



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321644-25

#### Development

Demolition of existing building and construction of nursing home and all associated site works. Retention of concrete wall. NIS submitted with application

#### Location

Justins Fruit and Veg, Moy Mel Shopping Centre, Main Street, Blanchardstown, Dublin 15, D15 VRK1

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

FW24A/0279E

#### Applicant(s)

MFKC Blanchardstown Ltd.

#### Type of Application

Permission / Retention Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

John Peake.

#### Observer(s)

None.

**Date of Site Inspection**

2<sup>nd</sup> April 2025.

**Inspector**

Lucy Roche

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision.....	8
3.1. Decision.....	8
3.2. Planning Authority Reports .....	8
3.3. Prescribed Bodies.....	12
3.4. Third Party Observations .....	13
4.0 Planning History .....	13
5.0 Policy Context .....	15
5.1. Fingal Development Plan 2023-2029.....	15
5.2. Natural Heritage Designations .....	20
6.0 The Appeal.....	20
6.1. Grounds of Appeal.....	20
6.2. Applicant Response.....	21
6.3. Planning Authority Response.....	22
6.4. Observations .....	23
7.0 Assessment.....	23
8.0 AA Screening .....	34
9.0 EIA Screening: .....	35
10.0 Recommendation .....	36
11.0 Reasons and Considerations .....	36
12.0 Conditions .....	36
Appendix	

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located at Main Street, Blanchardstown, Dublin 15, c. 400m south of N3 Junction 2. The site is situated between Blanchardstown Village (approximately 150m to the southeast) and the Blanchardstown Town Centre (approximately 600m to the northwest) with Main Street forming the Western boundary and the Tolka River forming the Eastern Boundary. Existing development along Main Street in the vicinity of the site comprises a mix of residential, commercial and community / institutional uses, in mainly single storey format and in a variety of buildings styles. Existing topography in the area generally slopes downward in a northeasterly direction towards the river and in a southeasterly direction along main street so that the ground levels on site fall below the finished floor levels of existing properties to the north and west.
- 1.2. The site itself has a stated area of 0.836ha, it is roughly 'L' shaped and benefits from approximately 60m of road frontage. An existing garden centre/fruit and vegetable shop 'Justin's' and associated outbuildings, hard-standing and car parking occupy the western portion of the site. The eastern portion of the site slopes down towards the Tolka River. This part of the site is mainly overgrown and in a dilapidated state with brambles and blackthorn scrub prevalent. There are several mature trees in this area, predominately along the bank of the river and along site boundaries. A concrete retaining wall, to a height of approximately 1m, runs along the eastern boundary approximately 5-10metres from the river.
- 1.3. The site is served by two vehicular accesses off Main Street, one towards the centre of the road frontage and one towards its southern end. A bus stop and associated bus shelter is cited between the two access points.

## **2.0 Proposed Development**

- 2.1. The proposal is for the demolition / removal of all existing buildings and containers on site to facilitate the construction of a Nursing Home with a total gross internal floor area of 5,916 sq. m. The proposed nursing home is designed to accommodate 115 no. single bedrooms with communal living spaces, dining areas, shared communal

facilities, treatment rooms, kitchen and general administrative areas, staff areas and maintenance spaces.

- 2.2. The proposed nursing home ranges in height from three to five storey's, reaching an overall ridge level of c. 64.00 (excluding roof mounted heat pump) above an upper ground floor level of 50.60. The building is 'H' shaped with two main wings running parallel to Main Street in a north-south direction. The proposed building will extend c. 42.3 m along Main Street and c. 46.3m along the rear elevation. The element fronting onto main street is four -storey with the top floor set-back from north, west and south elevations. The rear of the building extends to five stories due to the inclusion of an under croft, lower ground floor terraced area which is accommodated due to the topography of the site. The top storey is again recessed from the main rear elevation.
- 2.3. The development is to be served by open space in the form of a 225 sqm secure garden at the upper ground floor level to the north of the building, a 175 sqm landscaped terrace at lower ground floor level to the east and c. 4,689 sqm of amenity space, comprised mainly of landscaped gardens to the west along the Tolka River. In terms of boundary treatment, the existing low boundary wall to Main Street is to be demolished and replaced with a new low wall, metal railing and piers. A new RC retaining wall is proposed along the boundary with adjoining properties to the north.
- 2.4. In terms of site access, the existing southern entrance to the site from Main Street is to be retained and widened. The existing middle entrance to the site from Main Street is to be closed and a new entrance opened at the northern end of the roadside boundary. The existing bus stop & ESB pole to the front of the site are to be repositioned to improve sight lines at the southern entrance to the site and the existing bus shelter is to be replaced with a new bus shelter.
- 2.5. The proposal will connect to public mains water and sewage. The proposed works include for the diversion of an existing 750mm diameter culvert within the site. The proposed diversion consists of decommissioning and grubbing up of approximately 50.0m of the existing culvert and the construction of a new 750mm diameter culvert, 4 No new manholes, including one tie-in manhole on the line of the existing surface sewer at the upstream end of the proposed culvert diversion. The proposed

downstream culvert diversion connection will be provided at the existing buried manhole.

2.6. The proposed scheme as originally presented to the planning authority included proposals for the retention for an existing reinforced concrete retaining wall along the site boundary with the Tolka River. The scheme was amended at further information stage to allow for the removal of this wall and its replacement with a timber fence and boundary hedge.

2.7. Additional amendments to the scheme introduced at RFI stage include alterations to the elevations of the nursing home building comprising, a slight projection along the central part of the rear elevation, the increased use of stone cladding on the front elevation, the introduction of render bands at 2<sup>nd</sup> floor level on the rear elevation; change in render finish and a new clip-on balcony at ground floor community areas. the scheme was also amended to include an access ramp (1:21 gradient) connecting the lower ground terrace to the main rear open space to improve accessibility.

2.8. The development also includes for:

- An ESB substation, plant room and an external backup generator
- An external bin store,
- 15 no. surface car parking spaces at grade (including 1 no disabled car parking space and 3 no. electric vehicle charging spaces), 2 no. surface motorcycle parking spaces at grade, a covered bicycle stand catering for 4 no. short stay visitor bicycle parking spaces at grade at the main entrance to the nursing home and a secure covered bicycle stand catering for 16 no. long stay staff bicycle parking spaces.
- A 1.2m wide x 2.2m high totem sign at the new entrance from Main Street at the northern end of the site.

2.9. Table 2.1 below provides a schedule of the key development details and statistics associated with the proposed development

Table 2.1 General Development Statistics	
Site Area:	0.836ha

<b>Area of Demolition:</b>		415 sq. m
<b>Gross Floor Area:</b>		5,916 sq, m
<b>Plot Ratio</b>		0.707
<b>Site coverage</b>		18.61%
<b>Height</b>		Ranging from three to five stories
UGFL		+50.60
Ridge Level		c.60.00
<b>Parking</b>	Car	15 no. spaces
	Motorcycle	2 no. spaces
	Cycle	20 no. spaces
<b>Material Finishes</b>		Mix of render (grey-green and ivory) and selected course stone to walls with additional design elements including vertical timber louvers, aluminium projecting window surrounds and a natural stone band. Vertical metal standing seam cladding in light grey to recessed top floor.

2.11. The application is accompanied by:

- Construction Noise Assessment
- Construction Environmental Management Plan (CEMP) (updated at RFI stage)
- Energy and Sustainability Statement
- Engineering Planning Report
- Planning and Design Report
- Stage 1 road Safety Audit
- Construction and Demolition Waste Management Plan
- Ecological Impact Statement (updated at RFI stage)

- Integrated Green Infrastructure Plan
- Screening Report for Appropriate Assessment (updated at RFI stage)
- Natura Impact Assessment (updated at RFI Stage)
- Daylight Analysis and Overshadowing (26/06/2024) updated at RFI stage (19/09/2024)
- Landscape Specifications
- CGI Images (updated at RFI stage)
- Archaeological Assessment
- Flood Risk Assessment
- Bat Fauna Impact Assessment (submitted at RFI Stage)
- Invasive Alien Plant Species: Site Assessment Report and Management Plan (submitted at RFI Stage)
- Technical Report – re: retention of concrete wall and flood risk (submitted at RFI Stage)
- Construction and Operation Noise Assessment (submitted at RFI stage)

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following an initial request for further information, Fingal County Council (FCC) decided to grant permission for the proposed development (as amended) subject to 17 No. conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The initial report of the local authority case planner (Aug. 2024) has regard to the locational context and planning history of the site, to relevant policies and objectives of the Development Plan, to third-party submissions and reports received. The assessment can be summarised as follows:



- The principle of development is acceptable within the land use zoning.
- The site is considered a suitable location for a nursing home development due to its accessibility and proximity to services, however concerns were raised regarding the scale and bulk of the proposed development relative to surrounding buildings and potential overbearing / overshadowing impacts. Concerns were also raised regarding the poor amenity value of the proposed undercroft terraced area.
- The report concludes with a recommendation that further information be requested on six items. These items are summarised below:

Item 1: - The applicant was requested to demonstrate how the proposed scheme aligns with Objective DMSO39 of the FDP and to address particular concerns of the planning authority in relation to: (a) the scale of the proposed structure and how it responds to the context of the site; (2) the amenity value / quality of proposed open space areas and (c) its impact on neighbouring properties in terms of overshadowing.

