



An
Bord
Pleanála

Inspector's Report

ABP-322006-25

Development	Construction of a day centre with all associated site works.
Location	57 Rathbeale Road, Swords, Co. Dublin, K67 EP62.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F24A/0823E.
Applicant(s)	HSE Estates Department.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Maeve and Richard Slattery.
Observer(s)	Pauline Smyth; Emily and Ronan Barrett; Patrick Hughes; and Therese McKittrick and Paddy McKittrick.
Date of Site Inspection	6 th June 2025.
Inspector	C. Daly.

1.0 Site Location and Description

- 1.1. The subject site of 0.24ha consists of a two storey detached dwelling which appears to be vacant. There is road frontage on to the south side of Rathbeale Road from where the vehicular entrance is located. The site is located adjacent to existing residential estates to the south-east and south-west and there is an adjacent laneway to the north-west and opposite this is a two storey building with hardware shop and take-away on the ground floor. There is a supermarket and clothing/homeware shop opposite the site c. two storeys in height set back from the road by surface parking
- 1.2. The irregularly shaped site is bounded mainly by trees and hedgerows along its sides and rear. There is a signal-controlled pedestrian crossing adjacent to the front vehicular entrance and bus stop adjacent on both sides of the road. The subject site is located c.750m to the west of Swords main street and is within the built up urban area of Swords.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Demolition of an existing derelict two house and outbuildings.
 - Construction a single storey flat roof building with two rear wings with curved elements extending parallel to the side site boundaries and which would be joined together centrally with a central courtyard formed and a rear open space area /therapy garden formed between the end wings.
 - The building is for use as a day centre for adults with disabilities including sensory rooms, therapy rooms, dining rooms, kitchens and entertainment rooms, ancillary private open space, surface car parking to the front of site and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council initially decided to request further information in relation to a Noise Impact Assessment Report and issues in relation to cycle parking, EV parking and a 5m road reservation for the upgrade of the Rathbeale Road.

Following F.I. the P.A. decided to grant permission subject to 11 no. conditions.

Notable conditions include:

- Condition no. 2: restricts the use to adult day care unit.
- Condition no. 3: restricts the hours of operation to between 08.00 hour to 18.00 hours daily.
- Condition no. 10(d): Standard noise limits applied for the operational phase of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted the LC 'Local Centre' zoning objective for the site and noted the principle of development to be acceptable. It noted the proposed building of 801sqm would have a maximum height of 6m which is below the height of the building to be demolished. The design was considered to integrate with the site and with the amenity of the location without detracting from neighbouring properties. External materials of brick and timber were considered acceptable.

The site is noted to be located in parking zone 1 where a maximum car parking requirement for 9 no. spaces is noted and the 7 proposed spaces are acceptable. The short stay bicycle provision was not considered acceptable. An undeveloped road reservation of 5m from the site's northern frontage was required to facilitate the upgrade of the Rathbeale Road (R125) where a cycle route is planned.

The Council's Ecologist reviewed the Bat Survey Report, the Appropriate Assessment Screening Report and the Ecology Impact Assessment Report and no significant issues were noted that could not be dealt with by condition. It considered the tree feeling acceptable noting the replacement with native species proposed.

It noted the recommendation to request additional information in relation to the noise from the proposed heat pump on the roof. The initial report recommended that F.I. be requested as noted in section 3.1 above.

The second Planner's Report noted that the submitted Acoustic Assessment and Modelling Report found the proposal would not result in any significant exceedance of the noise criteria at noise sensitive locations. The 4 no. transportation related items were considered to have been addressed to the satisfaction of the Transportation Planning section. The report recommended that permission be granted subject to 11 no. conditions.

3.2.2. Other Technical Reports

- Water Services: No objection subject to conditions.
- Air and Noise Section: First report requested the submission of a Noise Impact Assessment Report. Following F.I. recommends grant of permission subject to conditions.
- Transportation: First report: F.I. required. Following F.I. recommends grant of permission subject to conditions.
- Ecologist: No objection subject to conditions including for the implementation of the bat report and ecology report recommendations.

3.3. Prescribed Bodies

- Uisce Éireann: Further Information requested in relation to the submission of a Pre-connection Enquiry but the report also advised this could be dealt with by condition.

3.4. Third Party Observations

8 no. third party observations were received which can be summarised as follows:

- Overdevelopment of the subject site.
- Concerns regarding the removal of the residential character of the area.
- Residential amenity concerns including in relation to the scale of development.
- Trees and landscaping concerns and loss of habitat space.

- Road traffic, safety and parking concerns.

4.0 Planning History

Subject Site

None located.

Sites in the Vicinity

F25A/0412E: Decision pending by the P.A. at 63 Rathbeale Road for Demolition of the existing 118sqm single storey dwelling and the construction of a 750sqm, two storey, step-down healthcare facility.

F24A/0595E: Permission refused by the P.A. at 63 Rathbeale Road for the demolition of the existing 118sqm single storey dwelling and the construction of a 807sqm, two storey, step-down healthcare facility.

Reasons for refusal related to the intensification of an existing established residential entrance in the centre of a busy complex signalised junction would be a traffic hazard contrary to Objective DMSO118.

