal daylight illumination for the proposed development and the impact on daylight to existing buildings is set out, as is the methodology for calculating sunlight to the amenity spaces in the proposed development, exposure to sunlight for the proposed duplexes and apartments, and sunlight availability to existing buildings.

9.15.3. As noted in table 9.1, some level of assumption was necessary in completing the model for the daylight/sunlight assessment as it was neither possible nor practical to access every parcel of private property. Notwithstanding, the chapter author is confident that the 3D digital model constructed achieves a high degree of accuracy.

Baseline

9.15.4. Eight neighbouring units were assessed, three houses in The Links and five buildings in phase 1, adjacent to the southern site boundary.

Predicted Impacts

9.15.5. Table 9.12 – Summary of Predicted Daylight and Sunlight Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	Daylight and sunlight availability would remain unchanged, as per the baseline conditions.
Construction	Impacts are, initially, likely to be lesser than those of the completed development. As it nears completion impact is likely to be similar to the completed development. Temporary structures and machinery could potentially change sunlight access but this impact would only be brief to short-term and not significant.
Operation	99.8% of all apartment/duplex kitchen/living/dining (KLD) rooms and bedrooms achieve daylight standards. Only one room (the KLD in a ground floor two-bed duplex apartment) was found to be marginally non-compliant and compensatory measures were applied. The predicted impact is permanently negative but not significant. There is no impact on current daylight received by existing neighbouring buildings, this is a neutral impact. The proposed open space would receive excellent overall sunlight availability and easily achieves compliance with guidelines.

	The proposed development would have no sunlight impact to neighbouring dwellings and gardens. 100% of the apartments and duplexes would receive adequate sunlight exposure.
Cumulative	No cumulative impacts are predicted for daylight and sunlight.

Mitigation Measures

9.15.6. Compensatory measures for the one room that does not achieve adequate daylight are cited as that other rooms in the unit were comfortably compliant, it achieves its required sunlight availability, is a dual aspect unit, has a direct aspect to open space from the KLD, the unit is >10% larger than the required unit size, and more than the required communal open space area has been provided.

9.15.7. No further mitigation is proposed.

Residual Impacts

9.15.8. There are no residual impacts.

Direct and Indirect Impacts Assessment

9.15.9. I have examined, analysed, and evaluated chapter 16 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of daylight and sunlight. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely daylight and sunlight impacts, as a consequence of the proposed development, have been identified. As noted above, daylight and sunlight impact was not an issue identified in the grounds of appeal.

9.15.10. I consider the compensatory measure in the affected ground floor duplex unit to be sufficient and I am satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Effects Conclusion

9.15.11. Having regard to my examination of environmental information in respect of daylight and sunlight, in particular the EIAR and the Daylight and Sunlight Analysis provided

by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect daylight and/or sunlight effects.

9.16. Microclimate – Wind

Issues Raised

9.16.1. The grounds of appeal did not raise any particular issues in relation to wind. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied that the scheme will not have any significant impacts on the critical wind speed profiles within and around the vicinity of the proposed development.

Context

9.16.2. Wind is addressed in chapter 17 of the EIAR. This chapter identifies the possible wind patterns that form when wind moves through a built environment and evaluates how the proposed development is going to modify those patterns. Mean and peak wind scenarios are considered. The criteria which define the perception of comfort level experienced by pedestrians is known as the Lawson Criteria. Virtual wind tunnel testing through numerical simulation using computational fluid dynamics (CFD) was carried out. The methodology combines the use of CFD to predict wind velocities and wind flow patterns, wind data, and the Lawson Criteria. The study area is a 400 metres radius from the centre of the site. Modelling details are set out. No particular difficulties were encountered in compiling the chapter.

Baseline

9.16.3. This is defined by the wind patterns that develop on the existing site under the local wind conditions. Data from Dublin Airport is considered applicable. Results of the baseline, which includes phase 1, are set out. It shows that no area is unsafe, and the site area is usable for walking and sitting.

Predicted Impacts

Do nothing impact

9.16.4. Wind conditions will be in line with the baseline scenario.

Construction phase

9.16.5. As development proceeds the wind setting would progressively conform to that of the completed development. Predicted impacts are negligible.

Operational phase

9.16.6. The proposed development does not impact or give rise to negative or critical wind speed profiles at nearby roads or buildings. No area is unsafe, and no conditions of distress will be created by the proposed development. As result of the proposed development the wind in the surrounding urban context is also mitigated when compared with the baseline situation. Phase 2 will have a beneficial effect on the surrounding wind microclimate.

Cumulative impact

9.16.7. This assessed phase 1 and the proposed development, the two residential developments south of phase 1 (F20A/0510 / ABP-311447-22 and F17A/0373 / PL 06F.249206), and the recreational hub. No area is unsafe, and no conditions of distress are created. The microclimate is comfortable and useable. Wind is mitigated in the south westerly area compared to the proposed scenario (phase 2). The area around the recreation hub is unchanged. The cumulative impact would have a beneficial impact on the wind microclimate.

Mitigation Measures

9.16.8. No further mitigation is proposed.

Residual Impacts

9.16.9. Safety and pedestrian comfort will be maintained in accordance with the Lawson Criteria. Though they are not significant impacts, pedestrian activities would benefit from the proposed development in the roads and open space areas.

Direct and Indirect Impacts Assessment

9.16.10. I have examined, analysed, and evaluated chapter 17 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of wind. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely wind impacts, as a consequence of the

proposed development, have been identified. As noted above, wind impact was not an issue identified in the grounds of appeal.

9.16.11. I do not consider that any mitigation is necessary, and I am satisfied that any cumulative impacts would be broadly beneficial.

Direct and Indirect Effects Conclusion

9.16.12. Having regard to my examination of environmental information in respect of wind, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect wind effects.

9.17. Traffic & Transportation

Issues Raised

9.17.1. A number of traffic and transportation-related issues were raised in the grounds of appeal. I have addressed these in my assessment of this EIAR chapter in the interest of clarity, rather than dividing them between the planning assessment and the EIA.

9.17.2. In the assessment of this EIAR chapter in its Planning Report, the planning authority stated that, taking account of the mitigation measures outlined, and subject to condition, it was satisfied that there would not be any unacceptable direct, indirect, or cumulative impacts on traffic and transport arising from the proposed development.

9.17.3. The Transportation Planning Section prepared a relatively detailed report for the application. It had no objection subject to conditions. TII made an observation on the application in which it stated that it would rely on FCC to abide by official policy in relation to development on or affecting national roads. In this regard I do not consider that the proposed development would have any impact on any national road, given that the network in the area is local and regional roads (including the R126/DDR).

Context

9.17.4. The purpose of the assessment is to quantify the existing transport environment and detail the results of assessment work undertaken to identify the potential level of transport impact generated as a result of the proposed development. The methodology

incorporated a site audit, traffic counts (on 18th April 2023), trip generation and trip distribution, network impact, and network analysis. It is stated that the methodology responds to best practices. There were no material difficulties encountered in compiling and assessing the data.

Baseline

9.17.5. The existing road network is described, as are existing pedestrian and cycling facilities, public transport (buses (four routes, only one of which is relatively frequent) and train). BusConnects is referenced as is the Dart expansion programme which would benefit Donabate, though the timeline is unclear.

9.17.6. There is vehicular access to/from New Road to the south via phase 1, several accesses to/from The Links Road (where a modal filter is proposed), and to/from DDR/R126 which is already in place as part of phase 1. There is also pedestrian and cycle access onto the DDR so there is a high level of connectivity and permeability. Car and bicycle parking arrangements are described.

Predicted Impacts

9.17.7. Table 9.13 – Summary of Predicted Traffic and Transportation Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	The operational performance of existing junctions will remain relatively unchanged except for forecast network growth and committed developments.
Construction	The construction period will be short-term in nature and less significant than the operational phase. Suitable excavated material will be used for on-site activities where possible. Traffic will be generated from deliveries and such trips would be spread over the day. Construction traffic will be from the DDR. Employees generally arrive before 0800, avoiding morning peak traffic. All parking will be on site.