Item 2: - The applicant was requested to (a) reconsider the depth and bulk of the building's rear wing due to concerns of overdevelopment. The omission of the cantilever/overhang was recommended. (b) submit CGIs of the proposed secure garden to the north of the site and (c) consider the removal of the concrete retaining wall due to its location within the 10m riparian and ecological buffer zone of the Tolka River, contrary to various FDP objectives. It was noted that this would require the proposal to be reassessed in terms of flood risk, biodiversity and appropriate assessment.

Item 3: - The applicant was requested to (a) carry out a bat survey for the site and to have the lighting design assessed by a bat specialist (b) prepare and Invasive Species Management Plan and (c) remove any proposals for non-native species from the landscaping plan.

Item 4: - Related to issues raised in the report of the Transport Section. The applicant was requested (a) to provide a boundary set-back along the front of the site to provide a maximised footpath width of 3m; (b) to submit design details of vehicle entrances to prioritise pedestrians; (c) to submit a letter of consent of FCC regarding the relocation of the bus-stop and (d) to submit

proposals for the provision of lockers and welfare facilities for cyclists / walkers.

Item 5: - Requested information of the existing surface water sewers traversing the site to ensure adequate separation distances etc

Item 6: - Requested the submission of a Noise Impact Assessment relating to the proposed Air Source Heat Pump

#### Case Planners Report December 2024

- The second report of the Case Planner had regard to the further information received on the 29<sup>th</sup> of October 2024, to the third-party submissions and departmental reports received.
- While no significant changes to the height, scale, design or layout of the scheme were proposed in response to the further information request, the Case Planner was satisfied with the applicant's had adequately addressed the issues raised.
- The Case Planner concludes that the proposed development, subject to condition, would be in accordance with the policies and objectives of the FDP and in accordance with proper planning and development of the area.
- The report concludes with a recommendation to grant permission subject to 20no. conditions (amended to 17no. in the final decision).

#### 3.2.2. Other Technical Reports

- ***Air, Noise and Environmental Section:*** Report of August 2024 – Recommends that : 1) that the development be managed in accordance with a CEMP which shall include noise and dust mitigation measures and a site-specific noise monitoring plan.2) A noise impact assessment shall be carried out by the applicant on the proposed use of Air Source Heat Pump (ASHP) technology, and shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. 3) During the construction phase, the Planning Authority shall restrict the operation of equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc.) on or adjacent to the site before 07.00 hours on weekdays and 09.00 hours

on Saturdays, after 19.00 hours on weekdays and 13.00 hours on Saturdays and at any time on Sundays, Bank Holidays or Public Holidays.

Report of November 2024 cites no objection subject to condition.

- **Architects Department:** Report of July 2024 notes: Concerns raised regarding 1) the mass of the structure and its failure to respond to the context of the site. 2) overshadowing and poor quality of amenity areas; 3) the failure to integrate the building into the landscape; 4) inadequacy of the daylight, sunlight and overshadowing assessment and possible impacts on neighbouring properties to the north.

The report recommends additional assessment to ensure adequate sunlight of open space areas on neighbouring properties and within the proposed development. the revised palette of materials is welcomed.

- **Water Services Department:** Report of July 2024 requests that an adequate separation distance be maintained between the existing 750mm and 1500 diameter surface water sewers that traverse the site. No objection in terms of flood risk. Report of November 2024 cited no objection subject to conditions on surface water drainage.
- **Heritage Officer:** Report of July 2024. Regard is had to the Archaeological Assessment submitted with the application. The report recommends additional archaeological monitoring etc.
- **Transportation:** Report of august 2024 request further information on; 1) boundary set-back and foot path width, 2) design of the vehicular entrance, 3) consent to move the bus stop; 4) the provision of staff lockers and welfare facilities to promote sustainable travel. Report of November 2024 cites no objection subject to condition.
- **Parks and Green Infrastructure:** Report of July 2024 cites no objection subject to condition.
- **Ecologist:** **Report of August 2024 requests further information** on the following: 1) A bat survey of the site, particularly any buildings, trees or structures that required removal as part of the development. 2) The lighting design to be assessed by the bat specialist. 3) The preparation of an Invasive

Species Management Plan. 4) The removal of any proposals to plant non—native species from the Landscape Masterplan; 5) The applicant is requested to reconsider the retention of the unauthorised wall along the river Tolka due to its location within the 10 m riparian and ecological buffer zone contrary to objectives of the Fingal Development Plan 2023-2029, including; Objective DMSO160 – Riparian Corridors , Objective DMSO154 – Ecological Corridors, Objective DMSO156 – Development Along Watercourses. Consideration should be given to removing the wall and the proposal be re-assessed with regards to flood risk, biodiversity and Appropriate Assessment.

### 3.3. Prescribed Bodies

- ***Uisce Eireann***: Report of August 2024 requests additional information. UE noted that a diversion of the 750mm and 15mm diameter surface water sewers traversing the site will be required and requests that the applicant provide evidence of a diversion agreement with FCC who are responsible for storm water sewers / surface water drainage systems.
- ***Inland Fisheries***: Made the following observations (July 2024):
  - The proposed development is located in the catchment of The Tolka River which supports Atlantic salmon, Lamprey (Habitats Directive Annex II species) and Brown trout populations in addition to other fish species. Salmonid waters constraints apply to any development in this area.
  - If permission is granted, all works will be completed in line with the Construction Management Plan (CMP)
  - To prevent water pollution, before commencing any works, it is strongly advised to ensure that all construction personnel and contractors are made familiar with and adhere to mitigation measures, guidance and planning permission conditions pertaining to the site to protect water quality and the wildlife habitat of any watercourses.
  - There can be no direct pumping of contaminated water from the works to a watercourse at any time. Any dewatering of ground water during

excavation of basement area must be pumped into an attenuation area before being discharged offsite. A discharge license may be required from Fingal County Council.

- The existing concrete wall, if granted retention permission, should be moved back to at least the 10m wide riparian buffer strip as per the Fingal Development Plan 2023-2029.
- The culvert diversion must have detail design and subsequent method statements submitted to IFI for approval. Any instream works must be conducted in the open season (July-Sept) and are subject to an agreed method statement with IFI.
- It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development to protect the ecological integrity of any receiving aquatic environment.
- Consideration should be given to an alternative (nature-based solution) to the planned attenuation tank.
- IFI have published a revised “Planning for watercourses in the urban environment” which can provide guidance on site specific measures to enhance, protect, rehabilitate or establish riparian and aquatic habitats.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

### **3.4. Third Party Observations**

The planning authority received submissions from two parties. The issues raised are similar to those raised in the grounds of appeal and summarised in Section 6 of this report.

## **4.0 Planning History**

### **4.1. Subject Site:**

FW22A/0265      Permission sought for, the demolition of existing buildings and removal of containers; the construction of 1 no. 4 storey over lower ground floor apartment building and providing a total of 37 no. residential apartments etc and the retention is sought for an existing reinforced concrete retaining wall along the site boundary with the Tolka River.

The application was withdrawn (July 2023) following a request for clarification of further information received - as no response was received.

FW20A/0068      Permission refused (Dec. 2020) for the demolition existing buildings, the removal of containers; and construction of a part 4 storey over basement and part 5 storey Nursing Home with a total gross internal floor area of 7329 sq.m. and comprising 139 no. bedrooms, etc Retention with modifications of an existing reinforced concrete retaining wall along the site boundary with the Tolka River.

Permission was refused for reasons of flood risk.

#### **4.2. Adjacent site to the North: No.1 The Rise**

FW22A/0029      Permission granted (April 2022) for the change of use from Financial Services and Realty Office to Dental Practice, internal alterations to building, new signage to front and side elevations and for all associated site works and services.

#### **4.3. Adjacent site to the South: Tolka House**

F07A/0645      Permission granted (Jul 2007) for the change in use of existing dwelling / bed and breakfast, to office use.

S5W/12/2010      Declaration under section 5 (Oct 2010) the use of the property as a home for up to five children and young people with intellectual disability is exempted development.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2023-2029

5.1.1. **Zoning:** The appeal site is subject to two zoning objectives as follows:

#### Zoning Objective: TC - Town and District Centre

Objective	Protect and enhance the special physical and social character of town
Description	and district centres and provide and/ or improve urban facilities

Objective	Maintain and build on the accessibility, vitality and viability of the
Vision	existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic. In order to deliver this vision and to provide a framework for sustainable development

Residential Care Home/ Retirement Home are listed as a use that is permitted in principle with this use

#### Zoning Objective: HA - High Amenity

Objective	Protect and enhance high amenity areas
Description	

Objective	Protect these highly sensitive and scenic locations from inappropriate
Vision	development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored

Residential Care Home/ Retirement Home are listed as a use that is not permitted in principle with this use.

- 5.1.2. **Section 3.5.10.2 Care Facilities:** Nursing Home: A 'nursing home' is a facility for the care (usually long-term) of patients who do not require hospital care but are not able to remain at home. Today, nursing homes have a more active role in health care, helping patients prepare to live at home or with a family member when possible. They help conserve expensive hospital facilities for the acutely ill and improve the prospects of the chronically disabled. A retirement home differs from a nursing home primarily in the level of medical care given.

