



An
Coimisiún
Pleanála

Inspector's Report ACP-323150-25

Development	Demolition of buildings, construction of 193 dwellings, childcare facility and all associated site works
Location	Former Teagasc Research Centre, Malahide Road, Kinsealy, Dublin 17
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	LRD0046/S3
Applicant(s)	The Land Development Agency
Type of Application	Large-Scale Residential Development (LRD)
Planning Authority Decision	Grant subject to permission
Type of Appeal	Third Party
Appellant(s)	F and S MacMathuna
Observer(s)	None
Date of Site Inspection	1 st October 2025
Inspector	Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The application site ('the site') is located to the south of Kinsealy Village centre, approximately 4km south-east of Swords and 9.5km north of Dublin City Centre. The village is located mid-way between Malahide to the north and Balgriffin to the south, and similarly approximately mid-way between Portmarnock to the east and Dublin Airport to the west. The village centre, located north of the subject site, is centred on the parish church, St. Olave's local centre and residential development.
- 1.2. The site is bound to the north and northeast by the recently completed residential developments of Kinsealy Manor, Beechwood and Newpark, to the south east by agricultural lands, to the south by a mix of uses including St Nicholas of Myra National School, playing pitches and a commercial/logistic use, and to the west by the R107 Malahide Road and the temporary Malahide Portmarnock Educate Together National School (MPETNS) located in the former Teagasc Headquarter Building.
- 1.3. The existing character of the site is largely defined by its former role as an agricultural research centre for Teagasc. The site accommodates unused agricultural and administration structures, including rows of greenhouses located to the north of the site, together with internal roads and other hardstanding area. An existing man-made reservoir used by Teagasc to irrigate their plots and greenhouses is located to the southwest of the site. The southern part of the site is generally more open in nature comprising plots associated with the former agricultural research use. The structures on site have fallen into disrepair and the site is becoming increasingly overgrown.
- 1.4. The former Teagasc headquarter building, which is now occupied by the Malahide/Portmarnock Educate Together National School is in separate ownership, and is located outside the subject site to the west. The building is included on the Record of Protected Structures (RPS No. 914). The building is described as a 'Mid-20th century symmetrical multi-bay former research building in the International style (main building only, excluding glasshouses and other office and research buildings on the site)'.

2.0 Proposed Development

- 2.1. The proposed development will consist of the demolition of the existing buildings and structures on the site and the construction of 193 no. residential units comprising 153 houses and 40 duplex units. The proposed development also includes the provision of a childcare facility.
- 2.2. Table 1 below provides a summary of the overall mix for proposed houses and duplex units;

Table 1 . Overall Mix of Units

	1-bed	2-bed	3-bed	4-bed	5-bed	Total
Apartments	-	20	-	-	-	20
Duplex	-	-	20	-	-	20
Houses	-	30	123	-	-	153
Total	-	50	143	-	-	193
% of Total		c.26%	c.74%			

- 2.3. The application site comprises two distinct residential development areas located to the north and south of a proposed green link traversing the site from east to west and located centrally on the site. The green link provides a centralised area of open space that links Newpark development to the east of the site with the Malahide Road to the west of the site.
- 2.4. The residential blocks are located on either side of the green link and comprise own door dwellings. Residential buildings range from 2 to 3 storeys with the 3 storey duplex blocks located on key corners.
- 2.5. The childcare facility is a 'L'-shaped single storey building, with a gross floor area of 283sqm. The facility is proposed in the northwest corner of the site, proximate to the village core area, and can accommodate approximately 50 children.
- 2.6. Vehicular access to the site will be via two separate new entrances. The northern part of the site (124 dwellings and the childcare facility) will be accessed via a new vehicular access at Gandon Lane to the north, providing access to Chapel Lane. The

southern part of the site (69 no dwellings) will be accessed via a new vehicular entrance from the Malahide Road. The existing entrance from the Malahide Road will be closed to vehicular traffic and will provide pedestrian and cycle access to the green link.

- 2.7. The proposed development incorporates approximately 1.65 ha of dedicated public open space comprising a series of open spaces, a central east-west green link linear park and parklands along the east boundary. In addition, 2.2 ha of green belt lands are included to the south and southeast of the residential development area to accommodate a playing pitch.
- 2.8. Parking is a mix of on curtilage and on street. A total of 229 no car spaces are provided, comprising 193 no. residential spaces (1 space per dwelling), 4 no childcare drop-off spaces, 3 no. childcare staff spaces and 29 no. visitor spaces.
- 2.9. A total of 345 bicycle spaces are proposed. For all dwellings which do not benefit from independent access to rear gardens, bicycle parking has been provided at a ratio of 1 space per bedspace in private bicycle stores to the front of terrace dwellings and in communal stores for the duplex units. A further 20 spaces are provided to serve the duplex units, 20 no. childcare drop off spaces and 4 no childcare staff spaces.
- 2.10. Table 2 below sets out the Key Development Statistics.

Table 2 . Key Development Statistics

Gross Site Area	8.2ha
Net Site Area	4.81ha (RV zoned lands)
Density	40.1 (net density)
Plot Ratio	0.38
Site Coverage	22.7%
Public Open Space within RV Zoned Lands	7,993sqm
Public Open Space on Objective GB lands	8,491sqm

2.12. The majority of the lands are currently in the process of being transferred to the Land Development Agency, however Teagasc are at present the registered owner. The Department of Education control a portion of the site to the southwest to facilitate new access from the Malahide Road. O'Flynn Construction (Kinsealy) Unlimited Company control a small portion of the site to the north to facilitate access from Gandon Lane. Letters of Consent are included with this submission.

2.13. The application was accompanied by the following documentation:

- Planning Report and Statement of Consistency
- Statement of Response to FCC LRD Opinion
- Environmental Impact Assessment Screening Report
- Appropriate Assessment Screening Report (AA)
- Ecological Impact Assessment
- Bat Assessment Report
- Community & Social Infrastructure Audit
- Architectural Drawings / Plans and accompanying Drawing Schedule,
- Architectural Design Statement,
- Thematic Design Manual,
- Housing Quality Assessment,
- Part V Housing Allocation,
- Building Life Cycle Report
- Universal Access Statement,
- Engineering Drawings,
- Engineering Services Report,
- Traffic & Transportation Assessment,
- DMURS Statement of Compliance,
- Mobility Management Plan,
- Stage 1 Quality Audit,

- Site Specific Flood Risk Assessment,
- Construction Surface Water Management Plan,
- Construction & Demolition Waste Management Plan,
- Construction & Environmental Management Plan,
- Ground Investigation Report
- Waste Classification Report
- Landscaping Drawings / Plans
- Landscape Design Rationale,
- Tree Retention Report,
- SuDS Management and Maintenance Plan,
- Specification of Landscape Works and Maintenance,
- Arboricultural Assessment,
- Tree Constraints Plan & Tree Protection Plan,
- Cultural Heritage Impact Assessment Report,
- Daylight & Sunlight Assessment Report,
- Energy & Sustainability Statement,
- Noise Impact Analysis Report,
- Outdoor Lighting Report,
- Electrical Services Plans,
- Operational Waste Management Plan.

3.0 Planning Authority Pre-Application Opinion

- 3.1. A Section 247 pre-application consultation took place in December 2023. A LRD/ Section 247 Consultation Meeting took place on the 1st October 2024, between representatives of the applicant and Fingal County Council.

- 3.2. The Planning Authority issued an opinion on the 25th of October 2024 and considered that the documents submitted with the request for a meeting constituted a reasonable basis for an application for a Large- Scale Residential Development.
- 3.3. The Opinion set out a list of specific information to be submitted with any application for permission. The application includes a Statement of Response from the applicant on the LRD opinion which includes responses to the specific information requested to be included in the application.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided to grant permission for the proposed development, subject to 26 conditions. The conditions attached are generally considered standard for the proposed development type. Notable conditions include;

Condition 8(a) – requires a revised landscape plan, including boundary treatments play provision and all-weather pitch (both interim and permanent) to be submitted and agreed.

Condition 8(f) – requires an arboricultural consultant to be engaged by the applicant for the duration of the project.

Condition 8(g) – requires a tree bond to be lodged with the Council prior to the commencement of development.

Condition 9(b) - requires the developer to upgrade the junction of 'Chapel Road, Gandon Lane and Kinsealy Lane' to a signalised junction, with the full details to be agreed in writing prior to the commencement of development.

Condition 9(d) – requires the layout and details of the pedestrian/cyclist crossing of the R107 Road to be agreed in writing prior to the commencement of development.

Condition 11 – requires that the developer achieve the internal noise levels as specified in the British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings in all dwellings in the development. The proposed dwellings shall be provided with noise insulation to an appropriate standard, if

required, having regard to the location of the site within Zone C associated with the Airport.

Condition 18(a) - requires the developer to employ a qualified archaeologist to monitor groundworks.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planners Report (dated 9th April 2025) considers that the proposed development is in accordance with the 'RV – Rural Village' and 'GB – Green Belt' zoning objectives for the site. The overall design and layout is consistent with the objectives set out in the Kinsealy LAP relating to 'Development Area 3 Teagasc'. The application has demonstrated compliance with Section 28 Guidelines. The report concludes that the proposed development would provide a high-quality new residential area in an appropriate, plan-led approach. However, clarity was required on several technical details. Additional information was sought on 9th April 2025 in relation to the following;

- Technical issues relating to transportation;
 - Demonstrate that sightlines can be achieved at the entrance adjacent St Nicholas of Myra National School
 - Revise the vehicular entrance to house number C1
 - Revise the layout in order that the 'shared cycle/pedestrian route/greenway' provides continuous connectivity
 - Revise the layout in order to provide a continuous footpath along the western side of 'road 7'
 - Address item 6.8 in the submitted 'Road Safety Audit Stage 1' to provide details of a dedicated pedestrian crossing of the 'R107 Road/Malahide Road' adjacent to the proposed pedestrian access/bus stop.
- Technical issues relating to Park and Green Infrastructure;

- Submit a drawing identifying public open space provision and demonstrate compliance with Table 14.11: Public Open Space and Play Space Hierarchy and Accessibility Standards.
- Address the following in relation to Boundary Treatments
 - Provide additional mature planting on the development side of the northern boundary
 - Provide a more durable boundary on the eastern boundary to the rear of the terrace unit.
 - Provide a solid bar (20mm) diameter fence painted black along the northern boundary to the Teagasc building
 - Retain and protect trees along the northern boundary
 - Increase the green space along the east-west link to provide for new tree planting
- Cross reference drawing to ensure that trees which have previously been shown for retention are still being retained. Demonstrate adequate room is being provided for future growth and successful retention of these trees in light of their new urban environment.
- Provide adequate space for the proposed SuDS feature located to the east of house 90 and north of the playground so that it will not be fenced off from the public and can be safely maintained. Demonstrate the slopes of the proposed SuDS feature located in the north-eastern corner of the site have 1.5 slopes.
- Submit a revised landscape plan for the greenbelt lands to indicate;
 - The full-sized weather pitch including boundary treatment and drainage shall be accommodated within the greenbelt lands,
 - Entrances from the residential lands into the public park,
 - Details in relation to the treatment of the existing reservoir; and
 - The omission of the proposed earth mounding.

- Submit a revised drawing indicating a 25m separation distance from the proposed play provisions to the existing and proposed residential units.
- Submit a revised boundary treatment plan for the proposed boundary treatment along the northern boundary.
- Technical Issues relating to Air and Noise
 - Submit a revised noise impact assessment in accordance with the provisions of ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise – New Residential Development May 2017. Where there is a likelihood of an adverse noise impact, the application shall be supplemented by an Acoustic Design Statement, completed by an appropriately qualified acoustician.
 - Any revised noise impact assessment report and/or acoustic design statement submitted shall clearly state the acoustic qualifications and acoustic experience of those involved.

Having reviewed the significant additional information submitted by the applicant, the Planning Authority considered that the issues raised in the Request for Additional Information had been satisfactorily addressed. The proposed development is considered to provide a high-quality new residential area and would be an excellent example of plan led development. The proposed scheme thoroughly conforms to the Planning Framework for the area, the Fingal County Development Plan 2023-2029 and the Kinsealy Local Area Plan 2019. A grant of permission is recommended.

4.2.2. Other Technical Reports

Air and Noise Report – Additional Information requested as per above. Subsequent report deemed the additional information acceptable. Recommended that a condition is attached to ensure works are managed in accordance with a Construction and Environmental Management Plan and that internal noise levels are in accordance with the relevant standards.

Park Report – Additional Information requested as per above. Subsequent report deemed the additional information to be acceptable. Recommended that a condition

is attached in relation to any outstanding landscape plan or boundary treatment issues.

Transportation Report – Additional Information requested as per above. Subsequent report deemed the additional information acceptable. Recommended that a condition is attached to submit details of internal roads, footpaths and cycle tracks prior to commencement.

4.3. Prescribed Bodies

Uisce Eireann - No objection subject to standard conditions.