F07A/0877: Permission refused by the P.A. at 61 Rathbeale Road for change of use of existing video shop to take-away shop, for demolition of part of existing store at rear and for construction of a new single storey extension

5.0 Policy Context

5.1. Fingal Development Plan 2023-2029 (the CDP)

Under the CDP, the subject site is zoned under Objective LC 'Local Centre' which is to "*Protect, provide for and/or improve local centre facilities*". Under the zoning objective, community facility and health centre are permitted in principle.

There is a Roads Objective on Rathbeale Road which adjoins the site. The site is not located within the Dublin Airport Noise Zone.

Chapter 3 – Sustainable Placemaking and Quality Homes

- Policy SPQHP15 – Social Inclusion

Support all members of society to enjoy a high-quality living environment and to support local communities, healthcare authorities and other bodies, such as those experts within our communities with ‘lived experience’, involved in the provision of facilities for groups with specific design/planning needs.

- Objective SPQHO44 – Retention, Retrofitting and Retention of Existing Dwellings

The Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses, such as cottages, that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.

Chapter 4 – Community Infrastructure and Open Space

- Objective CIOSO7 – Community Infrastructure and Local Amenity

Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.

- Policy CIOSP9 – Education and Health

Continue to work collaboratively with Educational and Health care providers to ensure the timely provision of educational facilities, health care and community resources throughout Fingal. The Plan will support the provision of education and healthcare facilities in line with national and regional policy objectives.

- Objective CIOSO25 – Healthcare Facilities

Support and facilitate the development of health centres, hospitals, clinics and primary care centres where new communities are proposed and in towns, villages and local centres, with good accessibility for all.

Chapter 5 – Climate Action

- Policy CAP8 – Retrofitting and Reuse of Existing Buildings

Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

Chapter 9 – Green Infrastructure and Natural Heritage

- Objective GINHO46 – Tree Removal

Ensure adequate justification for tree removal in new developments and open space management and require documentation and recording of the reasons where tree felling is proposed and avoid removal of trees without justification.

- Objective GINHO54 – Soils

Reduce land take, soil sealing and loss of natural soils in urban and rural areas

Chapter 13 – Land Use Zoning

- Objective ZO2 – Transitional Zonal Areas

Have regard to development in adjoining zones, in particular, more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.

Chapter 14 – Development Management Standards

- DMSO77

Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following:

- *Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities.*
- *Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility.*
- *Conformity with the requirements of appropriate legislative guidelines. "*
Conformity with land use zoning objectives.

- Objective DMSO116 – Provision of Building Setbacks

Seek to provide appropriate building setbacks along the road network to facilitate future road improvements.

- Section 14.6.6.4 Overlooking and Overbearance

Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties. Issues in relation to excessive overlooking and overbearance may be addressed through relocation or reduction in building bulk and height. Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments.

- Objective DMSO118 – Road Safety Measures

Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

- Objective DMSO137 – Replacement of Removed Trees

Ensure trees removed from residential areas are replaced, where appropriate, within the first planting season following substantial completion of construction works.

- Objective DMSO138 – Protection and Enhancement of Biodiversity

Ensure all development and infrastructure proposals include measures to protect and enhance biodiversity leading to an overall net biodiversity gain.

- Objective DMSO143 – Habitat Facilities for Wildlife Species

Require all new developments to incorporate habitat facilities for wildlife species as appropriate including Kestrel, Peregrine, Swifts, House Sparrows, Swallow, Starling, Bats and insects in or on buildings facades.

Section 14.17.10 Electric Vehicle Parking deals with minimum standards for EV charging points and infrastructure.

Section 14.17.7 Car Parking

The site is located within Zone 1 being located within 1.6km of a planned metro rail station where for clinics/group medical practices the maximum standard is 1 space per consulting room.

Section 14.19.1.2 Existing Buildings/Structures

Where structures exist on a site their embodied carbon needs to form part of the considerations for any redevelopment to ensure the proposal adheres to sustainable development goals. Adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives to retain and re-use the historic building stock, vernacular structures and 20th century architecture of merit. An analysis of historic maps should be carried out where older buildings exist on a site to inform the assessment process (there are a number of online map viewers that have digital historic map layers).

Section 14.21.1 Re-use of existing Buildings

Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.

- Objective DMSO256 – Retrofitting and Re-Use of Existing Buildings

Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

5.2. Other Relevant Policy

Other relevant policies include:

- Climate Action Plan 2025.
- Climate Action Plan 2024.

5.3. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.1.6km south-west of Malahide Estuary Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000205).
- c.1.62km south-west of Malahide Estuary Special Protection Area (SPA) (site code 004025).
- c.3.2km north-west of Feltrim Hill PNHA (site code 001208).
- c.6.9km west of the North-west Irish Sea SPA (site code 004236).
- c.10.6km west of Rockabill to Dalkey SAC (site code 003000).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal on behalf of Maeve and Richard Slattery can be summarised as follows:

- The appellants' adjacent site is zoned 'RS' where the objective is to protect and improve residential amenity and in transitional zones the policy is that care must be taken to protect the more sensitive user.
- The proposal adjacent to a residential use is incompatible with policy section 13.2 of the CDP for transitional zonal areas.
- The proposal represents overdevelopment of the site with the structure extending its full width, with parking and circulation from a new expanded access adjacent to the appellant's residence and trees on the site have to be removed contrary to Objective CIO507.
- The adjacent private rear garden will be overlooked by the removal of the present screening, fencing and planting.
- Concerns that the adjacent trees, essential for screening, will be damaged during construction.
- Concerns that the proposed party wall will be only 1.5m high.
- There will be noise intrusion as a number of the service motors are located on the elevation directly facing the appellants' garden and from the parking and circulation area to the front of the site.