- 5.1.3. **Section 14.11.4 Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages and Sheltered Accommodation**

The Council recognises that the provision of care for the elderly and other vulnerable people is an essential community requirement. Such facilities should be resisted in the open countryside for reasons relating to sustainability, poor accessibility and lack of public transport, social exclusion and isolation and instead supported in established centres, served by community infrastructure, services, recreational amenities and public transport links.

It is essential that adequate and suitable open space area and other facilities are provided for residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation. It is recognised that reduced quantitative standards may be appropriate in some cases due to the level of care that is provided or by virtue of the location of the facility. Planning applications for such development should include detailed open space and landscaping plans that take account of the location of the facility, the availability/ suitability of existing open space and the needs of the residents of the facility.

- 5.1.4. **Noted Policies and Objectives:**

Policy CSP20      Blanchardstown



Consolidate the growth of Blanchardstown as set out in the Settlement Strategy for RSES by encouraging infill and brownfield development and compact growth rather than greenfield development and by intensification at appropriately identified locations

**Policy SPQHP34: Care Facilities**

Promote the provision of high-quality residential care homes, retirement homes, nursing homes and retirement villages within Fingal.

**Objective SPQHO27: Location of Care Facilities (also DMSO38)**

Require that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established.

**Objective SPQHO28: Character of Area and Compatibility with Care Facility Uses**

Consider the existing (and anticipated) character of the area in which a proposed residential care home, retirement home, nursing home or sheltered accommodation is to be located and the compatibility of the use to such an area.

**Objective SPQHO29: High Standard of Care Facilities**

Ensure that proposals for care homes, retirement homes, nursing homes, retirement villages and sheltered housing provide for a range of social and care facilities for the use of residents and that such schemes provide for appropriate levels of accessible green outdoor space, finished to a high standard and available for use by residents.

**Objective DMSO39: Applications for Age Friendly Housing**

Require that applications for residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation demonstrate the following:

- That the scale of the facility is appropriate to and in keeping with the character of the surrounding area.
- The residential amenities of adjoining properties are safeguarded.
- Schemes are provided with high-quality gardens and accessible open space for the benefit of residents.
- Residents are provided with good quality, appropriately sized, on-site communal facilities and amenities to socialise with other residents and visitors.
- Proposals must demonstrate a high degree of accessibility to local services, public transport and provision of good footpath links.
- Is served by appropriate level of parking.
- High quality design and appropriate use of materials

#### Objective DMSO40: Open Space Standards for Age Friendly Housing

Accept reduced open space quantity standards for certain developments, namely residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation where a reduction is deemed appropriate by virtue of the specific open space needs of the residents and where suitable accessible green open space is available. High quality open space and landscaping plans shall be submitted with planning applications for these developments.

#### Objective GINHO41: Protection of Rivers

Protect rivers, streams and other watercourses and maintain them in an open state capable of providing suitable habitat for fauna and flora, including fish.

#### Objective GINHO42: Inland Fisheries

Take full account of Inland Fisheries Guidelines on the Protection of Fisheries during Construction works in and adjacent to Waters 2016 and Planning for Water Courses in the Urban Environment 2020 when undertaking, approving or authorising development or works which may impact on rivers, streams and canals and their associated habitats and species.

#### Objective GINHO43: Streamside Riparian Zone

Remove existing revetments and/or gabion baskets along river and streams and restore a minimum of 10m of natural streamside riparian zone, where possible. If existing hard bank structures cannot be removed, provide instream river rehabilitation works in consultation with Inland Fisheries Ireland to improve the overall habitat quality of the river.

#### Objective DMSO154 – Ecological Corridors

Protect and enhance the ecological corridors along the following rivers in the County by ensuring that no development takes place, outside, development boundaries within a minimum distance of 48m from each riverbank along the main channels of following rivers Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Ballyboghil, Corduff, Matt and Delvin, Bracken River, Daws River, Richardstown River, Turvey River (see Green Infrastructure Maps). A minimum 10 m wide riparian buffer strip applies to lands within development boundaries. Additional width may be required to provide for additional protections of sensitive habitats, as appropriate.

#### Objective DMSO156 – Development along Watercourses.

Ensure that no development, including clearance and storage of materials, takes place within 10m as a minimum, measured from each bank of any river tributary or small stream or watercourse in the County (see Green Infrastructure Maps)

Objective DMS160 – Riparian Corridors;

Require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

## **5.2. Natural Heritage Designations**

The site is not on or adjacent to any designated site. The Royal Canal pNHA is located c750m to the south.

The nearest European designated site, part of the Natura network, is the Rye Water Valley / Carton SAC (Site Code: 001398) which is located c. 7.7km to the south-west of the site. There are also several European sites at and around Dublin Bay c.10km to the east of the appeal site, these include the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (004024), the South Dublin Bay Special Area of Conservation SAC (000210), the North Dublin Bay SAC (000206) and the North Bull Island SPA (004006).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal against the decision of Fingal County Council to grant permission for the development of land at Main Street Blanchardstown, Dublin 15. The issues raised can be summarised as follows:

- The proposed development due to its excessive height, scale and design would have a negative impact on the character of the area and on the residential amenities of adjoining properties by way of dominance / overbearing, overshadowing / loss of light and overlooking.

## 6.2. Applicant Response

The applicant's response to the issues raised in the grounds of appeal can be summarised as follows:

- In relation to the scale of the building and concerns of overbearance, it is contended that the design for the proposed nursing home incorporates features to successfully integrate with the context of the site and with Objective DMS039 of the FDP.
- The building is predominantly three-storey with a set back and sloped roof top (4<sup>th</sup> storey) along the frontage of main street.
- Use of materials and elevational setbacks / steps designed to reduce visual mass and successfully break-up appearance to avoid a monolithic character.
- Finished floor levels to suit reducing levels along main street and create a stepping down effect responding to building heights on either side of the proposed development.
- The rear element of the proposed building is effectively 3-story over a recessed covered terrace with a fourth level recessed from the main rear elevation to reduce visual impact. Existing ground levels are maintained which respect the existing flood levels.
- On the issues of overlooking and loss of sunlight, regard is had to the analysis carried out by H3D consultants on the Vertical Sky Component (VSC) relating to adjacent residential units and the amount of sunlight in adjacent residential amenity areas; and to the Daylight Analysis and Overshadowing document which was updated at RFI stage.
- The residential properties affected by the proposed development are located at No. 2 and 3 The Rise. Analysis carried out on the garden areas of these properties found that both garden spaces either receive the requirement amount of sunlight or that existing sunlight levels are not reduced by more than 20% from their existing levels – thus complying BRE Guidelines.

- The VSC analysis carried out on notional windows to the rear of No.2 The Rise (facing the proposed development) either meet the required VRC levels or are not less than 20% lower than the existing scenario – thus complying with BRE Guidelines.

### 6.3. Planning Authority Response

The planning authority's response to the issues raised in the grounds of appeal is set out in correspondence received by the board on the 7<sup>th</sup> of February 2025. It can be summarised as follows:

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023-29, national and regional planning policies and existing government Policy and Guidance. The development was assessed having regard to the FDP zoning objective as well as the impact on surrounding lands and the character of the area.
- Although the height and scale of the building deviates from the existing pattern of development, the principle of the development and the design approach is considered acceptable at this location.
- The applicant demonstrated compliance through shadow study as per BRE 209 guidelines.
- The development will provide for high quality open space to the rear of the facility as well as a secure garden to the north and lower ground terrace.
- The works proposed include for the removal of an existing retaining wall within the Tolka River Riparian corridor allowing for restored connection between the river and the floodplain. A range of mitigation measures are also proposed to regulate the development of the site these are outlined within the Ecological Impact Statement (EclA), the Invasive Management Plan (ISMP) and Natura Impact Statement (NIS)
- The Planning Authority Request that the Board uphold its decision to grant permission and in doing so that they include financial and security conditions.

#### 6.4. Observations

- None

### 7.0 Assessment

#### 7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local / regional/national policies and guidance, I consider that the substantive issues in this appeal relate to the height, scale and design of the proposed nursing home and its impact on the character of the area and on the residential amenities of adjoining properties. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise.

7.1.2. The main issues can be dealt with under the following headings:

- Principle of Development (Zoning and Policy Compliance)
- Impact on the Character of the Area:
- Impact on Neighbouring Properties.

7.1.3. In the interest of clarity and unless otherwise stated, this appeal and my assessment relate to the proposed nursing home scheme as amended by way of further information submitted to the planning authority on the 29th of October 2024.