Department of Housing, Local Government and Heritage – No objection subject to the attachment of an archaeological monitoring condition.

Dublin Airport Authority – The proposed development is located within Dublin Airport Noise Zone C. Objective DAO11 of the Fingal Development is relevant. The DAA have no objection in principle to residential development in Noise Zone C. It is requested that the following considerations be applied when assessing this and futures development within airport noise zones;

- Alignment with Noise Management Objectives
- Comprehensive Noise Impact Assessments
- Enhanced Disclosure
- Post Planning Compliance.

4.4. Third Party Observations

A total of 37 no. third party submissions were received on the application. Individual observations were predominantly made by residents of the existing housing estates in the vicinity of the site. The content of the observations generally reflects the content of the third-party appeal. The primary issues raised can be summarised as follows;

- Non-compliance with zoning
- Excessive height, scale & density

- Impact to character of the area
- Increased traffic congestion and road safety issues
- Inadequate infrastructure
- Lack of social and community infrastructure
- Considerations in relation to the Greater Dublin Drainage Project
- Daylight, sunlight and overshadowing
- Overlooking and privacy issues

Further information received on 30th May 2025 was deemed to be significant and was readvertised. The planning authority received 2 no. observations to same, from persons who had already made an observation to the application as lodged. As per initial observations received, the content of the further observations generally reflect the content of the third-party appeals received and initial observations made on the application.

5.0 Planning History

Teagasc Site History

FCC Reg Ref. F03A/1186: FCC granted permission on 27th January 2004 for the change of use of existing 'Nematology Laboratory Building' to office accommodation, including alterations internally and externally and the construction of 97 no. car parking spaces. Condition 4 states that 'the proposed use of the office accommodation shall be ancillary to the use of the site as a horticultural research and taking facility'.

FCC Reg Ref. F03A/1188: FCC granted permission on 16th December 2003 for the change of use of existing 'mushroom unit' and extension of same for office accommodation/lecture rooms with 6 no. new car parking spaces.

FCC Reg Ref. F17A/0593: FCC granted retention permission on 10th January 2018 for development described as retention of use for existing classrooms and permission for conversion of existing office and laboratory space to classrooms in existing Protected Structure. Permission was granted subject to 9 no. Conditions.

Condition 2 provided that permission for the use of the former Teagasc building for a school shall be valid for a period of two years from the date of the final grant.

FCC Reg Ref. F20A/0193: FCC granted permission on 2nd June 2021 for the provision of temporary primary school buildings by way of construction of 2 No. prefabricated buildings (c.180 sq. meters) on a defined site areas with all associated site works including hard surface areas. The development is located within the curtilage of Protected Structure RPS No. 0914. The permission is a temporary permission for a period of 5 years.

Greater Dublin Drainage Project

ABP-312131-21 An Coimisiún Pleanála granted permission on 9th July 2025 for the Greater Dublin Drainage Scheme Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility. Townlands of Clonshagh, Dubber and Newtown, County Fingal and Dublin City.

Uisce Éireann, has reserved both a permanent and a construction wayleave across a significant portion of the southern section of the subject lands (lands zoned green belt) and adjoining Department of Education lands to facilitate the delivery of the proposed trunk foul drain as part of GDDS project.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. The National Planning Framework – First Revision (April 2025)

The NPF First Revision was published in April 2025. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. In the period between 2022 and 2040 it is expected that there will be roughly an extra one million people living in Ireland. The target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. The rest of our homes will continue to be delivered at the edge of settlements and in rural areas.

The NPF initially planned for population growth of 1.1 million people, and a total population of 5.85 million by 2040. Census 2022 recorded a population of 5.15 million in Ireland. The Economic and Social Research Institute (ESRI) has updated its national and regional population projections to account for Census 2022 and to take account of up to date economic, fertility, mortality and migration data. The updated projection is that the population of Ireland will increase to approximately 5.7 million by 2030 and to 6.1 million by 2040. Given the key role of international migration in shaping population growth in Ireland, the ESRI have also modelled a higher international migration scenario with a projected population of 6.3 million people by 2040 (baseline + 200,000). The ESRI projections form the basis for the revised NPF. This means that the NPF will now need to plan for a population of 6.1 million by 2040, an additional 250,000 people over that planned for in 2018.

The following is a sample of relevant NPOs:

National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

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

National Planning Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

National Policy Objective 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Note - Section 28 Guidelines 'NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities July 2025' have recently been issued to provide new housing growth requirements to planning authorities in order to facilitate the revision and update of development plans in accordance with the NPF.

6.1.2. **Section 28 Ministerial Planning Guidelines**

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.

Applicable policy for the proposed development includes:

- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
 - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
 - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.

- SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations. In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.
- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines)

Note: Circular Letter NSP 03/25 confirms that the Design Standards for New Apartments, Guidelines for Planning Authorities (2025) are not applicable to the current development before the Commissioners. The Apartment Guidelines (2025) are applicable to any application for planning permission or to any subsequent appeal or direction application to An Coimisun Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025. The Design Standards for New Apartments, Guidelines for Planning Authorities (2023) applies to current appeals or applications that were the subject of consideration within the planning system on or before the 8th of July 2025.

Applicable policy for the proposed development includes:

- Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-2 bedroom units), SPPR 4 (33% to be dual aspect units in more central and

accessible urban locations), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).

The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2001)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Design Manual for Urban Roads and Streets, 2013, updated 2019.
- Quality Housing for Sustainable Communities (2007)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).

6.1.3. Climate Action Plan 2025

The Climate Action Plans, to be read in conjunction, outline measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and the reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Commission must be consistent with the Plan in its decision making.

6.1.4. National Biodiversity Action Plan 2023-2030

The Plan includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be

assessed at a European, National and Local Level and is taken into account in decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive, and other relevant legislation, strategy and policy where applicable.

6.2. Regional Planning Policy

6.2.1. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019

The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs. The site is located within the Dublin MASP area. The MASP seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion.

The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. Local Planning Policy

6.3.1. Fingal County Development Plan 2023-2029

Zoning

Kinsealy is classified within the ‘Town and Villages’ settlement type as set out in the Settlement Hierarchy for the county. The Kinsealy LAP 2019 (LAP 9.B) is listed as an operational LAP within the Development Plan. However, the Development Plan

further states that the provisions of the operational LAPs will continue to apply up to the expiration of the LAP, thereafter the provisions of the Development Plan will pertain. The Kinsealy Local Area Plan 2019 came into effect on the 13th May 2019. The LAP specifically states that the LAP *'is valid for six years from the date of adoption by the Council'*. Having reviewed the County Development Plan and the LAP, I do not consider that there is any basis to conclude that the plan has been extended.

The site is subject to two land use zoning objectives under the County Development Plan:

- The majority of the site is zoned Objective RV (Rural Village) which seeks 'to protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure'.
- A portion of the site along the southern and eastern boundary is zoned Objective GB (Green Belt) which seeks 'to protect and provide for a Greenbelt'.

There are mapped objectives on the site for 'Indicative LAP Walking / Cycle Routes'. The zoning map also indicates a road proposal along the Malahide Road (R107) to the west of the site. The Malahide Road is also listed under Table 6.3 Transportation Schemes. It is understood that this relates to the provision of improved cycle and pedestrian infrastructure along the Malahide Road.

Core Strategy

The Development Plan must accommodate between 37,980 – 62,980 additional persons up to an overall population target of between 334,000 (low) to 359,000 (high) persons by 2029. The housing demand calculated sets a requirement for the Plan to provide for approximately 16,245 housing units between 2023 and 2029.

Table 2.14 of the Development Plan sets out the Core Strategy for the County and identifies a total of 11 ha of land available for residential development within Kinsealy with an estimated residential yield of 220 units. The projected housing demand for Kinsealy is 145 units for the period to 2029.

Relevant Policies/Objectives

An extensive list of policies and objectives have been outlined in the submitted Planning Report and the Planning Authority's Report and relate to place making, quality homes, connectivity and movement, and infrastructure etc. A sample of policies/objectives are outlined below;

Policy SPQHP52 – Growth of Rural Villages Ensure that Fingal's Rural Villages accommodate additional growth in accordance with levels set out under the Housing Strategy in order to protect and enhance the character of existing settlements.

Objective SPQHO56 – Rural Villages Facilitate appropriate development within Rural Villages subject to compliance with the following:

- i. The scale of new residential development shall be in proportion to the pattern and grain of the existing settlement and shall be located within the defined development boundary.
- ii. Encourage and promote compact growth within Rural Villages including infill, brownfield development together with redevelopment of derelict/underutilised properties.
- iii. All development shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.
- iv. New commercial development should be centrally located within the village and contribute positively to the streetscape and public realm.
- v. Encourage new community and social facilities in conjunction with residential development.

Objective SPQHO1 – Sustainable Communities Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).

Objective SPQHO10 – New Residential Development Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport

corridors and active travel infrastructure in a phased manner, alongside the delivery of appropriate physical and social infrastructure. Active travel options should also be considered while liaising with the National Transport Authority and Transport Infrastructure Ireland to ensure public transport options to and from new developments to local amenities such as shops and libraries.'

Policy CMP9 – Prioritisation of Pedestrians and Cyclists Support the prioritisation of pedestrians and cyclists and the provision of improved public realm to make walking and cycling safer, healthier, quicker, more direct and more attractive

Objective SPQHO102 – Development within the Greenbelts Promote development within the Greenbelts which has a demonstrated need for such a location, and which protects and promotes the permanency of the Greenbelt, and the open and rural character of the area.'

Objective DMSO78 – Community and Social Infrastructure Planning applications for large scale residential and mixed-use developments, of 50 or more residential units, shall include a Community and Social Infrastructure Audit. This audit shall assess the provision of community and social infrastructure within the vicinity of the site and shall identify existing shortcomings in terms of these facilities and assess whether there is a need to provide additional facilities to cater for the proposed development

Objective DAO11– Requirement for Noise Insulation Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

Development Management Standards

Development Management Standards are set out in Chapter 14 of the Development Plan and are discussed where relevant in Section 8 of this report below.

6.3.2. Kinsealy Local Area Plan 2019

As noted above in Section 6.3.1, I consider the Kinsealy LAP to be expired. The zoning provisions of the LAP area have been incorporated into the Development Plan. The following details of the LAP are noted as a general guide for the area.

The Plan identifies the former Teagasc Research facility as ‘an opportunity for brownfield development’. The site is identified as one of six development areas (Development Area 3) within the RV zoned land. Development area 3 represents ‘*an exceptional opportunity to deliver a unique living environment for future residents. It also represents an opportunity to deliver amenities that will enhance the quality of life for all current/ future residents of Kinsale.*’

The following are the Key Objectives for Development Area 3:

- Require a single planning application to be lodged for the site that shall be accompanied by plans and reports demonstrating:
 - A dedicated green route connecting the Malahide Road to the eastern site boundary providing for high quality open space incorporating cycle and footpaths.
 - Passive surveillance of the green route.
 - Road and footpath layouts for the site.
 - Building typologies informed by detailed topographical survey and visual impact assessment.
 - A suitably designed playground not less than 400 sq.m which shall be suitably fenced and located an appropriate distance from residential units.
 - A Multi-Use Games Area (MUGA) in proximity to the proposed National School.
 - A full-sized all weather soccer pitch with associated parking and boundary treatment. Favourable consideration may be given to the siting of this facility on lands immediately south of and adjoining Development Area 3 where such facilities are developed and delivered as part of Development Area 3.
 - Proposals for both passive and active open space (playground, soccer pitch, MUGA).

- While development may be phased, the piecemeal development of the area will not be supported.
- Reserve sufficient land (1.6 hectares) to incorporate a new (or enlarged) school capable of accommodating 12-16 classrooms and a multi-use games area (MUGA).
- Encourage the re-use of the protected structure by identifying an appropriate on-going use.
- Investigate the feasibility of incorporating the protected structure into an enlarged school site.
- Provide parking and drop-off facilities for the new/ enlarged school.
- Incorporate the key vista running through the centre of the site and terminating at the Malahide Road into future development proposals on Development Area 2.
- Continue the green link incorporated into the permitted development on the adjacent Kinsealy House site to connect pedestrians and cyclists to the Malahide Road.
- Incorporate a strong landscape theme into future proposals for the site.
- To provide an innovative form of housing, in the form of dispersed blocks within a landscaped setting.
- Minimise land take from the internal road layout by including two access points to the north and south of the Development Area and preventing vehicular movements through the site.
- Incorporate existing mature vegetation into new development proposals where practical and feasible.
- Incorporate active open space facilities alongside residential blocks.
- Facilitate access to the northern portion of the site from the adjacent lands to the north.
- Facilitate vehicular access to the southern portion of the site from a new entrance on the Malahide Road.

- Provide footpath along the Malahide Road boundary of the site before new residential units are occupied.
- Close the existing entrance to vehicular traffic and incorporate into the green link.
- Facilitate pedestrian and cycle access from the adjoining lands to the north and to the east connecting to the proposed green route.
- The design requirements set out in Table 10.3.8 shall be complied with in the future development of this area.