	There is likely to be an average of approx. 130 workers, with a peak of approx. 265, generating an average of approx. 33 and 66 two-way vehicle trips during the peak AM and PM periods respectively, based on the experience of similar developments. It is not envisaged that HGV movements would exceed four vehicles per hour during the 'build' works. HGV movement may be six-eight per hour during the busiest period of activity. It is considered that construction traffic will not give rise to any significant traffic concerns or impede the operational performance of the local road network and its surrounding junctions.
Operation	This focuses on the weekday peak hours given the proposed and neighbouring land uses. Junction turning counts were carried out at locations outside the site. Peak periods were 0800-0900 and 1700-1800. A traffic generation and distribution traffic model was created using a TRICS database which provides a reasonable estimation of traffic generation based on previous similar development types. 2026 is Opening Year i.e. phases 1 and 2. 2031 is anticipated as full masterplan development i.e. phases 1-3. 2041 is the Future Year scenario. Predicted trips are set out for the proposed development. Eight other developments have been taken into consideration, including phase 1. TII annual growth factors are incorporated. Two scenarios are considered for the years 2026, 2031, and 2041; (i) 'Base/Do Nothing' i.e. committed and existing flows, and (ii) 'Post Development/Do Something' i.e. Base/Do Nothing plus the proposed development. In scenario (ii) the masterplan flow is included for 2031 and 2041. Eight junctions (shown on figure 18.21) were analysed for the years 2026, 2031, and 2041 using computer packages. Six junctions will operate well within capacity for all design years. Two

	junctions (Chapel View/Main Street and Hearse Street/Main Street) will operate at capacity in 2041[21] though these will also be operating near or at capacity even in the Do-Nothing scenario without the subject development traffic.
Cumulative	Eight other committed developments were included in the construction phase assessment. Some are unlikely to have an overlapping construction phase. Should the recreational hub begin in 2024/2025 there is ample capacity at the DDR signalised junction. Cumulative impact is expected to have a negative but not significant impact. Committed developments and TII growth rates have been incorporated into the analysis. The cumulative impact is expected to have a slight negative but not significant impact on relevant junctions.

Mitigation Measures

9.17.8. Mitigation by design is referenced e.g. car and bicycle parking, EV charging, and footpaths and cycle paths.

9.17.9. In terms of the construction phase, traffic management measures have been included in the CEMP such as on-site car parking, wheel wash, traffic management measures, and haul routes, among others.

9.17.10. For the operational phase a Mobility Management Plan has been submitted which seeks to encourage sustainable travel practices for all journeys to and from the proposed development through mode specific measures. This includes reference to implementation of a Car Parking Management Strategy.

9.17.11. Appropriate conditions in relation to traffic and transportation can be included in any grant of permission.

[21] The figures provided on page 18-29 of the EIAR show that the Chapel View/Main Street junction will be operating above capacity in both 2031 (103%) and 2041 (116%) and that the Hearse Street/Main Street junction would be above capacity in 2041 (104%).

Residual Impacts

9.17.12. Subject to implementation of mitigation, the construction phase residual impact will be short-term in duration and neutral in quality and effect, according to the EIAR. In my opinion, construction phase traffic for a development of the scale and duration proposed could not be considered as a neutral effect but would be more appropriately considered to be a negative effect. However, I do not consider that it would be a significant adverse effect.

9.17.13. Operational phase impacts are considered to be negative, not significant, and long-term.

9.17.14. The EIAR considers that, given the pedestrian and cycle and connectivity improvements proposed, there may be a greater uptake of active travel in the wider area which may have a positive impact on operational capacity of junctions.

Direct and Indirect Impacts Assessment

9.17.15. I have examined, analysed, and evaluated chapter 18 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic and transportation. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely traffic and transportation impacts, as a consequence of the proposed development, have been identified.

9.17.16. Notwithstanding, traffic and transportation-related issues form part of the grounds of appeal, and I consider it appropriate to consider these issues in my assessment of this chapter of the EIAR. At the outset I note that this is a residential development, phase 2 of a three phase development, with phase 1 currently under construction adjacent to the south. The site is appropriately zoned for development of the type proposed and the relevant policy framework is supportive of the proposed development. FCC's Transportation Planning Section indicated no objection to the proposed development subject to conditions. I consider that the relevant issues raised in the grounds of appeal can be assessed under the following sub-headings.

The Links Road

9.17.17. The main objection from The Links Residents Association (TLRA) is the provision of The Link road from New Road to Portrane Road, a section of which is along the western boundary of phase 2. This road serves The Links and has a signalised junction

with Portrane Road. It is stated that this road is not necessary and is a material contravention of the FDP 2023-2029, the NPF, the CAP 2024, and the RSES. The basis for this claim is that it would encourage vehicular travel above that of sustainable modes of travel. It is stated that it will become a rat run and the main access road to schools, the community centre, and the town centre. Further, it is requested that all access points should be pedestrian and cycle access only.

9.17.18. I note initially that The Links Road extension to the south of the existing Links Road was previously permitted as part of phase 1 of the proposed development and it is not a newly proposed piece of infrastructure, notwithstanding its location within the red line site boundary. In addition, road connectivity in line with this is contained in figure 9.1 of the LAP. It is specifically referenced in section 8.2.3 (Ballymastone Area) of the LAP, 'An extension southwards of the existing road serving The Links is proposed to connect the Ballymastone area with the Balcarrick Road[22], which will provide an important local link route within Donabate, whilst also allowing the planned development of lands accessed from it. This local road will also provide an alternative route to the Main Street for movement between the Portrane Road and Balcarrick Roads'. Therefore, this road has already been permitted and is in line with the LAP.

9.17.19. I do not agree that the provision of this Links Road extension would materially contravene the FDP 2023-2029, NPF, CAP 2024, and the RSES. There is no ban on the construction of new roads and, notwithstanding, it already has planning permission and is supported by the LAP. Good quality active travel facilities are proposed on site, both north-south and east-west, and the site is within easy walking and cycling distance of the town centre and various facilities and services.

9.17.20. It is not feasible that all access points onto The Links Road should be pedestrian and cyclist only. The second most northerly access point proposed, for example, serving a short residential cul-de-sac, has no other access. As above, the proposed development caters well for those wishing to utilise sustainable modes of transport for shorter journeys.

9.17.21. I consider the road layout as proposed is acceptable and I note that the Links Road extension has already been permitted. Notwithstanding, I do not consider that this, in

[22] Balcarrick road appears to be the road immediately east of New Road at the DDR junction.

itself, could be considered to be a material contravention of the documents cited. The road layout is in accordance with the LAP. The Portrane Road and the modal filter are separately considered in the following sub-sections.

Portrane Road

9.17.22. It is stated that major traffic issues will be created on Portrane Road as a result of the additional traffic created, and that it is not capable of accommodating additional traffic.

9.17.23. Portrane Road is one of the main roads through the town. While it does not appear to have had any significant upgrade recently in the vicinity of its junction with The Links Road, it is not notably different to many single carriageway two-way roads in towns like Donabate. The planning authority expressed no concern over its ability to accommodate additional traffic. There would be no traffic hazard created. The Links Road is only one of three main public roads that can be accessed from phase 2, DDR and New Road are the others. Only a portion of traffic leaving phase 2 would do so to access Portrane Road. The site location and permeability to facilities and services means that many trips may be undertaken by active modes rather than by car. The applicant's response to the grounds of appeal notes that road junctions on Portrane Road will operate within capacity during peak hours to 2041.

9.17.24. Having regard to the foregoing, I do not consider that there is any significant concern about the ability of Portrane Road to accommodate the additional traffic generated.

Modal filter

9.17.25. Reference is made to an agreement between TLRA and the developer in relation to a modal filter, which has been removed by condition 19 (f) of the planning authority's decision. Should no modal filter be required by the Board TLRA considers that five traffic audits should be undertaken in the ten years following permission. The applicant's response to the grounds of appeal proposes to retain this modal filter in accordance with TLRA's request.

9.17.26. A modal filter is shown just south of where the existing Link Road would meet the proposed Link Road extension on the submitted Overall Road Layout plan. The FCC Transportation Planning Section report states that this shall be omitted. No explanation or rationale for this is provided. Notwithstanding, the LAP map implies that vehicular connectivity would be provided through this area and a modal filter would preclude

this. While concern is expressed about this area becoming a rat run the route between New Road and Portrane Road through the F17A/0373 / PL 06F.249206 development, phase 1, phase 2, and the existing Links Road is approx. 800 metres long through a primarily residential area with a number of junctions and other traffic calming features which would reduce its attractiveness as a rat run. Traffic between the DDR and Portrane Road through the site would not be affected by the modal filter location.

9.17.27. While I understand the concerns expressed by TLRA in terms of additional traffic, in so far as it affects this phase 2 planning application, this connectivity is indicated in the LAP, the road itself was permitted as part of phase 1, the through road is not a direct route, permeability and connectivity in the area would be such that many facilities and services would be accessible by walking or cycling, and only some vehicular trips would seek to access Portrane Road. The modal filter could be avoided by traffic using a different internal route through phase 2 which would add approx. 300 metres to the route and increase the distance through a primarily residential area rather than the more direct route. I consider that including the modal filter would unduly affect the urban legibility from a vehicular perspective and would be contrary to the LAP. However, should the experience be that vehicular traffic on the overall Links Road is excessive the planning authority could itself in future introduce an appropriate modal filter or some other alternative.

9.17.28. In my view the modal filter should be omitted from any grant of permission that may issue, though the Board may consider that it is appropriate.

Car parking

9.17.29. Concern is expressed in relation to reduced car parking in a car dependent area which results in more favourable trip rates than the phase 1 development. FCC's Transportation Planning Section report considers that three and four bed houses may allow a second car to be parked either within the curtilage or overhanging the footpath. Concern is also expressed in relation to the mid-terrace car parking.

