



An
Coimisiún
Pleanála

Inspector's Report

ACP-324016-26

Development

Provision of 296no. residential units (Phase 1F), new (temporary) rising main to serve this and previous development phases (1A to 1E inclusive) c. 1.7km long, from interim St. Marnock's Pumping Station to North Fringe Sewer south of Moyne Road and Mayne River at Stapolin, Baldoyle, Dublin 13, upgrade of interim St. Marnock's Pumping Station and storage, decommissioning of temporary rising main and interim St. Marnock's Pumping Station when Uisce Éireann Pumping Station adjacent to Portmarnock Bridge is operational, 4no. ESB Sub-stations and all other associated site development and hard and soft landscape works, on a 12.3ha site.

Location

Portmarnock and Maynetown townlands, Portmarnock, Co. Dublin and Stapolin, Baldoyle, Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.	LRD0058/S3E
Applicant(s)	Portmarnock Real Estate Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Bryan Fitzgerald and Danielle O’Riordan
Observer(s)	Síle Ní Cheallaigh St. Marnock’s Bay Residents
Date of Site Inspection	6 March 2026
Inspector	Cáit Ryan

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Appendix 1 – Appropriate Assessment

Appendix 2 – Water Framework Directive Screening

1.0 Site Location and Description

- 1.1. The site comprises largely undeveloped lands to the south west of Portmarnock village centre, approx. 12km northeast of Dublin city centre. The site is located at Station Road, Portmarnock, in the townlands of Portmarnock and Maynetown, Co. Dublin, and at Stapolin, Baldoyle, Dublin 13.
- 1.2. The northern part of the site is approx. 600m east of Portmarnock rail station via Station Road. The Dublin-Belfast rail line is approx. 400m to the west, as the crow flies. This is an emerging development area, with a substantial quantum of mostly new residential development recently constructed and currently under construction at the former Portmarnock South LAP (now expired) lands. Elsewhere in the general environs, newly developed residential areas are also present west of the rail line.
- 1.3. It is an irregular shaped greenfield site of approx. 12.3ha (gross), the main residential part of which is accessed from the entrance to 'St. Marnock's Bay' at Station Road. The bulk of the site is set back a short distance from the existing greenway along the Coast Road (R106). There are five houses to the north-east, opposite the junction of Station Road, Strand Road and Coast Road. To south east of these houses is the regional wetland along Coast Road, constructed in earlier phases of St. Marnock's Bay, and which is also proposed to serve subject application. There are three houses south of the wetland, south of which is an AirNav installation further south on Coast Road.
- 1.4. A narrow, linear part of the site extends to the south, partially aligning with the existing vehicular access route which was constructed under a recent planning permission, and which is currently used as a haul route. This linear portion of the site continues south across Moyne Road, crosses underneath River Mayne to the North Fringe Sewer to south.
- 1.5. This is the fifth application within the overall landholding (excluding amendment applications), described as the St. Marnock's Bay development. The earlier previous phases are occupied. On site visit Phase 1D appears to be substantially complete, and Phase 1E is under construction. The proposed development would constitute Phase 1F.

2.0 Proposed Development

2.1. The proposed development is for a Large-scale Residential Development (LRD) on a c.12.3ha site, generally bounded by 'St.Marnock's Bay' and 'Dún Sí' residential developments (Phases 1A, 1B and 1C), the permitted Phases 1D and 1E both now under construction (ABP Ref. ABP-312112-21, as amended) to the west, and former agricultural lands to the south and east within the townlands of Portmarnock and Maynetown, Portmarnock, Co. Dublin and is also partially located in the townland of Stapolin, Baldoyle, Dublin 13.

2.2. The development proposed (Phase 1F) will consist of:

- 296no. residential units, comprising 254no. houses and 42no. duplexes;
- public open space, including southern Monument Park (which also formed part of Racecourse Park development permitted under ABP Ref. JP06F.311315)
- Vehicular access will be provided from Station Road via existing road serving St. Marnock's Bay ('Monument View') and 3no. permitted roads serving St. Marnock's Bay ('Skylark Park Court', 'Skylark Park Drive' and an extension of 'Monument View') permitted under ABP Ref. ABP-312112-21 as amended by FCC Reg. Ref. LRD0037/S3, and also a new existing permanent road to the south which connects to Moyne Road (permitted under Phase 1D - ABP Ref. ABP-312112-21, as amended by FCC Reg. Ref. LRD0037/S3).
- All associated and ancillary site development, infrastructural, hard and soft landscaping and boundary treatment works, including:
 - A new (temporary) rising main to serve this phase and previous development phases (1A to 1E inclusive) c. 1.7km long, running from the interim St. Marnock's Pumping Station at Station Road/The Avenue (constructed under ABP Reg. Ref. 300514-17 & upgraded under ABP Reg. Ref. 312112-21) passing through the Racecourse Park development permitted under ABP Ref. JP06F.311315 and connecting to the North Fringe Sewer at a point which is located south of Moyne Road and the Mayne River within Stapolin townland, Baldoyle, Dublin 13;

- Upgrade of interim St. Marnock's Pumping Station and storage at Station Road/The Avenue as required; and all associated and ancillary site development and reinstatement.
- The proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when same is operational;
 - all other ancillary site development and landscape works, parking, bin stores and bicycle stores; 4no. ESB Sub-stations.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) accompany this application.

Key statistics of the proposed development are outlined in Table 1 below.

Table 1: Key Statistics

Gross site area	12.3ha
Net site area	9.5ha
No. of houses	254no.
No. of apartments/duplexes	42no.
Total	<u>296no.</u>
Density	31.2uph
Public open space provision	9,736sqm (10.47% of net site area)
Car parking spaces	289no. spaces comprising - <ul style="list-style-type: none"> ● 245no. in-curtilage spaces ● 44no. on-street spaces
Cycle spaces	1,455no., comprising mix of in-curtilage and storage and communal storage units

Table 2: Breakdown of Residential Units

Unit Type – Overall	2-bed	3-bed	4-bed	Total
Number of Units	59no.	163no.	74no.	296no.
Number of bedrooms	118no.	489no.	296no.	903no.
% of Units	20%	55%	25%	100%

Table 3: Breakdown of Houses

Bedrooms	2-bed	3-bed	4-bed	Total
Number of Units	38no.	142no.	74no.	254no.
Number of Bedrooms	76no.	426no.	296no.	798

Table 4: Breakdown of Duplex Units

Bedrooms	2-bed	3-bed	Total
Number of Units	21no.	21no.	42no.
Number of Bedrooms	42no.	63no.	105no.

Bblocks comprising duplexes are 3-storey in height. For clarity, I note that ground floor ‘own door’ units are mainly described in this application as ‘duplexes’, as distinct from ‘apartments’.

In terms of building heights, the majority of proposed houses are 2-storey, with 14no. 3-storey houses proposed. House Types G, H1 and H2 are described in the Planning Application Report and Statement of Consistency (at Section 7) as 1.5 storey. However, while the design of these houses includes eaves level at 3.9m height across part of the front elevation, these houses have an overall height of 7.4m, and I consider that these houses would generally appear as being of 2-storey design and scale.

2.3. Documentation Lodged with the Application

Documentation lodged with the application includes -

- Planning Application Report & Statement of Consistency
- Response to Fingal County Council LRD Opinion
- LRD Stage 2 Opinion Responses
- Statement of Consistency with Ministerial Guidance – DMURS
- Landowner’s letter of consent
- Letter from FCC Housing & Community Development Dept., relating to Part V
- Letter of consent from FCC Economic, Enterprise, Tourism and Cultural Development Dept. relating to inclusion of lands in FCC’s ownership in the application Letter of applicant’s Part V proposals, and associated map
- Validation letter from Housing Department, FCC to applicant, regarding Part V
- Architectural Design Rationale
- Housing Quality Assessment
- Daylight and Sunlight Analysis
- Conservation and Management Plan for Enclosure at Maynestown (RMP DU015-055)
- Social Infrastructure Audit
- Portmarnock Station Road Site – Phase 1F – Aviation Planning Compliance
- Landscape & Biodiversity Statement
- Portmarnock Phase 1F – Outline Habitat Management Plan
- Construction & Environmental Management Plan (CEMP)
- Sustainability & Energy Report – Mechanical & Electrical
- Life Cycle Report – Mechanical & Electrical
- Utility Report – Mechanical & Electrical
- External lighting product brochure
- Public Lighting Report
- Water Services Report
- Preliminary Flood Risk Assessment
- Water Framework Directive Assessment
- Traffic and Transport Assessment
- Portmarnock Phase 1F – Stage 1 Road Safety Audit

- Portmarnock South LRD – Site Specific Management Plan

2.4. Significant Further Information (SFI) was received on this application. The FI response outlined that there are no changes to the conclusions relating to the EIAR and NIS. The FI Drawing titled Site Layout Plan Sheet 1 of 3 (Drawing No. 6158D-PP-005; Rev.P2) indicates that there is no change to the overall numbers of 2, 3 and 4-bed units in the scheme.

2.5. The main changes at FI stage are:

- Enlargement of windows of apartment/duplex units in response to matters raised relating to daylight/sunlight
- Minor changes to elevations and some house types to address requested increase in passive surveillance.

3.0 **Planning Authority Pre- Application Opinion**

An LRD pre-application meeting (P.A. Ref. LRD0058/S1) took place on 3 December 2024, as per Section 32B(1) of the Planning and Development Act 2000, as amended.

Further consultation took place between the applicant and the planning authority on 10 June 2025 (P.A. Ref. LRD0058/S2) under Section 32C of the Planning and Development Act 2000, as amended.

In the LRD opinion, the planning authority considered the documentation submitted constituted a reasonable basis on which to make an application for permission, specifically citing density and a social and physical infrastructure audit matters. The planning authority cited 52no. specific items of information to be addressed in any application

4.0 **Planning Authority Decision**

4.1. **Decision**

Following a request for Further Information, the planning authority made a decision

to grant permission subject to 35no. conditions. Conditions of note are as follows:

Condition 1: Development to be carried out in accordance with plans particulars and specifications lodged on 22 July 2025, as amended by SFI received on 16 October 2025, save as may be required by conditions.

Condition 2: Permission relates to 296 residential units, comprising 254 houses and 42 duplex units.

Condition 4: Each dwelling unit shall be used as a single dwelling unit, shall not be used for multiple occupancy, short term letting or for purposes specified in Article 10(5) of the Planning and Development Regulations 2001, as amended, in respect of childminding except where permitted by separate grant of permission

Condition 6: Submit revised landscape plan to include (f) play provision of min. 1,184sqm, (g) native hedge along eastern boundary (h) Street Tree Plan and (k) reinstatement works relating to temporary rising main to serve this phase and previous phases (1A to 1E inclusive) and interim St. Marnock's Pumping Station and storage at Station Road/The Avenue.

Condition 7: Submit revised Taking in Charge plan

Condition 10: Submit detailed Construction Management Plan and Construction Traffic Management Plan

Condition 11: Road Safety Audits (Stages 2, 3 & 4) to be carried out

Condition 13: (a) internal noise levels as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings shall be achieved

Condition 14: Submit Construction and Environmental Management Plan (CEMP), to include all applicable mitigation measures in the EIAR and NIS and other conditions

Condition 15: (a) Implement avoidance, remedial, mitigation and other measures in EIAR and (c) Implement all mitigation measures in NIS

Condition 24: Finished floor levels shall comply with submitted Strategic Flood Risk

Assessment recommendations

Condition 33: A special financial contribution under Section 48(2)(c) of Planning and Development Act 2000, as amended, shall be paid in respect of Station Road /Drumnigh Road (R124) junction upgrade. Contribution shall be assessed based on area of proposed development as a proportion of total development lands within Portmarnock contributing to junction upgrades, and agreed with planning authority, or in default of agreement shall be referred to An Coimisiún Pleanála.

Condition 34: Lodgement of security of (A) bond of €2,368,000.00 or (B) cash sum of €1,184,000.00

Condition 35: Development contribution of €4,839,824.33

4.2. Planning Authority Reports

4.2.1. Planning Reports

Basis for planning authority's decision:

First Planner's Report (dated 09 September 2025)

It contained, *inter alia*, a site description, a planning history, a summary of third party submissions, internal reports, observations from prescribed bodies and the planning policy framework. Key issues in the assessment of the proposed development contained therein can be summarised as follows:

- Notes Social Infrastructure Audit estimation of future population is in error and correct figure should be 897.
- Childcare spaces calculated are incorrect and should be c.79 for the higher end range
- Notes ERM Report on Public Safety Zones states institutional accommodation including schools and nurseries should not be permitted in Outer Public Safety Zone. Considers absence of childcare is acceptable and development does not materially contravene CIOSO28.
- Shortfall in on-site open space can be dealt with through contribution in lieu.

- Notes PA's consultant's peer review of EIAR and NIS. Considers AA screening and NIS lacks details, and that gaps and inconsistencies in EIAR are required to be addressed.

Recommendation for Further Information reflects Planner's Report.

Second Planner's Report (08 December 2025)

Considers FI response sufficient. Considers proposed development would not adversely affect the integrity of any European sites, either alone or in combination with other plans or projects. Recommends grant subject to 36no. conditions.

4.2.2. Other Technical Reports

Transportation Planning (28 August 2025 and 03 December 2025): First Report states no objection subject to conditions. Second Report states no objection subject to conditions. Condition 6 requires Section 48(2)(c) special financial contribution.

Heritage Officer (21 August 2025): Report states the most significant area of archaeological heritage potential within Phase 1F lands is the enclosure (RMP DU015-055). Testing identified human remains survive as little as 0.40m below present surface. The mitigation detailed in Section 17.8 of the EIAR and Appendix 17.3 of Conservation and Management Plan for Enclosure at Maynetown (RMP DU015-055) should be implemented in full.

Parks and Green Infrastructure Division (01 September 2025): Recommends conditions.

Public Lighting Section (30 July 2025): States conditions need to be met and approved before design is deemed compliant.

Conservation Officer Section (20 August 2025): No specific requirements.

Air and Noise Unit (28 November 2025): No objection subject to conditions.

Water Services Department (27 August 2025): Regarding surface water and flooding, no objection.

Environment, Climate Action, Active Travel and Sports Dept. (21 August 2025): Report endorsed by Executive Scientist cites condition relating to Resource Waste Management Plan and states Operation Waste Management Plan is acceptable.

4.2.3. Other - Planning Authority's Consultant's Review

Consultant's review of the EIAR dated 22 August 2025: Recommends FI and also suggests planning conditions relating to environmental components. Recommends FI in relation to EIAR chapters Cumulative Assessment and Noise. Recommended conditions relate to Introductory Chapters (1-4), Population and Human Health, Lands, Soil, Geology and Hydrogeology, Air Quality, Noise, Landscape and Visual, Material Assets – Waste and Cultural Heritage.

Consultant's review of FI received for EIAR and NIS dated 20 November 2025:

Considers response to FI response to the following to be acceptable.

FI Item 1 (1) (a), (b) and (c),

FI Item 1 (2) and (3)

FI Item 1 (4) (a), (b), (c) and (d)

FI Item 1 (5)(a), (b), (c), (d), (e) and (f)

FI Item 1 (6) and (7).

Recommends conditions relating to noise levels, vibration, biodiversity and NIS.

4.3. Prescribed Bodies

Development Applications Unit (DAU), Department of Housing, Local Government and Heritage (DHLGH) letter dated 25 August 2025 states that on the basis of information in report, the results of previous test excavations and the proposed archaeological mitigation (EIAR, Section 17.8), the Department recommends a condition pertaining to Archaeological Preservation in situ, Archaeological Excavation of the subsurface archaeological features in advance of construction works and Archaeological Monitoring of ground disturbance at construction stages within the development site should be included in any grant of planning permission. The condition includes

- (1) applicant to engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Environmental Impact Assessment Report for archaeological excavation (preservation by record); and
- (2) archaeologist will oversee and implement plan for preservation in situ,

conservation and management of the subsurface ditched enclosure (SMR No. DU015- 055----) as outlined in the Conservation and Management Plan

Dublin Airport Authority (DAA) letter dated 25 August 2025 states the site falls within the Outer Public Safety Zone of Dublin Airport. Fingal Development Plan 2023-2029 policy objectives DAO18 and DAO19 seek to promote appropriate land use patterns in the vicinity of the airport. It requests the Council to have regard to recommendations in ERM Report, Public Safety Zones (2005) when assessing this application. It states the site is within Dublin Airport Noise Zone B. Development Plan Objective DAO11 seeks to strictly control provision of new residential development and other noise sensitive uses within Zones A, B and C and where appropriate in Zone D. It is intended to effectively manage encroachment of noise sensitive development in the environs of Dublin Airport under the Balanced Approach and to prevent more people being exposed to higher levels of aircraft noise.

While DAA has no objection in principle to residential development in Noise Zone B, the proposed development is located in an area in which any increase in population will be counted against achievement of the Noise Abatement Objective (NAO). The number of people Highly Annoyed (HA) and Highly Sleep Disturbed (HSD) will increase. It outlines that the *NAO will be primarily measured through the number of people highly sleep disturbed and highly annoyed in accordance with the approach recommended by the World Health Organisation's Environmental Noise Guidelines 2018 as endorsed by the European Commission through Directive 2020/367, taking into account noise exposure from 45 dB Lden and 40 dB Lnight*. Future residents of the proposed development, which is located within the 60-64 dB Lden and 55-59 dB Lnight contours, will therefore be included in the calculation of HA and HSD numbers and consequently count against achievement of the NAO, which does not take account of noise mitigation measures.

DAA requests the following considerations be applied to address these concerns:

Alignment with Noise Management Objectives: Noise sensitive developments demonstrate that appropriate levels of indoor and outdoor residential amenity can be achieved, having appropriate regard to their location within noise zones of Dublin Airport; the need to limit encroachment into high aircraft noise areas in line with EU

Regulation 2014/598; and achievement of the NAO. This assessment should take account of the future noise environment as Dublin Airport grows.

Comprehensive Noise Impact Assessments: All applications for noise-sensitive development in noise zones of Dublin Airport should include detailed Noise Impact Assessments (NIA). DAA requests further information for applicant to conduct NIAs to demonstrate that appropriate levels of indoor and outdoor residential amenity can be achieved.

Enhanced Disclosure:, Condition the Applicant and/or their agent adequately advise prospective purchasers/occupiers that the development is located within a Dublin Airport Noise Zone and subject to higher aviation noise levels, including provision of accurate and comprehensive information about potential noise environment.

Post-Planning Compliance: Condition submission of compliance reports verifying implementation and effectiveness of noise mitigation measures prior to occupation.

Uisce Éireann (UÉ) in a letter dated 28 August 2025 states that it can confirm that a Confirmation of Feasibility CDS24005935 has been issued advising that water and wastewater connections are feasible subject to upgrades.

- Water Connection- A 200mm connection main is required for phase 1F development. Min. 150mm spine main within the development is required for fire flow requirements
- Wastewater Connection -Feasible subject to upgrades.

Proposed connection is via existing private temporary pumping station constructed under Portmarnock South Phase 1B Development. The associated rising main discharges into existing private 225mm gravity sewer which trespasses the Phase 1F site and connects to 375 CO sewer on Coast Road. Downstream is Mayne Bridge Pumping Station which is out of capacity and cannot cater for any additional load.

- To accommodate proposed connection, network upgrades are required:

Option 1: Completion of Portmarnock Bridge Pumping Station project by UÉ.

Currently, there is no estimated completion date for the Project.

Option 2: Upgrade of existing temporary private pumping station to provide capacity for existing and proposed phases of the development and construct a new rising main, to the North Fringe sewer to south. The works will be funded by the Developer.

Uisce Éireann's Standard Condition(s):

Applicant shall enter into Connection Agreement(s) with UÉ to provide for service connection(s) to public water supply and/or wastewater collection network and adhere to standards and conditions set out in that agreement.

All development shall be carried out in compliance with UÉ's Standard Details and Codes of Practice.

UÉ does not permit Build Over of its assets. Where applicant proposes to build over or divert existing water or wastewater services, applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from UÉ prior to works commencing
Reason: To provide adequate water and wastewater facilities.

4.4. **Observations to the Planning Authority**

A total of 27no. observations were received on the application as originally lodged and following the Significant Further Information response. Observations were received from the following public representatives:

Cllr. David Healy

Cllr. Cathal Haughey

Duncan Smith TD (x 2)

Cllr. John Smyth and Ann Graves TD

The main issues raised are similar to those raised in the grounds of appeal, and are summarised as housing on this site is supported/not supported, walking and cycling improvements needed, insufficient vehicular access and traffic management, traffic safety, excessive/inadequate car parking, lack of childcare, school places, community facilities, open space, play and youth facilities, aircraft noise mitigation measures, premature application, negative impact on character of greenway, strain on emergency services, significant deficiencies in revised EIAR, impacts on coastal character and ecological protection.

5.0 **Planning History**

Subject Site

The lands subject of this application form part of a larger land bank on which there

have been a number of previous applications.

P.A. Ref. LRD0002/S3: Permission granted in 2024 for LRD (Phase 1E) comprising 195no. residential units (169no. houses and 26no. duplexes), open space and pumping station upgrades. This site largely adjoins the main residential part of the current appeal site to the west/south west. This scheme is currently under construction.

The site layout of Phase 1E includes a linear area of open space extending from a recorded monument/open space located within an earlier phase of St. Marnock's Bay, on a north west to south east alignment, and when complete, would terminate just short of the recorded monument located within the current appeal site. A very limited part of the open space area in the current appeal is located within this long open space alignment.

Condition 7(c) requires a special financial contribution under section 48(2)(C) of the Planning and Development Act 2000 to be paid in respect of the upgrade of Station Road/Drumnigh Road (R124) junction, to be assessed based on area of the proposed development as a proportion of the total development lands within Portmarnock contributing to the junction upgrades.

ABP-312112-21: Permission granted in 2022 for a Strategic Housing Development (SHD) (Phase 1D) comprising 172no. residential units (150no. houses, 22no. apartments). This is the Skylark Park scheme, now occupied. A narrow part of the north eastern side of this site is in close proximity to the current appeal site to its south east.

- **P.A. Ref. LRD0037/S3:** Permission granted in 2024 for amendments to permitted SHD ABP-312112-21, to omit the permitted above ground wetland attenuation area/pond including drainage network and landscaping to east of permitted road connecting with Moyne Road.

Planning history reference numbers for Phases 1A, 1B and 1C and associated amendments to these earlier permissions are set out in the Planner's Report on file. It is outlined that Phases 1A and 1B are now occupied, and Phase 1C is currently under construction.

Other Sites in the Vicinity

ABP-311315-21: Permission granted in 2022 for a FCC 84ha park development project 'Racecourse Park'. It extends in a north south direction from Baldoyle to the southern edge of Portmarnock incorporating the lands known as the Racecourse Park located in Baldoyle. The south eastern part of the main residential portion of the current appeal site partially overlaps with the Racecourse Park lands.

P.A. Ref. F21A/0389 and **ABP-314663-22:** Permission granted in 2024 to Irish Water for a new wastewater pumping station at Portmarnock with associated rising main connection, gravity sewer connections and modification of the existing Portmarnock Bridge pumping station at Strand Road, Portmarnock. Works proposed include the completion of a rising main connection to the North Fringe Sewer, and decommissioning of the rising main within Strand Road and Coast Road.

This site extends from the existing Portmarnock Bridge pumping station at Strand Road, Portmarnock to a point south of the Mayne River, just east of the Dublin-Belfast rail line.

Save for the main residential part of the current appeal site, the southern linear part of the current appeal site largely aligns with this (**P A. Ref. F21A/0389** and **ABP-314663-22**) site.