#### 7.2. Principle of Development (Zoning and Policy Compliance)

7.2.1. The appeal site comprises lands zoned 'TC' – *Town and District Centre* and 'HA' – *High Amenity*, the objectives for which are set out in Chapter 13 of the Fingal Development Plan 2023-2029 (FDP) and in section 5.1.1 of this report. Each land use zoning objective listed in the FDP has a supporting vision which elaborates on the zoning objective and sets the context for the type of development which would be

acceptable. The proposed scheme comprises a nursing home which I consider falls with the definition of a 'Residential Care Home / Retirement home' as set out in Appendix 7 Technical Guidance of the FDP, that is a *building or land for the provision of accommodation for people in need of care by reason of age, disability or past or present drug or alcohol abuse. Generally, a retirement home is a multi-residence housing facility for older persons with varying levels of associated facilities.*

- 7.2.2. Following consideration of the plans submitted, I am satisfied that the main nursing home building and all associated roads, parking and service areas etc are located wholly within the *TC' – Town and District Centre* zoning. Residential Care Home / Retirement Home is listed as a use that is permitted in principle within the TC Zoning. Lands zoned *HA-High Amenity* within the proposed development site are to be laid out for use as open space, ancillary to the nursing home. Open Space is listed as a use that is permitted in principle within the HA zoning. I am satisfied that the proposed development would accord with the zoning objectives for the area as set out in the FDP.
- 7.2.3. Objectives SPQHO27 and DMSO38 of the FDP require that residential care homes, retirement homes, nursing homes etc be in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services. The subject site is located on Main Street in Blanchardstown, within walking distance of both Blanchardstown Village and Blanchardstown Shopping Centre and the range of amenities and services on offer. The area is easily accessed via the N3 National Primary Route and is served by public bus services, with a bus stop directly to the front of the site (to be relocated as part of this proposal). I am satisfied that the location of the scheme is in accordance with Objectives SPQHO27 and DMSO38 of the FDP.
- 7.2.4. Objective DMSO39 of the FDP requires that applications for nursing homes etc, demonstrate compliance with the following:
- That the scale of the facility is appropriate to and in keeping with the character of the surrounding area.



- The residential amenities of adjoining properties are safeguarded.
- Schemes are provided with high-quality gardens and accessible open space for the benefit of residents.
- Residents are provided with good quality, appropriately sized, on-site communal facilities and amenities to socialise with other residents and visitors.
- Proposals must demonstrate a high degree of accessibility to local services, public transport and provision of good footpath links.
- Is served by appropriate level of parking.
- High quality design and appropriate use of materials

Following consideration of the plans and particulars submitted with the application I am satisfied that the proposed nursing home facility would provide a high standard of accommodation for future occupants, with good quality communal facilities and amenity areas and extensive landscaped gardens. The proposed scheme provides an appropriate level of parking for staff and visitors and as previously established, is suitably located in terms of accessibility and proximity to services etc. I note that concerns have been raised in the appeal regarding the impact of the proposed development on the character of the area and on the amenities of adjoining properties. These concerns will be addressed in more detail in the following sections of this report. However, while the impact of the proposal on the character of the area and on the amenities of existing properties are relevant considerations in this assessment, it is I consider important to note that the redevelopment of a brownfield site within an established urban setting will alter the context of the site and the receiving environment and a degree of impact on the residential amenities of existing properties is I consider inevitable. I therefore submit that any impacts identified must be balanced against the need to develop underutilised brownfield sites to ensure better use of serviced lands in accordance with nationally adopted strategies for compact growth.

- 7.2.5. The proposed scheme as originally presented to the planning authority included for the retention of an existing reinforced concrete retaining wall along the site boundary

with the Tolka River. The planning authority determined that the retention of this wall would contravene several objectives of the FDP (namely Objectives DMS160, DMSO154 and DMSO156) due to its location within the 10m ecological and riparian buffer zone. This issue was raised with the applicants at further information stage. The scheme was later amended to allow for the removal of the wall and its replacement with a timber fence and native hedgerow planting. The application documentation, including the Construction Environmental Management Plan, Appropriate Assessment Screening Report, NIS and Ecological Impact Statement were updated to take account of the proposed change. A supplementary Technical Note on flood risk was also submitted. This document included additional site-specific hydraulic modelling and concluded that the removal of the wall, as well as complying with relevant objectives of the Fingal Development Plan 2023-2029, would though the restored connection between the River Tolka and the floodplain at the site result in an overall reduction in flood risk at the site with no significant impact elsewhere.

- 7.2.6. In conclusion, I am satisfied that the redevelopment of these lands to facilitate the provision of a nursing home is acceptable in principle at this location and that the proposed development (as amended) would generally accord with the objectives of the FDP. The impact of the proposed scheme on the character of the area and on the amenities of neighbouring properties is discussed in the following sections of this report.

### **7.3. Impact on the Character of the Area:**

- 7.3.1. The appeal site comprises a brownfield site at Main Street, Blanchardstown. Existing development along Main Street comprises a mix of residential, commercial and community / institutional uses, in mainly single and two storey formats and in a variety of buildings styles. I note that several buildings along this section of Main Street appear to have been originally designed for residential use but have been adapted for other uses, this I consider indicates a change in the character of the area from residential to mixed-use, that is reflective of the areas 'town centre' zoning.

- 7.3.2. The proposal is for the demolition / removal of all buildings and structures on site and the redevelopment of the lands as a nursing home. I have provided a detailed description of the proposed scheme in section 1.2 of this report. In brief, the proposal is for a three to five storey nursing home, reaching an overall ridge level of c. 64.00 (excluding roof mounted heat pump) above an upper ground floor level of 50.60 and with a gross floor area of 5,916 sq. m. The proposed nursing home building is positioned to the east of the site, fronting onto Main Street and respecting the established building line. The building is set back at least 3m from the northern boundary and at least 7.8m from the southern boundary. It has a 'H' shaped format with two main wings running parallel to Main Street in a north-south direction. The eastern wing, the element fronting onto Main Street, is four-storey with the top floor set back from north, south and east elevations and finished in metal cladding. The western wing, overlooking the river Tolka, is effectively five-storey (with top floor set back from east elevation) as it incorporates an under-croft / covered terraced at lower ground floor level which is accommodated due to the topography of the site. This amenity terrace is connected, via steps and a ramp to a large amenity area / landscaped gardens that occupies the western portion of the site.
- 7.3.3. The application is accompanied by a Planning and Design Report, CGI Images, contiguous elevations, and site sections which I consider are adequate to facilitate an assessment of the impact of the proposed scheme on the character of the area.
- 7.3.4. It is evident that the proposed Nursing Home building would, due to its height, scale and contemporary design, represent a new intervention in the streetscape, that would deviate from the established pattern of development along Main Street. However, having considered the plans and particulars submitted with the application and having visited the site and the surrounding area, I believe the proposed scheme represents an appropriate response to its location on Blanchardstown Main Street, to the constraints of the site (including its proximity to the River Tolka) and to neighbouring properties.
- 7.3.5. As previously established, the principle of a nursing home is acceptable at this location, and I am satisfied that such a use would be compatible with surrounding land uses. The proposed scheme, in my opinion, represents an appropriate use of

zoned and serviced lands within walking distance of Blanchardstown Village Centre. The large area of open space that occupies the western portion of the site would provide for a high-quality amenity space for future occupants of the scheme while also addressing flood risk. The retention of a 10m wide buffer zone along the bank of the River Tolka will aid in the protection of existing riparian habitats.

- 7.3.6. The height of the proposed scheme, while exceeding that of neighbouring properties, is not exceptional in an urban context. The stepped building height together with the change in ground levels along Main Street, in my view, provides an appropriate transition between the scale and massing of the proposed development and neighbouring properties. The impact of the proposed development on the residential amenities of neighbouring properties is considered later in this report. The proposal includes a roof mounted heat pump that is to be bounded by a light grey PPC Aluminium Screen reaching a maximum height of 2m above the roof level. This structure is not shown to be visible on in the CGI images submitted in support of the application. Due to its position, set back centrally within the roof of the building, I do not anticipate that it would have a significant negative impact on the visual amenities of the area.
- 7.3.7. The building is of a contemporary design that I consider would integrate into the urban streetscape. The design incorporates two projecting elements to its front elevation, these projections together with the stepped building height and the mix of material finishes, serve to add visual interest and to break up the mass and scale of the building improving the appearance of the building and reducing its impact on the visual amenities of the area.
- 7.3.8. External finishes include a mix of coloured render and stone. In line with condition 3(b) of the planning authority's grant of permission, I would recommend that the use of 'selected course stone' as an external finish to the southwest corner of the building, currently shown at only ground and first floor levels, be extended to the second floor (third storey) to add greater symmetry and to enhance the appearance of the building particularly on approach from the south.

7.3.9. Overall, I consider that that the proposed nursing home development is well considered in terms of design and layout. The proposed scheme presents a modern building form which has been appropriately designed to respond to the existing and emerging site context and to the constraints of the site. I am satisfied that the proposed building subject to condition on material finishes (as discussed) would integrate positively into the existing streetscape with no significant adverse impacts on the character of the area.

#### 7.4. Impact on Adjoining Properties

7.4.1. The third-party appellant has raised concerns in relation to the impact of the proposal on the amenities of neighbouring properties to the north by way of overbearing, overshadowing and overlooking and to the south by way of overbearing.