- The appellants request a 2.4m high absorptive noise barrier in a U-shaped layout around three sides of the heat pumps.
- The proposed lighting will destroy the residential environment of the appellant's private rear garden.
- The adjacent lane and footpath are heavily trafficked mainly by school children, retail users and mass goers and the increased frequency of traffic associated with the development will be a traffic risk and the Rathbeale Road is a very busy and substandard regional route.
- There is no capacity for kerbside or drop-off parking. There is significant risk of a traffic hazard arising from congestion at this busy and substandard traffic intersection.
- There is already significant overspill parking from the retail development opposite.
- Serious concern was expressed by the Transportation Section in relation to a development 50m from the subject site (F24A/0595E).
- A bus stop to be located in front of the neighbouring site was relocated following representations due to traffic congestion and hazard.
- Property values in the area will significantly depreciate and in particular those on the subject site.
- The proposed development would detract from the existing visual and residential amenities of the area and would set an undesirable precedent for further such development.

6.2. Observations

4 no. third party observations were received from Pauline Smyth; Emily and Ronan Barrett and Patrick Hughes; and Therese McKittrick and Paddy McKittrick. These observations can be summarised as follows:

- A large-scale day-care centre of this scale should not be sited in a residential area.
- There will be a large volume of extra daily traffic.

- Extra refuse bins will also be required.
- There will be noise pollution from the sliding access gates, air conditioning and heating units.
- There is already congestion and overspill parking in the area.
- A bus stop had to be relocated away from residences in the vicinity due to traffic safety issues.
- The adjacent laneway is heavily used by pedestrians.
- There is severe traffic congestion on Rathbeale Road.
- The proximity of the entrance to an extremely busy junction will create a safety hazard.
- Photos submitted of traffic congestion on Rathbeale Road in vicinity of the site.
- There is no planning justification for the zoning of the site.
- The bus stop location shown on the plans is incorrect and was moved to the front of the hardware store.
- Photos submitted of overspill parking in nearby residential estates.
- There will be a lack of grassland and planting at a time of climate change.
- Soil destruction and covering of ground by impermeable layers increases the risk of flooding.
- The proposal would materially contravene an objective indicated in a local area plan.
- A financial contribution in lieu of open space does not aid climate action, climate change or air quality in the area.
- Principles of sustainable development would not be met.
- There would be too many high-volume entrances along the street.
- The re-location of the traffic lights has exacerbated traffic congestion and pollution on the street.

- The EPA Noise Map shows the noise along the Rathbeale Road in the vicinity of the site exceeds the 70dbs standard and is harmful to health at 75dbs.
- The proposal would contravene the fourth schedule of the 2000 Act in relation to traffic hazard and congestion, effects on human health, air quality, noise and pollution and adverse impact on a major road.
- Car parking standards would not be met with a deficiency of two spaces noted and inadequate accessible spaces.
- The design is not in keeping with the surrounding dwellings and is contrary to the surrounding RS residential zoning with which it would conflict.
- The daily traffic load is growing with developments further west and with infill development being proposed along the road.
- The addition of employee vehicles needs to be considered.
- The biodiversity of the current dwelling and trees and hedges needs to be considered as this will be removed.
- Existing residents are being unfairly treated by the Council.

6.3. Applicant Response

A response to the appeal has been submitted on behalf of the applicant, HSE Estates Department, which can be summarised as follows:

- The adult day centre is a suitable use for the zoning where health centres are permitted in principle on LC zoned lands.
- The proposal is compatible with Objective SPQHO27 (Location of Care Facilities) being located in towns for sustainable development reasons.
- The scale is single storey for maximum accessibility and in keeping with the immediate scale of residential property to the east and avoid overlooking issues.
- The plot ratio of 0.33 and site coverage of 33% are low by reference to other Development Plans suggesting a modest density.

- The layout promotes accessibility according with Objective SPQHP16 (Accessibility for All).
- The use classes permitted under the zoning suggest a required widening of the vehicular access for road safety.
- All trees need to be removed to facilitate the building and for user safety with Category U trees to be removed and the Category C trees being non-native and of limited value.
- Local residents have reported these trees as being overbearing and a nuisance.
- The submitted Ecological Impact Report noted a neutral impact in relation to tree removal considering the replacement planting including 21 no. native birch trees and variety of hedging, perennials and wildflowers.
- There will be no first-floor windows and no habitable rooms face the shared boundary where the boundary wall will be 1.5m to 2.1m in height.
- The submitted noise impact report shows that noise limits are predicted to be achieved at noise sensitive locations and a noise management plan for the construction phase will be carried out as required by condition.
- The access and parking area are located away from the adjacent amenity area of no. 55a and operational hours will be between 8am and 6pm daily.
- The lighting system will have minimal upward light to prevent light spill to adjacent properties.
- Vehicular movement on the site will not be excessive with the car parking spaces primarily for staff use and an Outline Workplace Travel Plan was submitted and the urban location promotes sustainable modes of travel.
- On-site drop-off and vehicular access is essential due to the mobility needs of the service users.
- The refusal of permission at no. 63 is not relevant as its vehicular entrance opened out into a signalised junction in contrast to this proposal.