6.4. Natural Heritage Designations

Baldoyle Bay SAC – c.2.2km from the development site.

Baldoyle Bay SPA – c.2.2km from the development site

North Dublin Bay SAC – c.4.8km from the development site

North Bull Island SPA – c.4.8km from the development site

South Dublin Bay and Tolka Estuary SPA - c.7km from the development site

South Dublin Bay SAC - c.9.3km from the development site

North-West Irish Sea SPA - c.3.4km from the development site

6.5. EIA Screening

6.5.1. EIA pre-screening and an EIA screening determination are included in Appendix 1 and 2 of this Report.

6.5.2. The EIA Screening Determination concludes that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required. This conclusion is based on regard being had to the following:

1. the criteria set out in Schedule 7, in particular

a. the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure, which is below the threshold in respect of Class 10 'Infrastructure projects', as set out in Part 2 of

Schedule 5 of the Planning and Development Regulations 2001, as amended, specifically, (b) (i) construction of more than 500 dwelling units, and (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

b. the absence of any significant environmental sensitivity in the vicinity.

c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

2. the results of other relevant assessments of the effects on the environment submitted by the applicants.

3. the features and measures proposed by applicants envisaged to avoid or prevent what might otherwise have been significant effects on the environment. The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is a third-party appeal by F and S MacMathuna against Fingal County Council's decision to grant permission. The grounds of appeal can be summarised as follows

- The proposed development will have a negative impact in terms of both privacy and light on their property to the north. The figures presented in the Vertical Sky Component Assessment are misleading and require review and justification.
- The sun on ground assessment has incorrectly modelled the appellant's home and does not include the proposed 1.8m concrete post and wooden fence above the existing 2m non retaining wall and the proposed 2m solid wall above the 1.8m solid limestone clad wall.

- The shadow study referenced in Chapter 3.2.3 of the Daylight and Sunlight Assessment is not included with the application and as such the impact on the appellant's home cannot be assessed.
- The rear elevation plans for house type C do not include obscure glass for the first floor en-suite window.
- The use of data from Feitrim and Bishopswood monitoring stations is not scientific and ignores a closer DAA noise monitoring station at St. Doolaghs. The report fails to assess sound resonance, echoing and attenuation of incident, and reflected sound by modelling the proposed development design with the proximate and direct overhead aircraft noise.
- The Ground Investigations Report indicates that only 1 of 34 trial pits were found suitable for soakaway design and construction. All other trial pit locations are therefore not recommended as suitable. The symptoms of poor drainage from the site are a constant issue to the immediate residents. There has been no reference to the evidence of hydrostatic pressure and erosion along the boundary wall of the appellant's home with the Teagasc site, nor have the sub-terrain tanks that are located adjacent to the boundary wall within the Teagasc site been noted.
- The Boundary wall between the appellant's home and Teagasc site is not a retaining wall and is constantly damp. The render has failed on the limestone clad section of this wall, weakened under hydrostatic and hydrological erosion. Photos of the hydrostatic pressure symptoms and failed render on the boundary wall are enclosed.
- Persistent drainage issues in 2021 and 2022 resulted in the developer installing an unplanned percolation drain along the base of the sloping bank to the adjacent Teagasc site. Photos of the drain are enclosed.
- The Traffic and Transport Assessment does not take account of the following developments; Newpark Haley's Hill, Greenwood, Drumnigh Oaks, Abbey Green, Wellfield, Auburn Woods, Kinsealy Aldi and connected commercial developments, and the Lakeside Memorial Park. Return to office policies and the consequential traffic increase have not been considered.

7.2. Applicant Response

The applicant's response to the appeal can be summarised as follows;

Daylight and Sunlight

A technical note prepared by Daylight/Sunlight Consultants, Delap and Waller, clarifies the relationship between the proposed development and the appellant's dwelling.

Having regard to the BRE guidance it is considered that the loss of light expected to be experienced at 16 Kinsealy Manor will be negligible and therefore a VSC impact assessment is not necessary. Notwithstanding, a VSC analysis has been carried out and has demonstrated that window 4 (bedroom window) of 16 Kinsealy Manor will experience a compliant level of daylight, and the impact of the proposed development will be negligible. Other windows (1-3) serve spaces which do not require daylight for the function of the room (utility, WC and landing) and therefore these spaces are not required to be analysed.

The technical note also provides 'Sun Hour On Ground' analysis of the impact of the proposed development on the appellant's private amenity area. The analysis demonstrated that with the proposed development including the boundary fencing in place, the amenity space of 16 Kinsealy Manor will still receive BRE compliant levels of sunlight. The impact is classified as negligible as the reduction equates to 0.92 of the existing condition.

The proposed development will not adversely affect the residential amenities of the adjoining property by reason of overbearing or impact on daylight or sunlight.

Potential Overlooking

The submitted drawings included a note referencing the use of obscured glass on all en-suite windows on all dwelling types. This note was omitted in error from the House Type C drawing. The applicant proposes that a condition is attached to any grant of permission requiring that all en-suite and bathroom windows be obscured glass to provide clarity and certainty in respect of same.

Potential Noise Impact

A response to technical matters in relation to noise has been prepared by DKP Noise Consultants. The response outlines that Feitrim and Bishopwood noise monitoring stations have just been used to back up the EPA daytime and nighttime noise maps and the manually conducted local onsite noise monitoring surveys. The noise data used for comparison is an average of the manual noise surveys and the EPA daytime and nighttime noise maps.

The noise report is executed in line with the EPA Noise Guide and the Governments issued ProPG Professional Practice Guidance on Planning & Noise with neither looking to model any echoing or resonance. The ProPG was especially introduced by the English Planning System, as an accepted overall strategy and methodology to identify the potential noise impact risks, with the proposed developments area to fall in between the low and medium risk zones with the appropriate remedial noise measures noted in the report.

Boundary Drainage

This matter is addressed by Cronon Sutton Consulting Engineers. The applicant is aware of the issues with the respective rear boundary wall to their property. It is proposed that, as part of the Construction and Environmental Management Plan to be agreed with Fingal County Council pursuant to a condition attached to any grant of permission, that the applicant will work with the appointed contractor through further investigations and design processes and remediate the issues highlighted during the construction stage of the scheme. Notwithstanding it is noted that these issues were not created by the applicant, nor by the previous owner of the application site. The applicant/developer undertakes to remediate these matters insofar as is possible by undertaking works within the application site.

Traffic and Transport Assessment

A response to traffic and transport element of the appeal had been prepared by Cronon Sutton Consulting Engineers. The response identified the developments that were referenced in the appeal and outlines how each development was addressed in the Traffic and Transport Assessment (TTA) or its relevance to the assessment given its location relative to the application site and relevant junctions.

3 no. developments referenced in the appeal are included in the TTA as relevant nearby adjacent committed developments. These are

- Halye's Hill (87 residential units)
- Greenwood (41 no houses)
- Kinsealy Aldi (2,347sqm food store)

The other 6 referenced developments were not factored in individually due to one or more of the following reasons;

- Their nature and scale will result in relatively low vehicular trip generation during peak hours.
- Their distance from the assessed junctions is such that vehicular trips from these developments will have been greatly dispersed before reaching these junctions.
- They were substantially complete and occupied at the time of the traffic survey in September 2023 and as such the movements generated were captured in the traffic counts.

7.3. Planning Authority Response

Fingal County Council consider that the Planner's Report has adequately considered the proposed development. The proposed scheme conforms to the planning framework provided for the area, the Fingal CDP 2023-2029 and the Kinsealy LAP 2019. The Board is requested to uphold its decision.

Should the Board uphold the decision, provision should be made in the determination for applying the following;

- (i) a financial contribution required in accordance with the section 48 Development Contribution Scheme,
- (ii) a bond/cash security, and
- (iii) a tree bond.

7.4. Observations

None

8.0 Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Scale, Density and Design
- Compliance with Residential Standards
- Daylight/Sunlight/ Shadow Assessment
- Impacts on Adjacent Residential Properties
- Noise
- Transportation Matters
- Other Matters

8.1. Principle of Development

Zoning

- 8.1.1. The site is subject to two land use zoning objectives under the County Development Plan. The majority of the site is zoned Objective RV (Rural Village) which seeks 'to protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure'. A portion of the site along the eastern boundary is zoned Objective GB (Green Belt) which seeks 'to protect and provide for a Greenbelt', while the southern part of the lands are also zoned GB.
- 8.1.2. The primary residential built elements of the proposed development (i.e. the residential development and childcare facility) will be located on the lands zoned Objective RV. The CDP indicates that residential use and childcare use is permitted in principle on land zoned Objective RV. A playing pitch, playground and open space areas are proposed on lands zoned Objective GB. Recreational/sports facility uses, and associated infrastructure are permitted in principle on GB zoned lands. The new

southern access from the Malahide Road traverses the GB lands. Residential uses, subject to compliance with the Rural Settlement Strategy, are permissible on GB lands. The rural settlement strategy directs the demand for rural generated housing where possible to Rural Villages. I am satisfied that the proposal is in accordance with the rural settlement strategy. I am satisfied that the proposed development is consistent in principle with zoning provisions of the Development Plan.

Core Strategy

- 8.1.3. Table 2.14 of the CDP sets out the core strategy for the county. Kinsealy is designated as a 'Town & Village'. The proposed 193 no. residential units exceeds the projected housing demand for Kinsealy to 2029 of 145 no. units but is below the estimated residential yield of 220 no. units. The density of this development on this brownfield site within the Metropolitan Area is consistent with the Compact Settlement Guidelines. I note that the Core Strategy does not seem to set development ceilings / population targets for settlements. The Development Plan states that the Core Strategy figures for each settlement serve as a benchmark for monitoring to ensure compliance with National and Regional figures. In this regard, I consider the proposed development to be in accordance with the core strategy.

Development Framework

- 8.1.4. The design criteria within the Development Framework Plan for the site, which formed part of the LAP, which was extant at time the application was submitted, provides a useful framework for the design and assessment of the development.
- 8.1.5. The framework plan included an indicative layout for the DA3 lands and provided detailed objectives to guide the future development of the lands. I consider that the proposed development complies with the key development objectives set out and that the site-specific requirements, particularly those relating to built-form, building height, and open space provision have been achieved.
- 8.1.6. I note the Framework Plan required a single planning application for the delivery of the lands. The applicant has outlined that following the adoption of the LAP, the site was sub-divided by the State, with the lands accommodating the Malahide/Portmarnock Educate Together National School to be transferred to the Department of Education. The remainder of the lands are currently being transferred to the LDA for the development of affordable housing in accordance with the LDA's

statutory mandate to accelerate the delivery of affordable new homes throughout Ireland. On that basis, it is not possible to make a single application on the lands. It is noted that the respective State bodies have different statutory mandates and duties, and different timelines, powers and funding mechanisms available to discharge those mandates. The Planning Authority has no objections, and I consider the approach reasonable.

- 8.1.7. Objective 7.2 in the LAP, and the specific objectives in relation to DA3 require a full-size all-weather soccer pitch to be provided. The proposed development provides for a grassed playing pitch on the green belt zoned lands in accordance with the Framework Plan. As detailed above in Section 5, these lands currently benefit from planning permission granted by An Coimisiún Pleanála for water services infrastructure associated with the GDDS project. Pending the completion of the proposed works, it is considered premature to provide the proposed all-weather soccer pitch. A grassed playing pitch will be provided in the interim, pending the works of the GDDS permission. Chapter 11 of the LAP acknowledges the constraints in this regard and provides that the timing of the provision of the all-weather soccer pitch can be agreed with the Planning Authority. The Parks and Green Infrastructure Section have no objection to the interim pitch but have advised an all-weather pitch should be constructed once all infrastructure works have been carried out.

Conclusion

- 8.1.8. On the basis of the foregoing, I am satisfied that the proposed development is acceptable in principle. The proposal is in accordance with the zoning for the site and the core strategy figures as set out in the CDP. While the LAP is now expired the design criteria, which were live at time the application was submitted and which now provide a useful guide, have been complied with.

8.2. Scale, Density and Design

- 8.2.1. I note that a number of submissions on the application raised concern with the density and height of the scheme and consider that the proposed development would be overbearing and not compatible with the area. I note the existing residential developments in the area comprise two-storey semi-detached and terrace units.

- 8.2.2. The proposed development has a net density of 40.1uph based on a site area of 4.81ha. The Development Plan does not provide any specific density ranges but states that the Sustainable Residential Density Guidelines (2009) should be referred to. These 2009 Guidelines have been replaced by the 2024 Compact Settlement Guidelines.
- 8.2.3. Table 3.1 of the Compact Settlement Guidelines sets out the areas and density ranges for Dublin and Cork City and Suburbs. The subject site is considered to fall within a 'City – Suburban/Urban Extension' area, where residential densities in the range 40 dph to 80 dph (net) shall generally be applied. The proposed density is therefore in accordance with the Compact Settlement Guidelines and the Development Plan.
- 8.2.4. The proposed building heights are predominantly two and three storeys, with the exception of the Childcare Facility, which is single storey. The duplex units are located at key corners, which gives some height and punctuation to the proposed development. I am satisfied that the height of the units including the duplex units are acceptable within this village location and are of a scale similar to the existing development in the area.
- 8.2.5. As outlined above, I find that the height, scale and massing of the buildings are appropriate to the configuration of the site and consistent with the character of the existing village context. The proposed development provides for a design and layout approach that has had regard to the policy context established at national and local level for compact growth and to the height and character of the receiving environment and surrounding areas.