P.A. Ref. F24A/0541E and **ACP-322888-25:** Permission granted in 2025 for 16-classroom primary school at Broomfield, Malahide, accessed via Brookfield Housing Estate, which is accessed via Back Road to north. This future school site is approx. 4.5km from the subject site via Station Road, R124 and Back Road.

6.0 Policy Context

6.1 Fingal Development Plan 2023-2029

Chapter 13 – Land Use Zoning

- The bulk of the northern portion of the site is zoned **RA Residential Area**, 'provide for new residential communities subject to provision of necessary social and physical infrastructure'. The vision is to ensure provision of high

quality new residential environments with good layout and design, adequate public transport and cycle links within walking distance of community facilities. Provide appropriate mix of house sizes, types and tenures.

'Residential' and 'childcare facilities' are Permitted in Principle.

- Portions of the site along its eastern edge and the linear part of the site which extends south to Moyne Road traverse lands which are zoned **OS Open Space**, 'preserve and provide for open space and recreational amenities'. The vision is to provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the planning authority.
- The linear part of the site south of Moyne Road traverses lands zoned **HA High Amenity**, 'protect and enhance high amenity areas'. Vision is to protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored.

The proposed land use, namely part of the route of the proposed rising main, is not listed as a land use which is Permitted in Principle or Not Permitted within the Open S and HA zoning objective. In such cases the Development Plan allows for the use to be assessed in terms of its contribution towards the achievement of the Zoning Objective and Vision and compliance and consistency with the policies and objectives of the Development Plan.

Chapter 2 – Planning for Growth, Core Strategy, Settlement Strategy

Portmarnock is a self-sustaining town in the Metropolitan area.

Projected housing demand is 573 units.

For Portmarnock, development policy will be based largely on future growth related primarily to higher densities along public transport corridors (at Section 2.7.2)

Table 2.15 - Operational LAPs includes Portmarnock South 2013, extended to 2023

(LAP 9.A). No new LAP is listed for Portmarnock at Table 2.16, although Portmarnock (FP 9.B) is listed at Table 2.19 - List of Proposed Framework Plans. A range of Self-Sustaining Towns Policies and Objectives are outlined, including - Objective CSO65 – Sluice River – Portmarnock: Protect and manage flood plain of Sluice River to south of Portmarnock and ensure its integrity as a natural habitat is maintained; and investigate potential of riverside walkway.

*Objective CSO66 –Mitigation Measures: Ensure mitigation measures in Portmarnock South and Baldoyle Stapolin LAPs continue to be implemented in accordance with LAP requirements or where LAP is no longer in place, in accordance with a range of measures. A substantial number of measures are cited for Portmarnock.

*Note: See also Portmarnock South Local Area Plan 2013-2019 (expired) outlined below.

Chapter 3 – Sustainable Placemaking and Quality Homes

Objective SPQHO1 – Sustainable Communities

Objective SPQHO2 – Key Principles

Policy SPQHP14 – Infrastructure Deficits

Policy SPQHP35 – Quality of Residential Development: Promote high quality design and layout in new residential developments at appropriate densities, ensuring high-quality living environments in terms of standard of individual dwelling units and overall layout and appearance of developments. Residential developments must accord with standards in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and policies and objectives within Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards

Objective SPQHPO31 – Variety of Housing Types

Objective SPQHO33 – New Residential Development and Energy Efficiency

Objective SPQHO34 – Integration of Residential Development: Encourage higher residential densities where appropriate ensuring proposals provide high quality

design and ensure balance between protection of existing residential amenities and established character with target min.15% (except where developer can demonstrate this is not possible 12% to 15% range will apply) amount of green space, tree coverage and public space associated with every residential area.

Objective SPQHO35 – Private Open Space

Objective SPQHO36 – Public Open Space

Chapter 4 – Community Infrastructure and Open Space

Objective CIOSO5 – Residential Developments and Community Facilities

Objective CIOSO28 – Childcare Facilities and New Development

Objective CIOSO36 – Variety of Open Space

Objective CIOSO38 – Public Open Space Provision

Objective CIOSO44 – Playgrounds

Chapter 8 – Dublin Airport

Objective DAO11 – Requirement for Noise Insulation

Objective DAO18 – Safety

Table 8.1 Aircraft Noise Zones

Chapter 9 – Green Infrastructure and Natural Heritage

Objective DMSO124 – Integrated Green Infrastructure Plan

Objective GINHO20 – Green Infrastructure and Recreation

Chapter 14 – Development Management Standards

Section 14.5.2 Building Density: Plan promotes compact growth and consolidation of Fingal's large urban areas, towns and villages and supports appropriate densities in national and regional policies NPF, RSES and Section 28 Guidelines. In complying with national guidance, development proposals must also be cognisant of and respect character, context and architectural qualities of surrounding area and seek to ensure in all instances a high-quality architectural response to site development.

Section 14.6.3 Residential Density: In general, density and number of dwellings to be provided within residential schemes should be determined with reference to

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Development should be consistent with policies and objectives in Chapter 3 Sustainable Placemaking and Quality Homes and should promote appropriate densities, having regard to factors including site location, public transport accessibility and principles of sustainability, compact growth and consolidation.

Objective DMSO24 – Apartment Development

Objective DMSO49 – Permeable and Accessible Open Spaces

Objective DMSO51 – Minimum Public Open Space Provision: Require a minimum public open space provision of 2.5 hectares per 1000 population. Ppublic 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.

Objective DMSO52 – Public Open Space Provision: Public open space shall be provided in accordance with Table 14.12.

Land use	Minimum public open space standards
Overall standard	2.5 hectares per 1000 population
New residential development on greenfield sites/LAP lands	12% - 15% of site area
New residential development on infill/ brownfield sites	12% of site area

(Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply).

Objective DMSO105 – Development within Airport Noise Zones

Table 14.19 Car Parking Standards

Objective DMSO138 – Protection and Enhancement of Biodiversity

Objective DMSO194 – Provision of Public Art

Objective DMSO196 – Public Foul Sewerage Network Connections

Objective DMSO197 – Foul and Surface Water Drainage Systems

Objective DMSO2020 - SuDS

Note: For completeness, I note

- Table 14.12 (Chapter 14) duplicates Table 4.3 (Chapter 4).

- Objective DMSO51 – Minimum Public Open Space Provision (Chapter 14) duplicates Objective CIO38 – Public Open Space Provision (Chapter 4).

Development Plan Mapping:

The site is within

- Portmarnock development boundary
- Local Area Plan LAP 9.A
- Dublin Airport Outer Public Safety Zone
- Dublin Airport Noise Zone B
- Highly Sensitive Landscape: Coast_All; Landscape Character Type is Estuary

This mapping also shows:

- An Ecological Buffer Zone is located to east and south of the main residential part of the site.
- 14no. entries for Fingal Floral Buffers are located approx. 0.4km south east of the main residential part of the site.
- A number of indicative LAP Walking/Cycling Routes traverse the site
- GDA Cycle Network Plan traverses the main residential part of the site in a south west to north east direction.
- SMR DU015-055--- is located near the south eastern boundary of the residential part of the site. Notes describe this Recorded Monument as located towards the western end of an east-west ridge with extensive views of the coast and Ireland's Eye. An aerial photograph (OS 8, 7654) shows cropmark evidence for a roughly circular univallate enclosure. Geophysical survey and two test excavations

Fingal Development Plan 2023-2029: Draft Variations

Draft Variation No.1

As viewed on the planning authority's website (www.fingal.ie), it is proposed to vary the Development Plan to give effect to NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities (2025). It is proposed to amend the Development Plan 2023-2029 Written Statement and Appendices, to change the land use zonings of 11 no. areas as shown on Map Sheets, and other related

amendments.

Proposed variation to Table 2.14: Core Strategy 2023-2029 Fingal Development Plan includes changing Projected Residential Demand for Portmarnock from 573no. to 816no. With regard to the 11no. areas outlined on the map sheets, none of these relate to Portmarnock.

Draft Variation No. 2

As viewed on the planning authority's website, Proposed Variation No. 2 was on display from 23 December 2025 to 29 January 2026 inclusive. It is proposed to vary the Development Plan by adopting a formal land use zoning objective for lands at Barnhill, Co. Dublin on Sheet 13, Blanchardstown South from Unzoned lands to 'OS' Open Space. This proposed variation is not relevant to the subject case which is located at Portmarnock, and is outlined for completeness only.

6.2 Portmarnock South Local Area Plan 2013-2019 (expired)

This LAP was in place at time of the adoption of the Fingal Development Plan 2023-2029, and expired in 2023. This LAP was operative at time of earlier phases of the development of the overall St. Marnock's Bay development. The expired LAP states:

Section 4.2: As the lands are located within the Outer PSZ of Dublin Airport, schools and childcare facilities are not permitted uses within RA (residential) zoning of LAP lands. Childcare and education facilities are also not permitted within the open space zoned lands, therefore these community uses are not proposed as part of this LAP.

Table 5.1 sets out Hierarchy, Accessibility & Function of Open Space within Portmarnock South LAP. Section 5.5 states the required quantum of open space will include a minimum of 10% of the LAP residential lands as per Objective OS02A of the Fingal Development Plan.

Objective WW 1 Ensure that all required drainage infrastructure including the installation and commissioning of the pump station and network are completed and operational following the completion of the first 100 dwellings and prior to the commencement of further development.

As outlined previously with the regard to the current Development Plan (2023-2029), Objective CSO66 –Mitigation Measures is ensure mitigation measures in

Portmarnock South and Baldoyle Stapolin LAPs continue to be implemented in accordance with LAP requirements or where LAP is no longer in place, in accordance with cited measures.

6.3 Fingal County Council's Climate Action Plan 2024-2029

The vision of this Climate Action Plan 2024-2029 is for Fingal to be a climate resilient county striving to become carbon neutral by 2050. It outlines that this CAP sets a pathway for Fingal to actively translate national climate policy to local circumstances, assist in delivery of the climate neutrality objective at local and community levels; and identify and deliver a Decarbonising Zone (DZ) to act as a test bed for a range of climate mitigation, adaptation and biodiversity measures that will assist in the delivery of the National Climate Objective. The DZ chosen is Balbriggan.

One of the actions of this CAP is to progress flood alleviation schemes in conjunction with the OPW, including Portmarnock Bridge, with a timeframe of 2029+; Ref. F5 refers.

6.4 Project Ireland National Planning Framework (NPF)

The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). Relevant National Policy Objectives (NPOs) include:

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

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

The NPF First Revision (April 2025) reiterates that the significant influence of Dublin and the cross-border network extends to county towns and other settlements within the north-eastern regional area as well as to Fingal. In identifying opportunities for leveraged employment and sustainable population growth, development must be supported by enhanced connectivity, quality of life, strengthened urban cores and more compact housing in urban settlements. This is to protect and manage the

strategic capacity of transport infrastructure and to ensure that the distinctiveness of settlements and rural areas is maintained.

Key future planning and development and place-making policy priorities for the Eastern and Midland Region continue to be a focused approach to compact, sequential and sustainable development of the larger urban areas along the Dublin – Belfast economic and transport corridor. Relevant NPOs, 2024 include NPO 12 (reiterates NPO 4) and NPO 43 (reiterates NPO 33).

6.5 Delivering Homes, Building Communities (2025)

This document aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

6.6 Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES)

A RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses for the Eastern and Midland Region, including a Metropolitan Area Strategic Plan (MASP), within which the appeal site is located. At this strategic level it provides a framework for investment to better manage spatial planning and economic development throughout the Region.

The settlement strategy policy and a number of regional objectives applicable to the proposed development include:

- RPO 5.3: Future development in the Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, increasing walking, cycling and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- RPO 5.4: Future development of strategic residential development areas in the Metropolitan area shall provide for higher densities and qualitative

standards as set out in Sustainable Residential Development Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines and Urban Development and Building Heights Guidelines.

- RPO 5.5: Future residential development supporting the right housing and tenure mix within the Metropolitan Area shall follow a clear sequential approach, with primary focus on consolidation of Dublin and suburbs and development of Key Metropolitan Towns. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.7 Climate Action Plan (CAP) 2025

This is the third Climate Action Plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and sets out what needs to be done into 2025, in order to prepare to take on the challenges of the second carbon budget period 2026-2030.

With regard to Transport, CAP 2025 sets out Actions and Updates to include (at Section 14.2.3) enhanced spatial and land-use planning, noting that the revision of the National Planning Framework presents an opportunity to re-emphasise the cross-linkages between land-use and spatial planning and the transport system. It outlines the policy pathway for cutting transport emissions centres around the 'Avoid-Shift-Improve' approach and specifically, Compact Growth Transport Orientated Development, improved 94 'Active Travel' infrastructure, better public realm and planning consents for alternative fuel, and EV charging infrastructure.

It further outlines that local authorities have an integral role in decarbonising transport, through the spatial and land-use planning system, promoting public transport-oriented development, ensuring permeability for active modes, implementing sustainable parking policies, delivering public realm improvements, developing appropriate demand management measures, and EV charging provision.

Note: For clarity, Climate Action Plan 2026 is not available on the Department of Climate, Energy and the Environment's website (on www.gov.ie), accessed on 11 February 2026.

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

Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver transformative changes to the ways in which nature is valued and protected. It has been developed with support, advice and input of the interdepartmental Biodiversity Working Group and the independent Biodiversity Forum. The 4th NBAP strives for a 'whole of government, whole of society' approach to governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

6.9 Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities, DHLGH, July 2023

The purpose of these Section 28 guidelines is to set out planning conditions to which planning authorities and An Coimisiún Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. The intention is to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes displacement of individual purchasers and/or social and affordable housing including cost rental housing.

6.10 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024

Sustainable Residential Development and Compact Settlements Guidelines were introduced by the Department of Housing, Local Government and Heritage in 2024, and replace Sustainable Residential Development in Urban Areas Guidelines 2009. These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An Coimisiún Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines.

The Guidelines include Policy and Objective 5.1 - Public Open Space which requires development plans to include objective(s) relating to public open space in new residential developments, whereby such provision shall be not less than minimum 10% of net site area and not more than minimum 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas.

6.11 Design Standards for Apartments Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage, 2025)

These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An Coimisiún Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines. Appendix 1 sets out required minimum floor areas and standards, including for private and communal open space.

SPPR 6 states the provision of new Communal, Community and Cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan and shall not be required on a blanket threshold-based approach in individual apartment schemes.

It further outlines that notwithstanding the Planning Guidelines for Childcare Facilities (2001), which are subject to review, and which recommend the provision of one child care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any on-site childcare provision and subject to the factors above, this may also apply in part or whole, to units with two or more bedrooms.

Note: **Circular Letter: NSP 04/2025** states the *Design Standards for Apartments, Guidelines for Planning Authorities (2025)* are applicable to any application for planning permission and to any subsequent appeal or direct application to An

Coimisún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025. The subject application was lodged to the planning authority on 22 July 2025.

6.12 Childcare Facilities Guidelines for Planning Authorities, 2001

These Guidelines for Planning Authorities on Childcare Facilities were issued as Ministerial guidelines under Section 28 of the Planning and Development Act, 2000. The Guidelines provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in formulating development proposals.

It outlines (at Section 2.4) that appropriate locations for childcare facilities would include new communities/larger new housing developments, and that planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

6.13 Circular letter PL 3/2016, Department of Environment, Community and Local Government

This Circular Letter outlines that in line with the Government's policy of increasing access to childcare, the Department is currently considering the need to revise the Childcare Facilities Guidelines for Planning Authorities 2001. In the meantime, planning authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 – including the minimum floor area requirements per child - from their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications.

6.14 Design Manual for Urban Roads and Streets (DMURS), 2019

The Manual seeks to address street design within urban areas, i.e., cities, towns and

villages, by setting out an integrated design approach. It aims to put well-designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

6.15 Cycle Design Manual, National Transport Authority, 2023

The Cycle Design Manual (2023) outlines that design standards change over time to take account of emerging best practice and changing user needs, and the manual should be used for the design of all new or improved cycle facilities unless otherwise agreed with the relevant oversight body (e.g. NTA, TII, DoT, Local Authority). It outlines the context of designing cycle facilities and the increased emphasis on segregation of facilities from motor traffic, provides information on what designers need to be aware of and the Appendix has Typical Layouts (TL) for most types of cycling infrastructure. It states the design of cycle facilities on urban roads and streets (those with speed limits up to 60 km/h) will need to comply with DMURS.

6.16 Development Management Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government, 2007

These section 28 Guidelines issued by Minister for Environment, Heritage and Local Government and are intended to promote best practice at every stage in development management process.

It outlines at Section 7.12 that 'special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act. It is therefore essential that the basis for the calculation should be explained in the planning decision. It will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.

6.17 ERM Public Safety Zones, 2005

ERM Environmental Resources Management Ireland Ltd. was commissioned by the Department of Transport (DT) and the Department of Environment, Heritage and

Local Government (DoEHLG) to investigate Public Safety Zones (PSZs) at Ireland's three principal airports; Cork, Dublin, and Shannon.

It outlines the purpose of PSZs is to protect the public on the ground from small but real possibility that an aircraft might crash in a populated area and is used to prevent inappropriate use of land where the risk to the public is greatest. The likelihood of an accident in outer PSZs is less than in inner zones, and future development will be permitted, subject to a number of restrictions. High density housing development, and the building of schools, hospitals and facilities attracting large numbers of people will not be permitted, but all existing developments can remain.

Table 6.1 Permitted Developments (applicable to new applications for development) states the Outer PSZ

- allows for Housing ≤ 60 persons/half hectare, and
- no further Institutional Accommodation, which includes nurseries.

It is outlined (Section 6.2.3 Exceptions to Permitted Developments in the Outer PSZ) that in most cases, guidance in Table 6.1 will be sufficient to identify whether a proposed development should be permitted in the outer PSZ. There may be cases, in exceptional circumstances, where it is judged that a development's socio-economic benefits (etc.) outweigh the 'safety risk', and it is impractical for such a development to be located elsewhere. An airport terminal is a good example of such a development.

6.18 Natural Heritage Designations

The site is not located within or directly adjacent to any European sites. The nearest designated sites are:

Site Code	Name	Distance (approx.)
000199	Baldoyle Bay SAC	0.04km to east
000205	Malahide Estuary SAC	2.3km to north east
002193	Ireland's Eye SAC	5km to east
003000	Rockabill to Dalkey Island SAC	5km to east
000202	Howth Head SAC	5km to south east
000206	North Dublin Bay SAC	2.4km to south

000210	South Dublin Bay SAC	7.5km to south
004016	Baldoyle Bay SPA	0.1km to east
004236	North West Irish Sea SPA	1.5km to east
004025	Malahide Estuary SPA	3.2km to north
004006	North Bull Island SPA	2.4km to south
004117	Ireland's Eye SPA	5km to east
004113	Howth Head Coast SPA	7km to south east

There are no Natural Heritage Areas (NHAs) in the vicinity. Proposed NHAs in the vicinity are:

Site Code	Name	Distance (approx.)
000199	Baldoyle Bay pNHA	0.04km to east
001763	Sluice River Marsh pNHA	0.4km to north west
000203	Ireland's Eye pNHA	5km to east
000205	Malahide Estuary pNHA	2.3km to north east
000202	Howth Head pNHA	5km to south east
000206	North Dublin Bay pNHA	2.4km to south
000210	South Dublin Bay pNHA	7.5km to south
001208	Feltrim Hill pNHA	3.5km to north west

7.0 The Appeal

7.1. Grounds of Appeal

The third party appeal from Bryan Fitzgerald and Danielle O'Riordan raises the following grounds of appeal:

Childcare Facilities

- Permission granted for further 296 dwellings despite absence of any delivered childcare facility within existing St. Marnock's Bay development, which comprises 576 dwellings. This is contrary to Development Plan Objective CIO27 and Childcare Facilities Guidelines, which recommend provision of childcare at a rate of 20 places per 75 dwellings unless sufficient existing provision is available.
- No evidence provided that adequate childcare capacity exists in Portmarnock

or surrounding area. All local childcare providers have extensive waiting lists extending several years. Only solution is expensive in-home childcare. This is not a viable long-term solution and should not be the only option available.

- It is not acceptable to continue to further develop the area without addressing this. This is failure in development management.
- Council previously relied on Public Safety Zone (PSZ) constraints to justify absence of childcare facilities yet has simultaneously deemed it acceptable for hundreds of family homes to be occupied within the same zones. This selective application of policy is irrational, inconsistent and contrary to proper planning and sustainable development.
- This permission undermines principles of compact growth, 15-minute neighbourhoods and sustainable communities by forcing significant travel distances for basic childcare services, placing undue pressure on families, increasing traffic generation and conflicting with national and local policies.
- Requests An Coimisiún Pleanála to overturn Council's decision or to impose condition requiring provision of an appropriately sized childcare facility to serve existing and proposed population of St. Marnock's Bay prior to any further residential development. PSZ constraints do not negate requirement for childcare infrastructure or relevance of national and local planning policies.
- Request Council or the developer or both be obligated to provide childcare at a suitable location to serve the St. Marnock's Bay population.

7.2. Applicant Response

The applicant's response to the grounds of appeal

Response to appeal ground relating to failure to provide childcare infrastructure

- Development Plan Objective CIOSO027 (Optimum Childcare Locations) states 'Encourage ...provision of childcare facilities in appropriate locations.'
- Third party appeal submission does not accurately reflect material submitted with application or planning authority's assessment. Aviation Report submitted with application and appended to submission sets out densities appropriate for the area within Public Safety Zone.

- P.A. correctly identified theoretical requirement for childcare places is approx. 79. While the planning authority noted discrepancies in applicant's stated childcare demand range (in Social Infrastructure Audit), and concluded higher end of the estimate was correct, this does not change main conclusion.
- Key issue is not quantum of theoretical demand, but whether on-site provision was required or feasible having regard to overriding site-specific constraints.
- P.A. gave consideration to site's location in Outer PSZ, as defined in ERM Report on PSZs, and to institutional uses including schools and childcare facilities being not permitted in Outer PSZ on public safety grounds. This restriction is recognised in Section 2.4. of Childcare Facilities Guidelines which allows for non-provision of childcare facilities in new housing areas where 'there are significant reasons to the contrary'.
- Notes Objective CIO28 Childcare Facilities and New Development.
- Notwithstanding restriction of on-site provision, Social Infrastructure Audit demonstrates there is sufficient existing and permitted childcare capacity within wider area. Approx. 342 existing spaces and 34 permitted spaces within 1.5km, and 293 spaces permitted within a 1.5km – 3km radius. Planning authority consider childcare demand can be accommodated off-site.
- Appeal relies on personal experience of childcare availability and waiting lists. Planning decisions must be based on objective and policy compliance
- Planning authority concluded that absence of on-site childcare does not give rise to material deficiency in the application and does not warrant a condition requiring its delivery as part of this phase
- Condition 4 provides that each dwelling unit be used as single dwelling unit and not for purposes in Article 10(5) of Planning & Development Regulations 2001 (as amended) in respect of childminding, except where permitted by grant of permission. This condition is directly relevant to PSZ constraints applicable to the site. The P.A. cannot require infrastructure that is restricted by policy and safety constraints, and has imposed conditions to regulate use of the development in a manner consistent with those constraints.