- A Road Safety Audit was submitted and a significant space is provided inside the vehicular access to allow drivers exiting the site to wait and view any pedestrians or oncoming traffic.
- The proposal will provide essential services to vulnerable members of the community.

7.0 **Assessment**

7.1. 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 to be considered are as follows:

- Principle of Development.
- Zoning Policy.
- Demolition.
- Residential Amenity.
- Visual Amenity.
- Ecology.
- Access.
- Parking.
- Drainage and Water.
- Other Issues.

7.2. **Principle of Development**

7.2.1. Under the CDP, the subject site is zoned under Objective LC 'Local Centre' which is to "*Protect, provide for and/or improve local centre facilities*". The vision in the CDP for this zoning is to provide a mix of local community and commercial facilities for the existing and developing communities of the county.

- 7.2.2. Under the zoning objective, community facility and health centre are permitted in principle. Therefore, I consider that the proposed use as a day centre for adults with disabilities to be acceptable in principle subject to the below assessment.

7.3. Zoning Policy

- 7.3.1. I note the appellants and observers have raised serious concerns regarding the location of the site on the eastern edge of the 'LC' zoning adjacent to residences zoned under the 'RS' residential zoning. In relation to Section 13.2 (Transitional Zonal Areas) of the CDP it is contended that the proposed use conflicts with the adjacent residential zoning. While I note some intensification of trips to and from the site in my below assessment, I have found no significant negative impacts on the adjacent residential sites. I note that the building design and site layout integrate sufficiently with the site and its surrounds to avoid an abrupt transition in scale and use in this boundary area. I would also consider the type of use proposed to not give rise to significant different impacts by comparison to residential use such that there would be a significant issue in this transitional zonal area. I am therefore satisfied that the proposed development is acceptable in principle at this location in relation to zoning policy and the adjacent residential zoning.
- 7.3.2. Noting the below assessment, I also note the proposed day care centre, with treatment rooms and related facilities, in an accessible building with high quality layout, would accord with CDP policy for such facilities including Policy SPQHP15 (Social Inclusion), Objective CIOSO7 (Community Infrastructure and Local Amenity), Policy CIOSP9 (Education and Health) and Objective CIOSO25 (Healthcare Facilities).

7.4. Demolition

- 7.4.1. I note the proposal to demolish the existing two storey residential dwelling on the site of floor area 330sqm, as stated. Section 14.19.1.2 of the CDP requires a consideration of the embodied carbon of existing structures and that adaptive re-use and transformation of existing structures should be the first consideration before demolition and replacement. I note this approach is also supported by Section 12.21.1 (re-use of existing buildings), Objective SPQHO44 (retention, retrofitting and

retention of existing dwellings) and Objective DMSO256 (retrofitting and re-use of existing buildings). I note that the existing structure is of no special architectural or vernacular quality such that its retention is not required on these grounds.

- 7.4.2. I note these policies require consideration be given to re-use and adaptation in the first instance and where feasible. I note there is no binding requirement in this regard as this is a policy preference. Given the zoning of the site facilitates proposals for a modern day care centre where accessible access is required and modern energy efficient building standards are expected by public bodies providing new buildings in line with national climate policy and given the proposed floor area of 801sqm, over double the size of the existing building, in a design that provides for garden courtyards and curved building elements, I do not consider that it would have been feasible to preserve and integrate the existing dwelling into the development in a practical and accessible way that would provide such a high quality design. The development also provides for a more efficient use of these centrally located and serviced lands. Given the lifetime carbon savings that would be achieved by modern construction standards as required by the building regulations to be near zero in terms of emissions, I am satisfied that the demolition of the existing two storey dwelling can be reasonably considered to be the preferred while noting its embodied carbon.

7.5. Residential Amenity

- 7.5.1. The appellants and observers have contended that residential amenities in the vicinity of the site would be detrimentally impacted by the proposed development. While I note the perimeter block type layout in close proximity to boundaries with residences to the south-east and south-west, I note that no windows would be above equivalent ground floor height, no part of the building would directly face the adjacent no. 55a to the south-east and no habitable windows would face the adjacent residential property to the south-east and south-west.
- 7.5.2. Having regard to Section 14.6.6.4 (overlooking and overbearance) I consider that overlooking or significant loss of privacy would not arise provided that two suitably high boundary walls are provided adjacent to the private open spaces of the adjoining dwellings which can be done by condition. I also note the trees to be

planted along part of the south-west boundary and in the southern corner would further enhance screening from adjacent sites. I also note no significant overshadowing concerns in the context of the proposed building height, its position and separation distances to boundaries.