8.3. Compliance with Residential Standards

8.3.1. Dwelling Mix

Both the Compact Settlement Guidelines and the Development Plan support a good mix of units to create sustainable communities. The proposed development provides for a range of house types. There are 4 principal house types of which variations for mid terrace and end of terrace are provided. In addition, own-door duplex units over own-door ground floor apartments are provided.

The proposed breakdown of residential units is provided in the table below and is considered acceptable.

Unit Type	Quantity	Total Per Type	Mix %
2 bed apartments	20	50	26%
2 bed houses	30		
3 bed duplex units	20	143	74%
3 bed houses	123		
Total	193	193	100%

8.3.2. Minimum Floor Areas for Houses

Section 14.8.1 of the Development Plan provides that the minimum size of habitable rooms for houses shall conform with dimensions as set out in Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities 2007.

The table below sets out the target floor areas in the guidance and minimum floor areas in respect of the individual housing typologies proposed.

House Type	Guideline Area	Proposed Area
A (2 bed/4 person/2 storey)	80	81
B/B1 (3 bed/5 person/2 storey)	92	96.4
C (3 bed/5 person/2 storey)	92	106.4
D/D1 (3 bed/5 person/2 storey)	92	107.4

The proposed houses in the development proposal would exceed the minimum required standards for floor areas and would offer a good standard of residential amenity for future occupants.

8.3.3. Private Open Space for Houses

DMSO27 requires 3-bedroom houses or less to have a minimum of 60sqm of private open space located behind the front building line.

SPPR 2 of the Compact Settlement Guidelines has provided for reduced minimum private open space standards. SPPR 2 requires minimum private open space for houses in the order of 30 sq. m. for a 2-bed house, and 40 sq. m. for a 3-bed house.

I have set out in the table below the range of the proposed private open space provision for each of the housing typologies in the proposed development, relative to the development plan standards and the Compact Settlement Guidelines (2024).

House Type	Development Plan Standard	Compact Settlement Guideline Standard	Proposed Private open Space
A (2 bed/4 person/2 storey)	60	30	36.7 – 67.7
B/B1 (3 bed/5 person/2 storey)	60	40	42.4 – 109.3
C (3 bed/5 person/2 storey)			
D/D1 (3 bed/5 person/2 storey)			

Rear private amenity spaces provided for 2 bed houses is well in excess of the 30 sqm required under SPPR 2 and varies between 36.7 sqm and 67.7 sqm. For 3 bed houses, rear garden sizes vary between 42.4 sqm and 109.3 sqm, with all units in compliance with the 40 sqm required under SPPR 2.

However, I consider that the proposed development would materially contravene the standards set out in the Development Plan which requires 60sqm of private amenity space for 2 and 3 bed houses. In this regard, I note that the Planning Authority did not refuse permission on this basis. I would also note that the Planner's Report raises no concerns in relation to the private open space provisions for the proposed houses. The Commission may decide to grant a permission even if the proposed development contravenes materially the development plan as stated in Section 37(2)(a) of the Planning and Development Act, as amended. I consider the

contravention of the private open space provision in the Development Plan is justified having regard to the proposed developments compliance with SPPR 2 of the Compact Settlement Guidelines (2024).

8.3.4. Public Open Space Provision

Objective DMSO51 requires a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Section 14.13.2 of the CDP states that it is the intention of the Council to ensure public open space provision exceeds 12% of a development site area. The development site area cannot include lands zoned GB.

Objective DMSO52 provides that 'public open space shall be provided in accordance with Table 14.12'. Table 14.12 provides for a minimum public open space standard of 12-15% of site area for new residential development greenfield sites/LAP lands, and 12% of site area on infill/brownfield sites.

Policy and Objective 5.1 – 'Public Open Space' of the Compact Settlement Guidelines states that the development plan requirement in respect of public open space shall be not less than 10% and not more than 15% of the site area save in exceptional circumstances.

The total number of bedspaces, for the purposes of DMSO51, is 676.5. This generates a total open space requirement of 1.44 ha. A total of 1.65 ha of public open space is proposed, 0.8ha of which is on RV zoned lands and 0.85 ha on GB zoned lands. The 0.8ha of open space provided on RV zoned lands equates to 16.6% of the net developable site area of the RV zoned lands. The overall quantum of open space proposed is consistent with Section 14.13.2 of the CDP, Objective DMSO51, Objective DMSO52 and Table 14.12.

I note the public open spaces are well located throughout the scheme (accessible, overlooked, provide visual interest), vary in size (meeting different user needs), range in function and landscaping. I would consider that the proposed open spaces are of high quality, well-considered, and satisfactory.

Overall, I would consider that the public open space, having regard to the quantum and quality of space, would provide a good standard of residential amenity for future occupants.

8.3.5. Separation Distances

DMSO23 requires a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

For houses, Section 14.8.2 provides that a minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced – subject to the maintenance of privacy and protection of adjoining residential amenities.

Objective DMSO26 requires a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

SPPR 1 of the Compact Settlement Guidelines requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses.

In accordance with SPPR1 of the Compact Settlement Guidelines, a minimum of 16.2m is provided between directly opposing rear first floor windows throughout the scheme, increasing to 21.7m in the southern part of the site. The development generally avoids backing onto the existing neighbouring housing developments with the exception of the northwest corner of the site, where minimum standards are still met. However, I consider that the proposed development would materially contravene the standards set out in the Development Plan which require a 22m separation distance. I note that the Planning Authority did not refuse permission on this basis. I would also note that the Planner's Report raises no concerns in relation to the separation distances proposed. The Commission may decide to grant a permission even if the proposed development contravenes materially the development plan as stated in Section 37(2)(a) of the Planning and Development Act, as amended. I consider that the contravention of the separation distance provision as set out in the Development Plan is justified having regard to the

proposed developments compliance with SPPR 1 of the Compact Settlement Guidelines (2024).

Between side walls of buildings, a separation distance of at least 2.3m is provided.

8.3.6. Age Friendly Units

DMSO37 requires new residential developments in excess of 100 units to provide a minimum of 10% of units as age-friendly accommodation. A total of 20 no. age-friendly units are proposed, comprising ground floor own-door two-bedroom apartments.

8.3.7. Apartments Standards

DMSO24 requires that all applications for apartment developments comply with the Specific Planning Policy Requirements (SPPRs), the standards set out under Appendix 1 and general contents of the Apartment Guidelines (or updated guidance as may be in place at the time of lodgement of the planning application).

An assessment of the proposed development against the relevant SPPRs and standards are set out below;

SPPR 1

SPPR 1 states that developments may include up to 50% one-bedroom or studio type units. The proposed development comprises 20 no. 2-bed apartments and 20 no. 3-bed duplexes. There are no 1-beds proposed.

SPPR 3

SPPR 3 sets out the minimum apartment floor areas with an area of 73sqm required for 2-bedroom apartments and 90sqm required for 3-bedroom apartments. The minimum floor areas of all apartments and duplex units are met and would exceed these standards.

Additionally, all apartments meet or exceed the required storage provision and required private amenity provisions. See table below.

Unit Type	Floor Area		Private Amenity Space		Storage	
	Required	Proposed	Required	Proposed	Required	Proposed

A (2-bed apartment)	73	73.2	7sq	10 – 13.5 sqm	6sqm	6.1sqm
A1 (2-bed apartment)	73	73.2	7sqm	8 – 12.9 sqm	6sqm	6sqm
B (3 bed duplex)	90	112.4	9sq	20.7sqm	9sqm	9sqm
B1 (3 bed duplex)	90	112.4	9sqm	20.7sqm	9sqm	9sqm

I have also reviewed the submitted Housing Quality Assessment and Drawings. The proposed living area and bedroom floor areas of the proposed apartments and duplex units would meet the minimum requirements of the Apartment Guidelines.

I note the majority of all apartments exceed the minimum floor area standard by a minimum of 10% safeguarding higher standards in accordance with section 3.8 of the Guidelines

SPPR 4

SPPR 4 requires a minimum of 50% dual aspect apartments in a scheme in suburban or intermediate locations. All apartments and duplexes are dual aspect.

SPPR 5

SPPR 5 requires all ground level floor to ceiling heights to be a minimum of 2.7m. Submitted drawings show apartment floor to ceiling heights of 2.7m at ground floor.

SPPR 6

SPPR 6 requires a maximum of 12 apartments per core. All apartments have own door access.

8.3.8. **Conclusion**

Based on the above assessment, I would consider that future residents of the proposed development will be provided with residential accommodation of an acceptable standard and level of residential amenity, having regard to the provisions

of the Fingal CDP, the Apartments Guidelines (2023) and the Compact Settlement Guidelines (2024).

Compliance with Daylight/Sunlight and car and cycle parking are dealt with under section 8.4 and 8.7 respectively.

8.4. Daylight/Sunlight/Shadow Assessment

- 8.4.1. Section 5.3.7 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities require that when assessing daylight performance regard should be had to the quantitative performance approaches outlined in BRE Guide. The submitted documentation includes a Daylight and Sunlight Assessment prepared by Delap & Waller. The report states that the analysis and assessments are based on the guidelines set out in the BRE guide (BR 209) "Site Layout for Daylight and Sunlight, A Guide to Good Practice" 2022 3rd Edition. Supplementary information was provided at Further Information Stage.

Impact within the proposed development

- 8.4.2. Under the 2022 BRE Guidelines and BS EN 17037 (UK National Annex), the recommended metric to assess daylight provision (Spatial Daylight Autonomy (sDA)) is target illuminance (lux) value. The guideline standards are 100 lux for bedrooms, 150 lux for living rooms, and 200 lux for rooms with a kitchen, which are to be achieved over 50% of the space for 50% of the available daily hours. The analysis demonstrates 100% of rooms comply with the sDA standards.
- 8.4.3. When assessing the availability of sunlight to private amenity spaces, it is recommended that for it to appear adequately sunlit throughout the year, at least half of an amenity area should receive at least two hours of sunlight on 21 March. The analysis is carried out for all the private amenity spaces within the proposed development. The analysis shows that all private amenity spaces achieve compliance with the minimum sun hours on ground, with an overall average of 97.36% achieved.

8.4.4. Impact on adjoining development

- 8.4.5. The nearest sensitive receptors to the proposed development (16-21 Kinsealy Manor, the dwelling on Malahide Road, "Baros" Malahide Road and "Maguire House"

Malahide Road) have all been considered. A Vertical Sky Component Assessment (VSC) assesses the expected loss of light experienced by existing windows from the introduction of the proposed development. VSC is expressed as the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The BRE guides outline that a VSC of 27% should achieve enough sky light, but that occupants of existing buildings will notice reduced daylight if VSC is both less than 27% and less than 0.8 times its former value.

- 8.4.6. Section 2.2.5 of the BRE Guidelines in this regard state, that where the angle to the horizontal subtended by the new development from the centre of the existing window is less than 25°, the loss of light to windows need not to be analysed. The windows of 16 Kinsealy Manor would have the shortest distance to an obstruction in the form of the proposed development and therefore would have the highest subtended angle. Analysis carried out demonstrates that the angle subtended by the new development from the centre of the existing bedroom window at no. 16 is 24.13°. As such, a VSC analysis is not required and it can be concluded that the proposed development will have a negligible impact on the existing windows of the nearest sensitive receptors.
- 8.4.7. The appellant has raised concerns with the validity of the assessment, in particular the degree of the angle used in the assessment. Notwithstanding the BRE guidance and in response to the appeal, the applicant has carried out a VSC analysis in relation to 16 Kinsealy Manor. The applicant has set out that Windows (1-3) serve spaces which do not require daylight for the function of the room (utility room, WC and landing) and therefore these spaces are not required to be analysed. The remaining Window (4) related to a bedroom and has been assessed. The window has existing VSC value of 39.13% and a proposed VSC value of 27.59%. As the proposed VSC remains above 27% the impact classification is designated as compliant. I am satisfied that a thorough assessment has been carried out and that the impact of the proposed development will be negligible, with Window 4 of Kinsealy Manor experiencing a compliant level of daylight. Given the increase in separation from the proposed development to 17-21 Kinsealy Manor, it is not considered that any further significant impacts are likely.