- Appeal does not demonstrate that existing or future residents are placed at a disadvantage as a result in of inadequate development management

Response to appeal ground relating to inconsistent application of PSZ constraints

- Dublin Airport PSZs do not prohibit residential development. ERM Report on PSZs distinguishes between general residential and institutional uses.
- Residential development in Outer PSZ is provided for in Development Plan and Portmarnock South development framework. Childcare facilities involve regular congregation of large numbers of young children in single location for defined periods. PSZ policy seeks to avoid concentrated institutional uses in Outer PSZ. Restriction relates to characteristics of land use rather than presence of children.
- P.A. addressed this distinction, consistent with ERM guidance and Development Plan. Childcare Facilities Guidelines provide for circumstances where childcare facilities are not required in new residential areas where there are significant reasons to the contrary.
- No inconsistency in permitting residential development while restricting childcare. Each is assessed on its own characteristics and policy context

Response to grounds regarding failure to create balanced and sustainable community

- Principles of compact growth and 15-minute neighbourhoods are applied through a plan-led approach, and do not require every element of social infrastructure to be provided within each phase particularly where there are site-specific constraints on land use.
- Site is subject to maximum density restriction of 60 persons per ½ hectare, as set out in ERM Report. Proposed development complies with this restriction.
- Compact growth principles must be applied in a manner that is proportionate and responsive to these site-specific constraints.
- P.A. concluded development is consistent with national and local planning policy when assessed as part of wider urban area framework. It raised no objection to traffic and transport strategy. Absence of on-site childcare does

not, of itself, demonstrate a conflict with sustainable transport objectives, particularly where alternative facilities are accessible by non-car modes.

Response to appeal grounds relating to lack of phased social infrastructure delivery

- P.A. assessed social infrastructure provision having regard to the wider development framework for Portmarnock South, the findings of the Social Infrastructure Audit and availability of existing and permitted childcare facilities in the surrounding area, and concluded that the absence of on-site childcare does not give rise to a material deficiency in the application and does warrant a condition requiring its delivery
- P.A.'s Condition 4 is directly relevant to PSZ constraints applicable to the site.
- The P.A. cannot require infrastructure that is restricted by policy and safety constraints, and has imposed conditions to regulate the use of the development in a manner consistent with those constraints

Response to appeal conclusion

- Requested condition requiring planning authority or developer to provide childcare at unspecified off-site location is not supported by planning law or policy. Conditions must not require works or uses on lands outside applicant's control. Childcare Facilities Guidelines do not provide mechanism for mandatory off-site provision of childcare where on-site provision is restricted
- Appeal does not demonstrate that decision to grant is flawed, nor does it provide a basis for imposition of alternative condition sought. P.A.'s decision is consistent with Development Plan, national guidance and the proper planning and sustainable development of the area, and should be upheld.

The applicant's response to the grounds of appeal also includes

- Response to third party observations made to planning authority
- Matters raised as Additional Information Items 1-5 are listed
- An overview of P.A.'s assessment relating to
 - Principle of development and compliance with zoning objective

- Density and compliance with Outer PSZ
- Layout, Design and Unit Mix
- Residential Standards
- Childcare, Schools and Social Infrastructure
- Open Space and Landscaping
- Transportation
- Flood Risk
- Water and Drainage
- Archaeological Heritage
- Part V and Section 47 of Planning and Development Act 2000, as amended
- Public Art
- Appropriate Assessment and EIA

Conclusion

- P.A.'s assessment demonstrates development complies with zoning objective, represents planned and final phase of long-established development framework for Portmarnock South, and is appropriate having regard to its site-specific constraints, including Dublin Airport's Outer PSZ
- Requests ACP dismiss appeal and uphold decision to grant permission

7.3. **Planning Authority Response**

The planning authority response dated 10 February 2026 states the conditions are considered appropriate. Application was assessed against policies and objectives of Fingal Development Plan 2023-2029, government policy and guidelines, residential and visual amenity, development management standards and character of the area.

The planning authority is of the opinion that the proposed development will not detract from adjoining residential amenity, nor impact negatively on the site or surrounding area subject to compliance with conditions. The proposed works are considered acceptable, would not give rise to undue levels or negative impact upon visual and residential amenity of the surrounding area or sites, and is considered to

be in accordance with the proper planning and sustainable development of the area. An Coimisiún Pleanála is requested to uphold the decision of the planning authority.

In the event the planning authority's decision is upheld, provision should be made for

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

7.4. **Observations**

2no. observations have been received on the appeal from (1) Síle Ní Cheallaigh and from (2) St. Marnock's Bay Residents. Key issues are summarised below:

Observation from Síle Ní Cheallaigh

- Development is premature. Available infrastructure cannot support area's current and future population. It fails to provide essential social, transport, green and ecological infrastructure, fails to assess cumulative impacts, and is contrary to Planning and Development Act 2000 (as amended), Development Plan, NPF (2025) and previous An Coimisiún Pleanála precedent.

Childcare Facilities

- Proposal is fundamentally deficient in childcare facilities provision. Social Infrastructure Report is inaccurate as acknowledged by planning authority, yet no direction given for submission of revised accurate report
- Compliance with Childcare Facilities Guidelines 2001 not demonstrated. Outer PSZ location does not absolve need to provide sufficient childcare facilities. Suitable alternative location outside Outer PSZ should be identified.
- Critical shortfall in childcare capacity in Portmarnock contributes to systemic gender inequality, contrary to Development Plan Objective PM10
- Lack of childcare facilities contravenes South Portmarnock Area Plan (2013-

2023) and Fingal Development Plan 2023-2029.

- New facilities in adjoining areas not developed to match population growth
- Failure to provide or secure adequate childcare facilities is inconsistent with precedent decisions of ACP, including ABP-321467-24 and ABP-314035-22.
- Social Infrastructure Audit identified that there is no capacity in facilities. Proposal would contravene Development Plan Objective CIOSO27 Childcare and Early Learning, CIOSO28 – Childcare Facilities and New Development and Childcare Facilities Guidelines.

Education

- Social Infrastructure Audit contains inaccuracies. Independent data from Public Health and direct consultation with Department of Education on the Portmarnock School Planning Area indicate primary-age cohort is increasing. Calculated deficit of 30 places is likely a significant underestimation.

Community Facilities

- No community centre or equivalent has been delivered, despite Objective 8.1 of South Portmarnock LAP
- Failure to address childcare, education and community facilities contravenes Chapter 4 of Development Plan, Project Ireland 2040, NPF (First Revision).

Inadequate Public Open Green Space Provision

- Development Plan requires not less than 15% of site area for usable public open space. Proposal provides 10.47%, a deficit of approx. 4,200sqm. Lack of green space contravenes Development Plan and NPF (First Revision 2025) Objective 36. Rejects proposed option of financial contribution in lieu.
- If financial contribution recommended, this should be ring-fenced for Portmarnock community and fast-track high quality active travel infrastructure
- Planting of native trees with significant height on both sides of greenway would support NPO 54 by integrating climate action and absorb air pollution and NPO 52 by absorbing air pollution

Absence of Play and Youth Infrastructure

- Racecourse Park is c. 28 minutes walk, outside of Play Policy Guidelines. Issues blocking progress on Racecourse Park need to be resolved
- Absence of pocket parks, playgrounds or appropriate space for play for children and teenagers contravenes Council's Play Policy, including all residential schemes in excess of 50 units shall incorporate play facilities

Active Travel and Infrastructure

- Absence of dedicated cycle lanes and safe pedestrian connections to adjoining areas will perpetuate car dependency. It contravenes NPO 37

Sustainable and Compact Settlement Guidelines

- It does not meet key quality indicators of design and good placemaking

Environmental Impact Assessment

- significant deficiencies in EIAR regarding lighting, biodiversity and habitat protection
- Statement that there will no impacts on bird species/wetland habitat of Baldoyle Bay SPA nor habitats/species of Baldoyle Bay SAC is contradicted by their finding of red and amber listed bird species, and that some of these species have been found breeding and foraging on these lands
- Application will have a negative impact on grassland habitat. EIAR states southern grassland/scrub matrix is a key ecological receptor
- Application contravenes EU habitat directive with additional protections for semi-natural dry grasslands

Other Policies/Guidelines

- Delivering Homes Building Communities (2025): Application delivers homes but not supporting services and community facilities
- Housing for All (2021): Development is in good location but requires matching education and active travel infrastructure and supporting amenities

ERM Safety Report makes allowances for development under flight path, where in exceptional circumstances, it is judged that development's socio-economic benefits outweigh safety risk, and that it is impractical to be located elsewhere.

Condition

- Any approval should be conditional upon prioritisation of supporting essential infrastructure prior to commencement. Infrastructure should be completed prior to full occupancy of Phase 1E and 1F (2027/2028)

Observation from St. Marnock's Bay Residents

- Observer is largely in support, but has concerns regarding elements of development, particularly traffic calming measures & lack of childcare facilities
- Following Council's decision, observer engaged with developers. Developer has agreed to engage a third party to conduct a speed survey in the estate. Following this, observer will engage with planning authority to agree safety mitigations should any issues be identified
- Developer has agreed to jointly explore offsite solutions to address lack of community & childcare facilities within development & wider Portmarnock area
- Request that ACP take observer's comments into consideration

7.5. Further Responses

Inland Fisheries Ireland (IFI): Letter dated 17 February 2026 states:

- Mayne River catchment is non-salmonid. It contains European Eel, a protected and highly threatened species and other fish species.
- Strongly advises that all construction personnel and contractors adhere to mitigation measures in any construction surface water management plan, CEMP, Inland Fisheries guidance, construction industry guidance and planning conditions.
- Short-term storage/disposal of excavated material must minimise pollution risk. No direct pumping of contaminated water to a watercourse; any dewatering must be treated by infiltration over land or to suitably sized and sited settlement pond. Discharge licence may be required.
- Essential that receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes
- Proposed rising main crossing over River Mayne should be carried out using a trenchless method, such as directional drilling. Detailed design, including

drawings, construction methodology, environmental protection measures, and contingency plans, must be prepared. Final design and method statements shall be submitted to IFI for review and approval prior to the commencement

- Refers to “Guidelines on protection of fisheries during construction works in and adjacent to waters” (2016) and IFI’s revised “Planning for watercourses in the urban environment”.

8.0 **Assessment**

8.1. In terms of assessing this LRD planning application, there are four separate elements, namely the planning assessment, an environmental impact assessment (EIA), an appropriate assessment (AA), and a Water Framework Directive (WFD) Assessment. This planning assessment section addresses issues that are not more appropriately addressed in the EIA, and should be read in conjunction with the EIA, AA and WFD sections.

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

- Context and Overview
- Dismissal of Appeal
- Fingal Development Plan 2023-2029: Land Use Zoning and Childcare and Educational Facilities
- Density
- Public Open Space
- Planning Authority’s Condition 33 – Special Development Contribution

8.3. **Context and Overview**

General

- 8.3.1. Having regard to the nature and scale of the proposed development, at 296no. residential units, I consider it relevant in this instance to set out a number of matters relating to overall quality and layout of the scheme.
- 8.3.2. The planning authority raised no concerns in relation to the overall scale, site layout, open space, quality, density, unit mix, and design, save for details of house/duplex design relating to daylight/sunlight and passive surveillance, which were addressed by way of Further Information.
- 8.3.3. Matters relating to density and public open space are discussed elsewhere in Section 8. Principal features of the overall site layout include the recorded monument 'enclosure' DU015-055, currently not evident at surface level, becoming a central element of the landscape and open space strategy, and which would visually relate to a separate recorded monument which forms a key open space area located to the north west within a separate, built-out part of St. Marnock's Bay development. This visual relationship is created by a linear open space incorporating a walkway, extending from near the existing monument/open space area at the existing St. Marnock's Bay development to the 'enclosure' DU015-055 monument. The site layout also takes account of and faces the existing greenway along the Coast Road.

Apartment Standards

- 8.3.4. The proposed development comprises principally of dwelling houses, such that the 42no. apartments comprise 14% of the overall number of proposed units.
- 8.3.5. Development Plan Objective DMSO24 – Apartment Development states all applications for apartment development are required to comply with the SPPRs, standards in Appendix 1 and general contents of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (or updated guidance as may be in place at time of lodged of the planning application).
- 8.3.6. Circular Letter: NSP 04/2025 states *Design Standards for Apartments, Guidelines for Planning Authorities (2025)* are applicable to any application for planning permission and any subsequent appeal to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025. Having regard to Objective DMSO24, the content of the Circular Letter cited, the content of the Design Standards for Apartments Guidelines, and the planning application lodgement date of 22 July 2025, I consider that these are the relevant guidelines against which to assess the

proposed development.

- 8.3.7. The proposed development complies with SPPR 1 (unit mix), SPPR 2 (apartment sizes), SPPR 3 (dual aspect), SPPR 4 (floor to ceiling height), SPPR 5 (number of units per floor per core) and other SPPRs are not applicable. This is considered acceptable.

Houses – Development Plan and Sustainable Residential Development and Compact Settlement Guidelines

- 8.3.8. With regard to Development Plan standards which apply to houses, the 22m separation distance required by DMSO23 is complied with. The min. 75sqm private open space for 4-bed houses is not achieved in all cases, as noted in respect of No.s 80, 81 and 82 which comprise 72.9sqm, 70.2sqm and 70.5sqm respectively. I note that private open space ‘...shall usually be provided to the rear of the front building line of the house and to the requirements set out below’; Section 14.8.3 refers. I consider the shortfalls to be relatively limited, and I note that these houses face directly onto the recorded monument, i.e., the location of a proposed large open space area within the subject site. Given that the Development Plan refers to the quantum of open space required to be ‘usually’ provided, I consider that the shortfall of private open space to the rear of these houses, while below the usual Development Plan standard, may be considered acceptable in this particular instance. In addition, having regard to the Development Plan content which specifies the standard that shall ‘usually’ be required, I do not consider that a material contravention would arise in this case.
- 8.3.9. Development Plan minimum 60sqm private open space per 3-bed house is indicated to be achieved on the Housing Quality Assessment document.
- 8.3.10. Separately, with regard to the Sustainable Residential Development and Compact Settlements Guidelines (2024), hereafter referred to as the Compact Settlement Guidelines, I note also that the quantum of private open space proposed would exceed that in SPPR 2 - Minimum Private Open Space Standards for Houses, which requires minimum 50sqm for a 4-bed house and 40sqm for 3-bed house.
- 8.3.11. Matters relating to compliance with car parking standards, as per the Development Plan and Compact Settlement Guidelines, are discussed in the EIAR Chapter 14 Material Assets (Transportation).

8.3.12. Overall, having regard to the overall design, scale and layout of the proposed scheme, the generally low rise nature of the 2-3 storey scale of the proposed houses and duplex blocks on this elevated site relative to the existing greenway to the east and south east, I consider that the proposed development would provide an acceptable standard of accommodation and residential amenities for future occupiers, and would not adversely impact on the residential and visual amenities of the area.

Portmarnock South LAP 2013

8.3.13. For clarity, I note that the Development Plan refers to Portmarnock South LAP 2013, extended to 2023 (LAP 9.A). This LAP has since expired. As outlined previously at Section 6.0 (Policy Context) of this IR, Objective CSO66 includes that mitigation measures as set out in the Portmarnock South LAP will continue to be implemented and managed in accordance with LAP requirements or where a LAP is no longer in place, in accordance with the cited measures if not already implemented. The measures outlined relate to habitat protection/SuDS/open space.

8.3.14. Given that this Portmarnock South LAP has expired, it is referred to in this IR report for information, where relevant.

8.4. Dismissal of Appeal

8.4.1. The applicant's response to the grounds of appeal requests *inter alia* that the Commission dismisses the appeal. The applicant's submission in this regard does not refer to Section 138 of the Planning and Development Act 2000, as amended, i.e., it is not specified as to what basis under Section 138(a) or (b) it considers it appropriate to dismiss the appeal.

8.4.2. I have examined the third party's grounds of appeal, which principally relate to the single issue of non-provision of childcare facilities in the proposed development. I consider that the third party's case-specific grounds relating to the non-provision of childcare facilities have been set out.

8.4.3. I consider that the issue raised is a planning issue. In addition, I note that the matter of childcare provision is subject to Section 28 ministerial guidelines, namely Childcare Facilities – Guidelines for Planning Authorities, 2001. Accordingly, I am

satisfied that the issue raised in the third party's grounds of appeal is a planning issue and case-specific grounds of appeal have been set out, and I have decided to consider this appeal.

8.5. **Fingal Development Plan 2023-2029: Land Use Zoning and Childcare and Educational Facilities**

- 8.5.1. The principal grounds of appeal in the third party appeal from Bryan Fitzgerald and Danielle O'Riordan relates to the absence of any childcare facilities in the proposed development. This issue and the matter of educational facilities are also raised in the observations received.
- 8.5.2. The matter of compliance with the 3no. land use zoning objectives which pertain to the subject site are also discussed in this section.

Current Development Plan, ERM Report and Childcare Facilities

- 8.5.3. The First Planner's Report on file notes the site's location within Dublin Airport's Outer Public Safety Zone, that the ERM Report on PSZs states nurseries are not permitted within this zone, that the Childcare Guidelines state that new childcare should be provided in new housing areas unless there are significant reasons to the contrary. It considers that given the overriding importance of public safety, this must be applied to the development, and concludes that the absence of childcare is acceptable in this instance.
- 8.5.4. I note that save for the more southerly linear part of the site which traverses **OS Open Space** and **HA High Amenity** zoned lands, and **OS Open Space** zoning along the north eastern and south eastern boundaries of the main residential part of the site, the majority of the site is zoned **RA Residential Area**, to provide for new residential communities subject to the provision of the necessary social and physical infrastructure. I note that both 'Residential' and 'childcare facilities' are Permitted in Principle on RA zoned lands, and as such the provision of houses/duplexes and childcare facilities would be in compliance with this land use zoning objective.
- 8.5.5. The matter of compliance with the OS Open Space and HA High Amenity land uses zonings is discussed elsewhere in Section 8.5.
- 8.5.6. Most of the residential (northern) portion of the subject site is located within the expired LAP boundary. This expired LAP stated (at Section 4.2) that 'As the lands

are located within the Outer Public Safety Zone of Dublin Airport, schools and childcare facilities are not permitted uses within the RA (residential) zoning of the LAP lands. Childcare and education facilities are also not permitted within the open space zoned lands, therefore these community uses are not proposed as part of this LAP'. (emphasis added) It is similarly outlined (Section 8.2) that as the lands are located within the Outer Public Safety Zone of Dublin Airport, schools and childcare facilities cannot be included within the LAP lands.

- 8.5.7. However, while noting that this LAP has expired, and while noting also that the ERM Public Safety Zones document does not constitute Section 28 (Ministerial) Guidelines, I draw to the Commission's attention that Development Plan **Section 8.5.7 Ensuring Environmental Protection and Sustainability (ii) Safety** states that the ERM Report provides guidance on the potential use and scale of development that may be considered appropriate within these zones. **Objective DAO19 – Review of Public Safety Zones** is to support the review of Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these PSZs.
- 8.5.8. Accordingly, given that the Development Plan recognises that the ERM Report provides guidance on the potential use and scale of development in Outer Public Safety Zones, and having regard to the content of Table 6.1 of the ERM which states 'no further development' in relation to nurseries, I therefore consider it appropriate in this case that childcare facilities are not permitted at the subject site, and that the absence of childcare facilities would not be inconsistent with Section 8.5.7(ii) or with Objective DAO19 of the current Development Plan.
- 8.5.9. In addition, with regard to **Objective CIOSO28 – Childcare Facilities and New Development**, while I note the reference to the provision of appropriate childcare facilities being an essential part of new residential development, this is subject to being in accordance with the Childcare Facilities Guidelines for Planning Authorities 2001 or any superseding Guidelines, or as required by the Planning Authority.
- 8.5.10. The matter of compliance with the Childcare Facilities Guidelines (2001) and the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) are further discussed in the following section. In brief, I consider that the proposed development would not be inconsistent with either of these Guidelines, nor

with Objective CIOSO28.

8.5.11. For clarity, in the event the Commission was minded to grant permission, I do not consider that the provision of childcare facilities would be required to be addressed by way of condition in this instance.

Childcare Facilities Guidelines for Planning Authorities, 2001 and Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025

8.5.12. As outlined above, I do not consider that the provision of childcare facilities is required to be provided at the subject site based on the content of the current Development Plan and ERM Report cited above. However, having regard to the matters raised in the grounds of appeal relating to non-compliance with Childcare Facilities Guidelines (2001) and the findings of the submitted Social Infrastructure Audit, for completeness, I discuss these matters below. In addition, I note the content of the Planning Design Standards for Apartments Guidelines (2025) with reference to childcare facilities.

8.5.13. Childcare Facilities Guidelines (2001) outline (at Section 2.4) that for new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate, unless there are significant reasons to the contrary for example, development consisting of single bed apartments, and the threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. It is outlined (at Section 3.3.1) that in relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. Given that 296no. dwelling units are proposed, none of which are 1-bed apartments, this would therefore require childcare facilities to be provided as part of the proposed development, subject to the matters of existing childcare facilities and the emerging demographic profile of the area being addressed. These are further discussed below. The provision of 296no. units would equate to a requirement to provide approx. 79no. childcare spaces.

8.5.14. With regard to Planning Design Standards for Apartments (2025), SPPR 6 states that the provision of new Communal, Community and Cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan and shall not be required on a blanket threshold-based approach

in individual apartment schemes. Given that there is no specific requirement in the Development Plan to provide a community facility in the form of a childcare facility, I consider that the non-provision of a childcare facility in this instance would not be inconsistent with SPPR 6.

8.5.15. I note that it is also set out (at Section 4.7 Planning Design Standards for Apartments (2025), that 'notwithstanding the Planning Guidelines for Childcare Facilities (2001),.....the threshold in apartment schemes should be established having regard to the scale and unit mix of the proposed development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any on-site childcare provision and subject to the factors above, this may also apply in part or whole, to units with two or more bedrooms.' (emphasis added)

8.5.16. Having regard to this content of the (2025) Guidelines, I consider that all 42no. proposed apartments (comprising 21no. 2-bed units and 21no. 3-bed units) can be excluded in the assessment of childcare facilities provision, which would result in a lower figure of 254no. houses to be applied to the Childcare Facilities Guidelines (2001) calculation. While this lower figure of 254no. dwelling would also, by itself, result in a requirement to provide childcare facilities, this would also be subject to the matters of existing childcare facilities and the emerging demographic profile of the area being addressed.

Existing childcare facilities and the emerging demographic profile:

8.5.17. The Social Infrastructure Audit lodged with the application calculates that applying the Childcare Guidelines 2001 would indicate a requirement, based on 296no. residential units, for approx. 79 childcare spaces. It estimates actual childcare demand arising from the proposed development potentially ranges from c.15-52 children. With regard to existing childcare facilities, it outlines

- there are 5no. existing facilities with approx. 342no. spaces within c.1.5km, none of which have capacity
- 1no. permitted facility with approx. 34no. spaces is within 1.5km
- 3no. facilities with approx. 293no. spaces are being developed within 1.5km -

3km, as part of 3no. separate planning permissions with a combined total of 2,751no. dwelling units.

8.5.18. Given that the 5no. existing childcare facilities within 1.5km of the site do not have capacity, and given that the 1no. 34-space permitted facility has not been indicated as having been implemented, it would therefore appear unlikely that childcare spaces within this distance of the site would be available the short term. With regard to the further combined 293no. childcare spaces cited within 1.5km-3km, I note that this is in the context of a substantial number of new dwelling units also being delivered as part of these three separate schemes. While the composition of residential units in these schemes, particularly the number of apartments and associated bedroom numbers, are not set out, I consider it reasonable to assume that some of the permitted 293no. childcare spaces may also be subject of demand generated by those separate schemes.