- 7.5.3. In relation to noise and general disturbance of adjacent residential properties, I note that the main area of parking would be located adjacent to the front garden and side of no. 55a to the south-east. I note that the drop-off area and additional accessible parking area, while located adjacent to its rear garden, can be adequately screened notwithstanding that it would be at a somewhat greater height than the road level. To ensure privacy for the adjacent rear private open space at no. 55a, I recommend the boundary treatment for this area be required to include a two metre high wall and this should extend from the side of no. 55a to the south along the boundary and fully along the south-west boundary with the adjacent residences. I do not consider the noise and movement of the vehicles on the site would have a significant impact on residential amenity over and above what would normally be expected in such an urban area adjacent to a local centre. I also note the proposed daytime hours of operation in this regard.
- 7.5.4. In relation to noise impacts from the heat pumps and building plant, I note the location on the roof adjacent to the south-east boundary mid-way on the site. I note the submitted Acoustic Assessment and Modelling Report prepared by Allegro Acoustics at F.I. stage. This examined this issue and included noise surveys on the site. Noise sensitive receptors were identified as the adjacent residences to the south-east, south-west and north-west. The predicted noise levels were found to be significantly below the 45 decibel criteria at the noise sensitive locations such that no noise mitigation was recommended. The assessment was based on standard plant for a development of this type. On this basis, subject to a standard noise condition to include monitoring of operations to confirm results, I am satisfied that the proposed development would not result in any undue adverse noise impacts on adjacent residential amenities. I do not envisage any requirement for any noise barriers in these circumstances.
- 7.5.5. In relation to possible damage to boundary trees located at no. 55a, I consider that standard best practice construction related conditions are sufficient to mitigate said effect and that this is primarily not a planning matter in any event.

- 7.5.6. In relation to the lighting scheme for the development, I note the submitted Proposed Site Lighting design by T5 (Mechanical and Electrical Consultants) and that it would have minimal upward light to prevent light spill to adjacent properties and be carried out in accordance with relevant standards. I consider this to be satisfactory to protect adjacent residential amenity and should permission be granted, I recommend that, by condition, the lighting scheme be subject to final agreement with the P.A. to ensure this.
- 7.5.7. As I have found no significant issues in relation to impacts on residential amenity or other impacts in this report, contrary to the appellants I do not consider that the proposed development would set an undesirable precedent or result in diminution of property values in the vicinity of the subject site.
- 7.5.8. I note a lack of detail in relation to on-site arrangements for bins. Noting the scale of development and the site layout, I consider that waste management can be addressed by condition and that the bin storage should be located adjacent to the laneway away from adjacent residences. I am satisfied that there would be no undue negative impact on adjacent residential amenities.

7.6. Visual Amenity

- 7.6.1. The appellants and observers have raised concerns that the visual amenities of the area would be significantly negatively affected due to the scale and form of development and the character of the area. In relation to the visual amenities of the area, I note the height up to 6m for the flat roof could be considered equivalent to two storeys. I note the separation distances from the south-east boundary range from 2.29m at one point to 4.749m m along the main long side of the building. To the rear, the separation distances of the wing ends range from 3.027m to 3.585 m at the closest points.
- 7.6.2. Noting the external materials including brick, and wood, and brick boundary treatments and the landscaping plan to include new trees, including towards the front of the site, such that while noting the development in close proximity to boundaries to the south-east, south-west and north-west, I consider the design would integrate with the site and its surroundings and would be sufficiently setback from adjacent residences to avoid undue overbearing and overshadowing impacts, while noting

the predominant single storey development to the east along Rathbeale Road. This would accord with CDP Section 14.6.6.4 (overlooking and overbearance).

7.6.3. I note the submitted landscaping plans for the site and the Landscape Strategy and Design Report prepared by Rhatigan Architects submitted which would include native tree planting along part of the south-west border and close to the front of the site along part of the north-west border. There would also be planting of perennials along the site boundaries and in the courtyard type areas, wildflower meadow, climbing plants and native hedging. The flat roof would also include a substantial area of green roof with 'biodiverse native wildflower'. While there would be a significant area of hardstanding to the front of the site, it would be in permeable paving in the drop-off area, overall having regard to the landscaping scheme, I consider this to be appropriate for the urban context. I do not consider there to be a requirement for a separate landscaping condition given that, should permission be granted, this can be covered by the standard first condition requiring adherence to the submitted plans and particulars.

7.6.4. I also note the proposed plot ratio of 0.33 and site coverage of 33% such that, noting the findings of the remainder of this assessment in relation to qualitative impacts, I am satisfied that no issues arise in relation to the overdevelopment of the site.

7.7. Ecology

7.7.1. I note the appellants and observers raised ecological concerns including in relation to biodiversity loss on the site. I note the submitted Bat Fauna Survey report prepared by Altamar Marine and Environmental Consultancy which noted no bats roosting on the site and no significant concerns in relation to the loss of the trees. It recommended the following mitigation measures: a preconstruction bat assessment in case bats have since occupied the building following the site surveys, all required lighting to be sensitive following a consultation with the project ecologist with no direct lighting of hedgerows, a post construction bat survey and light spill assessment to ensure compliance with bat lighting guidelines and two bat boxes for the south-west boundary of the site. I note the submitted Tree Schedule prepared by Charles McCorkell Arboricultural Consultancy which notes that predominantly poor

quality (category U) trees would be removed and that some category C (low quality) trees would be removed and these would be non-native species.