9.17.30. I consider the applicant's response to the grounds of appeal is reasonable i.e. that phase 2 will result in fewer vehicular trips than phase 1 as a result of the reduction in

car parking spaces because of the FDP 2023-2029[23]. The Plan only allows for 260 spaces as opposed to 610 that the previous Plan would have allowed. The applicant also states that car ownership rates are a product of more generous car parking provision. The 260 residential car parking spaces accords with the provisions of the Compact Settlement Guidelines (2024), Apartment Guidelines (2023), and the FDP 2023-2029. The three and four bed units have one space, and some mid-terrace units have no spaces.

9.17.31. I consider that the car parking provision of 278 spaces (260 for residents (131 houses, 62 duplex, and 67 apartments), 6 accessible, 6 e-car share, and 6 public EV charging spaces) is acceptable and in line with the general planning objective to reduce car parking provision. FCC included conditions 19 (c) and 20 (a) and (b) relating to car parking which I consider are appropriate and should be included should permission be granted.

Public transport capacity

9.17.32. The grounds of appeal state that, for example, no detailed assessment of capacity on public transport was carried out, that trains are at capacity at peak times and buses are at capacity in the morning, that there are no short to medium terms plans to improve this, that timetables services are cancelled on a regular basis, and that there is no Dart service to Donabate, as referenced.

9.17.33. In the response to the grounds of appeal the applicant refers to both the Public Transport Capacity Assessment (appendix E to the TTA) submitted with the application and to the TTA submitted as part of the LRD0017/S3 permission which was granted in April 2024. It is stated that there will be more than sufficient capacity for the bus services and that the additional demand for rail services can be accommodated within existing services. The response also refers to planned improvement in public transport and official sources referencing monitoring demand and increasing frequencies or capacities. I am satisfied that the additional public

[23] Table 14.19 (Car Parking Standards) of the FDP 2023-2029 cites a maximum zone 1 car parking standard of 0.5 spaces per 1-2 bed unit and 1 space per 3-3+ bed unit. Table 12.8 (Car Parking Standards) of the FDP 2017-2023 cites a normal car parking standard of 1-2 spaces per 1-2 bed unit and 2 spaces per 3-3+ bed unit.

transport demand generated by the proposed development can be adequately accommodated.

9.17.34. In relation to cancelled services this is not an issue unique to Donabate.

9.17.35. The site has public bus stops and a train station in easy walking/cycling distance. While some services may be busy in peak periods this is an issue common to practically every urban area and commuting town. I consider that the TTA submitted with the application, and the TTA submitted with LRD0017/S3, adequately outline that the proposed development would not have such an adverse impact that it would be reasonable to refuse planning permission on the basis of public transport availability, and I also note that the subject site is zoned specifically for residential development.

Climate Action Plan (CAP) 2024

9.17.36. It is claimed that the proposed development fails to properly take on board the wider implications of the CAP 2024. In terms of a high-level overview of the themes of the CAP 2024, I do not agree with this. The site is zoned for residential development, while it is a greenfield site (notwithstanding the current partial use as a site compound for phase 1) it is located immediately adjacent to existing development, it is inside the DDR, it located closer to the town centre than parts of both the phase 1 development and the approved recreation hub, it includes dedicated footpaths and cycle paths which would substantially contribute to improved active travel and permeability, and it is within reasonable walking distance of the train station. I consider the subject site to be in the type of location where development is encouraged by the relevant planning framework.

Traffic impact assessment (TIA)

9.17.37. It is stated that the omission of F24A/0169 from the TIA should result in a further information request so that this 98 unit development is taken into consideration. The applicant notes that this application had not been approved[24] and is an amendment to a previous permission. This site is south of New Road, and I do not consider that it would have any significant impact on the road network in the vicinity of phase 2.

[24] No decision has been made as per the FCC website on 12th December 2024.

Conclusion

9.17.38. I have examined, analysed, and evaluated chapter 18 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic and transportation. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on traffic and transportation, as a consequence of the proposed development, have been identified.

9.17.39. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse traffic and transportation impacts. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Effects Conclusion

9.17.40. Having regard to my examination of environmental information in respect of traffic and transportation, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there would be any significant direct or indirect traffic and transportation effects.

9.18. Material Assets – Waste

Issues Raised

9.18.1. The grounds of appeal did not raise any particular issues in relation to waste. In the assessment of this EIAR chapter in its Planning Report, the planning authority was satisfied, subject to the implementation of mitigation, that there would not be any unacceptable direct, indirect, or cumulative impacts on material assets (waste) arising from the proposed development. FCC's Environment Section (Waste Enforcement & Regulation) prepared a report for the application which stated that a Construction and Demolition Resource Waste Management Plan should be prepared.

Context

9.18.2. Waste impacts of the project is addressed in chapter 19 of the EIAR. Appendices are attached at appendix 19.1 ('Resource and Waste Management Plan' (RWMP) dated 24th April 2024) and appendix 19.2 ('Operational Waste Management Plan' (OWMP) dated 11th April 2024).

9.18.3. The chapter evaluates the likely impacts, if any, which the proposed development may have on waste management. Relevant legislation and policy are outlined.

9.18.4. In terms of difficulties encountered, it is stated that, until final materials and detailed construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that will be generated. Though a licensed waste facility could be selected, the nature of excavated soil might necessitate a different facility, or the identified facility might have reached its annual intake capacity. In addition, a more suitable facility may become operational. Ultimately, selection of waste contractors and facilities would be subject to appropriate selection criteria.

Baseline

9.18.5. The current waste management environment is summarised. There is no demolition associated with the proposed development. During the construction phase waste will be produced from, for example, surplus materials, packaging waste, excavation of approx. 41,000m^3 of soil, and from construction phase workers. A total of 2,511.2 tonnes of waste is predicted, with 570 tonnes being reused, 1,705.1 tonnes being recycled/recovered, and 236.1 tonnes being disposed of.

9.18.6. It is estimated that 74.73m^3 of operational phase waste will be generated per week. It will be segregated at source, stored, and collected in line with the OWMP.

Predicted Impacts

9.18.7. Table 9.14 – Summary of Predicted Material Assets – Waste Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	If the development was not to go ahead there would be a neutral effect. However, as the site is zoned it is likely that a development of a similar nature would be progressed with similar likely effects
Construction	A range of hazardous (e.g. chemicals, oils, fuels, potentially contaminated soil (though none was found in one hundred samples)) and non-hazardous waste materials will be generated, including excavated soil. If not managed/stored correctly, or if not disposed of/recycled/recovered appropriately, there are likely to be

	indirect, short-term, significant, and negative environmental effects. The use of non-permitted waste contractors or unauthorised waste facilities could result in inappropriate management of waste resulting in indirect negative environmental impacts with indirect, long-term, significant and negative effects.
Operation	Improper waste management, both in terms of off-site disposal and on-site storage, would lead to indirect, long-term, significant and negative environmental effects.
Cumulative	18 other potentially overlapping projects are identified. There would be sufficient contractors available to handle waste from a large number of sites simultaneously. The cumulative impact will be short-term, not significant, and neutral. Similar waste types would be generated by other developments. Increased density is likely to improve efficiency. As with the construction phase, waste has to be managed in accordance with legislation, which will mitigate cumulative impacts. The cumulative effect will be long-term, imperceptible, and neutral.

Mitigation Measures

9.18.8. Construction phase measures include implementation of an updated RWMP, appointment of a Resource Manager, correct classification and segregation of excavated material, use of appropriate building materials, on-site segregation of waste materials, appropriate storage practices, and maintenance of appropriate records.

9.18.9. Operational phase measures include implementation of the OWMP and suitable segregation and storage.

9.18.10. Appropriate waste management conditions would be included as standard should permission be granted.

Residual Impacts

9.18.11. Implementation of mitigation measures would result in imperceptible and neutral effects on the environment.

Direct and Indirect Impacts Assessment

9.18.12. I have examined, analysed, and evaluated chapter 19 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of waste. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on waste, as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.

9.18.13. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on waste. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.18.14. Having regard to my examination of environmental information in respect of waste, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I consider that the main significant direct and indirect waste effects are, and will be mitigated where relevant, as follows:

- Significant, indirect, short-term, negative environmental effects from incorrect storage/management and/or inappropriate disposal/recycling/recovery of a range of hazardous and non-hazardous waste materials, including soil, that will be generated on site, which would be mitigated by appropriate construction phase measures.
- Significant, indirect, short-term, negative environmental effects from the use of non-permitted waste contractors or unauthorised waste facilities resulting in

inappropriate management of waste, which would be mitigated by appropriate construction phase measures[25].

- Significant, indirect, long-term, negative environmental effects from improper on-site storage/management of waste and off-site disposal, which would be mitigated by appropriate operational phase measures.