- 8.4.8. The submitted Daylight and Sunlight Assessment also included a 'Sun Hour On Ground' analysis to determine the impact of the proposed development on the nearest sensitive receptors. For existing outdoor amenity areas, the BRE guides recommend that at least 50% of the space should receive at least two hours of sunlight on 21st March. If, as a result of new development, the area which can receive 2 hours of sunshine on the 21st March is reduced to less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. The analysis shows that all amenity spaces of the nearest sensitive receptors achieve compliance with BRE's recommendations for Sun Hours on Ground, with over 95% of each amenity area receiving 2 hours of sunlight on the 21st March.
- 8.4.9. The appellants have raised issues with the sun on ground assessment and consider that the proposed assessment does not have regard to proposed fencing. The applicant has included a revised assessment in their appeal to have regard to all existing and proposed fencing. The assessment demonstrates that for the existing conditions at the site, the % area receiving ≥ 2 hours sunlight on 21st March is 82.51%. With the proposed development in place, the % area receiving ≥ 2 hours sunlight on 21st March is 76.30%. The analysis demonstrated that with proposed development in place (including the fencing), the amenity space of 16 Kinsealy manor will still receive BRE compliant levels of sunlight and the impact is classified as negligible as the reduction equates to 0.92 of its former value.
- 8.4.10. The third party has also noted that the shadow study referenced in Chapter 3.2.3 of the Daylight and Sunlight Assessment is not included with the application. The applicant has included the shadow study images in their response to the appeal. It is noted however that as the sun on ground assessment demonstrated a negligible impact on the existing conditions, the analysis was unnecessary. I consider that the shadow study is reflectivity of the sun on ground analysis and does not introduce any new information. The assessment is considered acceptable and the result of the proposed development on the appellants property is considered negligible.
- 8.4.11. I have reviewed the assessment and the response to the appeal and consider that it has been clearly demonstrated that there would be no significant negative impact on existing adjoining residential development in terms of loss of daylight or overshadowing. The proposed development is a low-rise residential development, that has been designed with consideration to the nearest sensitive receptors. The

assessment has been completed in accordance with the Site Layout Planning for Daylight and Sunlight' (3rd edition): A Guide to Good Practice (BRE 2022). I am not of the view that any significant negative/adverse impacts will result on daylight/sunlight levels to surrounding properties, nor will significant negative impacts result from overshadowing, with the proposed development in place.

8.5. Impacts on Adjacent Residential Property

Privacy

- 8.5.1. The appellant has noted in the appeal that the rear elevation plans for house type C do not include obscure glass for the first-floor en-suite window. The applicant in their response has noted that the submitted drawings include a note referencing the use of obscured glass on all en-suite windows on all dwelling types and that this note was omitted in error from the House Type C drawing. The applicant proposes that a condition is attached to any grant of permission requiring that all en-suite and bathroom windows be obscured glass to provide clarity and certainty in respect of same. I consider that the issue is adequately addressed and consider it reasonable to attach a condition to such affect in any grant of permission.

Boundary Issues

- 8.5.2. The appellant has also raised issues with regards to their boundary wall with the proposed development site and has contended that existing poor drainage in the subject site has impacted the integrity of the wall.
- 8.5.3. The applicant in their response has stated that they are aware of the issues with the boundary and propose to work with the appointed contractor through further investigations and design processes and remediate the issues highlighted during the construction stage of the scheme. It is considered that these works can be carried out as part of the Construction and Environmental Management Plan to be agreed with Fingal County Council pursuant to a condition attached to any grant of permission. Notwithstanding it is noted that these issues were not created by the applicant, nor by the previous owner of the application site. The applicant/developer undertakes to remediate these matters insofar as is possible by undertaking works within the application site.

- 8.5.4. In terms of the site drainage, I note that a Surface Water Management Plan is set out in the Engineering Services Report. Surface water runoff is proposed to be collected and attenuated on-site in the northeast corner of the site before discharging to the public surface water network. There is no disposal of water in the part of the site adjoining 16 Kinsealy Manor. All surface water run-off will be piped away from this area to the northeast corner of the site. A separate Construction Surface Water Management Plan has also been submitted with the application. I am satisfied that surface water drainage of the proposed development has been adequately demonstrated.
- 8.5.5. The issues outlined by the appellant appear to be historic issues and I do not anticipate any injurious impacts on the appellants boundary as a result of the proposed development. I note the Planning Authority have not raised concerns with regards to the proposed developments impact on the appellants boundary wall. In any event, a condition will be attached to any grant of permission requiring the submission of a CEMP to be agreed with the Planning Authority. Remedial works which come within the scope of the CEMP can be carried out as required.

8.6. Noise

- 8.6.1. The site is located in Dublin Airport Noise Zone C. The Fingal Development Plan requires that a noise assessment is carried out to demonstrate good acoustic design has been followed. A Noise Impact Analysis Report prepared by DKP Noise Consultants was submitted with the application and supplemented at further information stage. The assessment was reviewed by the Air and Noise Unit of the Local Authority.
- 8.6.2. For the report analysis, data was used from a manned (6 hour) and unmanned (24hour) background noise survey, the EPA Dublin airport day time and night time flight path noise maps and the DAA available noise data from the Feltrim noise measuring station which is located c 1.5km from the subject site. All of the noise survey data is applied to calculate and predict the noise levels at the subject site and assess any potential noise nuisance impacts on the development by comparing the data with the WHO/BSN8233 maximum recommended ambient internal noise criteria for habitable rooms.

- 8.6.3. Applying the combined survey data, as outlined above, resulted in a combined overall day time and night time noise map with the noise exposure categorised in 3 different exposure areas;
- Area 1: The site entrance at the Malahide road,
 - Area 2: The general Eastern, Western, Northern and Middle areas of the site, and;
 - Area 3: The most Southern area of the site.
- 8.6.4. The results show that Area 1 has the most noise exposure, followed by Area 3, and then Area 2. Area's 1 and 3 are shown as having noise exposure in excess of the EPA maximum day time amenity space and façade exposure quoted at 55dB, with levels reaching +/- 55 to 64dB. Area's 1, 2 and 3 are shown as having noise exposure in excess of the EPA maximum night time amenity space and façade exposure quoted at 45dB, with levels reaching +/- 45dB to 59dB. The noise levels of all areas above fall under the noise assessment criterion category "B" (EPA/BS8233), where noise impact may have to be considered.
- 8.6.5. The assessment notes that any new proposed development will be of modern construction and in accordance with new building regulations and Part L requirements will need to have a high-level airtightness standard giving the construction a relative high noise reduction capability. For the assessment, 2 different façade noise reduction capabilities are applied; 1 – Conservative "standard" noise reduction of 25dB, and; 2 – Noise reduction capability based on current construction methods and materials of 35dB. The resultant ambient internal room noise levels are shown to be between 20dB and 30dB during the day time and between 10dB and 24dB during the night time period using a façade (and roof) noise reduction capability of 35dB representing an achievable reduction with current construction methods and materials. The resultant noise levels are categorised as "Very good / Country" under the WHO/BS8233 recommended maximum habitable room noise.
- 8.6.6. I note the applicant was issued with a further information request to submit a revised noise impact assessment demonstrating compliance with the provisions of ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise – New Residential Development May 2017. This guidance is generally considered as a best

practice guidance and has been widely adopted in the absence of equivalent Irish guidance. A revised Noise Report was submitted with the further information. The Area 1 resultant average day time noise level is predicted at 37dB and average night time noise levels is predicted at 26dB. Both levels are well below the maximum indicated ProGP internal room noise levels of 40dB and 35dB respectively. The no. of occurrences of night time noise levels in excess of 45dB is calculated at 2 no. of occurrences and is well below the maximum recommended 10 occurrences. The Area 2 and 3 resultant average day time noise level is predicted at 34dB and average night time noise levels is predicted at 22dB and are also well below the maximum indicated ProGP internal room noise levels of 40dB and 35dB respectively. There are no predicted occurrences of night time noise levels in excess of 45dB.

- 8.6.7. I note that the Noise Report also includes a Design Statement with regard to ProPG guidance, which provides proposed acoustic design details including external walls, glazing, ventilation and roof (timber/acoustic insulation), which will be used to achieve an internal acoustic environment that meets internal target noise levels as per the WHO/BS 8233 data with the ProPG recommendations.
- 8.6.8. Based on the above, the proposed development is considered to be acceptable and within the recommendations of the relevant standards and guides.
- 8.6.9. In relation to the grounds of appeal, the appellant has specifically contended that the use of data from the Feitrim and Bishopswood monitoring stations is not scientific and ignores a closer DAA noise monitoring station. It is also contended that the report fails to assess sound resonance, echoing and attenuation of incident and reflected sound by modelling the proposed development design with the proximate and direct overhead aircraft noise. A response to technical matters in relation to noise has been included in the response to grounds of appeal. It is outlined that the data from the Feitrim and Bishopwood noise monitoring stations has been used to backup the EPA daytime and nighttime noise maps and the manually conducted local onsite noise monitoring surveys. The noise data used for comparison is an average of the manual noise surveys and the EPA daytime and nighttime noise maps. The noise report has also been executed in line with the EPA Noise Guide and the Governments issued ProPG Professional Practice Guidance on Planning & Noise with neither requiring the modelling of echoing or resonance. There is no basis

to conclude that the baseline monitoring data was not adequate or that the assessment by the planning authority environmental scientist (Air and Noise Unit) should not be relied upon. I am satisfied that the appropriate standards against which to assess the development were used, as referenced in the County Development Plan. I consider the response acceptable.

8.6.10. I note that the Planner's Report and internal departments have indicated no objection in relation to noise issues. The impact of noise is considered acceptable subject to a condition requiring that all recommended noise attenuation measures be implemented in full.

8.7. Transportation Matters

8.7.1. The appeal and observations on the application contend that the proposed development would result in further traffic congestion by reason of additional traffic on the local road network.

8.7.2. In terms of road capacity, the submitted Traffic Impact Assessment includes analysis of the 3 no. existing junctions on the local road network together with the proposed development entrance to determine if the junctions operate within capacity for 2027 (planned year of completion), 2032 (5 years after completion) and 2042 (15 years after completion).

8.7.3. The existing/proposed junctions assessed are as follows;

- The existing 3-arm priority-controlled junction at Malahide Road/Baskin Lane
- The existing 3-arm signal-controlled junction at Malahide Road/Chapel Road
- The existing 4-arm priority-controlled junction at Chapel Road/Kinealy Lane/Gandon Lane.
- The proposed 3-arm priority-controlled junction at Malahide Road/New Development Access Road.

8.7.4. The assessment outlines that the existing 3-arm priority-controlled junction of Baskin Lane with the Malahide Road and the existing 3-arm signal-controlled junction of Chapel Road with the Malahide Road both currently operate within effective capacity on all approaches during both weekday peak hour periods. Both junctions are however projected to exceed effective capacity during peak hours on at least one

approach by the proposed development's opening year of 2027, due to general background traffic growth and the influence of other committed developments. Both junctions are projected to exceed ultimate capacity by the year 2042.

- 8.7.5. The existing 4-arm priority-controlled junction of Gandon Lane and Kinsealy Lane with Chapel Road currently operates well within effective capacity on all approaches during both weekday peak hour periods and will continue to do so past the year 2042. The addition of vehicular traffic generated by the proposed development is projected to have a negligible impact on this junction's performance, resulting in no meaningful increase in mean vehicle queue length or mean vehicle delay on any junction approach, in either peak hour period.
- 8.7.6. Considered in isolation, the priority-controlled junction of the development's proposed new access road with the Malahide Road will operate well within effective capacity on all approaches during both weekday peak hour periods in the development's opening year of 2027 and will continue to do so past the year 2042. Negligible vehicle queueing is projected on all junction approaches, and only moderate delays. The addition of reallocated vehicular traffic to and from the Malahide/Portmarnock Educate Together National School, which may in future share this access road, does not compromise the effective operation of the junction.
- 8.7.7. With respect to traffic generated by the proposed development, the planning authority considered that the impact from the development would not be significantly negative on the receiving environment. I note the Transport Division has stated the following in their report *'The Design Manual for Urban Roads and Streets (DMURS) recognises that a certain level of car congestion is inevitable. Current policies and plans, promote sustainable modes of travel and acknowledge that, in the absence of demand management, a certain level of car congestion is inevitable and acceptable and that junctions may have to operate at saturation levels for short periods. Current policies focus on active travel and public transport enhancements rather than increasing road capacity for private vehicles. Any future upgrades along the road network would likely focus on prioritising Public Transport, pedestrians and cyclists over the private vehicle.'*
- 8.7.8. I find that there are adequate pedestrian links to different modes of public transport (existing, planned), to local services and amenities, and emerging neighbourhoods

which will serve as meaningful alternatives to undertaking private car trips. The site is currently served by the 42 and 43 bus routes. The revised bus connects network will see these routes replaced by new routes, 20 and 21. Portmarnock railway station is approximately a 30-minute walk or 8-minute cycle from the site. I consider the proposed development has adequately incorporated pedestrian infrastructure and cycle routes into the scheme.