- 7.7.2. I also note the submitted Ecological Impact Statement prepared by Openfield Ecological Services. It notes that the site predominantly consists of artificial surfaces and non-native treelines and hedges. There would be a loss of existing trees on the site although, noting the current relatively low intensity use of the site, I do not consider that these contribute significantly towards the visual amenities of this urban area and I note they currently provide an excessive level of screening of the front of the site from the public realm. The mitigation measures proposed include, during construction, new planting to be focused on native species, site clearance outside of nesting season or alternatively that vegetation is inspected by an ecologist and if a nest is found then works must stop until after nesting or unless a derogation licence has been received; the use of silt traps or detention basin and bunded areas; the treatment of invasive Spanish Bluebell and Three-cornered Leek and where required sensitive lighting in consultation with a project ecologist. It noted monitoring will be required during the construction phase.
- 7.7.3. The EclA also notes “*no long-term negative impacts to biodiversity are predicted to arise from this development. With regard to bats, the bat report states that “the residual impact is considered to be minor adverse / not significant in the short term and low beneficial positive in the long term”*”. The EclA notes that monitoring will be required throughout the construction phase to ensure the pollution prevention measures are implemented and to ensure that any re-emergence of invasive Spanish Bluebell is treated in a timely manner.
- 7.7.4. On this basis having regard to Objective GINHO46 (tree removal), Objective DMSO138 (protection and enhancement of biodiversity) and Objective DMSO143 (habitat facilities for wildlife species) of the CDP, I am satisfied that it has been demonstrated by a qualified expert in relation to ecology that no significant impacts would arise in relation to the development notwithstanding the assertions made by third parties.

7.8. Access

- 7.8.1. I note the proposal to widen the existing access on to the Rathbeale Road close to an existing controlled pedestrian crossing. I note the third party concerns in this regard, particularly in relation to safety and congestion related issues. Noting the nature of the development with increased parking provision on site and the nature of the use which would result in a higher demand for travel to and from the site, I agree that by comparison with the current use that there would be some intensification of development of the site in terms of its transportation impacts.
- 7.8.2. I note the submission of an Operational Traffic and Servicing report prepared by Stephen Reid Consulting. This deal with access, parking, refuse collection, deliveries, emergency access, construction traffic and operational development traffic. The report notes an expected 10 to 15 centre users per day arriving by vehicle with a mix of drop-offs by car or multiple users by minibus. It also noted that the volume of service vehicles such as vans/ refuse trucks would be no more than two vehicle movements per day. The report noted no significant concerns.
- 7.8.3. While noting some increased intensification, I note the adjoining bus services (no.s 41 and 41B) within a two-minute walk of the site which include high frequency radial services to the city centre and services to the town centre of Swords. I consider the scale of development to be such that it would have a negligible impact on the local road network which is noted to be congested by the appellants. However I note that town centre/local centre locations are often busier/congested by their nature and that in planning terms, supported by the use class matrix for the zoning, the urban local centre location facilitates combined trips as it offers the best potential to access the site by walking, bus and cycling and this accords with sustainable development principles.
- 7.8.4. I note the submitted Stage 1 Road Safety Audit prepared by Traffico Road Safety Engineering. One problem is identified in relation to the vehicular access in relation to driver visibility to pedestrians on footpath. It recommends that the boundary treatment and planting should be carefully designed to maximise potential inter-visibility between an emerging vehicle and pedestrians approaching the access on the footpath. I note that the Council's Transportation Section noted no access concerns and following F.I. recommended conditions should permission be granted.

I also note the appellants' assertion that the bus stop in the vicinity was relocated due to the traffic issues at this location. However I have not identified any significant traffic safety or related issues in this regard.

- 7.8.5. I concur with the Planner's Report assessment in relation to more than adequate sightlines (49m in both directions from a 2.4m setback) and I note this would accord with DMURS for such an urban road where the speed limit is 50kph. I also note the submitted Fire Truck tracking drawing which gives rise to no significant concerns. I consider that the Transportation Department's specific condition wording should be used should permission be granted.
- 7.8.6. I agree with the applicant's response to the appeal that the circumstances for the refusal under reg. ref. F24A/0595E were significantly different given that the subject site is not located at a signalised road junction.
- 7.8.7. I also note that pedestrian access would be provided directly to the adjacent laneway at two points which I welcome as it would increase accessibility to and from the site on foot. The interaction with the adjacent laneway would be significantly improved with passive surveillance from the side windows of the building available in places and with the railing element of the boundary opening up views between the site and the laneway.

7.9. Parking

- 7.9.1. I note the significant concerns raised by the appellants and observers in relation to parking at the site and in relation to overspill parking and congestion in the area. Per the CDP, the site is located within Zone 1 where the car parking standard is identified as a maximum standard. I note the submitted Outline Workplace Travel Plan prepared by Stephen Reid Consulting. This includes measures for cycling, walking, car drivers and smarter working such that it notes an expected maximum number of 10 staff arrivals per day with c.50% by car. The applicant's appeal response states that the parking on the site would be predominantly allocated for staff as the service users would be dropped off to the site.
- 7.9.2. The maximum CDP requirement is for 1 car parking space per consulting room and the proposed development would have 9 consulting rooms as well as other rooms. The proposed development would provide 6 no. spaces including one accessible

space. Noting the parking standards are maximums and the local centre accessible location, per Section 14.17.7 (Car Parking) and per Objective DMSO119 which seeks to limit the number of car parking spaces at places of work, I am satisfied that the level of car parking provision would be reasonable and would accord with CDP policy.