7.4.2. The properties of concern are:

- **No. 1 The Rise**, a single storey, end-of-terrace building to the north that has been modified, via a large box dormer to the rear, to provide additional floor space at attic level. The building is served by a small amenity area to the rear (east). The design of the building incorporates four ground floor windows in its side (south facing) elevation overlooking the proposed development site. Due to the change in topography along main street, the property sits above the proposed development site (c.1m). A separation distance of c. 4.8m is proposed between No. 1 The Rise and the proposed nursing home building. The boundary between the two properties is currently defined by a timber post and rail fence. In accordance with the information on file this building is in commercial use, and I note that planning permission was granted in April 2022 for the change of use of the structure from financial services and realty office to dental practice.
- **No. 2 The Rise** (the appellants property), an existing single storey mid-terrace building to the north, currently in use as a dwelling. A separation distance of c. 12m is available between the side (south) elevation of No. 2 The Rise and the

opposing (north) elevation of the proposed nursing home building. The amenity area serving this property appears to extend to the rear of No. 1 The Rise, along the northwestern boundary of the appeal as far as the Tolka River.

- **Tolka House**, a one and a half storey detached building to the south. The proposed development site extends along the northern (side) and eastern (rear) boundaries of this property. A separation distance of c. 10.3m is proposed between side (north) elevation of Tolka House and the opposing southern elevation of the proposed nursing home building. The boundary between the two properties is currently defined by timber panel fence above a high concrete block wall. In accordance with the information on file, this building is in commercial use. The planning history of the site reveals that permission was granted for a change of use of the premises in 2007 from residential / B&B to office and that the use of the property as accommodation for children and young adults was deemed exempted development in 2010.

*Overbearance:*

- 7.4.3. In terms of overbearance, I refer the Board to Drawing No. 3450-P-009 entitled 'Proposed Elevations and Sections' and submitted to the planning authority on the 4<sup>th</sup> of July 2024. This drawing includes contiguous elevations which illustrate how the proposed nursing home building will 'fit' within the streetscape and within the context of neighbouring properties to the north and south. Regard is had to the design and layout of the proposed nursing home building, notably its 'H' shaped format and set-back top floor which in my opinion break the scale and mass of the development as viewed from the north and south.
- 7.5. The northern elevation of the western wing of the proposed nursing home building will extend almost the entire length of No. 1 The Rise and its rear curtilage. As illustrated on Drawing No. 3450-P-009, the FFL of No. 1 and that of the adjoining terraced structures to the north, is set above that of the proposed nursing home such that the ridge line of No. 1 The Rise corresponds roughly with the second-floor level (SFL) of the proposed nursing home. This level difference, together with the stepped

building height of the nursing home and the separation distances available, is I consider be sufficient to mitigate significant overbearing impacts on No. 1 The Rise and its rear curtilage.

- 7.5.1. The proposed nursing home building, particularly its eastern wing due to its height and proximity to the northern site boundary, would alter the outlook from the rear garden area serving No. 2 The Rise and to a lesser extent from the rear garden area serving No. 3 The Rise. However, I note that both properties are served by extensive rear garden areas which extend to lengths of more than 45m. The quantum of amenity space afforded to these properties should I consider help to moderate the overbearing visual impact of the proposed development. The proposed development would also alter the outlook from Tolka House to the south; however, I am satisfied, having regard to the location of the proposed development on Blanchardstown Main Street, the design and layout of the proposed scheme and the separation distances available (+10m), that the proposal would not have a significant undue overbearing impact on this property.

#### Overlooking

- 7.5.2. On the issue of overlooking, I consider that the proposed nursing home building has been designed with the intention to avoid direct overlooking of neighbouring properties through a combination of internal layout, orientation and separation distance.
- 7.5.3. I note that the majority windows in the north and south facing elevations are contained within the central east / west link section of the proposed 'H' shaped building, which is set back at least 16m from opposing property boundaries. This separation distance is I consider sufficient to maintain an adequate level of privacy for neighbouring properties and for future occupants of the proposed scheme.
- 7.5.4. Remaining glazing / windows on the north and south elevations serve either circulation areas or are secondary windows to bedrooms. In accordance with the details submitted (section 5.13.10 of the applicants Planning and Design Statement) these windows / glazing elements are to have translucent glass to ensure no

overlooking of private amenity of properties directly to the north and south of the site. The use of translucent glazing which allows light to pass through but not showing the distinct images on the other side, is I consider reasonable; however, I accept that an element of perceived overlooking from these windows may remain. Potential overlooking from proposed windows in the east and west elevations of the nursing home would be limited due to the acute viewing angle and separation distances available.

- 7.5.5. It is further stated in the submitted Planning and Design Statement that the biodiverse green roof spaces are not for communal use as roof gardens and that access to these areas will be restricted from the third floor for maintenance and fire escape only. Again, I consider this to be reasonable in terms of ensuring an adequate level of privacy for neighbouring properties.

#### *Overshadowing / Loss of Light*

- 7.5.6. Included with the application is a Daylight Analysis and Overshadowing Study prepared by H3D. This document was prepared using the methodology's set out in the British Standard: Lighting for Buildings – Part 2: Code for Practice for Daylighting and BRE 209, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', Third Edition 2022, by P. J. Littlefair (BRE 209). It is of relevance to note that the FDP in section 14.6.6.1 Daylight and Sunlight states that *development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice – (Building Research Establishment Report) 2011 and/or any updated guidance*. The submitted Daylight Analysis and Overshadowing Study would accord with the FDP in this regard.
- 7.5.7. The Overshadowing Study comprises 16 sets of images that illustrate the shadows cast by both the existing and proposed development on the neighbouring amenity areas between 10:00 and 16:00 on March 21st, June 21st and December 21<sup>st</sup>. The extent of new overshadowing on properties to the north of the proposed development was raised as a concern by the planning authority in their initial assessment of the application and in their request for further information.



- 7.5.8. To address the concerns raised the applicants submitted a revised Daylight Analysis and Overshadowing Study which included further analysis of the impact of the proposed development on the residential properties, No's 2 and 3 The Rise. Further analysis of the impacts of the development on No. 1 The Rise was not conducted on the grounds that this property is in commercial use.
- 7.5.9. An analysis was conducted on the adjacent garden areas of No's 2 and 3 The Rise to demonstrate the level of sunlight that would be afforded to these spaces with the nursing home building in place. The study was carried out in accordance with BRE 209 which outlines that for a space to appear adequately sunlit throughout the year, at least half (50%) of the garden or amenity area should receive at least 2 hours of sunlight on the 21st of March. The study found that on the 21st of March, both garden spaces would continue to receive at least 2 hours of sunlight over 80% of their area, exceeding BRE recommendations.
- 7.6. A Vertical Sky Component (VSC) analysis was also conducted on notional windows to the side of No. 2 The Rise facing the proposed development, to ascertain if the access to the sky was sufficient after the proposed development is built. The analysis found that while both notional windows would see a reduction in VSC, a VSC greater than 0.8 times the existing value would be retained thus conforming to the BRE guideline levels.
- 7.7. Overall, I am satisfied, on the basis of the information available, that while some overshadowing would result the proposed development would not unduly impact on the residential amenities of neighbouring properties by way of overshadowing or loss of light.

*Conclusion:*

- 7.8. In conclusion, whilst I acknowledge that the development of this site as proposed would alter the outlook from neighbouring properties and would give rise to impacts of overshadowing, overbearing and perceived overlooking, I submit that the degree and scale of impacts arising are acceptable in this urban context and in allowing for the sustainable development of zoned and serviced lands. In my opinion the proposed development, subject to condition, would not adversely affect the use or

enjoyment of neighbouring properties to a degree that would justify a refusal of permission.

## 8.0 AA Screening

- 8.1. The Habitats Directive deals with the conservation of Natural Habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

### Stage 1- Screening Determination for Appropriate Assessment

- 8.2. Following the screening process (set out in Appendix C attached) it has been determined that Appropriate Assessment is required as it cannot be excluded, on the basis of objective information, that the proposed development individually or in combination with other plans or projects, will have a significant effect on the following European sites:

- North Dublin Bay SAC (Site Code 000206)
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).
- North Bull Island SPA (site Code 004006).

- 8.3. The possibility of significant effects on other European sites has been excluded on the basis of objective information.

### Stage 2 – Conclusion for Appropriate Assessment

- 8.4. In carrying out an Appropriate Assessment (Stage 2) of the project (included in Appendix C of this report), I have assessed the implications of the project on the North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, or the North Bull Island SPA in view of the site's conservation objectives. I have had regard to the

applicants Natura Impact Assessment (updated at RFI Stage) and I am satisfied that this document provides adequate information in respect of the proposed project and the baseline conditions, that it clearly identifies the potential impacts, and is based on best scientific information and knowledge. I have also had regard to all other relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.

8.5. Following the Appropriate Assessment (Stage 2), I consider it reasonable to conclude on the basis of the information on the file that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the North Dublin Bay SAC (Site Code 000206), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the North Bull Island SPA (site Code 004006), or any other European site, in view of the sites' Conservation Objectives and qualifying interests.

8.6. This conclusion is based on:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- The proposed development, alone and in combination with other plans and projects, would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.

## 9.0 EIA Screening:

9.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I

have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

- 9.2. Whilst it has been concluded that there is potential for significant effects on European sites, having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment which I have addressed in Section 8.0 and Appendix C of my report.

## **10.0 Recommendation**

I recommend that permission be granted subject to condition as outlined below.