8.7.9. In addition, the applicant has submitted a Mobility Management Plan with the application. The Mobility Management Plan (MMP) sets out the applicant's commitment for the promotion of more sustainable travel habits among the end occupiers/ residents of the scheme by supporting the use of more sustainable transport modes such as walking, cycling and shared transport. The MMP includes a package of measures to promote more sustainable modes of transport which includes marketing and communications campaigns contained in Section 7 of the MMP to promote walking, cycling, public transport usage, go-car usage and car sharing. The implementation of the plan involves setting targets to achieve modal shift, which is to be overseen by a Mobility Management Coordinator. I would recommend should the Commission be minded to grant permission, the inclusion of a condition requiring the implementation of the MMP, to assist in achieving a modal shift towards active travel.

8.7.10. I note the appellant has specifically set out that the Traffic and Transport Assessment does not take account of a number of existing or proposed developments in the area. The applicant in their response has noted that 3 no. developments referenced in the appeal, Haley's Hill (87 residential units), Greenwood (41 no houses) and Kinsealy Aldi (2,347sqm food store), are included in the traffic assessment as relevant nearby adjacent committed developments. The other referenced developments were not factored in individually due to either their nature and scale and relatively low vehicular trip generation during peak hours, their distance from the assessed junctions (meaning vehicular trips will have been greatly dispersed before reaching these junctions), or due to the fact they were substantially complete and occupied at the time of the traffic survey and as such the movements generated were captured in the traffic counts. I would also consider that any 'return to office traffic' as referenced by the appellant, would have also been captured in the

traffic counts, given that traffic counts were carried out in September 2023 and April 2024, in a post-covid period that would reflect usual commuting patterns.

8.7.11. I am therefore satisfied that the traffic generated by the proposed scheme would not have an adverse impact on the capacity of the surrounding road network.

Furthermore, I consider that the proposal would result in a positive outcome from an active travel perspective on the basis of the design of the development and measures contained in the MMP.

Car Parking

8.7.12. The proposed development includes 229 no. car parking spaces which comprises 193 no. residential spaces (1 per unit), 4 no. childcare drop off spaces, 3 no. childcare staff spaces and 29 no. visitor spaces.

8.7.13. With respect to the CDP, two distinct parking zones are outlined, which seeks to allow greater flexibility in the application of car parking standards on sites in areas with varying levels of road and public transport provision. Zone 1 relates to developments within 800m of Bus Connects spine route, or 1600m of an existing or planned Luas/Dart/Metro Rail station or within an area covered by a Section 49 scheme, or in lands zoned Major Town Centre, while Zone 2 relates to all other areas within the county.

- Zone 1 has a maximum standard of 0.5 spaces per 1- and 2-bedroom units, and 1 space per 3 and 3+ bedroom units.
- Zone 2 standards are 1 space per 1- and 2-bedroom units, and 2 spaces per 3- and 3+ bedroom units. (These are Normal Standards rather than maximum)

8.7.14. The applicant has outlined that the development site is in a 'transitional' location, as it technically meets Zone 1 criteria but corresponds more broadly to a Zone 2 location. The site is within a 1.6km radius of Portmarnock railway station, although the actual walking distance to this station is 2.0km. The site is not within 800m of an existing high-quality bus service or a BusConnects spine route. Having regard to the actual walking distance to Portmarnock railway station I consider that the subject site fits more appropriately into Zone 2. Car parking provision is proposed at the rate of 1 space per residential unit, with additional elements of crèche car parking, crèche drop-off spaces, visitor car parking, and EV charging spaces. While these standards

are below the normal standards set out above, I note Section 14.7.7 of the Development Plan allows for a reduced car parking provision where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development. As outlined above good transport links are available, and a mobility management plan has been submitted with the application. In this regard, I am satisfied that the car parking provision is appropriate and is in accordance with the provisions of the development plan.

- 8.7.15. The Compact Settlement Guidelines, 2024, define 'accessibility' for the purpose of SPPR 3 (Car Parking Standards). The appeal site is located, as defined in Table 3.8 of the Guidelines, in an intermediate or peripheral location and the car parking standard in accordance with SPPR 3 for these locations is a maximum rate of 2 no. spaces for per residential unit including visitor parking, where justified. The proposed development would be consistent with SPPR 3 in terms of car parking provision for the proposed apartments.
- 8.7.16. I am of the view that the proposed level of car parking is acceptable and encourages a transition to more sustainable modes of transport, consistent with the CDP and SPPR 3 of the Compact Settlements Guidelines 2024.

Cycle Parking

- 8.7.17. A total of 321 no. bicycle parking spaces are proposed to serve all houses without direct access to rear gardens, with an additional 24 no. spaces proposed to serve the Childcare Facility.
- 8.7.18. Table 14.17 of the CDP requires a minimum of 1 space plus 1 per bedroom for 1- and 2-beds, and 2 spaces plus 1 per bedroom for 3+ beds. Visitor parking is required at a rate of 0.5 spaces per unit. SPPR 4 requires 1 space per bedroom for all dwellings without direct access to rear garden. I consider that the proposed development would materially contravene the standards set out in the Development Plan outlined above, as the proposed cycle parking is provided at a rate of 1 per bedroom for all dwellings without rear garden access. I note that the Planning Authority did not refuse permission on this basis. I would also note that the Planner's Report raises no concerns in relation to the proposed cycle parking provision. The

Commission may decide to grant a permission even if the proposed development contravenes materially the development plan as stated in Section 37(2)(a) of the Planning and Development Act, as amended. I consider that the contravention of the cycle parking provision as set out in the Development Plan is justified having regard to the proposed developments compliance with SPPR 4 of the Compact Settlement Guidelines (2024).

- 8.7.19. The rate of cycle parking for the childcare facility is also consistent with the Development Plan which requires 1 long stay space per classroom and 5 short stay spaces per classroom, resulting in a requirement for 4 long stay spaces and 20 no. short stay spaces.
- 8.7.20. Cycle parking storage for duplexes is provided by way secure stores within the respective communal areas, and for terraces by way of on curtilage, secure private stores. Accordingly, bicycle parking and storage as proposed is consistent with the requirements of SPPR 4.
- 8.7.21. I am satisfied that the provision of bicycle parking spaces to serve the development supports the national and local policy framework on modal shift.

Conclusion

- 8.7.22. Having regard to the foregoing, I consider that the proposed development is acceptable in terms of its impact on traffic and transportation. I consider the proposal is not likely to create a traffic hazard, cause undue congestion or have an adverse impact on the traffic conditions of neighbouring estates or the wider surrounding area. None of the relevant internal sections recommended a refusal of permission, and the decision was made by the local authority to grant permission. I consider that the proposed development, which is on zoned land, would not have such an impact on the local traffic network that permission should be refused on this basis.

8.8. Other Matters

8.8.1. Social and Community Infrastructure

Concerns have been raised in the third-party observations on the application in relation to the shortage of community and social infrastructure. Appendix C to the Compact Settlements Guidelines 2024 contains a list of supplemental information to

accompany planning applications. The list includes a 'Community, Social and Cultural Infrastructure Audit' to be submitted in support of LRD applications where such an audit has not been undertaken as part of the statutory plan making process. Objective DMSO78 of the CDP requires planning applications to include a Community and Social Infrastructure Audit for developments of 50 or more dwellings, to assess the provision of community and social infrastructure within the vicinity of the site and identify existing shortcomings in terms of these facilities and assess whether there is a need to provide additional facilities to cater for the proposed development.

I note a Social and Community Audit has been submitted which provides analysis of the social and community infrastructure within and surrounding the site. The report demonstrates a wide range of services and facilities including educational, childcare, healthcare, sports and fitness club, open space and recreation and community facilities, that contribute to a good quality of life. The report concludes that the proposed development is adequately served by existing and planned social, educational and childcare infrastructure and that there is adequate capacity to accommodate demand generated by the proposed development. The planning authority did not raise any issue with the content or findings of the Audit nor the capacity of the local area, in terms of social infrastructure, to absorb the new population generated by the proposed development. I am satisfied that the submitted Social and Community Audit provides sufficient detail to assess the application in this regard.

I also consider that the childcare facility in the proposal satisfies the requirements in terms of scale, location, siting and design of both the Childcare Guidelines and the CDP. I consider the facility is relatively well orientated and accessible. The childcare facility is a positive component of the proposal, and its provision will serve both residents and the community. Similarly, the provision of the green link and the proposed playing pitch will serve both residents and the community.

8.8.2. Impact on Biodiversity

Concerns have been raised in the third-party observations on the application in relation to the loss of trees and the resultant impact on biodiversity.

I have reviewed the Ecological Impact Assessment, Bat Assessment, Arboricultural Report, Tree Constraints Plan, Landscape Masterplan and Green Infrastructure Plan which accompany the application. The EclA outlines that baseline surveys were carried out in August 2023 and September 2024, and that bat surveys were carried out September 2023 and June 2024. It also relies upon data acquired in surveys of the site for AA screening.

Habitats identified on site consist of Flower beds and borders (BC4), Dry Meadows and Grassy Verges (GS2), Immature woodland (WS2), Scrub (WS1), (Mixed) Broadleaved Woodland (WD1), Other Artificial Lakes and Ponds (FL8), Horticultural land (BC2), Amenity Grassland (Improved) (GA2), and Buildings and Artificial Surface (BL3). There are also linear habitats on the site in the form of Hedgerows (Non-native & Native) (WL1) and Treelines (WL2). The habitats identified across the site area provide local value for biodiversity, but none is an example of high value habitats listed on Annex I of the Habitats Directive

No floral species or habitats of conservation concern were identified. No protected terrestrial mammals or protected bird species were noted on site. The bat surveys determined that there was evidence of 4 bat species feeding / commuting on site (Common pipistrelle, Soprano pipistrelle, Leisler's bat & Brown long eared bat). There is no evidence of any bat roosts within the site. The assessment acknowledges the potential loss of foraging, commuting, and roosting habitat for bats and the increased lighting on the site that could potentially impact bat species. The implementation of mitigation measures will ensure that there are no long term significantly negative impacts at a local level. Mitigation measures include checking buildings for bats prior to demolition, bat friendly lighting, replacement of the pond and lost vegetation, and the construction of bat boxes.

The Arboricultural Report outlines that of the 162 trees, 3 tree lines, 1 tree group, 4 hedges, 4 shrub borders and 3 woodland blocks are to be removed. 5 trees and 1 tree line are of high quality and value (A Category), 66 trees and 1 shrub border are of moderate quality and value (B Category), 79 trees, 2 tree lines, 1 tree group, 4 hedges, 3 shrub border and 3 woodland blocks are of low quality and value (C Category), and 12 trees are of poor quality (U Category). 38 no. of trees are to be preserved on site. There is a large native oak (*Quercus Robur*), classed by the arborist as a Category Grade A1 tree, located within the northern part of the site. The

tree is proposed to be retained within a small local park with a radial buffer of 21.8m around the tree. It is noted that as part of the replanting strategy for this site area 612 no. trees will be planted into the completed development along with 1,300 linear meters of hedging with some 641m of this being of native hedge species. The loss of the above tree, hedge and shrub vegetation is mitigated by the proposed planting. On balance, I consider the extent of tree, vegetation and hedgerow removal to be acceptable.

In conclusion, biodiversity at the site is predominantly categorised as being of local importance, and no meaningful direct ecological or hydrological pathways connecting the proposed development to any protected ecological designation (e.g., pNHA, European site). The matter of Appropriate Assessment is assessed separately in Section 10 and Appendix 3. I am satisfied that the proposal will not have an adverse impact on biodiversity at the site or in the wider area. In the event of a grant of permission, I recommend that the implementation of the mitigation measures in the biodiversity related reports be subject of a condition.

9.0 Material Contravention

A number of possible material contraventions of the Fingal County Development Plan 2023-2029 have been identified during the course of my assessment in Section 8 above and are summarised below. The material contraventions have not previously been identified or raised by the planning authority or other parties to the case. In the event that the Commission considers that there is a material contravention, I consider that permission can be granted in accordance with the provisions of Section 37(2)(a) of the Planning and Development Act 2000, as amended.

Private Open Space for Houses

DMSO27 of the Development Plan requires 3-bedroom houses or less to have a minimum of 60sqm of private open space located behind the front building line.

The proposed development provides rear private amenity spaces of between 36.7 sqm and 67.7 sqm for 2 bed houses, and between 42.4 sqm and 109.3 sqm for 3 bed houses.

I consider that the proposed development would materially contravene the above standard, as not all housing units have the required 60sqm of private amenity space.

SPPR 2 of the Compact Settlement Guidelines (2024) provides for reduced minimum private open space standards. SPPR 2 requires minimum private open space for houses in the order of 30 sq. m. for a 2-bed house, and 40 sq. m. for a 3-bed house.

I consider that the contravention of the Development Plan private open space provision is justified having regard to the proposed developments compliance with SPPR 2 of the Compact Settlement Guidelines (2024).

I note that the Planning Authority did not refuse permission on this basis. I would also note that the Planner's Report raises no concerns in relation to the private open space provisions for the proposed houses.

The commission would be entitled to grant permission under S.37(2)(a).