- 7.9.3. In relation to accessible spaces where 5% is required I note the provision of one such space in accordance with Section 14.17.8 of the CDP. In relation to EV spaces, I note a CDP requirement per Section 14.17.10 for 10% of spaces for non-residential development. Should permission be granted I recommend a condition to ensure that one such space is provided.
- 7.9.4. In relation to cycle parking, Table 14.17 requires one long-stay and one short-stay space per consulting room. At F.I. stage the applicant agreed to provide 10 no. long-stay and 10 no. short-stay bicycle parking spaces with the Site Layout Plan updated to reflect this. The 10 no. Sheffield stands would be located adjacent to the main building entrance along the north-west site boundary beside the laneway site entrance. I consider this approach to be consistent with the CDP.
- 7.9.5. On the basis of the above assessment, I consider that the proposed development would accord with Objective CIO507 (Community Infrastructure and Local Amenity) as it would “*ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents*”.

7.10. Drainage and Water

- 7.10.1. In relation to drainage provision, I note the Council's Water Services Department had no objection subject to conditions including that attenuated drainage go to the surface water network and the existing foul drainage on site will be upgraded for the more intense use prior to connection to the public sewer. I note that the front drop-off area would be paved with granite aggregate permeable paving. There would also be part green roofs on the building flat roof. Noting the drainage drawings submitted, I am satisfied there would be no significant drainage issues subject to condition to ensure on-site drainage provision in accordance with SUDS standards.

- 7.10.2. A Flood Risk Review report prepared by JBA Consulting was submitted with application. It noted no concerns given the location within Flood Zone C and the history of flooding in the area.
- 7.10.3. In relation to the Uisce Éireann connection, I note the letter on file from Uisce Éireann suggested that further information be requested in relation to the submission of a Pre-connection Enquiry but the report also advised this could be dealt with by condition. Should permission be granted, I recommend a condition to require connection to the public network.

7.11. Other Issues

- 7.11.1. I note the issue of air quality was raised in the observations. This appears to be related to congestion in the area. I do not consider that any significant issue has been raised in this regard given that it is general feature of such urban locations that traffic congestion arises and that the sustainable location for this type of development is in an urban location in order to reduce trips by car given the accessible location and proximity to population. In this regard, I note that the CDP encourages infill development in a sustainable manner such that I consider that any increase in air pollution arising from the proposed development would not be significant from a planning perspective. I consider that this addresses also the third party sustainability concerns raised in addition to the above assessment in relation to ecology.
- 7.11.2. I note the observer concern that a financial contribution in lieu of open space does not aid climate action, climate change or air quality in the area. I note there is no CDP or policy requirement for open space on the site as this is not a residential development and the P.A. did not attach such a condition. I also consider the removal of the existing open space on the site is adequately justified given the replacement use and the landscaping scheme for the site. I have dealt with sustainability issues above such that I consider the proposed development would be consistent with the Climate Action Plan 2025 and the Climate Action Plan 2024.
- 7.11.3. I note the submitted Archaeological and Architectural Heritage Impact Assessment report. It noted no impact on known monuments or structures of architectural heritage significance and recommended a condition requiring test trenching given

that unknown features of archaeological significance may exist at nearby sites. This was based on previous discoveries in the area. Should permission be granted, I recommend this be catered for by condition.

7.11.4. I note the submission of an Asbestos Demolition Survey report outlined how the asbestos associated with the existing building for demolition would be safely removed and disposed of in accordance with relevant safety standards and I am satisfied that no significant planning issue arises in relation to this matter.

7.11.5. I note that one of the observers has raised that there would be a material contravention of a local plan while not specifying which policies or objectives of the CDP would be materially contravened. Based on my above and below assessment, I note no material contravention of any of the policies or objectives of the CDP would arise.

7.11.6. I note no significant construction concerns that cannot be dealt by way of standard construction related conditions to protect residential amenities in the vicinity.

7.11.7. I do not consider that specific conditions in relation to use as an adult day care centre to be required given the development description defines the development. I do not consider that a condition in relation to signage is required given the exempted development provisions in this regard are limited. I do not consider that a specific condition in relation to sub-division is required given condition no. 1 requires adherence to the plans and particulars.

8.0 EIA Screening

8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The

proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment Screening

9.1. I note the submitted Screening Report for Appropriate Assessment Screening prepared by Openfield Ecological Services. See Appendix 3 AA Screening below. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.6km south-west of Malahide Estuary SAC (site code 000205) and c.1.62km south-west of Malahide Estuary SPA (site code 004025). The proposed development comprises a day care centre for disabled people. Nature conservation concerns were raised in the planning appeal.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The modest scale and nature of the development.
- The distance from the nearest European site and lack of connections.
- Taking into account the screening report/determination by the P.A.

9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission be granted subject to conditions.