9.19. Material Assets – Services

Issues Raised

9.19.1. The grounds of appeal did not raise any particular issues in relation to services. In the assessment of this EIAR chapter in its Planning Report, the planning authority considered that there would be no significant residual impacts to utilities due to the proposed development.

Context

9.19.2. The chapter addresses issues relating to the material assets of surface water drainage, wastewater drainage, water supply and utilities (power, gas and telecommunications). Information has been obtained from utility providers. The methodology is consistent with specified guidance. No difficulties are anticipated in relation to electrical infrastructure or diversion, gas diversion, or telecommunications, water supply, and drainage infrastructure.

Baseline

9.19.3. There are ESB lines on site, both overhead and underground. There has been no indication of any issue with availability of supply. An application has been made to divert the overhead lines. There is no public lighting infrastructure. There is an underground gas main, and an application has been made to divert this. There is no Virgin Media or Eir telecommunications infrastructure traversing the site. There are watermains and a foul sewer in the area. The site is drained by a network of drainage ditches.

[25] In my view this effect can be read as being addressed under the previous bullet point effect and therefore I am only including the first bullet point in the reasoned conclusion to avoid unnecessary duplication.

Predicted Impacts

9.19.4. Table 9.15 – Summary of Predicted Material Assets – Services Impacts in the Absence of Mitigation

Project Phase	Predicted Direct, Indirect, and Cumulative Impacts
Do Nothing	Built services and infrastructure would remain unchanged. Given the site zoning it is likely that a similar development would be progressed with similar demand requirements and effects.
Construction	Diversion of existing power and gas lines are anticipated to have a neutral and not significant effect. Negative, slight, and short-term impacts are predicted in relation to installation of electricity and telecommunications infrastructure. Provision of public lighting infrastructure would be not significant. Installation of water mains and drainage will likely have a neutral, short-term, moderate impact.
Operation	Electricity impact would be positive during operation. Power demand is predicted to be low. Telecommunications will be underground and there is sufficient capacity in the network. The impact is predicted to be imperceptible with a long-term and neutral effect. It is predicted that most providers will be able to reconfigure their equipment to compensate for any proposed structures. Water supply and drainage will likely have a neutral, permanent, slight impact.
Cumulative	No significant cumulative effects are predicted.

Mitigation Measures

9.19.5. Construction phase measures in relation to electricity supply will determine the exact location of the underground network. Diversion will be carried out by ESB. Measures will be in place to ensure there are no interruptions to existing services. All works in

the vicinity of electrical infrastructure will be carried out in consultation with ESB and in compliance with relevant codes of practice. Gas diversion will be carried out by Gas Networks Ireland. The exact location of telecommunications will be determined and measures put in place to ensure there are no interruptions to existing services. Works will be in compliance with relevant guidelines. The CEMP is referenced in relation to water supply and drainage, with standard construction phase measures in relation to surface water contamination as set out in other chapters.

9.19.6. In terms of operation, the energy design is referenced. Surface water will be attenuated to greenfield runoff rates and SUDS incorporated. Foul pipes will be subject of a CCTV survey to identify any defects prior to being operational.

Residual Impacts

9.19.7. No notable residual impacts arise.

Direct and Indirect Impacts Assessment

9.19.8. I have examined, analysed, and evaluated chapter 20 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of services. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on services, as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.

9.19.9. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on services. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

9.19.10. Having regard to my examination of environmental information in respect of material assets - services, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect services effects.

9.20. The Interaction Between the Above Factors

9.20.1. Chapter 21 (Interactions) of the EIAR provides an overview of the key interactions identified and addressed in the foregoing EIAR chapters. I note that there was an interactions subsection in each environmental topic chapter. Table 21.1 outlines a matrix showing the factors that interact with each other and section 21.2 summarises the interactions between each of these during both the construction and operation phases.

9.20.2. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

9.21. Cumulative Impacts

9.21.1. Chapter 22 (Cumulative Impacts) of the EIAR considers the potential for cumulative impacts to arise as a result of the proposed development in combination with other projects. Table 22.1 identifies 18 applications to which regard has been had in the assessment of potential cumulative impacts. They are mapped in figure 22.1. I am satisfied that these are adequate in terms of the cumulative assessment and I note the inclusion of, for example, the phase 1 development which is under construction adjacent to the south, the recreational hub on the opposite side of the DDR, F17A/0373 / PL 06F.249206 adjacent to the south of phase 1, and LRD0017/S3 on the south side of New Road for over one thousand residential units in a larger mixed-use development. The latter two have commenced construction works but are not at an advanced stage.

9.21.2. The cumulative impact issues that were referenced in the grounds of appeal related to the further increase in population in the absence of adequate social facilities and the impact of additional traffic on The Links Road. These have been addressed in

subsection 8.2 of the Planning Assessment and subsection 9.17 of this EIA, respectively.

9.21.3. Each EIAR chapter for an environmental factor contains a cumulative assessment. Chapter 22 states that, assuming full implementation of the mitigation measures, no significant negative cumulative impacts are likely to arise. As this is a standard construction project on suitably zoned land, having regard to the mitigation measures proposed, I agree with this conclusion.

9.22. Reasoned Conclusion on the Significant Effects

9.22.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the Planning Authority, prescribed bodies and observers during the course of the application, it is considered that the main potential direct, indirect, secondary, and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impact for population, due to the substantive increase in the housing stock during the operational phase including 40% social and affordable housing units,
- significant positive socio-economic benefit for population through construction stage employment and associated construction phase economic activity and an increase in the local population for services in the operational phase,
- significant, indirect, negative effects on wider biodiversity as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures,
- significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures,
- significant, direct negative noise effects arising for population along some site boundaries during the construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures,

- significant direct negative landscape impact in the immediate environs and visual impacts to nearby receptors during the construction phase, which would be mitigated as much as practical by appropriate construction phase management measures,
- significant beneficial impact on the landscape in the immediate environs in the operational phase as it would improve the landscape/townscape, it would achieve local policy objectives, and it would contribute to local placemaking,
- significant direct negative impact on currently unknown archaeology during the construction phase, which would be mitigated by monitoring of ground disturbance works by a suitably qualified archaeologist who would consult with the DHLGH should archaeological material be recorded,
- significant, indirect, short-term, negative environmental effects from incorrect storage/management and/or inappropriate disposal/recycling/recovery of a range of hazardous and non-hazardous waste materials, including soil, that will be generated on site, which would be mitigated by appropriate construction phase measures set out in a Resource Waste Management Plan,
- significant, indirect, long-term, negative environmental effects from improper on-site storage/management of waste and off-site disposal, which would be mitigated by appropriate operational phase measures in an Operational Waste Management Plan.

9.22.2. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditioned in the event of a grant of planning permission for the project, in my opinion the environmental impacts identified would not be significant and would not justify refusing permission for the proposed development.

10.0 Appropriate Assessment (AA)

10.1. Stage 1 – Screening Determination for Appropriate Assessment (AA)

10.1.1. Having carried out AA screening (stage 1) of the project (included in appendix 1 to this report), it has been determined that the project may have likely significant effects on Rogerstown Estuary SAC (site code 000208), Malahide Estuary SAC (site code 000205), Rogerstown Estuary SPA (site code 004015), and Malahide Estuary SPA (site code 004025) in view of the sites' conservation objectives.

10.1.2. AA (stage 2) is therefore required of the implications of the project on the qualifying interests (QIs) of the SACs and the SCIs of the SPAs in light of their conservation objectives.

10.1.3. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness/absence of connections between the subject site/proposed development and other European sites.

10.2. Stage 2 – Appropriate Assessment (AA)

10.2.1. In carrying out AA (stage 2) of this proposed residential development project, I have assessed the implications of the project on Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA in view of the sites' conservation objectives. I have had regard to the NIS and all other relevant documentation on the case file. I consider that the information included in the case file is adequate to allow the carrying out of AA.

10.2.2. Following AA (stage 2) it has been concluded that the project, individually or in-combination with other plans or projects, would not adversely affect the integrity of Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA in view of the sites' conservation objectives.

10.2.3. This conclusion is based on:

- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the conservation objectives of

Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA,

- an assessment of in-combination effects, and,
- no reasonable scientific doubt as to the absence of adverse effects on the integrity of Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA.