Separation distances between directly opposing rear first floor windows

DMSO23 of the Development Plan requires that a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

A minimum of 16.2m is provided between directly opposing rear first floor windows throughout the scheme.

I consider that the proposed development would materially contravene the above standard, as the separation distance of 22m between opposing rear first floor windows has not been achieved.

SPPR 1 of the Compact Settlement Guidelines (2024) requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses. I consider that the contravention of the required separation distances between directly opposing rear first floor windows as set out in the Development Plan is justified having regard to the proposed developments compliance with SPPR 1 of the Compact Settlement Guidelines (2024).

I note that the Planning Authority did not refuse permission on this basis. I would also note that the Planner's Report raises no concerns in relation to the separation distances proposed.

The commission would be entitled to grant permission under S.37(2)(a).

Cycle Parking Provision

Table 14.17 of the CDP requires a minimum of 1 space plus 1 per bedroom for 1- and 2-beds, and 2 spaces plus 1 per bedroom for 3+ beds.

The proposed cycle parking is provided at a rate of 1 per bedroom for all dwellings without rear garden access.

The proposed development would materially contravene the above standard, as the minimum required spaces (1 space plus 1 per bedroom for 1- and 2-beds, and 2 spaces plus 1 per bedroom for 3+ beds) have not been achieved.

SPPR 4 of the Compact Settlement Guidelines (2024) requires 1 space per bedroom for all dwellings without direct access to rear garden. I consider that the contravention of the Development Plan cycle parking provision is justified having regard to the proposed developments compliance with SPPR 4 of the Compact Settlement Guidelines (2024).

I note that the Planning Authority did not refuse permission on this basis. I would also note that the Planner's Report raises no concerns in relation to the proposed cycle parking provision.

The commission would be entitled to grant permission under S.37(2)(a).

10.0 AA Screening

- 10.1.1. Refer to Appendix 2 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Baldoyle Bay/Dublin Bay area, namely the Baldoyle Bay SAC (000199), Baldoyle Bay SPA (00401), North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North-West Irish Sea SPA (004236), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The objective information in the submitted Appropriate Assessment Screening Report
- Nature and scale of the proposed development on a serviced infill site.
- The nature of the receiving environment which comprises a built-up urban area.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- The distances to the nearest European sites and lack of meaningful pathway
- No significant ex-situ impacts on wintering water birds

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

11.0 Water Framework Directive

The subject site is located c. 200m to the south of the Sluice River.

The proposed development comprises the demolition of existing buildings and structures on a brownfield site and the construction of 193 dwellings, childcare facility and all associated site works

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The scale and domestic nature of the development in a serviced urban area
- The distance from nearest water bodies and lack of hydrological connections

Refer to Appendix 4 below for WFD Impact Assessment Stage 1: Screening.

Conclusion

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

12.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed for the following reasons and considerations, and subject to the conditions set out below.

13.0 Recommended Commission Order

Planning and Development Acts 2000 to 2022 as amended.

Planning Authority: Fingal County Council

Planning Register Reference Number: LRD0046/S3

Appeal by F and S MacMathuna against the decision made on the 1st July 2025 to grant permission to The Land Development Agency for the proposed Large Scale Residential Development Application.

Location: Former Teagasc Research Centre, Malahide Road, Kinsealy, Dublin 17,

Proposed Development: The proposed development will consist of:

1. Demolition of existing buildings and structures within the application site associated with the former Teagasc Research Centre use total Gross Floor Area (GFA) of approx. 6,651sqm.
2. Construction of 193 no. residential dwellings comprising 153 no. two storey houses (30 no. two-bed; and 123 no. three-bed houses) and 40 no. duplex units (20 no. two-bed ground floor apartments with 20 no. three-bed duplexes above) and arranged in three storey blocks.

3. Provision of a single storey childcare facility (approx. 283 sqm GFA) with the capacity for approximately 50 children.
4. Provision of a total of 229 no. car parking spaces (193 no. residential spaces, 4 no. childcare drop off spaces, 3 no. childcare staff spaces and 29 no. visitor spaces), and 345 bicycle parking spaces (201 no. private secure on-curtilage spaces for houses without independent garden access, 100 no. private secure spaces and 20. no. visitor spaces for duplex units, 20 no. childcare drop-off spaces, and 4 no. childcare staff spaces).
5. Approximately 1.65 ha of dedicated public open space comprising a series of open spaces and a central east-west greenway linear park and parklands along the east boundary. In addition, 2.2 ha of greenbelt zoned lands are included to the south and south-east of the residential development area to accommodate a playing pitch.
6. Vehicular access to the site will be via a new vehicular entrance at Gandon Lane (providing access to the northern part of the site only) and a new vehicular access from Malahide Road, located to the south of the existing Malahide Portmarnock Educate Together National School, (providing access to the southern part of the site only).
7. Pedestrian and cycle links to facilitate connectivity with adjoining residential developments including the provision of an east-west greenway and a north-south link greenbelt zoned lands to the south.
8. All enabling and site development works, landscaping, boundary treatments, lighting, services and connections, bin storage, 3 no. ESB unit substations and all other ancillary works above and below ground on a site approximately 8.2 ha.

Decision: Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered: In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations:

The Board has made its decision in consistency with

- a) Relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended.
- b) Climate Action Plans 2024 and 2025

In coming to its decision, the Commission had regard to the following:

- a) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) The policies and objectives of the Fingal Development Plan 2023-2029 including the location of the site on lands zoned Objective RV (Rural Village) and Objective GB (Green Belt).
- c) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.
- d) The Sustainable Urban Housing: Design Standards for New Apartments, 2023.
- e) Childcare Facilities Guidelines (2001).
- f) Regulation of Commercial Institutional Investment in Housing Guidelines (2021).
- g) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- h) Quality Housing for Sustainable Communities (2007).
- i) Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- j) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- k) The planning history of the site;
- l) The pattern of existing and permitted development in the area;
- m) The reports of the planning authority
- n) The observations received;

- o) The grounds of appeal received;
- p) The response to the grounds of the appeal by the planning authority and the applicant
- q) the provisions of section 37(2)(a) of the Planning and Development Act, 2000, as amended
- r) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment

Appropriate Assessment (AA) Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment and the preparation of a Natura Impact Statement is not, therefore, required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment Screening Determination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment. Regard has been had to:

- (a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- (b) The location of the site on lands zoned Objective RV (Rural Village) and Objective GB (Green Belt), and other relevant policies and objectives in the Fingal County Development Plan 2023- 2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- (c) The brownfield nature of the site and its location in an urban area which is served by public services and infrastructure.
- (d) The pattern of existing development in the area.
- (e) The planning history at the site and within the area.
- (f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- (h) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.
- (i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment, Bat Assessment, Arboricultural Assessment, Noise Impact Assessment, Operational Waste Management Plan, Construction and Environmental Management Plan, and Transport Assessment Report.

In so doing, the Commission concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Objective RV Rural Village and Objective GB Green Belt zonings and other policies and objectives of the Fingal County Development Plan 2023-2029, would constitute an acceptable mix and quantum of residential development, would result in an appropriate density of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 20th May 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 development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

3. Mitigation and monitoring measures outlined in the plans and particulars submitted, including the preliminary Construction and Environmental Management Plan, Noise Impact Assessment Report, Ecological Impact

Assessment, Bat Assessment and Arboricultural Assessment submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of clarity and to protect the environment and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed 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.

5. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity

6. Proposals for an estate/street name, house/duplex numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/duplex numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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

Reason: To prevent flooding and in the interests of sustainable drainage.

8. 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.

9. The site shall be landscaped in accordance with a revised comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

a) details of boundary treatment, play provision, all weather pitch (both interim and permanent details), including ball stop netting, the management and maintenance details and the phasing of landscape works, shall be submitted and agreed with the Planning Authority, prior to the commencement of development.

details of SuDS and other services, and signage located on open space areas.

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.

10. a) The developer is required to employ an appointed arboricultural consultant for the duration of the project including the construction design input of built features, to liaise with works contractors and FCC Parks Planning Officer and to monitor and record all tree protection measures which shall be agreed with the Council prior to the commencement of development.
- b) 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 Coimisiún Pleanála for determination.

Reason: To secure the protection of trees on the site.

11. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. 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.

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

Reason: In the interests of visual and residential amenity.

14. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date.

Reason: In the interest of sustainable transportation.

15. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 14th February 2025. The specific measures detailed in Section 7 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 5 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

16. The developer shall achieve the internal noise levels as specified in the British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings in all dwelling in the development. The proposed dwellings shall be provided with noise insulation to an appropriate standard, if required, having regard to the location of the site within Zone C associated with the Airport.

Reason: In the interest of residential amenity.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 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 amenities of property in the vicinity.

18. A finalised 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, public health and safety and environmental protection.

19. 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.

20. 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 [within each house plot and for each duplex/apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

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

21. a) The developer is required to employ a qualified archaeologist to monitor under licence all groundworks in the greenfield areas of the development site.
b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as

to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

c) The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring.

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

22. The developer shall provide a piece of public art or sculpture or architectural feature to be designed in consultation with the Public Art Coordinators, Economic, Enterprise, Tourism and Cultural Development Department, Fingal County Council. The pieces of art shall have a relationship with the area. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of works on the site.

Reason: To comply with Objective DMS0194 of the Fingal Development Plan 2023-2029.

23. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

24. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost

rental housing.

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

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

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. 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 Coimisiún 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.

Ciara McGuinness
Planning Inspector

13th October 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ACP-323150-25
Proposed Development Summary	Demolition of buildings, construction of 193 dwellings, childcare facility and all associated site works
Development Address	Former Teagasc Research Centre, Malahide Road, Kinsealy, Dublin 17,
	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, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) – Threshold is 500 dwelling units. The proposed development is for 193 dwelling units 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 and 20 hectares elsewhere. The proposed development has a site area of 8.2 ha.

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 checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2 - Form 3 - EIA Screening Determination Sample Form

A. CASE DETAILS		
An Bord Pleanála Case Reference	ACP-323150-25	
Development Summary	Demolition of buildings, construction of 193 dwellings, childcare facility and all associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Undertaken and included with Planner's Report concluding that an EIAR was not required.
2. Has Schedule 7A information been submitted?	Yes	EIA Screening Report with Schedule 7A information has been submitted.
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening report has been submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Other assessments carried out include; <ul style="list-style-type: none"> An Ecological Impact Assessment (EcIA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/C). A site-specific Flood Risk Assessment (FRA) which considers the content of the EU Floods Directive (2007/60/EC).

		<ul style="list-style-type: none"> • An Outline Construction and Environmental Management Plan (OCEMP) which considers the content of the Waste Directive (2008/98/ED as amended by 2018/851). • A Building Lifecycle Report which considers the content of the Energy Performance in Buildings Directive (2010/31EU). <p>SEA was undertaken by the planning authority in respect of the Fingal County Development Plan 2023-2029 and Kinsealy Local Area Plan 2019.</p>	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The proposal comprises the construction of mid-scaled, medium density residential development on zoned lands.</p> <p>The site comprises a brownfield site located immediately south of existing housing</p>	No

		developments. The project does not differ significantly from the surrounding area in terms of character (residential uses exist in the area, suburban estate designs and layouts, with surface parking, landscaped open spaces, conventional boundary treatments) or in terms of scale (use of conventional houses and duplex and apartment block).	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal will involve physical changes to the existing site, involving the demolition of the existing horticulture buildings and structures and the provision of houses and duplexes in different residential formats. In the context of the wider locality these physical changes are consistent with the character of the existing area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP (required by condition). No significant use of natural resources in operational phase.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	<p>Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for the construction activity on the site.</p> <p>Noise and dust emissions during construction phase are likely. The operational phase of the project does not involve the use, storage or production of any harmful substance.</p>	No

		Any impacts would be local and temporary in nature, and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Conventional waste will be produced from construction activity and will be managed through the implementation of the CEMP (required by condition) as outlined above. Foul effluent will discharge to the existing public infrastructure. Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Any impacts would be local and temporary in nature, and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>A risk of contamination is typical at all such sites during construction and operation. There will be no discharge of pollutants to ground or surface waters. CEMP contains measures to address accidental spillages.</p> <p>The CEMP and Construction Surface Water Management Plan includes details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction. The CEMP also outlines the appropriate methodology for storing hazardous construction materials on site in connection with the construction works only, such as fuels / oils and other known hazardous substances.</p>	No

		Impacts on European sites are addressed under Appropriate Assessment, which I have addressed in Section 10 and Appendix 3 of my report.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise and vibration impacts are likely during the site development works. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the CEMP (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition).	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	The potential for water contamination, noise and dust emissions during the construction phase is likely. The CEMP and Construction Surface Water Management Plan includes details of measures to ensure that surface water runoff is managed and that there is no off-site environment impact caused during construction.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No risk of major accidents given nature of project.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Employment will be short term during the construction phase. The proposed development provides 193 residential units on zoned land. The receiving area is a developing suburban location with amenities including education, amenities and public transport, and has the capacity to accommodate the impacts associated with the additional population	No