8.5.19. Accordingly, based on the information on file, I consider that it has not been demonstrated that the proposed development would be well served by childcare facilities in the short term. However, while the Childcare Guidelines (2001) state (at Section 2.4) that ‘...planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary.....’, and having regard to the ERM Report regarding the omission of any new nurseries within the Outer PSZ, as discussed above, I am satisfied that this represents a ‘significant reason’ not to provide a new childcare facility at this location. On this basis I consider that the absence of a childcare facility in the proposed development would not be inconsistent with the Childcare Facilities Guidelines (2001).

8.5.1. For completeness, I have noted in this assessment that the ERM Report (at Section 6.2.3) outlines that there may be cases, in exceptional circumstances, where it is judged that the socio-economic benefits (etc.) of a development in the Outer PSZ outweigh the ‘safety risk’, that it is impractical for such a development to be located elsewhere, and cites an airport terminal as a good example of such a development. While noting that the scenario of ‘exceptional circumstances’ is provided for in the ERM report, I do not consider that the provision of new childcare facilities in the Outer PSZ would come within the scope of ‘exceptional circumstances’. Accordingly, I am satisfied that the proposed development, and the non-provision of a childcare

facility, would not be inconsistent with the ERM Report in this regard.

- 8.5.2. In addition, with regard to **Objective CIOSO28 – Childcare Facilities and New Development**, while I note the reference to the provision of appropriate childcare facilities being an essential part of new residential development, this is subject to being in accordance with the Childcare Facilities Guidelines for Planning Authorities 2001 or any superseding Guidelines, or as required by the Planning Authority. Given that First Planner's Report notes Section 2.4 of the Childcare Facilities Guidelines 2001, refers to the overriding importance of public safety and states that the absence of childcare is acceptable in this instance, I am satisfied that the absence of a childcare facility in the proposed development would not, in this instance, be inconsistent with Objective CIOSO28.
- 8.5.3. In terms of detail, I note the 2no. An Bord Pleanála decisions cited in the observation received (Síle Ní Cheallaigh), namely ABP-321467-24 and ABP-314035-22. As viewed on the Commission's website (www.pleanala.ie, accessed on 12 February 2026), ABP-314035-22 relates to refusal of permission for change of use of ground floor creche accommodation (as conditioned in previous planning permission) to 3no. apartments at Tramore, Co. Waterford. ABP-321467-24 relates to refusal of permission for change of use from creche to dwelling house at Delgany, Co. Wicklow. I note that nature of the change of use proposed in these cases, and the Board's reasons for refusal. As the matter of Outer Public Safety Zones does not arise in these cases, I do not consider that these cases are comparative to the matter of childcare provision at subject site, which is located in an Outer PSZ.

ERM Report and Education Facilities

- 8.5.4. 'Education' is permitted in principle on 'RA' zoned lands. As previously outlined, provision of new schools are not permitted in Outer PSZ, as per ERM Report.
- 8.5.5. Having regard to the content of the ERM Report, and the policy context of the subject site which forms part of the former Portmarnock South LAP (now expired) lands, and the absence of any specific objective in the Development Plan to provide school(s) at this location, I do not consider that the provision of primary or secondary schools would be required. However, given the nature of the matter raised in the observation, I outline the context for schools provision in the wider area below.
- 8.5.6. I note the content outlined in the Social Infrastructure Audit with regard to both

primary and post-primary schools. I consider that it has not been adequately demonstrated that the information outlined at Table 7 (Estimated population of the proposed development at Portmarnock South) is correct. It indicates that the additional demand for school places resulting from 296no. residential units is based on a c.591no. estimated population, resulting c.71no. primary school (12%) and c.50no. post-primary school (8.5%). I consider that the cited c.591no. population may be an underestimation of the potential population which could occupy the scheme, given that it comprises 903no. bedrooms.

- 8.5.7. It is outlined that the Departmental document 'Projections of Full-Time Enrolment: Primary and Post Primary Level, 2023 – 2042 (March 2024)' states enrolment projections for primary schools in Ireland will begin to gradually fall from peak levels of academic year (2022-2023), and that enrolment figures in Primary Schools within Dublin region are projected to drop by approx. 10.4% between academic years 2022 – 2023 and 2027 – 2028. The 12no. existing primary schools in the vicinity are mapped on Fig. 6 of the Social Infrastructure Audit. The 2022/2023 enrolment figures for each school are outlined, but the available capacity within these schools, if any, is not stated. Total enrolment is 4,479no. Fig. 9 maps the 8no. post-primary schools in the vicinity. As with the primary schools, enrolment figures for 2022/2023 are provided (total 5,394no.) but any available capacity is not.
- 8.5.8. It is further outlined that based on information on Planned School Provision the DoE are actively engaged with existing schools within the catchment to improve/expand facilities, and 2no. schools are set to be delivered within the catchment within the next 2 years. However, it does not appear to be expressly stated what type (primary or post primary) and where such 2no. schools are proposed.
- 8.5.9. Planned School Provision (at Section 5.2.3) includes redevelopment/ expansion of Malahide and Portmarnock Educate Together Secondary School is on site. Redevelopment /expansion of 3no. other schools are listed. Notwithstanding the details outlined relating to 'redevelopment/ expansion', I consider this is significantly different from 'delivery' of 2no. schools. On the basis of the information on file, I am not satisfied that it has been adequately demonstrated as to what the existing school places availability is at both primary and post primary levels, nor am I satisfied that the type and location of the 2no. schools to be delivered in the area has been

adequately detailed.

- 8.5.10. For clarity, I note that Development Plan mapping (Sheet 10) indicates a proposed post-primary school location at Grange Road, directly east of the Dublin-Belfast rail line at Baldoyle, approx. 2.7m south west of the subject site, via Coast Road (R106). However, as viewed on site visit, Stapolin Educate Together National School has recently been provided at this location.
- 8.5.11. As viewed on the Commission's website (www.pleanala.ie; accessed 13 February 2026), I note that permission was granted in 2025 for a 16-classroom primary school in the Broomfield, Malahide area, approx. 4.5km from the subject site via Station Road, the R124 and Back Road, Malahide; P.A. Ref. F24A/0541E and ACP-322888-25 refers. This site adjoins the site of a large residential development (296no. units) permitted in 2025 (LRD0043/S3E and ABP-321932-25 refers; appeal withdrawn). While the FI response states that this school will also serve the Portmarnock area, given the extent of new residential development permitted or under construction elsewhere in the vicinity, I am not satisfied that adequate quantitative information has been provided to demonstrate where new school places, based on proposed 296no. new houses at Phase 1F, would be accommodated.
- 8.5.12. Notwithstanding this, save for the matter of post-primary school provision at the location of the recently provided primary school (Stapolin Educate Together National School), I note also that Development Plan mapping does not indicate provision for a new school in the vicinity. However, given the content of the ERM Report, I consider that the overall approach outlined with regard to the non-provision of schools on the emerging wider 'St. Marnock's Bay' scheme lands to be reasonable. In this regard I note also the proximity of the subject site to Portmarnock rail station and to public transport at Station Road, such that the site would thereby be more accessible to a wider catchment. While I note that there may be capacity constraints with regard to school places provision, I do not consider that this would be grounds for refusal of permission, and I note that addressing future demand for school places is a matter for the Department of Education and Skills.

Compliance with Land Use Zoning: OS Open Space and HA High Amenity

- 8.5.13. As outlined previously, in addition to the bulk of the current appeal site which is zoned RA Residential Area, two other land use zonings apply to the site, namely OS

Open Space and HA High Amenity which are set out at Section 6.0.

- 8.5.14. The narrow portions of the site zoned Open Space along its eastern edge bound the existing greenway, which is directly outside the red line boundary. No structures are proposed on this Open Space zoning, with landscaping only shown. Similarly, no structures are proposed on Open Spaces lands at the south eastern end of the main residential part of the site, i.e., at the recorded monument DU015-055. The linear part of the site which extends south to Moyne Road traverses lands which are zoned OS Open Space, i.e., part of the route of the rising main. Similarly, the route of the rising main continues south of Moyne Road to the North Fringe Sewer where it traverses HA High Amenity lands.
- 8.5.15. The proposed land use, namely provision of a rising main, is not listed as a land use which is Permitted in Principle or Not Permitted within the OS and HA zoning objectives. In such cases the Development Plan allows for the use to be assessed in terms of its contribution towards the achievement of the Zoning Objective and Vision and compliance and consistency with the policies and objectives of the Development Plan.
- 8.5.16. I note that the Uisce Éireann report on file outlines that a wastewater connection for the proposed development is feasible, subject to upgrades. It outlines 'Option 2' to comprise the upgrade of the existing temporary private pumping station to provide capacity for the existing and proposed phases of the development and construct a new rising main to the North Fringe sewer to the south. In this regard I note that the construction of a new rising main and associated interim works to the private pumping station (on RA zoned lands) are a critical element of new infrastructure to facilitate the proposed Phase 1F development. The rising main infrastructure would essentially be located underground.
- 8.5.17. Furthermore, I note that the proposed rising main would be decommissioned at a later stage. Drawing titled Foul and Storms Sewers Layout – Sheet 1 (Drawing No. 25201-EEI-00-XX-DR-C-04001; Rev P03) lodged with the application states *inter alia* that the rising main (is) to be decommissioned once permanent gravity (is) operational, the rising main decommissioning procedure, subject to agreement with FCC, will require the rising main to be isolated and flushed to ensure all debris/ material is cleared, the pipe will remain below ground, all fittings (air valve/scour

valves) will be removed and the area landscaped to a similar standard to the surrounding area.

8.5.18. Having regard to the nature of the rising main infrastructure, and to the future proposal to decommission same, albeit with the pipework remaining below ground, I am satisfied that the carrying out of works to provide this infrastructure on OS and HA zoned lands would not prevent the achievement of the objectives and visions of these 2no. land use zonings.

8.5.19. In addition, I note the following Development Plan policy (Chapter 3: Sustainable Placemaking and Quality Homes) and objective (Chapter 14: Development Management Standards):

- Policy SPQHP14 – Infrastructure Deficits: Accelerate the availability of lands ready for residential development by aiming to address current infrastructural deficits delaying residential development, and by working collaboratively with all infrastructure providers in facilitating such infrastructure.
- Objective DMSO196 – Public Foul Sewerage Network Connections seeks to ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system, to comply with the requirements of the Uisce Éireann Foul Sewer specification (where applicable).

8.5.20. Given the content of the UÉ report on file, I am satisfied that the provision of the rising main as proposed would be in compliance and consistent with this Development Plan objective.

8.5.21. Having regard to the Development Plan content outlined above, I consider that the provision of the rising main on OS Open Space and HA High Amenity zoned lands, as a key piece of wastewater infrastructure to facilitate new housing delivery, would be in compliance and consistent with Development Plan policies and objectives. Accordingly, I am satisfied that no material contravention issues arise as a result of the provision of this new infrastructure on OS and HA zoned lands.

8.6. Density

8.6.1. The grounds of appeal include that the Council previously relied on Public Safety Zone (PSZ) constraints to justify absence of childcare facilities, yet has

simultaneously deemed it acceptable for hundreds of family homes to be occupied within the same zones. The grounds of appeal consider this selective application of policy is irrational, inconsistent and contrary to proper planning and sustainable development.

- 8.6.2. I note the concerns raised in the grounds of appeal regarding the exclusion of childcare provision within the Outer PSZ, while the provision of substantial residential development is allowed for within this designated area. In this regard I consider it relevant to highlight that the ERM Public Safety Zones Report, 2005 ('ERM Report') differentiates between excluding the provision of any new nurseries while also allowing for the provision of housing on a restricted basis, i.e., ≤ 60 persons/0.5ha.
- 8.6.3. Having regard to the matters raised in the grounds of appeal, I consider it appropriate that the matter of residential density for the proposed development is assessed in the context of the current Development Plan, relevant Section 28 guidelines, the ERM Report and also with reference to the Portmarnock South LAP (now expired).
- 8.6.4. With regard to density, the Overall Schedule of Areas indicates that the Phase 1F is 12.3ha, and the net site area (excluding pumping station area, recorded monument area and main roads previously approved) is 9.5ha.
- 8.6.5. The Development Plan does not provide any specific density ranges. Policy SPQHP35 (Quality of Residential Development) states residential developments must accord with *inter alia* standards in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and Chapter 14 Development Management Standards. These 2009 Guidelines have been replaced by the Compact Settlement Guidelines. Notwithstanding this, given that the 2009 Guidelines are cited in the current Development Plan, I consider it relevant to refer to same.

Fingal Development Plan 2023-2029 and Sustainable Residential Development in Urban Areas Guidelines, 2009

- 8.6.6. With regard to LAPs, the 2009 Guidelines state fundamental questions to be addressed are the setting of appropriate density levels within the area and protection and enhancement of biodiversity and the green infrastructure. The current Development Plan's Core Strategy (Table 2.14) outlines that Portmarnock is a Self-

Sustaining Town of 10,408 population (2023 estimate). In the context of 'Cities and larger towns' of the 2009 Guidelines, I note that minimum net densities of 50uph, subject to appropriate design and amenity standards, should be applied to sites within 1km of a rail station. In the context of Outer Suburban / 'Greenfield' sites locations, a density range of 35-50uph is encouraged generally, and less than 30uph should generally be discouraged in the interests of land efficiency. Given that the subject site is within 1km of a rail station, higher density ranges may be considered in this case. However, this is subject to design and amenity standards and given the particular site context, including archaeological and other constraints which apply, such as the site's location in the Outer Public Safety Zone (PSZ) , I consider that the proposed 31.2uph density proposed would not be inconsistent with the 35-50uph encouraged generally in this context. With regard to the greenfield nature of the site, while noting that the subject site is only marginally above the min. 30uph cited, as outlined above, given the particular constraints on this site I consider that proposed development would not be inconsistent with the 2009 Guidelines.

- 8.6.7. Accordingly, I consider that the proposed development as it relates to density would be in compliance with Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009, and in compliance with Policy SPQHP35 of the current Development Plan.

Sustainable Residential Development and Compact Settlement Guidelines, 2024

- 8.6.8. Separately, with regard to the Compact Settlement Guidelines, the site's 1km walking distance of Portmarnock rail station results in the proposed 31.2uph density being below the minimum density range of 40 – 80uph for a City – Suburban / Urban Extension (Table 3.1), particularly where densities of up to 150uph shall be open for consideration at 'accessible' locations. However, Section 3.2 states that it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3, and it is further stated (at Section 3.4) that density ranges should be considered and refined, generally within the ranges set out, based on *inter alia* considerations of character, amenity and the natural environment. Having regard to the site's visually sensitive location, its close proximity to European sites, in addition to its location within Dublin Airport's Outer PSZ, whereby the ERM Report (outlined at Section 6.0 and discussed further below) requires a density of not more than 60 persons per 0.5ha for new residential

development in the Outer PSZ, I consider that the proposed 31.2uph density, albeit below the minimum density range for this location, would not be inconsistent with the Compact Settlement Guidelines.

ERM Public Safety Zones Report (2005)

- 8.6.9. This report outlines that (future) high density housing development, and the building of schools, hospitals and facilities attracting large numbers of people will not be permitted in Outer PSZs. Table 6.1 Permitted Developments (applicable to new applications for development) states the Outer PSZ allows for Housing \leq 60 persons/half hectare. As outlined previously, it states that there may be exceptional circumstances, where it is judged that a development's socio-economic benefits (etc.) outweigh the 'safety risk', and it is impractical for such a development to be located elsewhere.
- 8.6.10. The Planning Application Report & Statement of Consistency lodged with the application states that their aviation consultant consulted with the DAA and AirNav Ireland to discuss the methodology employed to calculate the appropriate density, that both DAA and ANSP did not raise any issues in principle with the methodology, and that the current layout is compliant with the requirement of no more than 60no. persons per 0.5 Ha.
- 8.6.11. The applicant's response to the grounds of appeal includes the Aviation Planning Compliance document lodged with the application. In terms of detail, I note that Appendix A: AirNav Ireland Response Letter (16/01/2024) appended to this document, as lodged with the application, is not included in the applicant's response to the grounds of appeal. I discuss the Appendix A document in the assessment of EIAR Chapter 18 Risk Management (Major Accidents & Disasters).
- 8.6.12. The DAA submission on file states *inter alia* that while it has no objection in principle to residential development in Noise Zone B, the proposed development is located in an area in which any increase in population will be counted against achievement of the Noise Abatement Objective (NAO). In this regard I note that the DAA submission did not raise concerns relating to the density of the proposed development.
- 8.6.13. I note that given ERM Report's criterion is based on 0.5ha, this would equate to \leq 120 persons/hectare. In the context of the stated 9.5ha site, this would calculate as a

threshold of 1140 persons. The total number of bedrooms proposed in the scheme is estimated to be 903no. I consider that this would suggest that there is potential for in excess of 1140 persons to be accommodated within the proposed development. In this regard I note that Aviation Planning Compliance document does not refer to the number of bedrooms or bedspaces proposed in the scheme.

- 8.6.14. The Aviation Planning Compliance document states (at Section 5) that the average household size for Portmarnock settlement is 2.80. It outlines that Dublin Airport adheres to a night flight cap of 65 flights during specified hours, comprising approx. 12% of total flights. Peak period for concurrent take-offs and landings is typically 7:00am – 7:30am. Simultaneous occupancy rate during identified peak period is 2.67, adjusted to take account of those who leave home before 6:30am.
- 8.6.15. Having regard to the information outlined, I consider that in applying the slightly higher occupancy rate of 2.8 (rather than 2.67), the proposed 296no. units would result in 829persons, and is therefore below the 1140 threshold applicable to a 9.5ha site, based on ERM Report criteria.
- 8.6.16. However, for completeness, I draw to the Commission's attention that as discussed in the EIAR (Chapter 6 – Population and Human Health), the applicant outlines that 195no. residential units provide for approx. 588no. persons, based on a 3.03 occupancy rate. While noting the baseline figure of 195no. is incorrect, I note also that applying the higher 3.03 occupancy rate to the proposed 296no. residential units would result in 896 persons, i.e., a figure which is also below the 1140 threshold applicable for this site.
- 8.6.17. Accordingly, while I note that the Aviation Planning Compliance document does not assess the proposed development in the context of the number of bedrooms or bedspaces proposed, on the basis of the information on file, and in noting also that the DAA and the planning authority have not raised any concerns relating to density vis-à-vis the application of the ERM Report criteria to the proposed development, I consider that the proposed density is acceptable and would not be in conflict with the ERM Report.

Portmarnock South LAP (expired)

- 8.6.18. For completeness, while the Portmarnock South LAP has expired, I outline the following content relating to densities for information -

- Section 2.26: densities are limited by outer PSZ requirement that ‘no single half hectare plot should accommodate more than 60 persons’ (ERM Report)
- Section 4.2: To reflect environmental and visual sensitivities and airport PSZ density restrictions, flexibility regarding achievable maximum density is provided for. An average min. density of 35uph with an average max. density of 42uph shall be considered to comply with LAP’s sustainable objectives

8.6.19. Notwithstanding that the proposed 31.2uph density is slightly below the average min. 35uph density outlined, I note that this LAP has expired. As outlined above, I consider that the proposed quantum of development would be acceptable in the context of the Outer PSZ requirements set out in the ERM Report.

Conclusion

8.6.20. Having regard to the provisions of the Fingal Development Plan 2023-2029, which references the Sustainable Residential Development in Urban Areas Guidelines, 2009, I consider that the proposed development would be in compliance with these, albeit replaced, 2009 Guidelines and would thereby be in compliance with Development Plan Policy SPQHP35.

8.6.21. In addition, I consider that the proposed development would be in compliance with the Compact Settlement Guidelines (2024).

8.6.22. Accordingly, having regard to the nature, scale and location of the proposed development, based on all information on file, and including the requirements of the ERM Public Safety Report (2005), I consider that the quantum of residential development proposed on this 9.5ha (net) site area would be acceptable.

8.7. Public Open Space

8.7.1. Concerns are raised in the observations relating to lack of green space/open space, including that it contravenes the Development Plan which requires not less than 15% of the site area for usable public open space, that Racecourse Park at approx. 28 minutes walk is outside of Play Policy Guidelines and unlikely to be built to serve children of this community, and that the absence of pocket parks, playgrounds or appropriate space for play for children and teenagers contravenes the Council’s Play Policy.

- 8.7.2. I note that the planning authority did not raise any concerns regarding the quantum of public open space provided.
- 8.7.3. The First Planner's Report refers to the internal Parks and Green Infrastructure Report, and states that the on-site shortfall (of open space) can be dealt with through a contribution in lieu. I note that the Parks and Green Infrastructure Report does not seek a contribution in lieu to be levied, and no such condition is included in the planning authority's decision.
- 8.7.4. I note that the planning authority's Condition 6 requires a revised landscape plan which addresses a range of matters to be agreed prior to commencement. It requires play provision of min. 1,184sqm, and details to include area in square metres and age groups catered for, such as toddler play, 6-12 years and teenage play.

Development Plan Public Open Space requirements

- 8.7.5. The Development Plan public open space requirements are set out at Section 6.0 of this report. It sets out (at 14.6.5 Open Space Serving Residential Development) categories of open space, and outlines that public open space requirements are addressed in Chapter 4 and Section 14.13 Open Space.
- 8.7.6. With regard to Table 14.12: Recommended Quantitative Standards (Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities 2009), I note that the Development Plan clearly relates these standards to the aforementioned guidelines. As outlined previously, the 2009 Guidelines were replaced by Compact Settlement Guidelines (2024). Accordingly, while the 2009 Guidelines are no longer in place, Table 14.12 forms part of the operative Development Plan. It requires a minimum public open space provision of 2.5ha per 1000 population. New residential development on greenfield sites/LAP lands requires min. 12% -15% of site area. A target minimum amount of 15% applies except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% will apply.
- 8.7.7. In contrast, I note that Objective CSO66 – Mitigation Measures states ensure mitigation measures in Portmarnock South LAP continue to be implemented and managed in accordance with the requirements of the LAPs or where a LAP is no longer in place, in accordance with the following measures if not already

implemented. It includes 'Objective GI 36 Ensure that a minimum 10% of the proposed development site area shall be designated for use as public open space'. (emphasis added)

- 8.7.8. Accordingly, in the particular circumstances of this case, given that a minimum 10% site area is required as stated in Objective GI 36 (listed under Objective CSO66 – Mitigation Measures, I am satisfied in this instance that the minimum open space standard required by the Development Plan is 10%.
- 8.7.9. With regard to the plans and particulars lodged, the Planning Application Report & Statement of Consistency states that the (expired) Portmarnock South LAP required a minimum of 10% open space provision for the site area, and that the current Development Plan has increased this to 12%-15%.
- 8.7.10. The Planning Application Report & Statement of Consistency outlines the
- Portmarnock South LAP (now expired) guided the development of Phase 1A, 1B, 1C, 1D and 1E. Phase 1F is the next sequential step. The provision of public open spaces has consistently been centred around provision for the wider landbank rather than a development by development basis. Existing and Permitted Public Open Space (Phases 1A, 1B, 1C, 1D and 1E) combined amount to c. 35,090sqm. Following the Phase 1E permission (P.A. Ref. LRD002/03) there remains 8,930sqm of public open space over-provided at Portmarnock South.
 - (at Section 9.1.10) c.9,736 sqm public open space is provided in the form of a linear space along Monument View and the Park associated with the Recorded Monument in the south-east corner of the Portmarnock South lands. When the available over-provision of public open space from previous phases is included (c. 8,930sqm allocated to Phase 1F) then Phase 1F achieves a public open space provision of c.13,950 sq. m (15% of the site area), which meets the 12%-15% Development Plan open space requirement.
- 8.7.11. However, based on the drawings on file, I note that while the linear open space would be overlooked by residential units proposed in the subject proposal, and that it would integrate well into the site layout of proposed development, much of the linear open space was permitted pursuant to previous phases and is outside the red line boundary of the subject site. I consider therefore that any calculation of public open

space, as it relates to the quantum of public open space within the subject appeal site alone, should not include this linear open space area.