## **11.0 Reasons and Considerations**

- 11.1. Having regard to the objectives of the Fingal Development Plan 2023-2029, to the Town Centre zoning of the site, to the nature and scale of the development proposed and to the location of the site within a well serviced urban area in proximity to the Blanchardstown Village Centre and where public transport is available, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location, would provide an adequate level of amenity for future residents and would not seriously injure the residential or visual amenities of the area or detract to any significant degree from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 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 the 29<sup>th</sup> day of October 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. The mitigation measures contained in the Invasive Species Management Plan, Ecological Impact Assessment, Bat Assessment shall and agreed Construction Environmental Management Plan (CEMP) shall be implemented.

**Reason:** To prevent pollution and in the interests of environmental protection and proper planning and sustainable development

4. The entire premises shall be used as a nursing home and shall not be used for non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.

**Reason:** In the interest of clarity and to ensure proper planning and sustainable development.

5. The proposed development shall be amended as follows:
  - (a) the use of 'selected course stone' proposed as an external finish to the southwest corner of the building at ground and first floor level shall be extended to the second floor (third storey).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development.

**Reason:** In the interests of visual and residential amenity.

6. No part of the roof at third/fourth floor level shall be used as roof terraces / balconies/ amenity area. Access to these spaces shall be restricted for maintenance and fire escape only.

**Reason:** In the interest of residential amenity

7. Details of the materials, colours and textures of all the external finishes to all proposed structures / buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

8. The applicant/developer shall comply with the following

- (a) 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.

- (b) Prior to the commencement of development, the developer shall carry out a CCTV survey and shall submit an appropriate works method statement and risk assessment for the diversion of the existing surface water drainage pipes.

**Reason:** In the interest of public health.

9. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) 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/wastewater facilities.

10. The applicant/developer shall comply with the following

- (a) The footpath and kerb shall be dished and reinstated at the developer's expense to the satisfaction of the Planning Authority.
- (b) Any works including the bus shelter and all associated services and poles to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the councils' standards for taking-in-charge and to the satisfaction of the Planning Authority.
- (c) Road Safety Audits shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027.
- (d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of traffic safety and to ensure proper planning and sustainable development

11. The applicant/developer shall comply with the following

- (a) 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.
- (b) Where necessary, all underground or overhead services and poles shall be relocated, to a suitable location at the Developer's own expense and according to the Specification and Conditions of Fingal County Council and the relevant utility service provider/statutory undertaker.

**Reason:** in the Interests of visual amenity and to ensure the proper planning and development on the area

- 12. Site development and building works shall be carried out between the hours of 08:00 to 19:00 Mondays to Fridays inclusive, between 0800 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

- 13. 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 interest of environmental protection, residential amenities and public health and safety



14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

15. The applicant/developer shall comply with the following requirements of the Planning Authority:

- (a) The applicant shall ensure that the recommendations of the Construction and Operational Noise Assessment report prepared by Awn Consulting (issued 24 September 2024), including recommendations regarding the selection of heat pumps for installation at rooftop level, are adhered to.
- (b) The applicant shall ensure that internal ambient noise levels as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings are achieved in the development.

**Reason:** In the interests of residential amenity.

16. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the

implementation of agreed preservation in-situ measures associated with the development.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. 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"

17. The applicant/developer shall comply with the following

- (a) The landscaping scheme shown on drawing number LP-001, as submitted to the planning authority on the 29th day of October 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 development is taken in charge by the local 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 interest of residential and visual amenity.

18. The applicant/developer shall comply with the following

- (a) Prior to the commencement of construction works on site, a meeting with the site foremen, consultant landscape architect/arborist and the Parks Officer from the Parks & Green Infrastructure Division shall take place on-site to inspect that the protective fencing has been erected prior as per the Tree Protection Plan (Drawing no. 3450-P-015 by JNP Architects, dated 21st June 2024). All tree protection measures shall be in accordance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction Recommendations. This fencing is to remain in place for the duration of the project.
- (b) A post construction report on the condition of the tree to be retained shall be undertaken by the project Arborist and all recommendations made within this report shall be carried out. On completion of this, the report and a Certificate of Effective Completion sign by the project Arborist shall be provided to the Planning Authority.

**Reason:** In the interest of visual amenity and to protect trees and planting during the construction period.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*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.*

---

Lucy Roche  
Planning Inspector

14<sup>th</sup> April 2025

## Appendix A – Form 1: EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>321644-25</b>		
<b>Proposed Development Summary</b>	Demolition of existing building and construction of nursing home and all associated site works. Retention of concrete wall. NIS submitted with application		
<b>Development Address</b>	Justins Fruit and Veg, Moy Mel Shopping Centre, Main Street, Blanchardstown, Dublin 15, D15 VRK1		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>X</b>	Class 10. Infrastructure projects: (iv) Urban development which would involve <b>an area greater than 2 hectares in the case of a business district</b> , 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.).	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	The proposed scheme comprises a nursing home on a site of 0.836ha and on lands zoned for town centre uses.	Preliminary examination required (Form 2)

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix B – Form 2: EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321644-25</b>
<b>Proposed Development Summary</b>	Demolition of existing building and construction of nursing home and all associated site works.
<b>Development Address</b>	Justins Fruit and Veg, Moy Mel Shopping Centre, Main Street, Blanchardstown, Dublin 15, D15 VRK1
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the demolition / removal of all existing structures on site and the construction of a part four storey, part five storey nursing home (5,916 sq. m). the proposal is not exceptional in the context of the existing environment.</p> <p>The proposed development involves a relatively small land take (0.836ha) with most of the site area dedicated to open space /amenity use.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p>



	<p>The project uses standard construction methods materials and equipment, and the process managed through the implementation of a CEMP.</p> <p>A Construction and Demolition Waste Management Plan accompanies the application (final version required by way condition in the event of of a grant of permission). Compliance with this document will ensure that all construction and demolition wastes arising from the proposed development will be disposed of in accordance with current legal and industrial standards. A final version of this document</p> <p>The development by virtue of its type, does not pose a risk of major accident and / or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not within or immediately adjacent to any designated site. The Tolka River extends along the rear (northwestern) site boundary. The River Tolka provides a natural, hydrological connection between the development site and Natura 2000 sites in Dublin Bay. An NIS has been submitted with the application. Potential impacts on designated European site can be addressed under Appropriate Assessment.</p>

		<p>Mitigation measures are proposed to protect local ecology.</p> <p>The existing building is not designated as a Protected Structure.</p> <p>An Archaeological Impact Assessment accompanies the application. this includes details of archaeological test-trenching carried out on site. no archaeology was encountered. The AIA recommends monitoring of groundworks in areas unavailable for test trenching. This may be addressed by way of condition.</p> <p>The site is served by public mains water and sewerage upon which effects would be marginal.</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>		<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats / features, likely limited magnitude and spatial extent of effects and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix C - Appropriate Assessment: Stage 1 & 2

### Appropriate Assessment – Stage 1 Screening

I have considered the proposed nursing home project in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

An Appropriate Assessment Screening Report and a Natura Impact Statement have been prepared by Openfield Ecological Services on behalf of the applicant. Both documents were updated during the planning authority's assessment of the application to reflect proposed amendments to the scheme made at RFI stage, notably the proposal to allow for the removal rather than retention of the existing reinforced concrete retaining wall along the site boundary with the Tolka River.

The objective information presented in Appropriate Assessment Screening Reports and NISs inform this screening determination.

#### **Description of the proposed development**

The proposal relates to lands at Moy Mel Shopping Centre, Main Street in Blanchardstown. the site, currently occupied by Justin's Fruit and Veg. The Main Street extends along the front (southwestern) boundary of the site while the Tolka river extends along the rear (northeastern) Boundary.

I have provided a more detailed description of the development in my report (Section 2.0) and detailed specifications of the proposal are provided in the AA screening report and other planning documents provided by the applicant. In summary the proposal is to demolish / remove all existing buildings, containers and sheds on site and to construct a part 4 storey and part 5 storey nursing home with a total gross internal floor area of 5,916 sq. m. along with all ancillary site works and services. In addition, the following is noted:

During construction inert construction and demolition waste will be removed by a licenced contractor and disposed of in accordance with the Waste Management Act.

Currently there is no attenuation of rain run-off, this percolates to ground or discharges to the Tolka River via surface or groundwater pathways, while hard standing surfaces are

drained off the site to Main Street and in turn to adjacent green areas which ultimately connect to the 750mm culvert traversing the site. This sewer drains to the River Tolka. The proposed project will incorporate sustainable drainage systems (SUDS) to ensure that run-off rates remain at, or are enhanced to, the 'greenfield' rate.

Foul wastewater from the development is to be sent to the wastewater treatment plant at Ringsend.

Fresh water supply for the development will be via public mains, originating from the Poulaphuca Reservoir and other reservoirs along the river Liffey.

As noted previously, the proposal was amended at RFI stage to allow for the removal rather than the retention of the existing reinforced concrete retaining wall along the site boundary with the Tolka River. The planning authority, on the recommendation of FCC's Ecologist, requested that the applicant reconsider the retention of the (unauthorised) wall due to its location within the 10 m riparian and ecological buffer zone of the river contrary to the objectives of the FDP. A setback/buffer zone, of a minimum 10m, is now to be maintained between the proposed buildings and the bank of the River Tolka.