11.0 **Recommendation**

11.1. Having regard to the foregoing, I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below.

12.0 **Reasons and Considerations**

In coming to its decision the Board has had regard to the following:

(a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,

(b) the provisions of the Project Ireland 2040 National Planning Framework,

(c) the provisions of the Climate Action Plan (2024),

(d) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,

(e) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),

(f) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018),

(g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),

(h) the provisions of the Design Manual for Urban Roads and Streets (2019),

(i) the provisions of the Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031,

(j) the provisions of the Fingal Development Plan 2023-2029 including the 'RA - Residential Area' zoning for the site,

(k) the provisions of the Donabate Local Area Plan (LAP) 2016 (as extended) including the 'RA - Residential Area' zoning for the site,

(l) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement, and the third parties' grounds of appeal,

(m) the submissions and observations received on file including from the local authority, prescribed bodies, and first and third parties,

(n) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,

(o) the planning history of the site and the vicinity of the site, and,

(p) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Rogerstown Estuary Special Area of Conservation (site code 000208), Malahide Estuary Special Area of Conservation (site code 000205), Rogerstown Estuary Special Protection Area (site code 004015), and Malahide Estuary Special Protection Area (site code 004025) are the only European sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and associated documentation submitted with the planning application and grounds of appeal, the mitigation

measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely Rogerstown Estuary Special Area of Conservation, Malahide Estuary Special Area of Conservation, Rogerstown Estuary Special Protection Area, and Malahide Estuary Special Protection Area, in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and,

iii. the conservation objectives for the European sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

(a) the nature, scale, location, and extent of the proposed development,

(b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) the submissions received from the applicant, local authority, prescribed bodies, and observers in the course of the application, and,

(d) the Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned conclusion on the significant effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where relevant, as follows:

- significant direct positive impact for population, due to the substantive increase in the housing stock during the operational phase including 40% social and affordable housing units,
- significant positive socio-economic benefit for population through construction stage employment and associated construction phase economic activity and an increase in the local population for services in the operational phase,
- significant, indirect, negative effects on wider biodiversity as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures,
- significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures,
- significant, direct negative noise effects arising for population along some site boundaries during the construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures,
- significant direct negative landscape impact in the immediate environs and visual impacts to nearby receptors during the construction phase, which would

be mitigated as much as practical by appropriate construction phase management measures,

- significant beneficial impact on the landscape in the immediate environs in the operational phase as it would improve the landscape/townscape, it would achieve local policy objectives, and it would contribute to local placemaking,
- significant direct negative impact on currently unknown archaeology during the construction phase, which would be mitigated by monitoring of ground disturbance works by a suitably qualified archaeologist who would consult with the Department of Housing, Local Government and Heritage should archaeological material be recorded,
- significant, indirect, short-term, negative environmental effects from incorrect storage/management and/or inappropriate disposal/recycling/recovery of a range of hazardous and non-hazardous waste materials, including soil, that will be generated on site, which would be mitigated by appropriate construction phase measures set out in a Resource Waste Management Plan,
- significant, indirect, long-term, negative environmental effects from improper on-site storage/management of waste and off-site disposal, which would be mitigated by appropriate operational phase measures in an Operational Waste Management Plan.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. Overall the Board is satisfied that the proposed development would not have any unacceptable effects on the environment.

Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the development objectives and other provisions of both the Fingal Development Plan 2023-2029 and Donabate Local Area Plan (2016) (as extended), would make efficient use of an appropriately zoned site, would positively contribute to an increase in housing stock, would be acceptable in terms of urban design, layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or unduly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. 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 and particulars received by the planning authority on 8th July 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.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be constructed shall be five years from the date of this Order.

Reason: In the interest of clarity.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

Reason: To protect the environment.

4. The mitigation measures contained in the Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European sites.

5. Prior to the commencement of development the developer shall submit, for the written approval of the planning authority:
   (a) revised floor plans, elevations, and section drawings for house type H2C to provide an aggregate bedroom area of 25 square metres.
   (b) revised floor plans, elevations, and section drawings for house type H4B to provide an aggregate living area of 40 square metres.
   (c) revised floor plans, and section drawings for duplex unit type D2LA to provide at least 6 square metres storage.
   (d) revised layouts for the mid-terrace houses to ensure that paved areas which are not identified as car parking spaces are not used for the purpose of car parking.
   (e) a site layout plan indicating all boundary treatments.
   (f) a street and garden tree planting plan.

Reason: In the interests of the residential amenity of future occupants.

6. No residential unit in the proposed development hereby permitted shall be occupied until such time as the childcare facility permitted under the phase 1 development by ABP-315288-22 is operational, or it has been fully fitted out and suitable for immediate occupation and operation.

Reason: In the interest of residential amenity.

7. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the planning authority. The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the planning authority prior to the commencement of works on site.

Reason: To comply with objective DMSO194 of the Fingal Development Plan 2023-2029.

8. The materials, colours, and textures of the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. The proposed modal filter shall not be provided on The Links Extension Road.

Reason: In the interest of vehicular permeability.

10. There shall be a separation distance of at least 2.3 metres between the side walls of detached, semi-detached, and end of terrace houses and duplex blocks.

Reason: To comply with objective DMSO26 of the Fingal Development Plan 2023-2029.

11. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. The scheme shall include lighting along pedestrian routes through open spaces.

Reason: In the interests of amenity and public safety.

13. The internal road network, including all footpaths and cycle paths, serving the proposed development, including turning bays, junctions with the public roads, parking areas, footpaths and kerbs, raised tables, signage, off-road cycle paths etc. shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of amenity and of traffic and pedestrian safety.

14. (a) All the communal 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.

(b) A detailed car parking layout and Car Parking Management Plan for the communal car parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) Where driveways are proposed they shall not exceed four metres in width and six metres in length facilitating only a single parked car and pedestrian access. No additional development shall take place within the curtilage of each unit to provide for additional vehicle parking.

(d) Adequate safe and secure bicycle parking spaces shall be provided within the site for a mix of bicycle types. Detail of the layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(e) Details of the operation and maintenance of the cycle storage facilities shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(f) Electric charging points to be provided at an accessible location(s) for charging cycles/scooters/mobility scooters. Details to be submitted to, and agreed in writing with, the planning authority.

(g) The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan submitted to the planning authority on 30th April 2024. The specific measures detailed in section 6 of the Plan to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: In the interests of sustainable transport and safety and to achieve a reasonable modal split in transport and travel patterns.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

17. 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 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.

Reason: In the interest of proper planning and sustainable development.

18. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

19. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

20. All mitigation measures in relation to archaeology and cultural heritage as set out in chapter 15 (Cultural Heritage, Archaeology & Architectural Heritage) of the Environmental Impact Assessment Report included in the application shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

21. (a) The landscaping scheme shown on drawing no. 19164-C-2-101 as submitted to the planning authority on 30th April 2024 shall be carried out within the first planting season following substantial completion of external construction works.

    (b)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 or until the relevant area is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual and residential amenity.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
    (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
    (b) location of access points to the site for any construction related activity;

(c) location of areas for construction site offices and staff facilities;

(d) details of site security fencing and hoardings;

(e) details of on-site car parking facilities for site workers during the course of construction;

(f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(g) measures to obviate queuing of construction traffic on the adjoining road network;

(h) measures to prevent the spillage or deposit of clay, rubble or other debris on the road network;

(i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;

(j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l) off-site disposal of construction waste and details of how it is proposed to manage excavated soil;

(m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

(n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority;

(o) a community liaison officer shall be appointed for the duration of the construction works.

Reason: In the interests of amenities, public health and safety, and environmental protection.

23. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0900 to 1300 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the amenity of property in the vicinity.

24. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and orderly development.

25. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

    (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3)(b)

(Part V) of the Planning & Development Act, 2000 (as amended), unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning & Development Act, 2000 (as amended), and of the housing strategy in the development plan for the area.

27. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to section 47 of the Planning & Development Act, 2000 (as amended), that restricts all relevant 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.

(b) An agreement pursuant to section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the section 47 agreement has been terminated and that the

requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

29. (a) Prior to the commencement of development the developer shall submit, for the written approval of the planning authority, revised drawings and associated schedules which clearly indicate the location and sizes of the public open space and environmental open space.

(b) If any shortfall in public open space is identified the developer shall pay to the planning authority a financial contribution as a contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority which 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 & 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.

Reason: In the event of a shortfall in the provision of public open space it is a requirement of the Planning & 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 (as amended) be applied to the permission.

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning & Development Act, 2000 (as amended). The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning & 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.

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.

Anthony Kelly

Planning Inspector

17th December 2024

Appendix 1

Stage 1 – Screening for Appropriate Assessment (AA)

Appropriate Assessment (AA) **Stage 1 - Screening Determination**
Description of the project I have considered the proposed residential development in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). <u>Subject site</u> The site is adjacent to a residential area on the eastern side of Donabate which, while there are some areas of trees and surface vegetation, is largely a general building compound area for the associated phase 1 development which is currently under construction adjacent to the south. <u>Proposed development</u> Permission is sought for a seven-year permission for a continuation of permitted Ballymastone Phase 1 lands comprising 364 dwellings (158 houses, 82 duplexes, and 124 apartments) ranging in height from two to six storeys, car and cycle parking, pedestrian/cycle connectivity, road connectivity enhancements, services and plant areas, public open space, and communal amenity areas. The proposed development represents Phase 2 of the wider development of the Ballymastone lands. An Irish Water foul pumping station will serve the southern side of the proposed phase 2 development. The vast majority of the phase 2 development will discharge to a new proposed foul pump station which is proposed to be located in the north east of the masterplan site. This pump station will serve the majority of both phases 2 and 3 of the development. Rising mains from the pump stations will discharge to the existing gravity sewer flowing north within the DDR. Wastewater will discharge to the Portrane wastewater treatment plant. For surface water, it is stated that SuDS/nature-based SuDS are maximised throughout the scheme, but an element of underground storage is unavoidable due to space restrictions. 64% of the new hardstanding area within the phase will drain to SUDs features. Surface water runoff will be attenuated to greenfield runoff rates. Surface water in this phase is discharged either to (i) an existing 1350mm surface water culvert to the north west which in turn discharges to Rogerstown Estuary, or, (ii) existing ditches which flow to Portrane Canal and then into Rogerstown Estuary. <u>Submissions and observations</u> AA-related issues were not referenced in any submissions or observations from third parties or prescribed bodies to either FCC during the initial planning application process or to the Board during

this appeal phase. The Dept. of Housing, Local Government and Heritage was among the prescribed bodies that an observation was received from.