- 8.7.12. Separately, Site Layout Plan Sheet 2 of 3 (Drawing No. 6158D-PP-006) shows Monument Park at the southern end of the site, i.e., at the location of the recorded monument and its immediate environs, to have annotated dimensions of approx. 114m x 115m. [In terms of a detail, the annotation includes a very limited extent of roadway]. Based on the dimensions shown on plan, this would result in 13,110sqm (1.31ha) open space at this location. However, notwithstanding these dimensions shown, this drawing also shows, albeit partially obscured, that this open space comprises 9,736sqm (0.97ha).
- 8.7.13. The 0.97ha open space would, at 10.21%, be marginally above the 10% net site area and thereby comply with Objective CSO66 – Mitigation Measures and associated Objective GI 36 for this individual Phase 1F.
- 8.7.14. As outlined previously, the 9.5ha net site area excludes the area of the recorded monument. The 0.97ha open space would represent 7.8% of the 12.3ha gross site area and would therefore be below the Development Plan minimum 10% public open space requirement based on the gross area.
- 8.7.15. Notwithstanding that the open space is below the min. 10% open space based on the gross site area of the subject site alone, I note that the overall public open space strategy provides for clear linkages and routes within the wider lands. Having regard to the ‘over-provision’ of public open space cited by the applicant in previous phases, I am satisfied that the 9,736sqm at the recorded monument combined with a c.8,930sqm ‘allocated’ to this Phase 1F, that the quantum of public open space at the subject site, and in the context of adjoining sites, would be in excess of the minimum 10% required and would be acceptable.
- 8.7.16. In addition, I note the wider site context outlined by the applicant with regard to open space provided in previous phases of St. Marnock’s Bay, including the linear open space which will be located to the west between Phase 1E and the subject site, the site’s relationship to the adjoining greenway to the east which is directly accessible from the subject site, and the part of the approved Racecourse Park which adjoins and overlaps part of the subject site. I noted on site visit that open space has been provided in the immediate vicinity of the subject site in previous phases, for example,

the Skylark Park and playground is accessible, as is the existing open space and play area at the recorded monument to north west of the subject site.

- 8.7.17. Should the Commission be minded to grant permission, it is recommended that a contribution in lieu of public open space provision is not required in this case. In terms of detail, the matter of a contribution in lieu of public open space to be spent on active travel provision was raised in an observation. This matter is discussed at EIAR Chapter I4 Material Assets (Transportation).

Sustainable Residential Development and Compact Settlements Guidelines (2024)

- 8.7.18. I am satisfied, as outlined above, that the quantum of public open space provision would be in compliance with the minimum 10% required, at this location, in the Development Plan. However, for completeness, I refer also to the Compact Settlement Guidelines.
- 8.7.19. Policy and Objective 5.1 - Public Open Space outlines that the requirement in the development plan shall be for public open space provision of not less than minimum 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.
- 8.7.20. I consider that the approximate 0.97ha provided at Monument Park in the proposed development in combination with the 'over-provision' of open space in previous phases to be 'allocated' to the subject site would be acceptable in this instance, as discussed above, and the proposed development would thereby meet the minimum 10% public open space requirement. In addition, there is existing and emerging public open space provision in the area, including the earlier phases of St. Marnock's Bay and the approved Racecourse Park. The broader nature conservation and environmental considerations are discussed elsewhere in this IR, at EIAR Chapter 6 Biodiversity and the NIS, including with regard to the site's close proximity to European sites.
- 8.7.21. I am satisfied, based on the plans and particulars on file that the proposed development would be in compliance with Policy and Objective 5.1 - Public Open Space of the Compact Settlement Guidelines.

Planning Authority's Condition 6

- 8.7.22. With regard to the play provision of minimum 1,184sqm required by Condition 6(f), I note that Development Plan Objective DMSO68 – Playground Facilities within Residential Development requires appropriately scaled children's playground facilities within residential development to be provided, and playground facilities shall be provided at a rate of 4sqm per residential unit. I note that 296no. residential units would equate to a requirement to provide 1,184sqm playground facilities on this basis.
- 8.7.23. Drawing titled Open Space Play Provision; Drawing No. 7173_302 (Rev. 00) lodged with the application shows a wide range of play facilities at the general location of the recorded monument. It includes a 5.2m high climbing net proposed in the play area south west of the recorded monument. In addition, I note the content of separate drawing titled Detailed Area: Recorded Monument Open Space (Drawing No. 7173_301; Rev 00. Shows kick about area 20m x 12 to south west of the recorded monument
- 8.7.24. I also draw to the Commission's attention that the assessment of EIAR Chapter 17 Cultural Heritage – Archaeological and Architectural outlines that a number of low mounds are shown as part of the natural play opportunities within the open space at the recorded monument on site. It is outlined that the area will be handed over to the Council as open space.
- 8.7.25. I consider that the play facilities/play areas shown are generally acceptable, and that the kick about area, while of relatively modest size, could be used by older children/different age groups.
- 8.7.26. I consider that the inclusion of a condition similar to Condition (6), should the Commission be minded to grant, to include the 1,184sqm play area(s), quantified based on the type of play provision proposed, would be appropriate in this instance, and would adequately address the matter raised in the observation relating to lack of adequate public open space and play facilities.

8.8. Planning Authority's Condition 33 – Special Development Contribution

- 8.8.1. Condition 33 requires a special financial contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the upgrade of the

Station Road/Drumnigh Road (R124) junction, which shall be assessed based on the area of the proposed development as a proportion of the total development lands within Portmarnock contributing to the junction upgrades, shall be agreed prior to commencement, and in in default of agreement, the matter shall be referred to An Coimisiún Pleanála for determination.

- 8.8.2. I note that this condition requiring payment of an unspecified sum has not been appealed, nor does the applicant's response to the grounds of appeal refer to this condition.
- 8.8.3. The First Transportation Planning Section Report (28 August 2025) recommends that a special financial contribution under section 48(2)(c) of the Planning and Development Act 2000 be paid to the Council in respect of provision of junction upgrade of Station Road with Drumnigh Road (R124). It outlines the junction upgrade would require acquisition of 3rd party lands, and the works could not be carried out by a developer. A detailed design for the junction upgrade has not yet been completed. Design will be carried out by the Council, and is included in a larger proposed infrastructure project 'The Kinsealy Walking and Cycling Scheme', of which the 'options selection phase' is currently progressing. The total land area considered for the contribution scheme is c.53ha. It includes all of the residential zoned land in Portmarnock LAP lands, residential zoned lands east of the railway and north and south of Station Road. The proposed development at c. 12.3ha represents c.23% of the overall lands that would be considered to have a traffic impact on Station Road/Drumnigh road Junction.
- 8.8.4. Having regard to the planning authority's Condition 33 which requires payment of a special condition for an unspecified amount, I consider it relevant in this instance to note the relevant provisions of the legislation relating to special contributions, and relevant content of Section 28 Development Management Guidelines for Planning Authorities, 2007 (Department of Environment, Heritage and Local Government).
- 8.8.5. The Planning and Development Act 2000, as amended, provides for
- Section 48(2)(c): *A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure*

and facilities which benefit the proposed development.

- Section 48(12): *Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply—
(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates*
- Section 49(13)(a): *Notwithstanding section 34(11), where an appeal referred to in paragraph (a) is received by the Board, and no appeal is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal furnishes to the planning authority, pending the decision of the Board, security for payment of the full amount of the special contribution as specified in the condition referred to in paragraph (a)*
(emphasis added)

8.8.6. Based on the information on file, I do not consider that it has been demonstrated that the attachment of Condition 33 requiring payment of a special contribution would be in accordance with Section 48(2)(c) of the Act.

8.8.7. In addition, I draw the Commission's attention to Section 7.12 of the Development Management Guidelines, which states 'A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development..... Conditions requiring the payment of special contributions may be the subject of appeal.'

8.8.8. I consider that given that no actual contribution amount is specified, and thereby no details of the basis for any calculation have been outlined, I consider that the attachment of an unspecified special financial contribution would not be warranted in this instance. In the absence of a specified amount in a special contribution, and the associated basis for the calculation, I do not consider that it has been demonstrated that the attachment of a condition requiring payment of a special contribution, for an unspecified amount, would be in compliance with Section 7.12 of the Development Management Guidelines. Accordingly, it is recommended, should the Commission be

minded to grant permission, that a condition requiring payment of an unspecified financial contribution should not be applied in this instance.

8.8.9. I note the site's proximity to the Drumnigh Road/Station Road junction, as estimated on www.tailte.ie (accessed on 5 March 2026) from the northern proposed dwelling houses in Phase 1F, is approx. 1km via Station Road. For clarity, I have viewed this T-junction on site visit. This junction is not signalised, and there is currently a footpath on the northern side only of Station Road's approach to the junction. In terms of the principle of works to this junction, I consider that works to upgrade this junction would be reasonable.

8.8.10. I note the content of the planning authority's response to the grounds of appeal, which includes that in the event its decision is upheld, provision should be made for a financial contribution and/or provision for any shortfall in open space and/or any special development contributions required in accordance with the Council's Section 48 Development Contribution Scheme.

8.8.11. As viewed on the planning authority's website (www.fingal.ie; accessed on 5 March 2026), the Council's Development Contribution Scheme 2026-2030 came into effect on 01 January 2026. Appendix 3 of this Scheme (Projects to benefit from the Development Contribution Scheme 2026-2030) does not list R124/Drumnigh Road - Station Road. By reason of their nature, 'special' development contributions are not set out in this scheme. I do not consider that the basis for applying an unspecified special contribution in this instance has been adequately set out. As outlined above, should the Commission be minded to grant permission, it is recommended that a special contribution is not attached in this instance.

8.8.12. Separately, I note that Development Plan Table 6.3 Transportation Schemes includes

- R123 Moyne Road realignment and Station Road
- Drumnigh Road Junction.

Notwithstanding the inclusion of Drumnigh Road Junction in this section of the Development Plan, it remains that I do not consider that there is sufficient information on file to warrant the attachment of a special development contribution, should the Commission be minded to grant.

8.8.13. For completeness, I also draw to the Commission's attention that -

- Chief Executive's Order on LRD0002/S3 (Phase 1E) requires a special financial contribution under section 48(2)(C) of Planning and Development Act 2000 to be paid in respect of the upgrade of Station Road/Drumnigh Road (R124) junction, to be assessed based on the area of the proposed development as a proportion of the total development lands within Portmarnock contributing to the junction upgrades; Condition 7(c) refers
- No condition requiring payment of a Section 48(2) special financial contribution is included in the Board decision on SHD application ABP-312112-21, i.e. Phase 1D. Condition 7 requires the applicant to upgrade Drumnigh Road R124 and Station Road prior to commencement of development, details of which are to be agreed in writing. While I note that this condition requires the applicant to upgrade the junction, this condition does not require payment of a special contribution.

9.0 Environmental Impact Assessment

9.1. Statutory Provisions

9.1.1. The proposed development provides for

- 296no. residential units, comprising 254no. houses and 42no. duplexes,
- new (temporary) rising main to serve this phase and previous development phases (1A to 1E inclusive) c. 1.7km long, running from interim St. Marnock's Pumping Station to the North Fringe Sewer at a point south of Moyne Road and Mayne River at Stapolin, upgrade of interim St. Marnock's Pumping Station and storage,
- decommissioning of temporary rising main and interim St. Marnock's Pumping Station when Uisce Éireann Pumping Station adjacent to Portmarnock Bridge is operational;
- 4no. ESB Sub-stations
- all other associated site development and hard and soft landscape works

all on a site with a gross area of 12.3ha, at Portmarnock, Co. Dublin.

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

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

9.1.3. The proposed development is an urban development in a built-up area. The gross site area is 12.3ha, and the net site area is 9.5ha.

9.1.4. The applicant considers that the requirement for an EIA is triggered by

- the proposed development comprising 296no. residential units in combination with the permitted Phase 1D (172no. units) and Phase 1E (194no. units) and the future remainder of these lands (c. 18 units), which cumulatively amount to c.680no. in total and therefore falls within the threshold requiring an EIAR, as it comprises of 500no. dwellings or more.
- the site area of Phase 1F is 12.3 Ha and is therefore above the threshold area of 10 Ha requiring an EIAR.

The applicant notes also that the planning authority have required an updated EIAR to be submitted as part of any future LRD application.

9.1.5. I note that Phase 1D appears to be substantially complete and Phase 1E is under construction. When the proposed Phase 1F is considered together with the 2no. previous phases (Phases 1D and 1E), the relevant threshold is exceeded, and the applicant is required to prepare an EIAR. In addition, I note also that the 12.3ha gross site area exceeds 10ha threshold which would trigger a requirement for EIAR.

9.2. EIA Structure

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

amended by 2014/52/EU). Section 171 of the Planning and Development Act 2000 (as amended) defines EIA as:

- a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
- b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

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

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

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

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

made.

9.3. Issues Raised in Respect of EIA

- 9.3.1. Issues raised in respect of EIA by parties to the appeal are outlined briefly in the following section.
- 9.3.2. The third party's grounds of appeal do not raise any issues in respect of EIA.
- 9.3.3. The observer's submission (Síle Ní Cheallaigh) states the EIA contains significant deficiencies relating to lighting, biodiversity and habitat protection. It outlines that the statement that there will no impacts on bird species/wetland habitat of Baldoyle Bay SPA nor habitats/species of Baldoyle Bay SAC is contradicted by their finding of red and amber listed bird species, and that some of these species have been found breeding and foraging on these lands. The application will have a negative impact on the grassland habitat. EIAR states southern grassland/scrub matrix is a key ecological receptor. Application contravenes EU habitat directive with additional protections for semi-natural dry grasslands as it is one of the most threatened habitats.
- 9.3.4. The applicant's response to the third party's grounds of appeal notes that FI was sought to address gaps and inconsistencies in the EIAR. Following consideration of the FI, the planning authority was satisfied that the EIAR had been appropriately updated and that it provided a sufficient basis upon which to make a reasoned conclusion on the likely significant effects of the proposed development.
- 9.3.5. Issues are elaborated on in the assessment below.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001.

- 9.4.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
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A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).

A description of the proposed development is contained in Chapter 3 Description of the Proposed Development. Details of the location, site, design and size of the development are outlined. No demolition is proposed.

Proposed access arrangements to the site during construction and operation phases are set out in Chapter 14 - Material Assets – Transportation.

Chapter 7 – Land, Soils, Geology and Hydrogeology refers to the separate Construction Environmental Management Plan (CEMP) submitted.

In each technical chapter the EIAR details are provided on use of natural resources and the production of emissions and/or waste (where relevant).

A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR.

I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).

The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Chapter 19 – Summary of Mitigation Measures. The Appendices include a Resource & Waste Management Plan (Appendix 15-1). A Construction Environmental Management Plan was submitted with the application. Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).

A description of the alternatives considered is contained in Chapter 4 – Description of Reasonable Alternatives.

The alternatives considered include alternative locations, ‘do-nothing’ scenario, alternative processes, alternative mitigation measures and alternative designs/layouts. A justification for selecting chosen layout and design is included. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).

A description of the baseline environment and likely evolution in the absence of the development.

A description of the baseline environment is included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development.

In terms of detail, it would appear that no ‘do nothing’ scenario is set out in Chapter 14 Material Assets (Transportation). While noting this apparent omission, I consider it reasonable to conclude that in the absence of this proposed development progressing, as the site is located on zoned, serviced lands, it is anticipated that such lands would otherwise be developed in the foreseeable future.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved

The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects.

The applicant has indicated in the different chapters of where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA.

I am satisfied that forecasting methods are adequate in respect of likely effects on the various issues.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically dealt with in Chapter 18 – Risk Management (Major Accidents & Disasters) of the EIAR. A Preliminary Flood Risk Assessment has been submitted with the application.
Article 94 (c) A summary of the information in non-technical language.
<i>A Non-Technical Summary is provided at Chapter 2.</i> I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
Section 1.6 (Chapter 1 Introduction) sets out the relevant experts involved in the preparation of this EIAR; Table 1.2 refers. Individuals' qualifications are stated. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

Consultations

- 9.4.2. The application has been advertised and submitted in accordance with statutory requirements. Direct and formal public participation in the EIA process was undertaken throughout the statutory planning application process.
- 9.4.3. This EIA has had regard to the submissions and observations received from the planning authority, prescribed bodies and members of the public. These are summarised in Section 4.0 and Section 7.0.

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

Compliance

9.4.5. The planning authority FI Item 1(a) noted that the list of other development projects considered during the cumulative assessment presented in the EIAR is inconsistent across EIAR chapters, and requested the applicant to submit a comprehensive and accurate list of other development projects considered within the cumulative assessment presented in the EIAR.

9.4.6. The FI response outlines that 2no. projects were inadvertently omitted, and that Section 3.7 of the EIAR is updated to include

- ABP-320164-24: DART+ Coastal North Railway Order 2024
- ABP-312131-21: Greater Dublin Drainage Strategic Infrastructure Development (SID)

9.4.7. The FI response confirms that the EIAR team were furnished with a list of projects to be considered for cumulative effects that included these two projects.

9.4.8. I note also that FI response resulted in revised public notices also being submitted. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer, and the FI response received, is sufficient to comply with article 94 of the Planning and Development Regulations, 2001 (as amended).

9.5. Assessment of Likely Significant Effects

9.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,

- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

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

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

9.6. **Population and Human Health**

Issues Raised

9.6.1. The grounds of appeal did not raise any specific issues in relation to population and human health, other than broad concerns relating to lack of childcare facilities, density/population growth, particularly density in the context of Dublin Airport's Outer PSZ. Issues raised by the observer (Síle Ní Cheallaigh) include lack of open space, lack of community facilities, particularly childcare and educational facilities. These matters are raised in the Planning Assessment.

9.6.2. The planning authority does not raise any concerns regarding Population and Human Health, and outlines that it is satisfied that the proposed development would not have any significant direct, indirect or cumulative significant effects on population and human health. However, the First Planner's Report notes that the Social Infrastructure Audit estimates the future population size of the proposed development is c.591, based on an average household size of 3.03 in Fingal. It outlines that this is based on an erroneous number of units, and that the correct figure should be 897. The matter of the potential population of the proposed development is not raised in the Further Information request.

Examination of the EIAR

Context

- 9.6.3. Impacts of the project on population and human health are addressed in Chapter 5 of the EIAR. Topics that will be examined in the chapter are set out. It outlines that environmental aspects examined in this Chapter include -
- Chapter 9 Climate (Air Quality)
 - Chapter 10 Climate (Climate Change)
 - Chapter 12 Air (Noise and Vibration)
 - Chapter 13 Landscape and Visual Impact Assessment
 - Chapter 14 Material Assets (Transportation)
- 9.6.4. The assessment methodology is outlined. Sources used are set out as relevant over the course of the chapter. I note that Census 2022 results are used. It is outlined that no difficulties were encountered in compiling this chapter.

Baseline

- 9.6.5. The baseline provided describes the population and demographics, such as socio-economic information relating to employment, education, health and deprivation.
- 9.6.6. The subject site is located in Portmarnock South ED (04032). It outlines that Fingal's population grew by 11.6% between 2016 and 2022 compared with 8.1% nationally. Portmarnock South ED's growth rate 30.6%, and this correlates with the development of previous phases (Phases 1B and 1C occupied) which would not have been captured in Census 2016. National and county population projections are predicted to continue this trend of moderate to high population growth in the short term. In Portmarnock South ED, 32.6% of the population is within the 25 – 44 age group. This compares to 27.6% for the state and 29.6% for Fingal County.
- 9.6.7. The 2022 Labour Force figures show that unemployment in Fingal is at 9.1%, compared to 8% for the state as a whole. The dominant category in Portmarnock South ED is Managerial and Technical (49.3%), with Unskilled being the lowest representative at 1%.
- 9.6.8. Education levels are set out at Table 5.6. It states that there are higher levels of educational attainment in the study area than in Fingal county.

Potential Effects

9.6.9. The EIAR identifies the potential for a range of environmental effects on Population and Human Health. Likely significant effects, as identified in the EIAR, are summarised in Table 9.1 below.

9.6.10. Table 9.1 – Summary of Predicted Impacts on Population and Human Health in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>No construction would take place. There would be no potential for positive impacts of increased housing supply. There would be a neutral effect on the environment. It is likely that the lands would be developed in time for another development in line with the zoning.</p>
Construction	<p>There will be short term increased in local working population, expected to be greater than 100no., and is not likely to be a significant increased in population numbers.</p> <p>Direct employment in the construction and related sectors will lead to direct and indirect benefits for the local area. Employment and economic activity are likely to lead to a slight positive effect which is temporary and short term.</p> <p>As per Chapter 9 Climate (Air Quality) in the absence of mitigation there is potential for imperceptible, negative, short term impacts to human health.</p> <p>As per Chapter 10: Climate (Climate Change) there is potential for release of greenhouse gas (GHG) emissions to atmosphere.</p> <p>There will be typical construction activity related noise on site. As per Chapter 12 Air Noise & Vibration, construction noise impact is not significant in the majority of cases. At Location N1 (Monument View dwellings) a negative, slight</p>

	<p>to significant and temporary effect is likely. This would be worst case and temporary.</p> <p>Traffic will not be higher than the peak hour predicted volumes for Operational Phase. The construction traffic impact is negligible. All construction traffic will be directed south to Moyne Road, thus avoiding Station Road.</p> <p>As per CEMP, ongoing visual inspections and monitoring of haul roads will be undertaken to record any damage caused. Main Contractor, at their cost, will repair such damage to local authority's standard in a timely manner.</p> <p>Visual impacts due to scaffolding, hoardings, general site works etc., will be short term in duration (lasting 1 to 7 years). Removal of a short isolated section of low blackthorn hedgerow will have a slight negative impact. The visual impact is assessed as being of Moderate Negative Short-term Significance.</p>
Operation	<p>195no. residential units provide for approx. 588no. persons, based on 3.03 occupancy rate. It will have a positive, significant and permanent impact on local population.</p> <p>296no. residential units will add to accommodation availability. It will have a long term, positive effect on local area in relation to employment and economic activity.</p> <p>Human Health: Existing/new residents will have access to high quality environment, links to more sustainable forms of transport and increased access to open space, nature and services. It will have a long term, moderate positive effect.</p> <p>Climate (Air Quality): Impact is long term, neutral and</p>

	<p>imperceptible.</p> <p>Climate (Climate Change): Proposal will comply with NZEB standard and aims to achieve energy efficient design. It is predicted to have at most low vulnerabilities to the various climate hazards. Climate change risk is not considered significant.</p> <p>Air (Noise & Vibration): Potential outward noise impact surrounding will be additional vehicles on road network, building services and mechanical plant. Effects are considered neutral, not significant and permanent.</p> <p>Regarding inward noise, glazing and vent specifications fulfilling requirements in Section 12.2.1 of Chapter 12: Air (Noise & Vibration) will ensure suitable internal noise levels.</p> <p>Traffic: As outlined in Chapter 14: Material Assets (Transportation), impact on junctions assessed will be minor. Proposal will have a positive impact on pedestrian and cycle amenities. Mobility Management Plan will encourage residents and visitors to use sustainable transport such as walking, cycling and public transport, to reduce dependency on private car use.</p> <p>Townscape & Visual: Completed housing areas and open space would have a maintenance regime to maintain landscaped areas. There will be positive impact on emerging local character. It will not adversely impact on sensitive landscape characteristics, e.g. coastal setting and character or views to and from this landscape.</p>
Decommissioning	It is stated Reinstatement is not applicable to this Chapter.