I note that Japanese Knotweed and Spanish Bluebell, both invasive species, have been identified on site. No plants which are rare or protected were recorded.

The application is accompanied inter alia, by:

- Ecological Impact Statement (updated at RFI stage)
- Construction Noise Assessment
- Construction Environmental Management Plan (CEMP) (updated at RFI stage)
- Flood Risk Assessment
- Bat Fauna Impact Assessment (submitted at RFI Stage)
- Invasive Alien Plant Species: Site Assessment Report and Management Plan (submitted at RFI Stage)

## European Sites

The River Tolka provides a natural, hydrological connection between the development site and Natura 2000 sites in Dublin Bay. There is also an indirect hydrological connection between the development site and Natura 2000 sites in Dublin Bay via surface sewers leading to the River Tolka and wastewater discharges from the Ringsend wastewater treatment plant as well as water abstraction which may originate in the Poulaphouca Reservoir SPA.

There are consequently pathways to a number of Natura 2000 sites. There are hydrological links to the South Dublin Bay and River Tolka Estuary SPA (site code: 4024), the South Dublin Bay SAC (site code: 0210), the North Bull Island SPA (site code: 4006), the North Dublin Bay SAC (site code: 0206) and the Northwest Irish Sea SPA (site code: 4236). The Poulaphouca Reservoir SPA (site code: 4063), from which drinking water supply for this development may originate, also falls within the zone of influence of this project.

Natura 2000 sites offshore from Dublin Bay (including the Rockabill to Dalkey Island SAC or the Dalkey Islands SPA) were excluded as the dilution effect in the Irish Sea means there is no pathway for potential pollutants to reach these sites.

The 6no. European sites located within a potential zone of influence of the proposed development are:

European Site	Qualifying Interests	Distance	Connections
<b>SAC</b>			
<b>North Dublin Bay SAC (Site Code: 0206)</b>	<ul style="list-style-type: none"><li>• Mudflats and sandflats not covered by seawater at low tide.</li><li>• Annual vegetation of drift lines</li><li>• Salicornia and</li></ul>	<b>c. 13.5km</b>	Hydrological connection via the river Tolka. Indirect via surface and foul water drainage.

	<p>other annuals colonising mud and sand</p> <ul style="list-style-type: none"> <li>• Atlantic salt meadows (Glauco- Puccinellietalia maritimae)</li> <li>• Mediterranean salt meadows (Juncetalia maritimi)</li> <li>• Embryonic shifting dunes</li> <li>• Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes)</li> <li>• Humid dune slacks</li> <li>• Petalwort Petalophyllum ralfsii</li> </ul>			
--	--	--	--	--

<b>South Dublin Bay SAC</b> <b>(Site Code: 0210)</b>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Annual vegetation of drift lines</li> <li>• Salicornia and other annuals colonising mud and sand</li> <li>• Embryonic shifting dunes</li> </ul>	<b>c. 12.5km</b>	Hydrological connection via the river Tolka. Indirect via surface and foul water drainage.
<b>SPA</b>			
<b>South Dublin Bay and Tolka Estuary SPA</b> <b>(Site Code: 4024)</b>	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose</li> <li>• Oystercatcher</li> <li>• Ringed Plover</li> <li>• Grey Plover</li> <li>• Knot</li> <li>• Sanderling</li> <li>• Dunlin</li> <li>• Bar-tailed Godwit (</li> <li>• Redshank</li> <li>• Black-headed Gull</li> <li>• Roseate Tern</li> <li>• Common Tern</li> <li>• Arctic Tern</li> <li>• Wetland and Waterbirds</li> </ul>	<b>c. 10.5km</b>	Direct Hydrological connection via the river Tolka. Indirect via surface and foul water drainage.
<b>North Bull Island SPA</b> <b>(Site Code:4006)</b>	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose</li> <li>• Shelduck</li> </ul>	<b>c. 13.5km</b>	Hydrological connection via the river Tolka. Indirect via surface and foul water drainage.



	<ul style="list-style-type: none"> <li>• Teal</li> <li>• Pintail</li> <li>• Shoveler</li> <li>• Oystercatcher</li> <li>• Golden Plover</li> <li>• Grey Plover</li> <li>• Knot</li> <li>• Sanderling</li> <li>• Dunlin</li> <li>• Black-tailed Godwit</li> <li>• Bar-tailed Godwit</li> <li>• Curlew</li> <li>• Redshank</li> <li>• Turnstone</li> <li>• Black-headed Gull</li> <li>• Wetland and Waterbirds</li> </ul>			
<b>North-West Irish Sea SPA (Site Code: 4236)</b>	<ul style="list-style-type: none"> <li>• Red-throated Diver</li> <li>• Great Northern Diver</li> <li>• Fulmar</li> <li>• Manx Shearwater</li> <li>• Cormorant</li> <li>• Shag</li> <li>• Common Scoter</li> <li>• Little Gull</li> <li>• Black-headed Gull</li> <li>• Common Gull</li> <li>• Lesser Black-backed Gull</li> <li>• Herring Gull</li> </ul>	<b>c. 16km</b>	Hydrological connection via the river Tolka. Indirect via surface and foul water drainage.	

	<ul style="list-style-type: none"> <li>• Great Black-backed Gull</li> <li>• Kittiwake</li> <li>• Roseate Tern</li> <li>• Common Tern</li> <li>• Arctic Tern</li> <li>• Little Tern</li> <li>• Guillemot</li> <li>• Razorbill</li> <li>• Puffin</li> </ul>			
<b>Poulaphouca Reservoir SPA (Site Code: 4063)</b>	<ul style="list-style-type: none"> <li>• Greylag Goose.</li> <li>• Lesser Black-headed Gull.</li> </ul>	<b>c. 24km</b>	Indirect via drinking water supply	

Descriptions of the 6no. European sites, there qualifying interests and habitat status is provided in pages 12 to 24 (incl.) of the Appropriate assessment Screening Report (Oct 2024).

### **Likely impacts of the project alone or in combination with other plans and projects**

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

In terms of indirect effects, the site has hydrological connections to Natura 2000 sites via surface and wastewater water flows to Dublin Bay via the River Tolka and the Ringsend wastewater treatment plant respectively, and the fact the area is at risk of flooding with the possibility of discharge of pollutants to watercourses in the area. A possible hydrological connection also exists between the site and the Poulaphouca Reservoir SPA which may supply water to the scheme; however, given the nature and scale of the development proposed, the volume of water required to operate the proposed scheme is unlikely to have significant effects on the Reservoir.

The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the proposed development. Sources of impact identifies are considered below:

**Pollution from wastewater:**

The proposed development will increase the loading to the Ringsend WWTP. Additional loading to this plant arising from the operation of the project is not significant. There is no evidence that pollution through nutrient input is affecting the conservation objectives of any of the Natura 2000 sites in Dublin Bay. No significant effects are likely to arise to Natura 2000 sites from this source.

**Pollution from surface water**

Currently there is no attenuation of rain/storm water run-off from the site. This percolates to ground or discharges to the Tolka River via surface or groundwater pathways, while hard standing surfaces are drained off the site to Main Street and in turn to adjacent green areas which ultimately connect to the 750mm culvert traversing the site (which is to be diverted at part of the proposed scheme). This sewer drains to the River Tolka.

The proposal includes for a new drainage network to be installed in accordance with SUDS principles. It is stated in the Screening report that this will ensure that no change to the quantity or quality of run-off will arise. The screening report notes that SUDS are standard measures which are included in all development projects and are not proposed to avoid or reduce an effect to a Natura 2000 site. SUDS are not mitigation measures in an AA context.

No significant effects are likely to arise to Natura 2000 sites from this source.

**Pollution during construction:**

During construction, works will take place close to the River Tolka although no works will take place in the river or at the riverbank itself. Construction activities may result in loss of sediment to the river. The Screening Report considers the potential for construction pollution, including sediment and potentially toxic substances such as cement, to reach mudflat habitats, to be very low given the distance from the development site to Natura 2000 sites. Nevertheless, the Screening Report recognises that were pollution to occur, particularly from toxic substances, it could affect the biological community in mudflats

habitat and thereby affect the conservation objective of the **North Dublin Bay SAC**. In turn, this could have knock on effects on the conservation objectives the North Bull Island SPA and the South Dublin Bay and River Tolka Estuary SPA as wetland and wading birds for which both sites are designated, rely upon mudflat communities for foraging. On this basis and taking a precautionary approach, the Screening Report concludes that significant effects to the North Dublin Bay SAC, the North Bull Island SPA and the South Dublin Bay and River Tolka Estuary SPA cannot be ruled out.

No effects are likely to arise to the South Dublin Bay SAC, the Northwest Irish Sea SPA or any other Natura 2000 site in or offshore of Dublin Bay, due to the dilution effect of coastal waters in this area.

During the construction phase, it can be expected that some dust emission will occur; however, given the separation distances available, any impact from dust is unlikely to be significant.