11.0 Reasons and Considerations

Having regard to the location of the subject site within an urban area, the provisions of the Fingal Development Plan 2023 – 2029, the Climate Action Plan 2025 and Climate Action Plan 2024; the nature, scale and form of the proposed development, and pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable, would accord with the site zoning policies of the Development Plan, would not result in overdevelopment of the site, would not be of excessive scale on the site or result in overlooking or overbearing impacts, would not result in any adverse ecological or landscape impacts, would not result in a traffic hazard or excessive increase in traffic and would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would constitute an appropriate use form of development for this urban location. 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 10th day of January 2025, 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 Ecological Impact Statement (ECIA) and the 'Bat Fauna Survey for a Proposed HSE Day Centre at 57 Rathbeale Road, Swords, County Dublin' submitted to the Planning Authority on the 19th day of June 2024, shall be implemented.

Reason: To protect the environment.

3. The operating hours shall be restricted to between 08.00 hours to 18.00 hours daily or as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The brick colour to be used shall be the same as that used in the adjoining residential area.

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

5. (a) Screen boundary walls shall be provided at a height of two metres along the side boundary with the rear garden and side of the adjacent dwelling to the south-east, i.e. no. 55A Rathbeale Road to screen rear gardens and private amenity space from view from the site.

(b) The boundaries with no.s 4, 5, 6, 9, 10, 11, 12 and 13A Rathbeale Crescent shall be to a height of two metres.

(c) The screen walls shall be constructed in brick to match the brick used in the building

(d) Details of the layout, the materials, and external finishes of the screen walls shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

Reason: In the interest of residential and visual amenity.

6. The following requirements of the planning authority in relation to transportation shall be complied with:

(a) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays exceeding the height of 900mm; which would interfere with or obstruct (or could obstruct over time) the required visibility splays.

(b) No gate shall open across a public footpath or roadway.

- (c) The footpath and kerb shall be dishd at the developer's expense to the satisfaction of the Planning Authority.
- (d) Any works 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 shall be completed to the Council's standards for taking-in-charge and to the satisfaction of the Planning Authority.
- (e) One of the communal parking spaces serving the development shall be provided with a functional electric vehicle charging point. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and sustainable transportation.

- 7. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 07.00 to 23.00, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health.
- 9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within

the drawing and shall be designed to ensure no light spill to the rear of adjacent dwellings. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

11. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

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

(b) This plan shall provide for screened communal bin stores which shall not be located adjacent to boundaries with adjoining residential properties. The locations and designs of which shall be included in the details to be submitted.

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

13. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Friday inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

14. 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 acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

15. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity. Noise

16. 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.

Ciaran Daly
Planning Inspector

11th June 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322006-25
Proposed Development Summary	Construction of a day centre.
Development Address	57 Rathbeale Road, Swords, Co. Dublin, K67 EP62.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>Part 2, Class 10(b)(iv). Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322006-25
Proposed Development Summary	Construction of a day centre.
Development Address	57 Rathbeale Road, Swords, Co. Dublin, K67 EP62.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Demolition of a two storey dwelling of 330sqm and the construction of a c.6m high flat roof building of c.801sqm floor area. The proposed development will not rise to the production of significant emissions, pollutants or waste.
Location of development (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).	Briefly comment on the location of the development, having regard to the criteria listed The site is adjacent to existing residential development to the south-east and south-west and is within a built up urban area. The site is remote from watercourses and designated sites. While there are no monuments in the vicinity development on adjacent sites has suggested a requirement for test trenches. I note the submitted ECIA which noted no significant issues that cannot be dealt with via mitigation measures. The submitted Screening Report for Appropriate Assessment Screening noted that no significant effects are likely to arise from the proposed development in relation to Malahide Estuary SAC or SPA or any Natura 2000 site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.

<p>magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The nature and scale of the development is not significant relative to the EIA threshold. The issues arising in relation to proximity to European sites are dealt with under the Appropriate Assessment section.</p> <p>I note there is no likelihood of other significant effects on the environment.</p> <p>The development remains below the threshold for mandatory EIA.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Form 3 – AA Screening

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of day care centre		
Brief description of development site characteristics and potential impact mechanisms		<p>Site area is 0.24ha.</p> <p>The site is adjacent to an existing residential development to the south-east and south-west. The floor area would be 801sqm and the flat roof height would be c.6m.</p> <p>There would be no emissions, pollutants or waste of significance. SUDS drainage measures have been incorporated into the design and connection to water and wastewater network can be accommodated..</p> <p>In relation to potential disturbance during construction and operational stages, I note the distance of the site from European sites is significant.</p>		
Screening report		Y*		
Natura Impact Statement		N		
Relevant submissions		None.		
*Screening Report for Appropriate Assessment Screening prepared by Openfield Ecological Services.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Malahide Estuary Special Area of Conservation	Conservation Objectives , dated 27 th May 2013	1.6km	No direct connection.	N

(SAC) (site code 000205).			Indirectly connected via the public sewer system.	
Malahide Estuary Special Protection Area (SPA) (site code 004025).	Conservation Objectives , dated 16 th August 2013	c.1.62km	No direct connection. Indirectly connected via the public sewer system.	N

The following sites have been excluded due to distance from the subject site: North-west Irish Sea SPA (site code 004236) and the Rockabill to Dalkey SAC (site code 003000).

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Malahide Estuary Special Area of Conservation (SAC) (site code 000205). Malahide Estuary Special Protection Area (SPA) (site code 004025).	Construction – no pathway. Operation – adequate wastewater treatment plant capacity, surface water attenuation before discharging to sewer.	
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Qualifying interests	Impacts	Effects
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.</p>		