	<p>Separately, I note that is not proposed to decommission the proposed development, save for the proposed rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ Pumping Station adjacent to Portmarnock Bridge when same is completed.</p>
<p>Cumulative</p>	<p>Townscape and visual impact: Cumulative effect alongside other development due to take place will be long term, significant and positive. Sensitivity of the receiving wider landscape and visual environment is Medium and Magnitude of Change is considered Medium. Cumulative landscape and visual impact at Construction Phase is Moderate Negative Short-term Significance.</p> <p>Air quality: With <u>mitigation measures</u> (as per Section 9.6.1.1), no significant cumulative impacts predicted.</p> <p>Traffic impacts: There will be minor impacts on safety or operation of road network at Construction Phase of all phases. All construction related traffic will be outside the morning and evening peak hours, and will not have significant impact on operation of adjoining junctions.</p> <p>Health & Safety: Project has been designed in accordance with Safety, Health and Welfare at Work legislation and in accordance with internationally recognised standards, design codes, legislation, good practice and experience. Project has potential for impact on health and safety of workers employed. Contractors' activities during Construction will be carried out in accordance with Safety, Health and Welfare at Work legislation to minimize likelihood of any impacts on workers' health and safety.</p>

Mitigation Measures

9.6.11. Mitigation measures relating to health impacts at construction and operation phases based on other technical disciplines within this EIAR are outlined in each respective

chapter. Standard best practice and mitigation measures are recommended throughout in order to minimise any impacts. Mitigation measures proposed to minimise potential impacts on human health in terms of air quality, landscape & visual impact and noise & vibration are discussed in Chapter 9: Climate (Air Quality), Chapter 10: Climate (Climate Change), Chapter 12: Air (Noise & Vibration) and Chapter 13: Landscape & Visual Impact respectively. Chapter 14: Material Assets (Transportation), addresses mitigation measures proposed to reduce the impact of additional traffic movements.

Residual Impacts

9.6.12. Residual impacts are long term and positive. Potential improvements in health relate to improved access to open space and services.

- Construction phase: Once mitigation measures are implemented residual effects are expected to be minor or insignificant as described in other residual impacts sections
- Operational Phase: Effects of increased population are expected to be positive, long term and significant. Following implementation of mitigation measures described in the respective EIAR chapters, effects on human health are not expected to be significant.

9.6.13. It is outlined that no specific monitoring for human health during construction or operation is required.

Direct and Indirect Effects Assessment

9.6.14. I have examined, analysed and evaluated Chapter 5 of the EIAR and all of the associated documentation, submissions and observations on file in respect of population and human health, and the FI response. I am satisfied that the applicant's presented baseline environment is reasonably comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified.

9.6.15. I note the proposed number of residential units is stated as 195no., and the predicted population is 588no. persons based on a 3.03 occupancy rate in Fingal. The baseline figure of 195 is incorrect, although the correct 296no. residential unit figure

is also referenced in this section of Chapter 5.

- 9.6.16. However, I do not consider that it has been adequately demonstrated that the methodology applied, namely multiplying the number of residential units by the County's occupancy rate, is appropriate in this instance. The proposed house/duplexes and the associated number of bedrooms per unit are set out at Section 2.0 of this report. The total number of bedrooms proposed in the scheme is estimated to be 903no. In addition, the number of bedspaces per unit are contained in the HQA, although the total number is not quantified on this document. This estimated 903no. of bedrooms is substantially above the 588no. predicted population figure cited by the applicant.
- 9.6.17. In terms of impacts for existing and future populations in the area generally, I consider that the provision of a 296no. unit residential scheme at this location on zoned, serviced urban land, proximate to substantial areas of existing or planned open space/green infrastructure, particularly the existing greenway and the approved Racecourse Park recreation area, would result in significant, long term and positive potential effects.
- 9.6.18. I note the particular concerns raised in the third party appeal and the observations in terms of a lack of existing social infrastructure, particularly childcare and educational facilities. These matters are discussed at Section 8 of this report.

Traffic:

- 9.6.19. With regard to traffic impacts, it is stated that all construction related traffic will be outside the morning and evening peak hours, and will not have a significant impact on operation of adjoining junctions. However, in contrast, I note that the CEMP states (at Section 5.6) that proposed working hours during construction process are:
- 07.00 – 18.00 Monday to Friday
 - 08.00 – 14.00 Saturdays
 - No works shall take place on site on Sundays or Bank Holidays.
- 9.6.20. I consider that these are standard construction working hours, and should the Commission be minded to grant, it is recommended that these working hours are permitted. I consider that construction traffic and staff arrival/departure times would be within the general morning and evening peak hours. This would be a standard

construction practice, and while it may have some impacts on adjoining junctions, this would be short term in nature, and I consider this to be acceptable. The matter of traffic impacts is discussed elsewhere in this report with reference to Chapter 14 Material Assets (Transportation).

Climate (Air Quality):

9.6.21. I note that Chapter 9 Climate (Air Quality) outlines mitigation measures regarding dust emissions to minimise air quality impacts. It sets out that the predicted residual, dust-related human health impact of the construction phase is direct, short-term, negative, imperceptible and not significant. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse effects on population and human health. I am also satisfied that there would be no significant cumulative adverse impacts.

Miscellaneous:

9.6.22. In terms of detail, I note that provision of a local services centre is referred to (at Section 5.5.1.1). However, no local services centre is proposed in the current application. While this would appear to be in error, I do not consider that this materially impacts on the assessment of the Population and Human Health.

Conclusion: Direct and Indirect Effects

9.6.23. Having regard to the foregoing, it is considered that the main significant direct and indirect effects on population and human health, after the application of mitigation measures, are:

- Significant direct positive impact for population, due to substantial increase in housing stock during operational phase,
- Significant positive effect through construction stage employment and associated construction phase economic activity and an increase in the local population for services in the operational phase, and
- Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures, resulting in no significant residential impacts on population and human health.

9.7. Biodiversity

Issues Raised

- 9.7.1. The grounds of appeal do not raise any issues relating to biodiversity.
- 9.7.2. The observation received (Síle Ní Cheallaigh) states that the proposed development contains significant deficiencies relating to lighting, biodiversity and habitat protection. The statement that there will no impacts on bird species/wetland habitat of Baldoyle Bay SPA nor habitats/species of Baldoyle Bay SAC is contradicted by their finding of red and amber listed bird species, and some of these species have been found breeding and foraging on these lands. The application will have a negative impact on grassland habitat. The EIAR states southern grassland/scrub matrix is a key ecological receptor. The application contravenes EU habitat directive with additional protections for semi-natural dry grasslands.
- 9.7.3. With regard to the planning authority assessment of the EIAR, I note that the EIAR (and FI response relating to AA) was reviewed by a consultancy. The consultancy's 2no. reports are on file.
- 9.7.4. The First Planner's Report sought for clarification as to the Cumulative Impacts in the EIAR (FI Item 1). It considered that there was a lack of sufficient description of River Mayne 'Lowland river' habitat crossed by the proposed pipeline, and mammal walkover surveys for this habitat were not provided, and that the chapter as whole was not comprehensive. FI Item 1 (4)(5)(6) and (7) sought a range of matters relating to Biodiversity to be addressed.
- 9.7.5. The Second Planner's Report noted the EIAR errata document provides an update to Section 3.7 of the EIAR, and includes 2no. additional projects – Dart + West and Greater Dublin Drainage SID which were inadvertently missing, and that the EIAR team had a complete list of projects, including these, in the preparation of the EIAR. The planning authority was satisfied that the proposed development would not result in cumulative significant effects on the receiving environment. In terms of detail, there would appear to be minor discrepancy regarding the reference to Dart + West, in lieu of Dart + Coastal North in the Second Planner's Report. However, I do not consider that this materially impacts on the assessment of the EIAR.
- 9.7.6. The Second Planner's Report also noted that FI response contends that there are no

changes to the assessment outlined in the EIAR submitted with the planning application. This was considered acceptable. The planning authority considered that bird surveys were undertaken at suitable times of the year, that the scope and timing of habitat and bat surveys undertaken is generally satisfactory. The planning authority was satisfied that the proposed development would not have any significant direct, indirect or cumulative significant effects on biodiversity.

9.7.7. The 6no. projects listed in the FI EIAR Errata document is that 2no. projects have been updated, namely

- DART+ Coastal North Railway Order 2024 (ABP-320164-24) was approved in August 2025
- Greater Dublin Drainage SID (ABP-312131-21) was granted in July 2025

9.7.8. The FI response includes a Technical Note prepared in response to biodiversity/nature conservation items of the FI request. The overall conclusion in relation to Biodiversity (EIA) of the FI request is that no new or additional mitigation measures are required, and, with mitigation measures set out in the planning application documentation and clarified in this response, no changes to the conclusions of the EIAR arise.

9.7.9. An NIS is submitted as a separate report, and I address this separately in this IR.

Examination of EIAR

Context

9.7.10. Impacts of the project on biodiversity are outlined in Chapter 6 of the EIAR. Appendices are attached at -

Appendix 6.1A: Winter bird surveys October 2022 to April 2023

Appendix 6.2: A bat assessment of Lands at Portmarnock proposed for development

Appendix 6.3: Portmarnock Phase 1F: Outline Habitat Management Plan

9.7.11. A Landscape & Biodiversity Statement was also lodged with the application.

9.7.12. It is outlined (at Section 6.10) that no difficulties were encountered in compiling the Biodiversity Chapter. All surveys were undertaken to an appropriate level. The report is based on biodiversity surveys undertaken over multiple seasons across multiple receptors.

9.7.13. The methodology includes an extensive desk-based assessment in accordance with cited publications and sources, including legislation, policies and plans.

9.7.14. It is outlined that multiple biodiversity surveys have been undertaken at the Portmarnock lands between 2016 and 2025, and in relation to Phase 1F lands surveys were undertaken by competent specialists and experts in their respective fields. Baseline surveys covered the following elements and where relevant the results are included in this document:

- Habitat, botanical and invasive alien plant surveys and mapping;
- Surveys of breeding birds and overwintering birds;
- Bat activity and roosting surveys;
- Badger and large mammal surveys;
- Appraisal of site suitability for lepidoptera, amphibians and reptiles.

9.7.15. The methodology includes (at Section 6.2.3) an evaluation of ecological features outlining that a Key Ecological Receptor (KER) is defined as any feature between Local Importance (Higher Value) and International Value, such as a European site.

Baseline

9.7.16. A general description of the existing environment is set out. Figure 6.4 is the habitat map for the proposed Phase 1F development, including the link to the North Fringe sewer. Habitats on site are described. There are no watercourses on site. A visual appraisal of ditches and watercourses in the wider vicinity was undertaken.

Biological kick-sampling was not carried out, due to the unsuitable substrate of drainage ditches in the wider area, the flow regime and general overall condition.

Distances to relevant European sites are outlined, including Baldoyle Bay SAC/SPA being 40m to east.

9.7.17. The FI Technical Note outlines that the proposed rising main pipeline route comprises a linear corridor, which north of Moyne Road is located on spoil and bare ground within corridor of the existing road. South of Moyne/Mayne Road the habitats comprise a mix of scrub, dry meadows, grassy verges, dry drainage ditch and Mayne River. These are of Local Importance (Higher Value) mainly due to presence of the river. The scrubby/grassland habitat does not contain any rare/protected or

noteworthy plant species. There are no bat roosts within pipeline route, it is not of significant value for commuting or foraging bats, there was no evidence of badger activity although otter activity elsewhere along the river has been recorded by the EIAR team in the past, and there is no otter holt within the vicinity. This area forms part of the permitted Racecourse Park development.

Potential Effects

9.7.18. The EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects, as identified in the EIAR and in the FI Technical Note, are summarised in Table 9.2 below.

Table 9.2 Summary of Predicted Impacts on Biodiversity in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p><u>EIAR:</u> Site is of local ecological importance. No significant changes to biodiversity value expected. Area is zoned for residential development. Development is highly likely to take place. If redeveloped later, any potential impacts would be similar.</p>
Construction	<p><u>EIAR:</u> Temporary slight negative impacts on water quality from, e.g., suspended solids, hydrocarbons and concrete/cement products, increase in run-off due to soil compaction and dust generation. Habitat loss will result in long term to permanent, slight to moderate negative impact on breeding birds at site level. No significant impacts on ecological receptors such as commuting or foraging bats. No significant impacts on badgers and other large mammals, amphibians, reptiles, lepidoptera or other species groups.</p> <p><u>FI Technical Note:</u></p>

	<p>Given low levels of bat activity (Appendix 6.2) there will be no significant impacts on commuting or foraging bats. No impacts on roosting bats expected. Significant impacts on bats due to lighting are not expected.</p> <p>Risk of disturbance to birds caused by construction activity on Phase 1F lands is low.</p> <p>Given proximity of townland boundary to Phase 1F site (within 50m) and of River Mayne to launch and receptor pits of tunnelled river crossing, the worst-case sensitivity to dust-related ecological effects is medium.</p>
Operation	<p><u>EIAR:</u></p> <p>Lighting may, unmitigated, have a permanent, moderate, negative impact upon bats.</p> <p>Loss of vegetation may affect commuting bats, by removing cover that allows commuting, and affect feeding by reducing habitat for their invertebrate prey.</p> <ul style="list-style-type: none"> • potential for long-term to permanent, moderate, negative impacts on local fauna due to land use change • no significant impacts on amphibians, reptiles and lepidoptera <p><u>FI Technical Note:</u> N/A</p>
Decommissioning	<p><u>EIAR</u></p> <p>Majority of site area to be removed comprises disused agricultural and areas of heavily disturbed land. No reinstatement is required. Proposed landscaping will mitigate habitat loss. Habitat creation with high value biodiversity planting as part of the development will ensure new habitat connectivity between development site and wider area. Once the rising main is decommissioned the pipe will be rinsed out, capped and left in situ and no reinstatement works will be required.</p>

	<u>FI Technical Note: N/A</u>
Cumulative	<u>EIAR</u> Proposed development nor any other developments will give rise to any significant impacts on biodiversity. There are no predicted cumulative biodiversity impacts. <u>FI Technical Note</u> Proposed development nor any other developments will give rise to any significant impacts on biodiversity. There are no predicted cumulative biodiversity impacts. 6no. other projects are listed.

Mitigation Measures

9.7.19. Mitigation measures are set out in Section 6.6 of the EIAR.

Construction phase

9.7.20. It outlines that specific mitigation measures for European sites are contained within the NIS and the CEMP.

9.7.21. Mitigation measures relating to water quality, dust and other emissions include –

- Protection of stripped topsoil and excavated subsoil stockpiles
- Implement measures to capture and treat sediment laden surface water run off such as sediment retention ponds, silt fencing, hydrocarbon interceptors
- Storage of oils, fuels, paints and other chemicals in secure, bunded, hardstand area.
- Installation of vehicle wheel wash facilities in vicinity of site entrances; implement road sweeping and dust suppression measures

These will reduce potential for temporary, slight, negative impacts to temporary, not significant and neutral.

9.7.22. Mitigation measures relating to habitat loss and disturbance include -

- Compliance with current Development Plan, Outline Habitat Management

Plan and Landscape Design Statement

- Planting to comprise appropriate mixture of native trees and shrubs, and will provide additional habitat of benefit to bats and birds, reducing potential impact from long term to permanent, slight to moderate negative to permanent, slight and neutral.
- Site clearance and landscaping works to comply with current legislative requirements and best practice

These measures will reduce potential impact from long term to permanent and slight to moderate to permanent, not significant and neutral at the site level.

9.7.23. The FI Technical Report states (in response to FI Item 5(d)) that risk of disturbance to birds caused by construction on Phase 1F lands is low. As per Section 4.4.2 of the NIS, there is potential for impacts on Baldoyle Bay SAC and SPA, via potential visual disturbance of birds on the estuary. Opaque 3m high construction fencing will be erected along site boundaries to mitigate these potential impacts.

Operational Phase:

9.7.24. Operational phase mitigation measures outlined in the EIAR include

- Measures relating to loss of or disturbance to habitats include biodiversity planting and provision of bat and bird boxes and insect hotels.
Proposed landscaping and other interventions will reduce potential impact from long term to permanent and moderate to permanent and neutral or slight positive.
- Measures relating to lighting include compliance with guidance notes and provision of minimum lighting level within the developed areas, and lighting to be directed onto roads and paths.
Proposed lighting will reduce the potential permanent, moderate, negative impact upon bats to Long term, slight negative.
- Measures relating to surface water include proposed connection to the existing regional wetland, overall development design accords with SuDS principles. No corresponding mitigation measures are required.

9.7.25. It states that there will be no operational impacts related to foul water management.

9.7.26. FI Technical Report states (in response to FI Item 5(d)) that there is no possibility of there being any significant disturbance to SCI species associated with Baldoyle Bay SPA (or any other SPA) once the proposed development is operational.

Residual Impacts

9.7.27. The EIAR outlines (at Section 6.7) there will be a limited loss of feeding for bats and birds and loss of nesting areas for birds. Vegetation will establish over time and losses will be reduced. There will still be less cover for birds following mitigation. There will be very limited (neutral to slight negative) long-term impact upon bats given the low level of bat activity noted. There will be no loss of roost potential. Biodiversity-focused planting will enhance biodiversity value.

9.7.28. The proposed development and other developments will not give rise to significant impacts on biodiversity. There are no predicted cumulative impacts in relation to biodiversity of the proposed development in combination with existing / proposed plans or project.

9.7.29. In terms of monitoring, it is stated (at Section 6.8) that a project ecologist will be appointed for the construction phase, and ensure that all construction works take place in accordance with the CEMP and mitigation measures set out in this EIAR.

Direct and Indirect Directs Assessment

9.7.30. I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the associated documentation, submissions and observations on file in respect of biodiversity, including the Further Information received. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified. I have considered the proposed development in the context of the broad themes of the National Biodiversity Action Plan 2023-2030 and consider the proposed development to be reasonably in line with these, taking into consideration the zoned nature of the subject site. I have noted the observation received relating to EIA.

9.7.31. With regard to lighting, I note that lighting at construction phase is stated (at Section 6.5.2.1) to be limited to site compound and residential development areas only. The FI Technical Note states that construction will be restricted to daylight hours, likely by

condition and lighting, other than potentially emergency or security lighting, will not be required during construction. As outlined previously EIAR Chapter 5 Population and Human Health, proposed construction working hours include 07:00 – 18:00 hours Monday to Friday. I consider that there is potential for construction working hours to be outside 'daylight' hours over the course of the year. However, having regard to the temporary nature of construction phase, and given that it would generally be limited to site compound and residential development areas, I consider that construction phase impacts of lighting would not give rise to significant effects on biodiversity.

9.7.32. With regard to the proposed directional drilling to be carried out under the River Mayne, I note that worst-case sensitivity to dust-related ecological effects is stated to be medium, without mitigation. The potential operation phase impacts may affect commuting bats by removing their cover, without mitigation is also noted. However, I consider that the mitigation measures outlined in the EIAR and the FI Technical Note to address these impacts are sufficient. I note also that a project ecologist is to be appointed during the construction phase.

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

Conclusion: Direct and Indirect Effects

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

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

lighting and loss of vegetation, which would be mitigated by appropriate lighting, biodiversity planting and provision of bat boxes

9.8. Land, Soils, Geology and Hydrogeology

- 9.8.1. The grounds of appeal did not raise any specific issues in relation to land, soils, geology and hydrogeology.
- 9.8.2. The observations received on this appeal did not raise concerns on these matters.
- 9.8.3. In the assessment of this EIAR chapter, the planning authority was satisfied that subject to implementation of the mitigation proposed, the proposed development would not have any direct, indirect or cumulative significant effects on land, soils and geology.
- 9.8.4. The submission received from Inland Fisheries Ireland (dated 17 February 2026) includes that the proposed rising main crossing the River Mayne should be carried out using a trenchless method, such as directional drilling, to avoid disturbance to the river channel and banks. It requires a detailed design of the crossing, including drawings, construction methodology, environmental protection measures, and contingency plans, to be prepared in advance. The final design and associated method statements for the river crossing shall be submitted to IFI for approval prior to the commencement.

Examination of the EIAR

Context

- 9.8.5. Impacts on land, soils, geology and hydrogeology are addressed in Chapter 7 of the EIAR. A desktop study to classify the geological features related to the site was undertaken. Ground investigations were carried out across the lands in which the site is located, completed in 2006, 2018, 2022 and 2024 across a range of development phases. The Geological Survey of Ireland (GSI) was consulted, and various maps reviewed.

Baseline

- 9.8.6. The site location and topography are described. It outlines that the site of the proposed development generally falls from a high contour of 15m mid-way along the western boundary adjoining the rail line to a 13m contour in the south-east corner

and falling again to a 9.5m contour in the north-east corner. The surrounding lands, comprising all phases of the Portmarnock South developments, slope to north towards the Sluice River, to east towards Mayne Estuary and to south towards Mayne River. The ground levels around the perimeter are typically 10m contour in the northwest by the railway station, 4.5m contour in the northeast adjoining Station Road, falling to 3.7m contour toward the estuary and 3.0m contour in the south-east along Moyne Road.

- 9.8.7. It is outlined (at Section 7.3.3) that current land use according to Corine 2018 is non-irrigated arable lands (Code_18_211) and comprises of agricultural areas, although some soils have been previously stripped and part of the area is used as a construction compound and a temporary haul road south towards Moyne Road. Teagasc soil mapping indicates that soils beneath the site are comprised primarily of deep well drained mineral soil derived from calcareous parent material (BminDW) and poorly drained mineral soil derived from calcareous parent materials (BminPD).
- 9.8.8. It is outlined (at Section 7.3.7) that there are no County Geological Sites (CGSs) within the study area (within 2km). The nearest Geological Heritage Sites are Malahide Coast and North Bull Island, located c. 2.8km to north-east and c. 3.8km to south respectively. Feltrim Quarry is a geological site located c. 4.5 km to north-west. There is no risk envisaged to heritage sites due to the project.
- 9.8.9. Proximity to SACs, SPAs and pNHAs are outlined. The matter of natural heritage designations are addressed in the previous Chapter 6 – Biodiversity, and are not reiterated in this section
- 9.8.10. GSI landslide vulnerability mapping indicates the site is in an area of low landslide vulnerability. There are no recorded landslides within the study area, the closest being over 15km from the site.
- 9.8.11. The Proposed Development is underlain by Locally Important Aquifer (LI), bedrock which is moderately productive only in local zones. Groundwater vulnerability at the site is classified as 'low' which indicates an overburden depth of c. 10m of low permeability soil is present. The nearest borehole (3223SWW001) is located c. 2.0km to the south-west. The well is under industrial use and has a good yield as per the GSI data viewer. There are no group scheme preliminary source protection areas, or public supply source protection areas, within the study area. The nearest

drinking water protection area is located 22km to west in Co. Meath at the Dunboyne public water supply.

- 9.8.12. It is outlined that EPA Water Maps indicate that groundwater body Water Framework Directive (WFD) status 2013-2018 for all groundwater bodies across the development area is 'Good', and that currently, the groundwater body risk status is classified 'under review' for the area as per the EPA data.
- 9.8.13. As there are no Groundwater Dependent Terrestrial Ecosystems (GWDTE) within the qualifying interests for Baldoyle Bay SAC they will not be affected by the proposed development
- 9.8.14. Ground Investigations were carried out across the lands in which the site is located. These were completed in 2006, 2018, 2022 and 2024 across a range of the development phases, as shown in Figure 7-14. The underlying ground was found to be consistent throughout the overall development lands. The generalised ground model in Table 7-12 was prepared with reference to site investigation findings within surrounding phases also. No water was encountered in any of the boreholes and trial pits during the fieldwork period in 2018. During 2006 site investigations groundwater was encountered in one of six boreholes, an area which has already been built over as part of Phase 1B of the development. Groundwater was encountered at 6no. locations during the 2024 site investigation. With the exception of TP19 (located proximate to interim pumping station) and TP54 (located centrally in the proposed development), the remainder are located in Phase 1E.
- 9.8.15. It is outlined that no difficulties were encountered during the preparation of this chapter of the EIAR.