**Spread of invasive species:**

Japanese Knotweed and Spanish Bluebell, both invasive species, have been identified on site. An assessment of these species was carried out in September 2024 and a site Assessment and Management Plan submitted to the planning authority. The Management Plan proposes best practice measures to eradicate invasive species from the site and to ensure that they are not allowed to spread as a result of construction activity on site. The Screening report notes that as there is no pathway for these species to reach Natura 2000 sites, these plants pose no risk to Natura 2000 sites and that in the absence of any measure to contain the plant, no effects to Natura 2000 sites will arise. Therefore, proposed measures to control the plant are not mitigation in an AA context.

**Retention / removal of the concrete retaining wall:**

A concrete retaining wall exists along the eastern site boundary between the site and River Tolka. The application was amended at RFI stage to include for the removal of this wall. As per the information on file, the wall was constructed in the late 1990s and has been assessed as acting as a partial flood barrier, reducing the frequency of natural flooding of the lands to the south of the River Tolka in this location.

However, the Flood Risk Assessment (FRA) submitted with the application concludes that it does not prevent flooding of the lands. While the wall may have affected local flood patterns along the Tolka this can have had no effect on Natura 2000 sites due to the separation distance to these areas. The wall does not directly abut the river and there is no evidence that construction works removed, or otherwise disturbed, riparian habitat. The impact of removing the wall on flooding was considered in the technical note to the FRA, submitted to the planning authority at RFI stage. It is stated in this document that:

*As well as complying with relevant objectives of the Fingal Development Plan 2023-2029, the restored connection between the River Tolka and the floodplain at the site (by removing the existing wall) has the impact of an overall reduction in flood risk at the site with no significant impact elsewhere.*

The Screening Report concludes that the retaining wall did not, and is not, resulting in significant effects to Natura 2000 sites and that its removal will not result in likely significant effects to Natura 2000 sites.

**In combination effects:**

Potential in combination effects are considered on pages 30 and 31 of the AA Screening Report. The report notes the following:

Eventual implementation of the WFD will result in continued improvements to water quality in Dublin Bay and along the River Tolka. Environmental water quality can be impacted by the effects of surface water run-off from areas of hard standing. These impacts are particularly pronounced in urban areas and can include pollution from particulate matter and hydrocarbon residues, and downstream erosion from accelerated flows during flood events. The latter impact is unlikely to occur in Dublin since the estuary mouth has long been channelled and defined by sea walls and other defences.

In March 2005 the Greater Dublin Drainage Study (GDDS) was published as a policy document designed to provide for drainage infrastructure to 2030. The implementation of this policy will see broad compliance with environmental and planning requirements in an integrated manner. This is likely to result in a long-term improvement to the quality and

quantity of storm water run-off in the capital. This project is compliant with the requirements of this policy.

The completion of upgrade works at Ringsend will see greater compliance with quality standards of effluent and so an expected improvement in water quality in Dublin Bay.

In combination effects may occur during the construction phase, e.g. in the event that construction on multiple development sites in the catchment of the River Tolka is underway at the same time.

**Conclusion:**

The Screening Report concludes that, given the potential for pollution during construction, significant effects to the North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, or the North Bull Island SPA cannot be ruled out.

It has found that no significant effects are likely to arise, either alone or in combination with other plans or projects to the South Dublin Bay SAC, Northwest Irish Sea SPA or any other Natura 2000 site. No mitigation measures were taken into consideration in coming to this determination

I concur with the applicants' findings that such impacts, in the absence of mitigation, could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

**Overall Conclusion**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant. I conclude that the proposed development could result in significant effects on the North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and/or the North Bull Island SPA in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is required.

## Appropriate Assessment Stage 2

Following the screening process it has been determined that Appropriate Assessment is required as it cannot be excluded, on the basis of objective information, that the proposed development individually or in-combination with other plans or projects, will have a significant effect on the following European sites:

- North Dublin Bay SAC (Site Code 000206)
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).
- North Bull Island SPA (site Code 004006).

The River Tolka provides a pathway, potentially carrying construction and operational pollutants to the aforementioned Natura 2000 sites in Dublin Bay.

The Qualifying Interests at-risk for the North Dublin Bay SAC are given as:

**Mudflats (code 1140):** Permanent habitat area stable or increasing (estimated at 578 hectares); community extent - maintain the extent of the *Mytilus edulis*-dominated community, subject to natural processes; community structure - Conserve the high quality of the *Mytilus edulis* dominated community, subject to natural processes; Conserve the following community types in a natural condition: Fine sand to sandy mud with *Pygospio elegans* and *Crangon crangon* community complex; Fine sand with *Spio martinensis* community complex.

The relevant special conservation interests for the North Bull Island SPA and the South Dublin Bay and River Tolka Estuary SPA is given as:

**Birds (similar for all species):** Long term population trend stable or increasing; there should be no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

The possibility of significant effects on other European sites has been excluded on the basis of objective information.

### **Potential Impacts**

Pollution from construction activities, particularly any loss of toxic substances to mudflat habitat, a qualifying interest of the North Dublin Bay SAC, could affect the integrity of this habitat. This includes any possibility of flooding during the construction phase.

Consequently, any impacts to mudflat habitats could have knock-on effects to wetland and wading birds which feed on it. While the risk of toxic substances from the site reaching the mudflats in the North Dublin Bay is low given the separation distance, the applicants have adopted the precautionary principle and have incorporated specific pollution control measures into the scheme to address this risk

### **Mitigation Measures**

A Construction Environmental Management Plan (CEMP) accompanies the application. This document includes pollution prevention measures in accordance with best practice guidelines from Inland Fisheries Ireland (2016). The CEMP identifies the location of the site compound, storage areas for potentially polluting substances, and specific measures to minimise the loss of silt-laden water to the River Tolka. It provides for the installation of suitably designed silt traps so that any discharge is only of clean, silt-free water.

Specifically, the CEMP states that the following measures are to be undertaken during the construction phase to avoid pollution and loss of sediment to the river:

- To mitigate against any sediment pollution arising from the proposed development works, sediment capture methods will be in place at the top of the riverbank in the form of hay bales or silt fencing during the course of the construction works. These installations will be inspected and maintained during construction. Only clean, silt-free water will be discharged to the river.
- The term 'suspended sediments' refers to any silt, mud or other fine sediment that becomes dissolved in water. Water can be contaminated by suspended sediments (SS) from open earthworks and excavations (either from rainfall or groundwater seepage), from rainfall on soil/sediment stockpiles, or from the tyres/tracks of



construction vehicles. Run off from the construction site will be monitored. The level of suspended solids discharged to fisheries water as a result of construction works shall not exceed 25mg/l nor result in the deposition of silt on gravels or any element of the aquatic flora and fauna. In order to retain all contaminated waters within the boundary of the site, the following measures will be implemented:

- Excavation works will be suspended if high intensity local rainfall events are forecast (e.g., >10 mm/hr, >25 mm in a 24-hour period, or high winds)
- If any excavations need to be dewatered, the SS-contaminated water will be retained and treated within the boundary of the site. It will be collected and pumped into a settlement tank/pond (or similar feature), left undisturbed until sediments have settled, and then removed from the site to a licenced disposal facility.
- Stockpiles of mud, sand or other fine sediments will be stored an appropriate distance from the nearest open water source. Stockpiles will be levelled and compacted and will be covered with thick plastic membranes in order to limit wind/rainwater erosion.
- Dust suppression and road cleaning measures will be implemented, as outlined in Section 8 of the IFI guidelines.
- Designated impermeable concrete wash out areas will be established, maintained and the contents disposed of in an appropriate manner.
- Temporary oil interceptors shall be installed and maintained where site works involve the discharge of drainage waters to receiving rivers and streams.
- All fuels and chemicals will be stored in bunded areas.
- Refuelling will take place in designated bunded areas.
- Buffer strips and working/storage distances from watercourses will be established.
- The green area near the River Tolka will not be used to stockpile materials or to store potentially harm full substances.
- No works are to be undertaken in the River Tolka.
- The existing concrete retaining wall which runs along the eastern boundary of the site with the Tolka River is to be removed. The wall will require to be broken up into small sections using both a concrete saw and a hydraulic breaker attachment fitted to an excavator. The concrete arisings from the retaining wall demolition will be

disposed to a licenced facility. The silt fencing will be in place prior to the commencement of these works.

Overall, I am generally satisfied that the mitigation measures outlined above are proportionate to the nature and scale of the proposed nursing home development and address the identified risks from the construction phase. The implementation of the proposed mitigation measures, together with the application of standard best practice construction measures, should ensure no adverse impacts on the qualifying interests of North Dublin Bay SAC (Site Code 000206), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the North Bull Island SPA (site Code 004006). The risk of in-combination effects can also be ruled out.

Having reviewed the information submitted by the applicant, I am satisfied that potential impacts from the proposed development on water quality during the construction phase have been adequately addressed in the NIS. I am therefore satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in light of their conservation objectives.

### **Appropriate Assessment: Stage 2 – Conclusion**

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the North Dublin Bay SAC (Site Code 000206), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the North Bull Island SPA (site Code 004006) in view of the site's conservation objectives and qualifying interests. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.

I consider that it is reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the North Dublin Bay SAC (Site Code 000206),

the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the North Bull Island SPA (site Code 004006), or any other European site, in view of the sites' Conservation Objectives and qualifying interests.

This conclusion is based on:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- The proposed development, alone and in combination with other plans and projects, would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.