		<p>arising from the proposed development. The Development Plan's core strategy has capacity to accommodate the additional population associated with the proposed development. I do not consider this the proposed development is likely to result in a significant effect on the social environment of the area.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	Yes	<p>The proposed residential use is consistent with the zoning of the subject lands as set out in the Fingal County Development, 2023 – 2029. The site is brownfield site located in a rural village/ outer suburban location. As such, the site is part of a wider large-scale change in the area as envisaged by the planning authority in the CDP. Within this planned context, I do not consider that cumulative significant effects on the area could be reasonably anticipated.</p>	No
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection. There are European sites within a possible influence of the proposed development.</p> <p>The AASR, supplemented by information in the EclA, SSFRA, and CEMP, presents information on potential impacts of the project on the European sites. I have undertaken an Appropriate Assessment screening determination (see section 10.0 and Appendix</p>	No

		<p>3 of this report) and concluded that the project will not have a likely significant effect on any European sites, alone or in combination with other plans or projects.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	Yes	<p>An Ecological Impact Assessment is submitted with the application. Site surveys were undertaken in August 2023 and September 2024 and a bat survey undertaken in September 2023 and June 2024.</p> <p>Habitats identified on site consist of BC4 Flower beds and borders GS2 Dry Meadows and Grassy Verges, WS2 Immature woodland, WS1 Scrub, WD1 (Mixed) Broadleaved Woodland, FL8 Other Artificial Lakes and Ponds, BC2 Horticultural land, GA2 Amenity Grassland (Improved), BL3 Buildings and Artificial Sureface. There are also linear habitats on the site in the form of WL1 Hedgerows (Non-native & Native) and WL2 Treelines.</p> <p>None of the bird species recorded on site are listed under Annex 1 of the EU Birds Directive.</p> <p>The bat survey work recorded the presence of four bat species (Common pipistrelle, Soprano</p>	No

		<p>pipistrelle, leisler's bat, brown long eared bat) foraging and commuting in the treelines/ hedgerows around boundaries at the site. No potential roost features or evidence of roosting was identified.</p> <p>No protected habitats, plant species of conservation importance, or terrestrial mammals of conservation importance are noted on site. The site is confirmed as not being under any wildlife or conservation designation. The EclA and CEMP include several mitigation measures to ameliorate potential impacts.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of protected flora and/ or fauna species.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>The site contains no recorded archaeological monuments and there is no evidence of archaeological features on site. The land use zoning map pertaining to the site indicates no landscape sensitivity or protected views relevant to the development site or its immediate context. The former Teagasc headquarter building, is located outside the subject site to the west and is included on the Record of Protected Structures (RPS No. 914). The site itself is not identified for any cultural importance. I do not consider the project is likely to result in a significant negative effect on</p>	No

		the environment in terms of archaeology and cultural heritage.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		No such resources on or close to the site.	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?		<p>The site is located c. 200m to the south of the Sluice River, with intervening urban development.</p> <p>A range of mitigation measures are identified in the CEMP and EcIA during the construction phase of the project to protect water quality and prevent pollution events. Operation phase impacts are addressed primarily through design. Surface water run-off in the project will be collected, attenuated on-site in the northeast corner of the site and will discharge to the existing 450mm diameter pipe in Beechwood development to the north of the subject site.</p> <p>The project incorporates SuDS features, including rain gardens, permeable paving, permeable macadam and swales together with an oil separator.</p> <p>No capacity issues are identified by the Drainage Section of the planning authority</p>	

		<p>A Site-Specific Flood Risk Assessment is submitted with the application. The site does not have a history of flooding. The site is not located within an area designated as vulnerable to pluvial or fluvial flooding.</p> <p>Based on information in the SSFRA, EclA, AASR, and Surface Water Management Plan, I have undertaken a Water Status Impact Assessment screening determination (see section 11 and Appendix 4 of this report) and concluded that the project will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) or otherwise jeopardise any waterbody in reaching its WFD objectives.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of watercourses and waterbodies.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No evidence of these risks.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	<p>Vehicular access to the site will be via a new vehicular entrance at Gandon Lane to the north (providing access to the northern part of the site) and a new vehicular access from the Malahide Road (providing access to the southern part of the site).</p> <p>During the site development works, the project will result in an increase in traffic activity</p>	No

		<p>(HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works will be short term in duration and impacts arising would be temporary, localised, and managed under in the CEMP.</p> <p>The Traffic and Transportation Assessment (TTA) considers operation phase impacts for the project, predicting total vehicle trips (combined arrivals and departures) of 70 trips during the AM peak hour, and 58 trips in the PM peak hour. The proposed development will not generate excessive vehicular traffic flows in its operational phase.</p> <p>Accordingly, I consider the applicant has demonstrated that the key transport routes in the vicinity of the site will not be congested due to or otherwise affected by the project.</p>	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are existing residential developments, community facilities and schools in the immediate vicinity. However, the nature of the proposed development and its location would not negatively affect sensitive land uses or community facilities.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in	No	An outline of Planning Applications in the immediate vicinity of the site are outlined in the EIA Screening	No

cumulative effects during the construction/ operation phase?		Report. No cumulative significant effects on the area are reasonably anticipated.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<i>EG - EIAR <u>not</u> Required</i>			
Having regard to: -			
<ol style="list-style-type: none"> the criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure, which is below the threshold in respect of Class 10 'Infrastructure projects', as set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, specifically, (b) (i) construction of more than 500 dwelling units, and (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. the absence of any significant environmental sensitivity in the vicinity, the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) the results of other relevant assessments of the effects on the environment submitted by the applicant 			

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

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

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3 – Appropriate Assessment Stage 1

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Demolition of buildings, construction of 193 dwellings, childcare facility and all associated site works.</p> <p>See Section 2 of Report for detailed description</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The existing character of the site is largely defined by its former role as an agricultural research centre for Teagasc. The site accommodates unused agricultural and administration structures, including rows of greenhouses located to the north of the site, together with internal roads and other hardstanding area. The southern part of the site is generally more open in nature comprising plots associated with the former agricultural research use. The structures on site have fallen into disrepair and the site is becoming increasingly overgrown.</p> <p>The development site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA).</p> <p>There are no water courses flowing through the site or along the site boundary. The development site lies within the catchment of the River Sluice, a relatively short water course that discharges to Baldoyle Bay at Portmarnock. The river flows c.200m to the north at its nearest point while the intervening land is occupied by roads and suburban residential development.</p> <p>The development is proposed to connect to the public water supply and wastewater services of Uisce Éireann. Confirmation of Feasibility letters were included in the application. Surface water runoff will be collected and attenuated on-site and then discharged to the public surface water network.</p>
Screening report	<p>Screening Report prepared by Openfield Ecology</p> <p>Screened out by Fingal County Council</p>
Natura Impact Statement	No
Relevant submissions	N/A

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
Baldoyle Bay SAC	Site specific cons obj	c.2.2km	No direct Connection Indirect connection via surface water run-off and via the municipal surface water sewer and foul sewer to Dublin Bay.	Yes
Baldoyle Bay SPA	ConservationObjectives.rdl	c.2.2km	As Above	Yes
North Dublin Bay SAC	ConservationObjectives.rdl	c.4.8km	As Above	Yes
North Bull Island SPA	ConservationObjectives.rdl	c.4.8km	As Above	Yes
South Dublin Bay and Tolka Estuary SPA	ConservationObjectives.rdl	c.7km	As Above	Yes
South Dublin Bay SAC	ConservationObjectives.rdl	c.9.3km	As Above	Yes
North-West Irish Sea SPA	CO004236.pdf	c.3.4km	As Above	Yes
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> 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	
Site 1: Baldoyle Bay SAC (000199) Mudflats and sandflats not covered by	Direct: No risk of habitat loss, fragmentation or any other direct impact. Indirect:		The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features	

<p>seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	<p>Localized, temporary, low magnitude impacts from noise and dust. Sediment or contamination from other construction related pollutants to surface water during construction. Hydrocarbon contamination of surface waters during operational stage. Additional wastewater loading during operation.</p>	<p>connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 2: Baldoyle Bay SPA (004016)</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	<p>As above</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 3: North Dublin Bay SAC (000206)</p>	<p>As Above</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological</p>

<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>		<p>connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 4: North Bull Island SPA (004006)</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p>	As above	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed</p>

<p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Shoveler (Spatula clypeata) [A857]</p> <p>Wetland and Waterbirds [A999]</p>		<p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 5: South Dublin Bay and River Tolka Estuary SPA 004024	As above	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate

<p>light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		<p>impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 6: South Dublin Bay SAC 000210</p> <p>Mudflats and sandflats not covered by</p>	As Above	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed</p>

seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]		development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 7: North-West Irish Sea SPA 004236 Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184]	As above	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed The site has not been identified as an ex-situ site for qualifying interests. Conservation objectives would not be undermined.

Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Little Gull (<i>Hydrocoloeus minutus</i>) [A862] Little Tern (<i>Sternula albifrons</i>) [A885]		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development alone would not result in likely significant s on European Sites within the Dublin Bay area, namely the Baldoyle Bay SAC (000199), Baldoyle Bay SPA (00401), North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), Noth-West Irish Sea SPA (004236), or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions. During the construction phase, standard pollution control measures would be put in place, such as those as set out in the submitted Construction Surface Water Management Plan. These measures are standard practice for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and indirect hydrological connection, the nature and scale of the</p>		

development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Baldoyle Bay/Dublin Bay area, namely the Baldoyle Bay SAC (000199), Baldoyle Bay SPA (00401), North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North-West Irish Sea SPA (004236), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The objective information in the submitted Appropriate Assessment Screening Report
- Nature and scale of the proposed development on a serviced infill site.
- The nature of the receiving environment which comprises a built-up urban area.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- The distances to the nearest European sites and lack of meaningful pathway
- No significant ex-situ impacts on wintering water birds

Appendix 4 – Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-323150	Townland, address	Former Teagasc Research Centre, Malahide Road, Kinsealy, Dublin 17
Description of project		Demolition of buildings, construction of 193 dwellings, childcare facility and all associated site works	
Brief site description, relevant to WFD Screening,		<p>The site is a brownfield site, having previously accommodated a Teagasc research facility. The site is located within a village context and is fully serviced. There are no waterbodies within the site. The nearest waterbody is c. 200m to the north (Sluice River).</p> <p>The subject site has a slope falling away from the southwest corner at 21.50m AOD to the northeast to a level of 18.75m AOD, before making a sharp drop to a low point on the site of 12.6m AOD at the top northeast corner only.</p> <p>Groundwater Vulnerability at the subject development site is moderate. Soils at the site are indicated as being 'well drained'</p> <p>A Site-Specific Flood Risk Assessment is submitted with the application. The site is located in Flood Zone C. A review of the Office of Public Works flood maps database for the area does not indicate historical flooding at the site.</p>	

Proposed surface water details	Nature based SuDS proposals have been incorporated into the landscape proposals and includes the construction of rain gardens and swales incorporated into open spaces, permeable paving and the creation of an attenuation pond at the northeastern corner of the site. It is proposed to connect the attenuated run off from this site to the existing 450mm diameter pipe in the Beechwood development to the north of the subject site, with stormwater ultimately discharging to the River Sluice. A construction Surface Water Management Plan is also submitted with the application.
Proposed water supply source & available capacity	It is proposed to connect to the existing 250mm diameter HPPE watermain on Malahide Road, to the east of the subject site. A Confirmation of Feasibility letter was received and Uisce Éireann noted that the proposed development is feasible. A Statement of Design Acceptance (SoDA) letter is also included with the application.
Proposed wastewater treatment system & available capacity, other issues	It is proposed to discharge a large portion of the foul effluent from the proposed development into this newly constructed 225mm diameter foul pipe in Newpark Estate. The remaining foul effluent from the proposed development is proposed to discharge into the existing foul network serving the Gandon Lane development north of the subject site. Uisce Éireann confirmed feasibility of this proposal. A Confirmation of Feasibility (CoF) letter and a Statement of Design Acceptance (SoDA) is included with the application.
Others?	Not applicable
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.200m	SLUICE_010 IE_EA_09S071100	Poor	Review	-	No direct hydrological connection to surface watercourse. Stormwater ultimately drains to River Sluice via stormwater sewer
Groundwater waterbody	N/A	Dublin IE_EA_G_008	Good	Review	-	Groundwater

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	SLUICE_010 IE_EA_09S071100	Surface water Drainage	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened Out
2.	Groundwater	Dublin IE_EA_G_008	Drainage through soils/subsoils	Pollution events, Spillages	As above	No	Screened Out
OPERATIONAL PHASE							
3.	River	SLUICE_010 IE_EA_09S071100	Surface water Drainage	Pollution events, spillages	SuDS, greenfield discharge rates	No	Screened Out

4.	Groundwater	Dublin IE_EA_G_008	Drainage through soils/subsoils	Pollution events, spillages	SuDS features	No	Screened Out
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A