Potential Effects

- 9.8.16. The EIAR identifies the potential for a range of environmental effects on Land, Soils, Geology and Hydrogeology. Likely significant effects, as identified in the EIAR, are summarised in Table 9.3 below.

Table 9.3 Summary of Predicted Impacts on Land, Soils, Geology and Hydrogeology in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
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Do Nothing	Site will remain in its current greenfield state. There will be no potential for any significant impact to hydrogeological or geological features.
Construction	<p>Loss of soil cover, soil erosion and compaction will have a temporary, negative, not significant impact.</p> <p>Excavation and removal of soils and subsoils required. Any impact resulting from excavation will be negligible in magnitude and imperceptible in significance.</p> <p>Aquifer vulnerability may be slightly increased due to reduction in depth of overburden in excavation areas. Due to thickness of low permeability overburden (>10 m)) and groundwater vulnerability classification (Low), impact on groundwater quality will be negligible in magnitude, imperceptible in significance and highly unlikely.</p> <p>Approx. 16,500m³ of soil exported from site will have a direct and permanent impact on soils and geology. Off-site re-use of material will be prioritised. Re-use of soil off-site will be in accordance with statutory requirements. Surplus soil not suitable for re-use will be removed off-site by authorised contractor and sent to authorised receiving waste facilities. Off-site removal of surplus soil will have an indirect neutral, imperceptible long-term impact on receiving sites and facilities.</p> <p>No groundwater abstraction is proposed and there will be no impact on groundwater users.</p> <p>Accidental Spillages have potential to impact on groundwater quality and soils. Localised spillages may</p>

	<p>require excavation/remediation of a small proportion of contamination or result in low risk of pollution.</p> <p>Localised spillages would result in small adverse magnitudes of impact, of temporary duration, on soils, resulting in imperceptible to moderate significance, depending on the nature of the incident.</p> <p>Regarding groundwater quality within the underlying aquifer, impact on groundwater water quality from localised accidental spillages is predicted to be negligible to small adverse in magnitude and imperceptible to slight in significance, temporary in duration and unlikely given no suitable pathway between source (spillage) and receptor (aquifer).</p>
<p>Operation</p>	<p>There will be no direct discharges to or abstractions from soil and hydrogeological environment. Minor accidental spills from vehicles are mitigated by presence of petrol interceptors and SuDS measures.</p> <p>No sites of geological heritage within or in vicinity. Potential impact on geological heritage is not considered further.</p> <p>Project will incorporate creation of approx. 4.5ha of impermeable surfaces (roofs, roads and hardstanding areas), resulting in a reduction in recharge to aquifer. Site is underlain by >10 metres of low permeability overburden which would severely restrict recharge regardless. When compared to the overall recharge area to the aquifer, which amounts to thousands of hectares, the reduction in recharge area is insignificant. As the aquifer is only locally important (medium importance attribute) and there are very few</p>

	<p>groundwater users, overall magnitude of impact on groundwater resource due to loss in recharge area will be negligible and imperceptible in significance.</p>
Decommissioning	<p>(at Section 7.4) There are no specific operational elements for consideration at operational phase other than for surface and foul water drainage infrastructure to function as designed, which requires maintenance including monitoring and maintenance of interim foul pumping station and rising (main) until such time as decommissioned.</p> <p>It is outlined (at Section 7.9) that reinstatement is not relevant.</p> <p>Separately, I note that is not proposed to decommission the proposed development, save for the proposed rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ Pumping Station adjacent to Portmarnock Bridge when same is completed.</p>
Cumulative	<p>Relevant cumulative development consists of current phase under construction (Phase 1D), the Phase 1E, the proposed development (Phase 1F) and a final phase of approx. 33no. residential units including public open space, integration of recorded monument and provision of road and drainage infrastructure.</p> <p>Residential development being carried out to west of railway line is of similar characteristics. These works are substantially complete and are not considered further.</p> <p><u>Construction phase</u></p> <p>Construction compound and marketing suite will be relocated as Proposed Development gets developed but will remain within overall development lands. Haul road will eventually be superseded by permanent access road to Moyne/Mayne Road, being constructed</p>

	<p>as part of Phase 1D and nearing completion, which will serve the same function in the context of construction traffic i.e. mitigate public safety issues and reducing traffic congestion on Station Road.</p> <p><u>Operational phase</u> On completion of construction phase, each phase becomes a residential estate.</p> <p>Separately, the FI Item 1(a) response adds 2no. additional permitted developments.</p> <ul style="list-style-type: none"> • ABP-320164-24: DART+ Coastal North Railway Order 2024 • ABP-312131-21: Greater Dublin Drainage Strategic Infrastructure Development (SID)
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Mitigation Measures

9.8.17. Mitigation measures are set out at Section 7.6 of the EIAR.

9.8.18. Construction phase mitigation measures include –

- Topsoil shall be removed and stored in advance of earthworks for each sub-phase, surface shall be scarified, and where suitable topsoil replaced and reseeded upon completion
- Soil including topsoil and subsoil will be segregated and stored appropriately to prevent deterioration to ensure material will be suitable for re-use onsite
- Prohibit unnecessary trafficking of topsoil and overburden either before stripping or when in a stockpile. When construction cut level achieved, underlying overburden shall not be left exposed for long periods before construction and refilling of excavations
- Excavated soft materials and surplus soils will be reused where possible, for general fill, bunds, landscaping etc. Regular watering will ensure moisture

content to increase soil stability and suppress dust. Material that is not suitable for re-use will be removed off site for treatment, recycling or disposal at authorised waste management facility

- Contractor Guidance set out in Control of Water Pollution from Construction Sites (CIRIA, 2001) shall be adhered to. Good construction management practices will be employed. Potentially harmful substances (e.g. oils, diesel, herbicides, pesticides, concrete etc.) will be stored in accordance with manufacturer's guidelines. Designated impermeable cement washout areas will be provided or prohibited from site. Oils/fuels will be stored in bunded tanks with provision of storage/retention capacity of 110% of tank storage. Care will be taken during refuelling and maintenance operations. Adequate means to absorb/contain chemicals spillages will be available at all times
- Any soil contaminated from an accidental spillage will be contained and treated appropriately and disposed of in accordance with the Waste Management Act 1996 – 2011.
- Refer to CEMP for further details.

9.8.19. No mitigation is proposed at operational phase, as there are no operational phase significant or perceptible impacts on land, soils, geology and hydrogeological environments.

Residual Impacts

9.8.20. No significant residual impacts on land, soils, geology and hydrogeology are anticipated.

9.8.21. At construction phase, the predicted residual impact will be neutral/imperceptible. The magnitude of impact of accidental spillages with respect to soils and groundwater water quality is considered to reduce to negligible as a result of good construction practice and management of hazardous materials/fuels etc. Significance of impact is considered to be imperceptible.

9.8.22. At operational phase, the predicted residual impact will be neutral/imperceptible.

9.8.23. The predicted residual impact of the cumulative development on land, soils, geology and hydrogeology during construction and operational phases will be imperceptible.

9.8.24. With regard to monitoring, a range of monitoring measures during construction phase are outlined. It includes the carrying out of regular inspections of surface water run-off and any sediment control measures e.g. silt traps, and regular auditing of construction / mitigation measures e.g. concrete pouring, refuelling in designated areas, etc.

Direct and Indirect Effects Assessment

- 9.8.25. I have examined, analysed and evaluated Chapter 7 of the EIAR and all of the associated documentation on file including FI in respect of land, soils, geology and hydrogeology. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on land, soils, geology and hydrogeology as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.
- 9.8.26. Suitable mitigation measures have been proposed which I consider are reasonably sufficient to ensure that there would be no significant impacts on land, soils, geology and hydrogeology.
- 9.8.27. However, I note IFI's requested condition, seeking detailed design of the River Mayne crossing, including drawings, construction methodology, environmental protection measures, and contingency plans, to be prepared in advance, and for the final design and associated method statements for the river crossing to be submitted to IFI for approval prior to the commencement. Having regard to the nature of the works proposed at River Mayne, should the Commission be minded to grant, it is recommended that an alternative condition is attached. It is recommended that the developer consults with IFI at a number of stages of construction, with regard to construction of the proposed rising main crossing over the River Mayne, the timings of which shall be agreed with Inland Fisheries Ireland prior to commencement of development. The recommended condition requires a detailed method statement to be prepared in response to same to be submitted to the planning authority for information.
- 9.8.28. Having regard also to the separate WFD Screening assessment, outlined elsewhere in this report, I do not consider that the proposed development would have WFD objective implications for the groundwater environment. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects

9.8.29. Having regard to my examination of environmental information in respect of land, soils, geology and hydrogeology, in particular the EIAR and FI provided by the applicant, the planning authority's planning reports, and the submissions and observations received by both the planning authority and the Commission in the course of the application, I do not consider that there are any significant direct or indirect land, soils, geology or hydrogeology soil effects.

9.9. **Water**

Issues Raised

9.9.1. No issues are raised in the grounds of appeal relating to water.

9.9.2. In the assessment of this EIAR chapter, the planning authority did not raise any issues relating to water. The Second Planner's Report noted that mitigation measures for the construction and operational phases of the proposed development, including the existing regional wetland for surface water mitigation, are deemed appropriate and suitably robust. The planning authority was satisfied that subject to implementation of the mitigation proposed, the proposed development would not have any significant direct, indirect or cumulative effects on water.

9.9.3. Observations to the appeal do not raise any issues in relation to water.

9.9.4. The submission received from IFI is outlined in the previous EIAR Chapter 7.

Examination of the EIAR

Context

9.9.5. Impacts of the proposal on water are addressed in Chapter 8 of the EIAR.

9.9.6. It provides an assessment of the existing environmental setting and likelihood of significant impacts on nearby water bodies, associated with the proposed residential development in the townlands of Maynetown and Portmarnock, Portmarnock, Co. Dublin and partially located in Stapolin townland, Baldoyle, Dublin 13

9.9.7. Guidelines and resources used in the preparation of this EIAR chapter are outlined.

9.9.8. It states that no difficulties were encountered during preparation of this EIAR chapter.

Baseline

- 9.9.9. The receiving environment is described. The previous phases of residential developments at these overall lands completed from 2016/2017 onwards are outlined, including Phase 1D which is under construction and Phase 1E which was granted permission in 2024.
- 9.9.10. The Portmarnock South area falls within Eastern River Basin District and the subject lands lie within the WFD Catchment 09 'Liffey and Dublin Bay' and within WFD River Sub Basins 'Sluice_010' to the north and 'Mayne_010' to the south.
- 9.9.11. It outlines that Sluice River lies approx. 150 - 200m north of the site and outfalls into the head of Baldoyle Bay at Portmarnock Bridge. The southern part of the lands is connected to Mayne River via an open ditch which runs parallel to and then crosses the Moyne Road. Mayne River lies approx. 600 - 650m to south of the site, and also discharges to Baldoyle Bay at the Coast Road (R106). Baldoyle Bay/Mayne Estuary (located 200m to the east of the Proposed Development) is a tidal estuarine bay protected from the open sea by a large sand-dune system and is both a SAC (000199), and SPA (004016). The NIS includes Malahide Estuary (004025) and North Bull Island (004006) for appraisal as well as the protected sites listed above, and it states that there is no potential for habitat loss within the SPA or for impacts via emissions to surface water, they are not included in this assessment.
- 9.9.12. Table 8-5 Status of Hydrological Features in proximity to Proposed Development outlines *inter alia* the WFD Risk and Ecological Status of 4no. waterbodies, namely Sluice River, Mayne River, Mayne Estuary and Irish Sea – Dublin.
- 9.9.13. Local drainage network and flow paths are outlined (at Section 8.3.3). It sets out that under previous phases of development, the overall lands were divided into 3 principal catchments as indicated in Fig. 8-3. The majority of the lands including this proposed development (Phase 1F) and remaining future phases lie within Catchment No.1 (37.55 Ha). This catchment outfalls via an internal 'separated' surface water network to a regional constructed wetland and from there via 2no. 375mm dia. pipes complete with tideflex non return valves into the estuary. The regional wetland was constructed as part of Phase 1B, has a minimum permanent water level depth of 300mm, was designed to cater for the entire Catchment No.1 and provides both attenuation and pollutants removal through biological treatment and settlement.

- 9.9.14. Catchment No. 3 primarily serves flows arising from the new access road (granted with Phase 1D) and will be attenuated and drain via proposed wetland/SuDS device with outfall flow limited to 2l/s, prior to discharge through petrol interceptor to the existing drainage ditch alongside Moyne Road which eventually connects to Mayne River.
- 9.9.15. With regard to flood risk, the proposed development and surrounding environs lie outside the 0.1% Annual Exceedance Probability for both fluvial and coastal events and are considered to be located in Flood Zone C, i.e., the probability of flooding from rivers and the sea is low, less than 1 in 1000. The exception to this is the rising main, which runs through the 0.1% AEP Fluvial Event south of Moyne Road. This is a sealed pipe and not at risk to water ingress.
- 9.9.16. With regard to water supply infrastructure, this Chapter 8 refers to Chapter 16 Material Assets (Utilities) for assessment.
- 9.9.17. With regard to foul drainage infrastructure, it is outlined (at Section 8.3.6) that
- The Portmarnock South lands lie within the North Fringe Sewer catchment, which discharges to Ringsend Wastewater Treatment Plant (WWTP). Initial upgrades to WWTP were completed in 2022, it will have an increased capacity 2.4 million pe when works completed in 2025, and will achieve compliance with the Urban Wastewater Treatment Directive.
 - The greater Portmarnock foul network discharges to an existing pumping station adjacent to Portmarnock Bridge. From there effluent is pumped via a rising main along Coast Road to a high point and then flows by gravity to Mayne Bridge Pumping Station which in turn pumps to North Fringe Sewer (1600mm diameter in this locale) located approx. 1km to south, then flows into Sutton Pumping Station which pumps to Ringsend WWTP. Although originally envisaged in the LAP that a new permanent pumping station would be constructed on the Portmarnock South lands, UÉ proposed to develop a new Portmarnock Bridge Pumping Station on lands adjacent to the existing pumping station as part of their Local Network Reinforcement Project strategy. This new Pumping Station will have twice the current capacity of the existing as well as storm water storage to substantially reduce the risk of emergency overflows during peak rainfall events and will discharge, via a 1.7km rising

main, directly to the North Fringe Sewer i.e. bypassing the Mayne Bridge Pumping Station (and therefore reducing load on same). An Bord Pleanála granted permission in 2024 to Uisce Éireann for this upgraded pumping station with improved storage and rising main to North Fringe Sewer. This decision has been challenged and currently awaits judicial review.

- As part of earlier developments within the subject lands, a temporary pumping station (St. Marnock's Temporary Pumping Station), including storage was constructed adjacent to Station Road, which lifts the flows from the earlier phases and discharges to the gravity sewer in Coast Road, which in turn outfalls directly into Mayne Bridge Pumping Station.
- It was agreed with UÉ in respect of the Phase 1D development to upgrade the temporary pumping station to interim status through a range of works outlined. Ultimately this interim pumping station will be de-commissioned and all foul flows from the subject lands will be re-directed by gravity to the proposed new UÉ Portmarnock Bridge Pumping Station.
- The proposed Greater Dublin Drainage Project seeks to construct a pumping station at Abbotstown, which will discharge to a proposed orbital sewer running from Blanchardstown to Clonshaugh, where a new regional wastewater treatment facility and sludge hub centre is proposed. This regional treatment facility will also receive flows from a proposed sewer diverting part of the North Fringe Sewer. As part of this Greater Dublin Drainage Project, it is proposed to construct an outfall pipe from the Clonshaugh treatment facility, which will traverse the subject lands with eventual discharge 6km into the Irish Sea. Planning permission was granted by An Bord Pleanála for Clonshaugh treatment facility in 2019. Following a court case in 2020, the Board's decision was quashed and the matter is to be remitted to them.

9.9.18. With regard to proposed development, with regard to surface water,

- Project has been designed in accordance with SuDS. Any surface water runoff will follow a surface water management train approach with focus on controlling quantity of discharge flows through attenuation and providing treatment storage to remove pollutants and thus improve quality of water discharged to estuary. The key component is the Regional Constructed

Wetland, located adjacent to Coast Road. A settlement forebay was incorporated as part of these wetlands to decrease flow velocities and increase settlement loading. The surface water drainage infrastructure for the project will discharge to this regional wetland and will be a 'separate' system. Various SuDS devices will be utilised upstream within the project (Swales, Permeable Pavement Parking Bays, Filter Drains, Filtration Trenches, Tree Pits, Petrol / Oil Interceptors) and storm water runoff will pass through a minimum of three devices. Source and site control measures are proposed for this phase of the development in addition to the regional control wetland. Surface Water discharge from Regional Wetland is controlled and attenuated for the 1 year, 30 year and 100 year critical storm events with outflow rate limited to 200l/s for the entire Catchment 1 lands based on the Q100 critical storm event.

9.9.19. With regard to flood risk, site lies within Flood Zone C. Although categorized as a highly vulnerable development, the proposed development is appropriate for this location and does not require a justification test. The Flood Risk Assessment (FRA) noted the following flood risk mitigation measures:

- Minimum required FFL for residential development is +4.53mOD. All buildings in the proposed development site have a FFL in excess of +4.53mOD
- The drainage network of the proposed development, constructed and future development phases was modelled for various flow conditions (1 year, 30 year and 100 year storm events with 20% climate change applied throughout) with free discharge or against a +3.63mOD tide level (tide lock scenario based on Midrange Future Scenario for 1 in 200 year tide). Result listed in Table 8-6 shows that although surcharging exists, no flooding occurs.
- The Regional Constructed Wetland caters for attenuation of all lands which fall within Catchment No.1. Drawings included show overland flow paths through the proposed development. Refer to drawing 25201-EEI-ZZ-ZZ-DR-C-04011 to 04013.

9.9.20. With regard to foul drainage, the proposed development will produce a daily flow of 132,016 l/day. It will be collected in a proposed foul drainage network and connect via foul infrastructure, constructed under previous developments to the interim

pumping station. However, UÉ in response to pre-connection enquiry noted that the Mayne Bridge Pumping Station is out of capacity and cannot cater for any additional load. It recommended two options, namely wait for the new Portmarnock Bridge Pumping Station, albeit they could not commit to a date for their delivery of same or construct a rising main from the Interim Pumping Station to the North Fringe Sewer. The latter option forms part of this proposed development i.e. construction of a temporary rising main c1.7km long, to serve this and previous phases (1A to 1E inclusive) from the Interim Pumping Station to North Fringe Sewer to the south, crossing both Moyne Road and Mayne River, including upgrading of interim pumping station and storage as required. Refer to 25201-EEI-ZZ-ZZ-RP-C-00209_Water Services Report_P02. The current rising main and gravity pipe within the development which outfalls via a 375mm dia. gravity main on the Coast Road to the Mayne Bridge Pumping Station will be decommissioned once the above proposed temporary rising main is constructed. Operation and maintenance of the St. Marnock's Interim Pumping Station remains with the developer, as will the proposed rising main should same be granted permission, and a maintenance agreement will be entered into with a suitable company for same. This interim pumping station, associated storage and rising main, will be decommissioned and removed (where required) when the new UÉ Portmarnock Bridge pumping station becomes operational. All flows from the Portmarnock South lands would then be redirected by gravity to the new UÉ Portmarnock Bridge pumping station. The remaining infill phase will then be delivered on these lands, subject to permission. The foul drainage infrastructure will be a 'separate' system, i.e., no foul effluent will discharge to the surface water drainage system, and vice versa.

Potential Effects

- 9.9.21. The EIAR identifies the potential for a range of environmental effects on Water. Likely significant effects, as identified in the EIAR, are summarised in Table 9.4 below.

Table 9.4 Summary of Predicted Impacts on Water in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Site will remain in its current greenfield state and there will be no potential for any significant effect on surrounding waterbodies.
Construction	<p>Increase in sediment concentration:</p> <p>Topsoil removal, bulk excavation, material stockpiling and excavation for drains, services and foundations can lead to increased sediment concentration in surface water runoff which may flow via existing drains, ditches, overland or through constructed drainage network, and outfall into nearby waterbodies.</p> <p>Magnitude of impact is negligible for the main development as majority of works are approx. 150m, 200m to 600m from nearby waterbodies and slopes are relatively flat (1:20 to 1:50) for ditch/overland pathways. Regional Wetland is already constructed so that flows via network pathways will outfall to same before discharging to estuary.</p> <p>Magnitude of impact is small adverse for construction of rising main. While extent of these works is significant (c1.2km) and cross Mayne River, the works are light civil engineering construction - narrow trench width, shallow excavation depth and directional drilling to cross Mayne River and works are focussed in nature. Potential for increase in sediment concentration in runoff will either be of short duration/high volume ('brief effect') or long duration/low volume ('temporary effect') and not considered to have long-term impact on water quality of nearby waterbodies.</p>

	<p>Accidental Spills and / or Leaks: Spills arising from leakage of oils, fuels and chemicals stored on site or oils and fuels from construction plant working on site. These spillages may flow into surface water drainage network or be conveyed in runoff to nearby waterbodies. Magnitude of impact is negligible for the main development given scale of activities and pathway limitations. For the rising main works this is considered to be small adverse given proximity to Mayne River but offset by scale and nature of works.</p> <p>Spillages Arising from Concreting Operations: Runoff has potential for highly alkaline leachate to enter drains and conveyed to waterbodies. Magnitude of impact is negligible for main development given limited amount of concrete works and pathway limitations. For the rising main works this is small adverse given proximity to Mayne River but offset by scale and nature of works.</p>
Operation	<p>Flooding: Site is within Flood Zone C and at a low risk of flooding. FFLs are set at a level greater than that suggested by a Mean Sea Level Rise of 1m.</p> <p>Development lands (neither earlier, current nor future phases) are within a flood plain. There is no increase in flood risk to surrounding area.</p> <p>The rising main runs through 0.1% AEP Fluvial Event south of Moyne Road. This is a sealed pipe and not at risk to water ingress. There is no loss of or depletion to existing floodplain cross sectional area or storage. Any surface water generated is managed using SuDS principles. Impact is negligible.</p>

	<p>Accidental Spills and / or Leaks:</p> <p>Spills from leakage of vehicles' oils/fuels may flow into surface water drainage network and nearby waterbodies. Magnitude of impact is negligible given scale of activities, source controls including petrol interceptors installed on network and Regional Wetland is constructed so that flows via network pathway will outfall to same before discharging to estuary.</p> <p>Emergency Foul Overflows and/or Leaks:</p> <p>Temporary rising main c1.7km long, to serve this and previous phases means independence from existing Portmarnock Bridge Pumping Station (upstream) and existing Mayne Road Pumping Station (downstream). The existing temporary foul pumping station (St. Marnock's Interim Pumping Station) as part of Phase 1D development is not designed to be susceptible to surface water inflows and has storage capacity (24-hour emergency storage) to cater for current constructed and under construction/future phases of this development. There will be no increase in potential risk of foul overflows, since it pumps direct to North Fringe Sewer. UÉ's confirmation of feasibility indicates downstream infrastructure, at point of discharge of proposed rising main, has capacity to cater for this development. Proposed rising main is to be installed in accordance with UÉ Code of Practice for Wastewater Infrastructure. Magnitude of impact is negligible.</p>
Decommissioning	<p>It is stated that reinstatement is not relevant.</p> <p>Separately, as outlined in description of development, the proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned</p>

	and these lands will then discharge by gravity to a proposed new UÉ pumping station adjacent to Portmarnock Bridge when same is operational.
Cumulative	<p>Relevant cumulative development consists of current phase under construction (Phase 1D), the Phase 1E, the proposed development (Phase 1F) and a final phase of approx. 33no. residential units including public open space, integration of recorded monument and provision of road and drainage infrastructure.</p> <p>Residential development being carried out to west of railway line is of similar characteristics. These works are substantially complete and are not considered further.</p> <p>Separately, the FI Item 1(a) response adds 2no. additional permitted developments.</p> <ul style="list-style-type: none"> • ABP-320164-24: DART+ Coastal North Railway Order 2024 • ABP-312131-21: Greater Dublin Drainage Strategic Infrastructure Development (SID)

Mitigation Measures

9.9.22. Mitigation measures are set out at Section 8.6 of the EIAR.

9.9.23. Construction phase mitigation measures include –

- contractor to prepare a site-specific CEMP, to include
 - construct temporary earth bunds/silt fences to contain surface water run-off. Channel it to silt trap/settlement pond before discharge to drainage network.
 - Excavated soil: Stockpile temporarily min. 20m from ditch, drainage network or other waterbodies to reduce likelihood of suspended solids reaching them
 - Suspend bulk excavation works if high intensity local rainfall events forecast
 - Construct designated impermeable fuelling areas. No fuelling or fuel storage areas should be designated along route of proposed rising main. Include

drip trays and spill kits to as part of rising main works.