FCC sought further information, inter alia, in relation to AA/the NIS. A Technical Note was prepared in response. It was stated that no new or additional mitigation measures were required and that it was certain that the proposed development will not affect the integrity of any relevant European site in light of their conservation objectives. Further to this, the planning authority's second Planning Report agreed with the conclusion of the NIS and determined that there would be no adverse impact on the integrity of any relevant Natura 2000 site.

Potential impact mechanisms from the project

Site surveys

A 'Natura Impact Statement' (NIS), which also includes AA screening, was submitted with the planning application. It is stated that 'Site walkover surveys have been undertaken … on numerous occasions between 2020 and 2024, both in the preparation of the current planning application and as part of the previous, permitted development at the site' i.e. phase 1 (page 4). Surveys carried out are cited as bat and large mammal, bird, botanical, and tree.

Habitats are described in section 3.5 of the NIS. Spoil and bare ground and buildings and artificial surfaces cover the greatest surface area within the boundary. There are also areas of wet grassland, particularly in the north eastern area. I am satisfied that the habitats mapped on figure 4 reflect the situation on site at the time of my site inspection. The habitats of highest value are drainage ditches, (mixed) broadleaved woodland, wet grassland, and hedgerows, all of local importance (higher value). The site is not under any wildlife or conservation designation. Overall, the site is of local importance (higher value).

European sites

Table 1 and figures 1 and 2 of the applicant's NIS identifies twenty European sites (nine special areas of conservation (SACs) and eleven special protection areas (SPAs)) within a potential zone of influence (ZoI).

Sixteen of these European sites were ruled out from being within the ZoI because of the significant distance between the subject site and the relevant European site. The closest of these as the crow flies is North West Irish Sea SPA approx. 1.7km to the east, but further away hydrologically. Page 18 of the NIS states 'Any pollution entering any drain or ditch during construction would be so diluted as to be entirely undetectable by the time the water enters Irish Sea / Dublin Bay and a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters that will not be perceived to the sites … as they are significantly remote from the proposed development. Further, the site is not used by, or suitable for use by overwintering birds, such as pale-bellied Brent goose, or any other protected bird species listed as a Special Conservation Interest (SCI) in any European

site within the Zone of Influence'. These sixteen sites are also individually assessed in table 2 (Potential for significant effects on designated sites within the zone of influence) of the applicant's NIS which considers the source-pathway-receptor links of all potential ZoI European sites.

Page 33 of the NIS states that these sixteen sites are at such a distance from the proposed development site that there would not be any significant effects on them as a result of habitat loss/fragmentation, impacts to habitat structure, disturbance, mortality, noise pollution, or emissions to air or water.

I agree with the NIS that these sixteen European sites can be excluded from further consideration and that there would not be any significant effects on the relevant qualifying habitats or species.

The four European sites identified in the NIS as potentially being significantly effected are:

1. Rogerstown Estuary SAC (site code 000208)

2. Malahide Estuary SAC (site code 000205)

3. Rogerstown Estuary SPA (site code 004015)

4. Malahide Estuary SPA (site code 004025)

These four sites are also considered in table 2 of the applicant's NIS. It appears that all surface water from the site would discharge to Rogerstown Estuary which is approx. 900 metres to the north of the subject site. It does not appear that surface water at this location would travel south to Malahide Estuary, which is approx. 1.3km to the south of the subject site. It seems that this is acknowledged in the applicant's NIS as table 2 of the applicant's NIS, in relation to this SAC, states that the subject site 'may' be hydrologically connected (as opposed to Rogerstown Estuary which 'is' hydrologically connected). In line with the precautionary principle, I agree that the Malahide Estuary SAC/SPA should be brought forward to stage 2 (AA).

<u>Effect mechanisms</u>

Section 4 (Natura Impact Statement) of the applicant's NIS identifies potential impacts that may arise on the four European sites as a result of the proposed development.

In my opinion, the only potential construction phase effect is surface water contaminated by, for example, suspended solids, hydrocarbons, cementitious material, and dust, which discharges to Rogerstown Estuary. Section 4.3.2.1 (Water Quality, Dust and Other Emissions) of the NIS also references risk to flora and fauna from dust deposition and traffic emissions to impact air quality. However, I do not consider that there is any possibility that these could have a significant impact on the qualifying interests (QIs) or SCIs of any European site.

Potential effects on European sites during operation are set out in section 4.3.3 of the applicant's NIS. Surface water quality is one of the aspects considered and the NIS notes that attenuated surface water will discharge to Rogerstown Estuary. Section 4.4.2.2 (Surface Water Quality) states, inter alia, 'The overall development is designed in accordance with the principles of SuDS …' I note there are

a number of policies and objectives of the FDP 2023-2029 that encourage and support the use of SuDS e.g. policies CAP30 and IUP10 and objectives GINHO15 and IUO9. These indicate that SuDS measures are mandatory for new development other than for reasons of the protection of European sites. The judgement in CJEU Case C-721/21 effectively stated that SuDS measures which remove contaminants can be taken into consideration at screening stage where such features have been incorporated into that project as standard features. I do not consider that there would be any potential operational stage effects on European sites as a result of the proposed development.

Having regard to the foregoing, in my opinion the only effect mechanism that may have a likely significantly impact on the four European sites within the ZoI is:

A) Surface water runoff during construction.

European Sites at risk from impacts of the proposed project

Table 1 – Rogerstown Estuary SAC (site code 000208)

Effect mechanism	**Impact pathway / ZoI**	**European site (and distance away)**	**QI features**
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	Rogerstown Estuary SAC (approx. 900 metres to the north of the subject site as the crow flies)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Rogerstown Estuary is a relatively small, narrow estuary separated from the sea by a sand and shingle bar. The estuary is divided by a causeway and narrow bridge, built in the 1840s to carry the Dublin-Belfast railway line. The estuary drains almost completely at low tide. The intertidal flats of the outer estuary are mainly of sands, with soft muds in the north-west sector and along the southern

shore. Rogerstown Estuary is an important waterfowl site. The site is a good example of an estuarine system, with all typical habitats represented.

Having regard to the QI features column above, in my view, having regard to the information contained within the 'Conservation Objectives Series Rogerstown Estuary SAC 000208' document published by the National Parks and Wildlife Service (NPWS) e.g. attributes, measures, targets and maps, I consider that the two dune features, [2120] and [2130], could not be affected by the proposed development as they are terrestrial habitats which would be unaffected by any contaminated surface water, and therefore I have not included these in table 5, below.

Table 2 – Malahide Estuary SAC (site code 000205)

Effect mechanism	Impact pathway / ZoI	European site (and distance away)	QI features
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	Malahide Estuary SAC (approx. 1.2km to the south of the subject site as the crow flies)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows (1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Malahide Estuary is the estuary of the River Broadmeadow. The site is divided by a railway viaduct. The outer part of the estuary is mostly cut off from the sea by a large sand spit, known as 'the island'. The outer estuary drains almost completely at low tide, exposing sand and mud flats. The dune spit has a well-developed outer dune ridge. The inner estuary does not drain at low tide apart from the extreme inner part. This site is a fine example of an estuarine system with all the main habitats represented.

Having regard to the QI features column above, in my view, having regard to the information contained within the 'Conservation Objectives Series Malahide Estuary SAC 000205' document published by

the NPWS e.g. attributes, measures, targets and maps, I consider that the two dune features, [2120] and [2130], could not be affected by the proposed development as they are terrestrial habitats which would be unaffected by any contaminated surface water, and therefore I have not included these in table 6, below.

Table 3 – Rogerstown Estuary SPA (site code 004015)			
Effect mechanism	**Impact pathway / ZoI**	**European site (and distance away)**	**SCI features**
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	Rogerstown Estuary SPA (approx. 900 metres to the north of the subject site as the crow flies)	Greylag goose [A043] Light-bellied Brent goose [A046] Shelduck [A048] Shoveler [A056] Oystercatcher [A130] Ringed plover [A137] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Redshank [A162] Wetland and waterbirds [A999]

Rogerstown Estuary is a relatively small, funnel shaped estuary separated from the sea by a sand and shingle peninsula; the site extends eastwards to include an area of shallow marine water. The estuary receives the waters of the Ballyboghil and Ballough rivers and has a wide salinity range. The estuary is divided by a causeway and narrow bridge, built in the 1840s. At low tide extensive intertidal sand and mud flats are exposed and these provide the main food resource for the wintering waterfowl that use the site. The intertidal flats of the estuary are mainly of sands, with soft muds in the north-west sector and along the southern shore. Rogerstown Estuary is an important winter waterfowl site, and it is an important link in the chain of estuaries on the east coast.

Having regard to the SCI features column above, in my view, given the diets of these bird species, I consider that a degradation in water quality, notwithstanding that water quality is not specifically cited

in any of the attributes, measures, or targets in the 'Conservation Objectives Series Rogerstown Estuary SPA 004015' document published by the NPWS, could affect their conservation objectives.

Table 4 – Malahide Estuary SPA (site code 004025)

Effect mechanism	Impact pathway / ZoI	European site (and distance away)	SCI features
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	Malahide Estuary SPA (approx. 1.2km to the south of the subject site as the crow flies)	Great crested grebe [A005] Light-bellied Brent goose [A046] Shelduck [A048] Pintail [A054] Goldeneye [A067] Red-breasted merganser [A069] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157] Redshank [A162] Wetland and Waterbirds [A999]

Malahide Estuary encompasses the estuary, saltmarsh habitats and shallow subtidal areas at the mouth of the estuary. A railway viaduct crosses the site and has led to the inner estuary becoming lagoonal in character and only partly tidal. Much of the outer part of the estuary is well-sheltered from the sea by a large sand spit, known as "The Island". This spit is now mostly converted to golf-course. The outer part empties almost completely at low tide and there are extensive intertidal flats exposed. This site is of high importance for wintering waterfowl and supports a particularly good diversity of species. The high numbers of diving ducks reflects the lagoon-type nature of the inner estuary. Malahide Estuary SPA is a fine example of an estuarine system, providing both feeding and roosting areas for a range of wintering waterfowl. The lagoonal nature of the inner estuary is of particular value as it increases the diversity of birds which occur.

Having regard to the SCI features column above, in my view, given the diets of these bird species[26], I consider that a degradation in water quality, notwithstanding that water quality is not specifically cited in any of the attributes, measures, or targets in the 'Conservation Objectives Series Rogerstown Estuary SPA 004015' document published by the NPWS, could affect their conservation objectives.

Likely significant effects on the European site 'alone'

Table 5: Could the project undermine the conservation objectives 'alone'

European Site and Relevant QIs - Rogerstown Estuary SAC	**Conservation objective**	**Could the conservation objectives be undermined (Y/N)?**			
		Effect A	**Effect B**	**Effect C**	**Effect D**
Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	Four QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1130, 1140, 1310, and 1410. The remaining QI has, as its conservation objective, to restore its conservation objective i.e. 1330.	Y			

Table 6: Could the project undermine the conservation objectives 'alone'

European Site and Relevant QIs – Malahide Estuary SAC	**Conservation objective**	**Could the conservation objectives be undermined (Y/N)?**			
		Effect A	**Effect B**	**Effect C**	**Effect D**

[26] The only exception to this in my opinion is golden plover [A140]. However, given its inclusion as an SCI feature for this SPA I consider that it can be included in table 8.

Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows (1410]	Three QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1140, 1310, and 1410. The remaining QI has, as its conservation objective, to restore its conservation objective i.e. 1330.	Y			

Table 7: Could the project undermine the conservation objectives 'alone'					
European Site and Relevant SCIs – Rogerstown Estuary SPA	**Conservation objective**	**Could the conservation objectives be undermined (Y/N)?**			
		Effect A	**Effect B**	**Effect C**	**Effect D**
Greylag goose [A043] Light-bellied Brent goose [A046] Shelduck [A048] Shoveler [A056] Oystercatcher [A130] Ringed plover [A137] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Redshank [A162] Wetland and waterbirds [A999]	Every SCI has, as their conservation objective, to maintain its favourable conservation condition	Y			

Table 8: Could the project undermine the conservation objectives 'alone'					
European Site and Relevant SCIs – Malahide Estuary SPA	**Conservation objective**	**Could the conservation objectives be undermined (Y/N)?**			
		Effect A	**Effect B**	**Effect C**	**Effect D**
Great crested grebe [A005] Light-bellied Brent goose [A046] Shelduck [A048] Pintail [A054] Goldeneye [A067] Red-breasted merganser [A069] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157] Redshank [A162] Wetland and Waterbirds [A999]	Every SCI has, as their conservation objective, to maintain its favourable conservation condition	Y			

Effect Mechanism A (surface water pollution during construction phase)

I conclude that it is possible that construction phase surface water runoff from the site discharging to Rogerstown Estuary, and possibly to Malahide Estuary, could be contaminated by suspended solids, hydrocarbons, cementitious materials, dust etc. arising from construction phase activities. Even though I note that water quality itself is not specifically cited in the relevant attributes, measures, or targets for the sites, a degradation of water quality could affect the quality of SAC QI features and/or the amount of available feeding biomass for the SAC SCIs. AA is required on the basis of the effects of the project 'alone'.

AA Stage 1 Conclusion – Screening Determination

In accordance with section 177U (4) of the Planning & Development Act, 2000 (as amended), and on the basis of objective information, having carried out AA screening (Stage 1) of the project, I have determined that the project may have likely significant effects on Rogerstown Estuary SAC (site code 000208), Malahide Estuary SAC (site code 000205), Rogerstown Estuary SPA (site code 004015), and Malahide Estuary SPA (site code 004025), in view of the sites' conservation objectives and qualifying interests.

AA (Stage 2) is therefore required of the implications of the project on the QIs and SCIs of the SACs and SPAs set out above in light of their conservation objectives.

The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness/absence of connections between the subject site/proposed development and other European sites.

No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

Stage 2 – Appropriate Assessment (AA)

The requirements of Article 6(3) as related to AA of a project under Part XAB, section 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section.

The Natura Impact Statement (NIS)

The application was accompanied by a 'Natura Impact Statement' (NIS) dated 29th April 2024. The NIS sets out the methodology used, identifies a potential ZoI, describes the site, carries out a screening assessment, appraises the likely effects of the proposed development on European sites, identifies mitigation measures, considers in-combination effects, and reaches a conclusion.

The conclusion of the NIS states, 'This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives'.

FCC's further information request included a request for a revised NIS relating to both surface water and impact on curlew/waders[27]. The applicant's response noted that a large amount of surface water infrastructure has already been constructed as part of phase 1 and any surface water runoff will be directed to the existing surface water network which is treated through silt traps and fuel interceptors. Where treated surface water is discharged during the construction phase to ditches on site the discharge rate will be limited to mimic greenfield run off rates. It is also stated that the delivery of phase

[27] I note that curlew is not listed as a SCI of either Rogerstown Estuary or Malahide Estuary SPAs.

2 will not result in significant effects on bird species. The applicant was satisfied that no new or additional mitigation measures were required and 'it is certain that the proposed development will not affect the integrity of any of the relevant European sites … in light of their conservation objectives'.

Appropriate Assessment of Implications for the Proposed Development

The following is a summary of the objective scientific assessment of the implications of the project on the QI and SCI features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

European Sites

Four sites, Rogerstown Estuary SAC (site code 000208), Malahide Estuary SAC (site code 000205), Rogerstown Estuary SPA (site code 004015), and Malahide Estuary SPA (site code 004025), warrant screening in. The conservation objectives of these sites are set out in the respective Conservation Objectives Series documents and tables 5-8, above. The conservation objectives are either to maintain or restore the favourable conservation condition of the habitat/species.

Aspects of the Proposed Development that could affect Conservation Objectives

Having regard to the foregoing, I consider that the only issue to be addressed is the potential for polluted waters to discharge to the European sites during the construction phase and in-combination impacts. There is the potential for downstream effects if significant quantities of pollution or silt was introduced to the surface water network during construction works. Though I note that water quality itself is not specifically cited in the relevant attributes, measures, or targets for the sites, a degradation of water quality could potentially affect the quality of SAC QI features and/or the amount of available feeding biomass for the SAC SCIs.

The following tables are based on the NIS and NPWS data[28] etc. The relevant conservation objectives for the European sites have been examined and assessed with regard to the identified potential significant effect and all aspects of the project both alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

[28] NPWS data accessed via the NPWS website on 17th December 2024.

Table 9 – Summary of AA of implications of the proposed development on the integrity of Rogerstown Estuary SAC (site code 000208) alone and in-combination with other plans and projects in view of the site's conservation objectives					
Summary of key issues that could give rise to adverse effects: **• The potential for polluted waters to discharge to the SAC during the construction phase** **Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000208.pdf**					
Summary of Appropriate Assessment					
Relevant qualifying interest (QI) feature[29]	**Conservation objectives**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	Four QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1130, 1140, 1310, and 1410. The remaining QI has, as its conservation objective, to restore its conservation objective i.e. 1330.	Adverse effects arising from the construction phase activity and relate to downstream impacts via the surface water network	A brief summary of construction phase mitigation measures include: <u>Groundworks / site clearance / runoff / spills etc.</u> • Use of retention / attenuation / settlement ponds • Surface water discharge points to be agreed with FCC • Use of secure, bunded, hardstanding areas for storage • Refuelling/servicing in designated areas • Batching of concrete off-site	Though a number of permitted and proposed planning applications are identified in the applicant's NIS, as well as a number of plans, no cumulative impacts were identified. I agree with this consideration of in-combination effects.	Yes. The NIS concludes, 'This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives'. I agree with the conclusion and consider that adverse effects on integrity can be excluded.

[29] As per table 5

Overall Conclusion: Integrity Test
I am able to ascertain with confidence that the construction of the proposed development would not adversely affect the integrity of Rogerstown Estuary SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

Table 10 – Summary of AA of implications of the proposed development on the integrity of Malahide Estuary SAC (site code 000205) alone and in-combination with other plans and projects in view of the site's conservation objectives					
Summary of key issues that could give rise to adverse effects: **• The potential for polluted waters to discharge to the SAC during the construction phase** **Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000205.pdf**					
Summary of Appropriate Assessment					
Relevant qualifying interest (QI) feature[30]	**Conservation objectives**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330]	Three QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1140, 1310, and 1410. The remaining QI has, as its conservation objective, to restore	Adverse effects arising from the construction phase activity and relate to downstream impacts via the surface water network	A brief summary of construction phase mitigation measures include: <u>Groundworks / site clearance / runoff / spills etc.</u> • Use of retention / attenuation / settlement ponds • Surface water discharge points to be agreed with FCC • Use of secure, bunded, hardstanding areas for storage	Though a number of permitted and proposed planning applications are identified in the applicant's NIS, as well as a number of plans, no cumulative impacts were identified. I agree with this consideration of in-combination effects.	Yes. The NIS concludes, 'This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives'.

[30] As per table 6

Mediterranean salt meadows (1410]	its conservation objective i.e. 1330.		• Refuelling / servicing in designated areas • Batching of concrete off-site		I agree with the conclusion and consider that adverse effects on integrity can be excluded.

Overall Conclusion: Integrity Test

I am able to ascertain with confidence that the construction of the proposed development would not adversely affect the integrity of Malahide Estuary SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

Table 11 – Summary of AA of implications of the proposed development on the integrity of Rogerstown Estuary SPA (site code 004015) alone and in-combination with other plans and projects in view of the site's conservation objectives

Summary of key issues that could give rise to adverse effects:

• The potential for polluted waters to discharge to the SPA during the construction phase

Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004015.pdf

Summary of Appropriate Assessment

Relevant qualifying interest (QI) feature[31]	Conservation objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Greylag goose [A043] Light-bellied Brent goose [A046] Shelduck [A048]	Every SCI has, as their conservation objective, to maintain its favourable	Adverse effects arising from the construction phase activity and relate to	A brief summary of construction phase mitigation measures include[32]: <u>Groundworks / site clearance / runoff / spills etc.</u>	Though a number of permitted and proposed planning applications are identified in the applicant's NIS, as	Yes. The NIS concludes, 'This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the project will

[31] As per table 7

[32] Section 4.4.1.2 of the applicant's NIS sets out mitigation measures relating to noise, vibration, and visual effects. Given the separation distance, the urban nature of the site, the extent of existing/under construction urban development in the vicinity, and the fact that the site is not used by, or suitable for use by, any SCI bird species, I do not consider these mitigation measures are necessary for the purpose of maintaining the integrity of the SPA and its SCIs and they are not directly linked to the impacts that have been identified i.e. potentially contaminated surface water.

Shoveler [A056] Oystercatcher [A130] Ringed plover [A137] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Redshank [A162] Wetland and waterbirds [A999]	conservation condition	downstream impacts via the surface water network	• Use of retention / attenuation / settlement ponds • Surface water discharge points to be agreed with FCC • Use of secure, bunded, hardstanding areas for storage • Refuelling / servicing in designated areas • Batching of concrete off-site	well as a number of plans, no cumulative impacts were identified. I agree with this consideration of in-combination effects.	result in any impact on the integrity or Qualifying Interests / Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives'. I agree with the conclusion and consider that adverse effects on integrity can be excluded.
Overall Conclusion: Integrity Test I am able to ascertain with confidence that the construction of the proposed development would not adversely affect the integrity of Rogerstown Estuary SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.					

Table 12 – Summary of AA of implications of the proposed development on the integrity of Malahide Estuary SPA (site code 004025) alone and in-combination with other plans and projects in view of the site's conservation objectives
Summary of key issues that could give rise to adverse effects: **• The potential for polluted waters to discharge to the SPA during the construction phase** **Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004025.pdf**
Summary of Appropriate Assessment

Relevant qualifying interest (QI) feature[33]	Conservation objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Great crested grebe [A005] Light-bellied Brent goose [A046] Shelduck [A048] Pintail [A054] Goldeneye [A067] Red-breasted merganser [A069] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157] Redshank [A162] Wetland and Waterbirds [A999]	Every SCI has, as their conservation objective, to maintain its favourable conservation condition	Adverse effects arising from the construction phase activity and relate to downstream impacts via the surface water network	A brief summary of construction phase mitigation measures include[34]: <u>Groundworks / site clearance / runoff / spills etc.</u> • Use of retention / attenuation / settlement ponds • Surface water discharge points to be agreed with FCC • Use of secure, bunded, hardstanding areas for storage • Refuelling / servicing in designated areas • Batching of concrete off-site	Though a number of permitted and proposed planning applications are identified in the applicant's NIS, as well as a number of plans, no cumulative impacts were identified. I agree with this consideration of in-combination effects.	Yes. The NIS concludes, 'This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests / Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives'. I agree with the conclusion and consider that adverse effects on integrity can be excluded.
Overall Conclusion: Integrity Test I am able to ascertain with confidence that the construction of the proposed development would not adversely affect the integrity of Malahide Estuary SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.					

[33] As per table 8
[34] As per footnote 32

Mitigation Measures

Mitigation measures are set out in section 4.4 (Mitigation measures) of the applicant's NIS. The measures set out include those which I do not consider necessary for European sites, as set out in footnote 32, as well as measures that I do not consider to be relevant to AA in the context of this planning application e.g. lighting, badgers, or bats, and I have excluded them from the summary of mitigation measures in tables 9-12 of this report, above. The measures in these table are brief summations of some of the measures proposed and are not an exhaustive list of the relevant measures cited in section 4.4.1.1 of the NIS.

I consider that the proposed mitigation measures are standard, well-proven, good practice measures that would mitigate the potential for polluted waters to discharge to the SACs and SPAs during the construction phase and they are measures capable of being successfully implemented. I note, inter alia, that section 4.4.3 of the NIS states that a suitably experienced Project Ecologist will be appointed who will ensure that all construction works take place in accordance with planning conditions, the project CEMP, and the mitigation measures set out in the EIAR.

In-Combination Effects

Table 3 of the applicant's NIS identifies 18 no. other planning applications, permitted and proposed, in the general Donabate area. These generally relate to substantial developments within the town including residential, greenway, pump station, and recreational. It is clear that Donabate is currently undergoing significant expansion. Several of these were at different stages of construction at the time of my site visit as per sub-section 5.1 of this IR. Seven plans are identified on page 57 of the NIS which, it is stated, were considered when assessing in-combination effects.

I agree with the overall finding that no adverse in-combination impacts are foreseen. As I do not consider the proposed development on its own will have any undue adverse effects on Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA, I do not consider that it would have any in-combination effects. I am also satisfied that no relevant planning application of note has been submitted in the vicinity since the planning application was submitted that would have an in-combination effect.

Appropriate Assessment (AA) Conclusion

The proposed development has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).

Having carried out screening for AA of the project, it was concluded that it may have a significant effect on Rogerstown Estuary SAC (site code 000208), Malahide Estuary SAC (site code 000205), Rogerstown Estuary SPA (site code 004015), and Malahide Estuary SPA (site code 004025). Consequently, AA was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. The possibility for significant effects was excluded for other European sites.

Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA, or any other European site, in view of the sites' conservation objectives.

This conclusion is based on:

- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the conservation objectives of Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA,
- an assessment of in-combination effects, and,
- no reasonable scientific doubt as to the absence of adverse effects on the integrity of Rogerstown Estuary SAC, Malahide Estuary SAC, Rogerstown Estuary SPA, and Malahide Estuary SPA.

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Anthony Kelly Date

Planning Inspector