- Specialist contractor to carry out directional drilling of proposed rising main beneath Mayne River, and to prepare detailed method statement
- Soil contaminated from accidental spillage will be contained, treated and disposed of in accordance with Waste Management Act 1996 as amended.

9.9.24. With mitigation measures, the significance of potential construction effects are considered to reduce since they either remove the source of potential impact and/or place barriers to pathways for such impact events.

9.9.25. Operational phase mitigation measures include –

- Drainage design follows a sustainable drainage strategy (SuDS) i.e. mitigation by design. Any surface water runoff will follow a surface water management train approach to control the quantity of discharge flows through attenuation and provide treatment storage to remove pollutants and improve quality of water discharged to the estuary. Regional Wetland is already constructed.
- Various SuDS devices will be utilised upstream within the Proposed Development (Swales, Permeable Pavement Parking Bays, Filter Strips, Filter Drains, Tree Pits, Petrol/Oil Interceptors) and storm water runoff from the development will pass through a minimum of 3 devices.
- Floor levels will be greater than +4.53mOD.
- Interim foul pumping station and proposed rising main will have a maintenance agreement in place until they are decommissioned.

9.9.26. With the introduction of these mitigation measures, significance of potential operational effects are considered to reduce as they either remove/minimise the source of potential impact and/or place barriers to pathways for such impact events.

Residual Impacts

9.9.27. It is outlined that the predicted overall residual effect of the proposed development on hydrology during construction and operational phases will be imperceptible.

9.9.28. In terms of monitoring, at construction phase monitoring involves regular inspections of works and audits of the CEMP. No specific monitoring is proposed at operational phase. Monitoring and maintenance of interim foul pumping station and temporary

rising main are required until decommissioned.

Direct and Indirect Effects Assessment

- 9.9.29. I have examined, analysed and evaluated Chapter 8 of the EIAR and all of the associated documentation on file in respect of water. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely significant effects on hydrology, as a consequence of the proposed development, have been identified.
- 9.9.30. In terms of detail, I note that it is stated (at Section 5.1.2) that the development lands (neither earlier, current nor future phases) are within a flood plain, thus there is no increase in flood risk to the surrounding area as a consequence of this development. Given that the subject site is not within Flood Zone A or B, it would appear that the reference to the 'development landsare within a flood plan' is in error. However, I do not consider that this reference materially impacts on the assessment of the proposed development as it relates to flood risk.
- 9.9.31. I have noted in this assessment that the proposed rising main runs through 0.1% AEP Fluvial Event south of Moyne Road. As this is stated to be a sealed pipe and not at risk to water ingress, I do not consider that this would give rise to flood risk concerns.
- 9.9.32. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on hydrology. Having regard to the provisions of the WFD Screening set out in Appendix 2, I do not consider that the proposed development would have any adverse WFD objective implications for the surface or ground water environment. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects Assessment

- 9.9.33. Having regard to my examination of environmental information in respect of hydrology, in particular the EIAR by the applicant and the planning authority's planning reports, I consider that the main significant direct and indirect effects on hydrology are, and will be mitigated where relevant, as follows:
- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which

would be mitigated by appropriate construction phase measures.

9.10. Climate (Air Quality)

Issues Raised

- 9.10.1. The grounds of appeal did not raise any specific issues in relation to air quality.
- 9.10.2. No issues relating to climate (air quality) are raised in the applicant's response to the grounds of appeal.
- 9.10.3. The observation (Síle Ní Cheallaigh) suggests planting of native trees with significant height on both sides of greenway would support NPO 54 by integrating climate action and absorb air pollution and NPO 52 by absorbing air pollution.
- 9.10.4. In the assessment of this EIAR chapter in its planning reports, the planning authority noted that a range of mitigation measures are described during the construction phase, including good practice management of dust-emitting material and processes and considered these generally appropriate. It noted that the Air & Noise Unit recommended a CEMP should be agreed with the planning authority prior to commencement. The planning authority was satisfied that subject to implementation of the mitigation proposed, the proposed development would not have any significance direct, indirect or cumulative impacts on air quality.
- 9.10.5. The Air & Noise Unit's report primarily comments on noise, and states no objection subject to 4no. conditions. Condition 3 requires construction works to be managed in accordance with a CEMP to be agreed prior to commencement, and which shall include details of implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring and measurement of such levels during construction.
- 9.10.6. Separately, with regard to the assessment of Chapter 6 Biodiversity, the planning authority sought Further Information regarding the impact of dust deposition on hedgerow/treeline (WL1/WL2); FI Item 4(e) refers. This matter is discussed at Chapter 6 Biodiversity.

Examination of the EIAR

Context

- 9.10.7. Impacts of the proposed development on air quality are addressed in Chapter 9 Climate (Air Quality) of this EIAR.

- 9.10.8. Guidance and best practice used to inform the assessment are set out.
- 9.10.9. Limit values (or air quality standards) for nitrogen dioxide (NO₂), particulate matter (as PM₁₀) and Particulate Matter (as PM_{2.5}) are outlined.
- 9.10.10. It outlines that the Clean Air Strategy for Ireland (Government of Ireland 2023) provides a high-level strategic policy framework needed to reduce air pollution. It commits Ireland to achieving the 2021 WHO Air Quality Guidelines Interim Target 3 (IT3) by 2026, the IT4 targets by 2030 and the final targets by 2040 (Table 9.2).
- 9.10.11. The applicable air quality limit values for this assessment are those set out in Table 9.1. The limit values stipulated under Directive 2008/50/EC and the Air Quality Standards Regulations 2022 are applicable for the construction phase and Opening Year 2029. The limit values stipulated by Directive (EU) 2024/2881 are applicable for the Design Year 2044.
- 9.10.12. It outlines Department of the Environment, Heritage & Local Government (DEHLG, 2004) recommendations apply the TA Luft limit of 350 mg/m²/day to the site boundary of quarries. This limit value can also be implemented with regard to dust impacts from construction of the proposed development.
- 9.10.13. It is outlined that no difficulties were encountered in compiling this chapter.

Baseline

- 9.10.14. The receiving environment is described.
- 9.10.15. The nearest representative weather station collating detailed weather records is Dublin Airport meteorological station, located approx. 5km west of the site. For data collated during 5 representative years (2020 – 2024), the predominant wind direction is westerly to south-westerly with a mean wind speed of 5.4 m/s over the 30-year period of 1991 - 2020 (Met Éireann, 2025).
- 9.10.16. With regard to baseline air quality, the site is within Zone A (Dublin); Air Quality Standards Regulations 2022 (S.I. No. 739 of 2022) refers. Suburban background was determined to be the most representative background level for the area of the proposed development. Based air quality monitoring (in suburban context), it outlines that Dublin area is generally good, with concentrations of key pollutants generally well below relevant limit values. However, the EPA have indicated that road transport emissions are contributing to increased levels of NO₂,

and that there is potential for breaches in the annual NO2 limit value in future years at locations within urban centres and roadside locations.

9.10.17. With regard to the sensitivity of the receiving environment, based on the UK Institute of Air Quality Management (IAQM) criteria, the sensitivity of the area to dust soiling impacts from the proposed development is medium, and the worst-case sensitivity of the area to dust-related human health effects is low. High sensitivity ecological receptors are sites with European or National designation with particularly dust sensitive species present. The Baldoyle Bay SAC/SPA is considered a high sensitivity receptor due to its European designation. The same sensitivity has been assumed for Baldoyle Bay pNHA. Based on the IAQM criteria (in Table 9.9), the worst-case sensitivity of the area to dust-related ecological effects is medium.

Potential Effects

9.10.18. The EIAR identifies the potential for a range of environmental effects on Climate (Air Quality). Likely significant effects, as identified in the EIAR, are summarised in Table 9.5 below.

Table 9.5 Summary of Predicted Impacts on Climate – Air Quality in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Ambient air quality will remain as per the baseline and will change in accordance with trends in the wider area. As the site is zoned for development, it is likely that a similar development will be constructed in line with national policy and Development Plan objectives. Construction and operational phase impacts outlined in this assessment are likely to occur in the future.
Construction	Earthworks: Dust emission magnitude is large. Site area is over 110,000m ² . There is a low risk of dust-related human health effects and medium risk of dust-related ecological effects. Construction: Dust emission magnitude is large. Volume of buildings is over 75,000m ³ . There is low risk of dust-

	<p>related human health effects and medium risk of dust-related ecological effects.</p> <p>Trackout: Dust emission magnitude is large, with more than 50 (>3.5 t) outward movements in any 1 day. There is low risk of dust-related human health effects and a medium risk of dust-related ecological effects.</p> <p>Dust impacts are predicted to be direct, short-term, negative, slight and not significant impact on air quality.</p> <p>Construction phase traffic will have a direct, short-term, neutral, imperceptible and not significant impact on air quality.</p>
Operation	<p>There is potential for vehicles to result in NO₂, PM₁₀ and PM_{2.5} emissions. However, proposal will not increase traffic by 1,000 AADT or 200 HDV AADT.</p> <p>There are no proposed changes to traffic speeds or road alignment. No road links impacted by the proposed development satisfy screening criteria (Section 9.2.2.1). A detailed air quality assessment was scoped out for operational phase as per TII screening criteria.</p> <p>Operational phase effects on air quality are predicted to be direct, long-term, neutral, imperceptible and not significant impact.</p>
Decommissioning	<p>Reinstatement is stated as not required.</p> <p>Separately, as outlined in description of development, the proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ pumping station adjacent to Portmarnock Bridge when same is operational.</p>

Cumulative	<p>Construction phase: The following permitted sites were identified as potentially having a cumulative impact:</p> <ul style="list-style-type: none"> • Portmarnock South Phase 1D; • Portmarnock South Phase 1E (Ref. LRD0002/S3); • New Portmarnock Pumping Station (FCC Reg. Ref. F21A/0389 – ABP Ref. ABP-314663-22); • Racecourse Park (ABP Ref. JP06F.311315). <p>If these sites were to commence construction at the same time, the cumulative effects will be temporary. The dust <u>mitigation measures</u> (at Section 9.6.1) will be applied which will avoid significant cumulative impacts on air quality.</p> <p>Operational phase: There is potential for cumulative effects to air quality due to traffic associated with other existing and permitted developments. The change in operational phase traffic was below the TII screening criteria in Section 9.2.2.1 and a detailed air quality assessment of traffic emissions was screened out. Cumulative effect is direct, long-term, neutral, imperceptible and not significant impact on air quality.</p> <p>Separately, the FI Item 1(a) response adds 2no. additional permitted developments.</p> <ul style="list-style-type: none"> • ABP-320164-24: DART+ Coastal North Railway Order 2024 • ABP-312131-21: Greater Dublin Drainage Strategic Infrastructure Development (SID)
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Mitigation Measures

9.10.19. Mitigation measures are set out at Section 9.6 of the EIAR.

9.10.20. Construction phase mitigation measures include –

- Communications: develop and implement a stakeholder communications plan
- Site management, preparing and maintaining the site: locate machinery and dust causing activities away from receptors, erect solid screens around dusty activities or site boundary, avoid site runoff of water or mud and cover, seed or fence stockpiles to prevent wind whipping.
- Operating vehicles/machinery/equipment management
- Measures specific to earthworks, including removal of cover in small areas during work, use of bowser during dry and windy periods to ensure moisture content is high enough
- Measures specific to construction including ensuring bulk cement and fine powder materials are delivered in enclosed tankers
- Measures specific to trackout including 15km speed restriction, inspect on-site haul routes for integrity, implement wheel washing system.
- Monitoring measures – undertake daily on- and off-site inspections including regular dust soiling checks of surfaces such as street furniture, cars and windowsills within 10m of boundary, with cleaning to be provided if necessary

9.10.21. It is outlined that no mitigation is required at operational phase as impacts to air quality are predicted to be neutral and imperceptible.

Residual Impact

9.10.22. It is outlined that during construction phase, provided dust minimisation measures are adhered to,

- the predicted residual air quality impacts are direct, short-term, negative, imperceptible and not significant
- the predicted residual, dust-related, human health impact is direct, short-term, negative, imperceptible and not significant

9.10.23. It is outlined that during operational phase,

- impact to air quality is direct, long-term, negative, imperceptible and not significant
- impact to air quality with respect to human receptors is direct, long-term,

negative, imperceptible and not significant.

9.10.24. In terms of monitoring during construction phase (at Section 9.8.1), monitoring of construction dust deposition is recommended along the site boundary to nearby sensitive receptors to ensure mitigation measures are working satisfactorily, carried out using the Bergerhoff method in accordance with the German Standard VDI 2119. The Bergerhoff Gauge consists of a collecting vessel and a stand with a protecting gauge, and the TA Luft limit value is 350 mg/m²/day during the monitoring period of 30 days (+/- 2 days).

9.10.25. No monitoring is recommended for the operational phase as air quality impacts are predicted to be imperceptible.

Direct and Indirect Effects Assessment

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

9.10.27. With regard to the observation which suggests planting of native trees with significant height on both sides of greenway, which would support NPO 54 by integrating climate action and absorb air pollution and NPO 52 by absorbing air pollution, I note that Condition 6 requires *inter alia* the inclusive of a native hedge along the eastern site boundary and a street tree plan. I consider that this landscaping/planting would be acceptable. Should the Commission be minded to grant, it is recommended that a similar condition is attached.

9.10.28. However, for completeness, I note the following content of the NPF (2018) and the NPF First Revision (2025):

NPF (2018)	NPF First Revision (2025)
NPO52: The planning system will be responsive to our national environmental challenges and ensure that development occurs within	NPO 66: The planning system will be responsive to our national environmental challenges and ensure that development occurs within

environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.	environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.
NPO 54: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.	NPO 69: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.

9.10.29. I note that the 2no. NPOs in the NPF (2018) cited by the observer have been updated in the NPF First Revision (2025). Accordingly, I consider it appropriate to have regard to the updated NPF First Revision (2025) content in this assessment. Having regard to the nature, scale and location of the proposed development, and the assessment of the proposed development’s impacts at construction and operational phases on Climate – Air Quality, I am satisfied that the proposed development would not be inconsistent with NPO 66 nor with NPO 69 (NPF First Revision 2025).

9.10.30. With regard to potential for vehicles to result in NO₂, PM₁₀ and PM_{2.5} emissions, as outlined previously, the proposal will not increase traffic by 1,000 AADT or 200 HDV AADT. As such, I am satisfied that the proposed development would not result in significant adverse impacts on air quality as a result of traffic generated by the proposed development. Matters relating to traffic/transportation generally are addressed at Chapter 14 Material Assets (Transportation).

Conclusion: Direct and Indirect Effects

9.10.31. Having regard to my examination of environmental information in respect of Climate – Air Quality, in particular the EIAR provided by the applicant, the planning

authority's planning reports, and the submissions and observations received by both the planning authority and the Commission in the course of the application, I do not consider that there are any significant direct or indirect air quality effects.

9.11. Climate (Climate Change)

Issues Raised

- 9.11.1. The grounds of appeal did not raise any specific issues in relation to climate change.
- 9.11.2. In its assessment of this EIAR chapter in its planning report, the planning authority considered that when mitigation measures are considered, the proposed development would have a low vulnerability to identified climate hazards, that there are no significant impacts to the proposed development from climate change, that impacts on climate would not be significant and there would not be any unacceptable direct, indirect or cumulative impacts associated with climate arising from the proposed development.
- 9.11.3. Matters raised in the observation (Síle Ní Cheallaigh) relating to climate action and air pollution have been discussed previously at Chapter 9 Climate (Air Quality).

Examination of the EIAR

Context

- 9.11.4. Impacts of the proposed development on climate change are addressed in Chapter 10 Climate (Climate Change).
- 9.11.5. It outlines relevant guidance, legislation and policy. It includes that the most recent Climate Action Plan (Government of Ireland, 2025) was published in April 2025, and that the sectoral emission ceilings for 2030 were published in CAP25, as set out in Table 10.2 Sectoral Emission Ceilings 2030.
- 9.11.6. It states that the purpose of Climate Action and Low Carbon Development Act 2015 (No. 46 of 2015) (as amended) was to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of 2050, referred to as the 'National Transition Objective'. The 2015 Act made provision for a national mitigation plan and a national adaptation framework.
- 9.11.7. It outlines that Fingal Climate Action Plan 2024-2029 outlines the Council's goals to mitigate GHG emissions and plans to prepare for and adapt to climate change. This

Climate Action Plan states that the Council aims to reduce car dependency by encouraging modal shifts from cars to active travel and more sustainable modes, including public transport and cycling, and also that it wishes to work with the relevant transportation bodies to introduce measures to achieve modal shifts.

9.11.8. With regard to greenhouse gas (GHG) emissions, it includes that CAP25 reinforces targets first outlined in CAP24 to reduce the embodied carbon of construction materials, with a 10% reduction by 2025 and 30% reduction by 2030 for materials produced and used in Ireland. Cement and high embodied carbon construction materials can be reduced through product substitution, reduced clinker content in cement and uptake of low-carbon construction methods.

9.11.9. The methodology used in compiling this chapter is set out.

9.11.10. It includes, with regard to traffic emissions at operational phase (at Section 10.3.1.2.1) that emissions from road traffic have potential to emit carbon dioxide (CO₂). It outlines that TII guidance Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106 (TII, 2022b) states road links meeting one or more of the following criteria can be defined as being affected by a proposed development and should be included in the local air quality assessment, and the climate assessment. While the guidance is specific to infrastructure projects the approach can be applied to any development that causes a change in traffic:

- Annual average daily traffic (AADT) changes by 1,000 or more;
- Heavy duty vehicle (HDV) AADT changes by 200 or more

It states that there are no road links that meet the screening criteria, and therefore a detailed assessment of traffic emissions has been scoped out. There is no predicted significant impact to climate from traffic related CO₂ emissions.

9.11.11. It further outlines (at Section 10.3.2 Climate Change Risk Assessment) that the screening CCRA did not identify any residential medium or high risk to the proposed development due to climate change, and a detailed CCRA for construction and operational phases were scoped out.

9.11.12. With regard to difficulties encountered, it is outlined (at Section 10.11) that at this stage, detailed information on all building materials was not yet available. The assessment was based on a combination of default values from the One Click LCA

tool and values factored from the Phase 1E. The Phase 1E data served as a reference baseline, with adjustments applied. Where specific information was available these were used directly in the calculation. The absence of this information did not prevent a robust assessment being carried out and thus there were no significant difficulties encountered when compiling this assessment.

Baseline

9.11.13. It is outlined (at Section 10.4.1) with regard to current GHGA baseline, that data published in July 2025 (EPA, 2025), indicates that Ireland exceeded, without the use of flexibilities, its 2024 annual limit under EU’s Effort Sharing Decision (ESD) (406/2009/EC) by 1.03 Mt CO₂e. However, the 2024 emissions represent the second consecutive year in which Ireland’s emissions were below (-4.2%) 1990 levels.

9.11.14. With regard to future GHGA baseline, it is outlined (at Section 10.4.2) that the report Ireland’s Greenhouse Gas Emissions Projections 2024-2055 (EPA, 2025), includes total projected emissions and a breakdown of projected emissions per sector under the ‘With Existing Measures’ and ‘With Additional Measures’ scenarios. The EPA projections indicate that currently implemented measures (With Existing Measures) will achieve a reduction of 10% on 2005 levels by 2030, significantly short of the 42% reduction target. EPA projections show with the higher ambition (With Additional Measures) scenario that Ireland can achieve a reduction of 22% by 2030, still short of the 42% reduction target.

Potential Effects

9.11.15. The EIAR identifies the potential for a range of environmental effects on Climate Change. Likely significant effects, as identified in the EIAR, are summarised in Table 9.6 below.

Table 9.6 Summary of Predicted Impacts on Climate in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Site will remain as per the baseline and will change in accordance with trends within wider area. As the site is zoned for development, it is likely that similar development would occur. Predicted climate impacts

	<p>within this report are therefore likely to occur even in the absence of the proposed development.</p>
Construction	<p><u>GHG Assessment</u></p> <p>Embodied carbon of materials and emissions from construction activities. Construction phase embodied carbon (incl. maintenance/replacement of materials over development lifetime) will be 58,228 tonnes CO₂e (Table 10.6).</p> <p>Estimated total GHG emissions, annualised over 60-year proposed development lifespan, are equivalent to 0.002% of Ireland's total GHG emissions and 0.004% of Ireland's non-ETS 2030 emissions target.</p> <p>Estimated GHG emissions associated with energy use during construction are equivalent to 0.0004% of 2030 Electricity budget, while GHG emissions associated with transport-related activities are 0.002% of the 2030 Transport budget. Impact of construction phase on climate will be a direct, short-term, negative and not significant.</p> <p><u>Climate Change Risk Assessment (CCRA):</u> Detailed CCRA has been scoped out</p>
Operation	<p>Traffic emissions: There are no significant impacts to climate predicted due to traffic emissions. Impact of traffic emissions on climate will be direct, long-term, negative and not significant.</p> <p>Energy use: Primary elements to reducing climate impacts and optimising energy usage are summarised in Section 8.8.1 and based on information provided by project building engineers. Proposed development has been designed to reduce impact on climate where possible (Building Life Cycle Report and Sustainability &</p>

	<p>Energy Report by Fallon Design Consulting Engineers). Impact of energy emissions on climate will be direct, long-term, negative and not significant.</p> <p>CCRA: Proposed development does not have any significant vulnerabilities to the identified climate hazards – flooding, extreme wind, fog, lightning & hail, wildfires, landslides and extreme temperatures (heat & cold) & drought. Significance of effect of the impacts of the proposed development because of climate change are direct, long-term, negative and not significant.</p>
Decommissioning	<p>Reinstatement is not required as part of this project.</p> <p>Separately, as outlined in description of development, the proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ pumping station adjacent to Portmarnock Bridge when same is operational.</p>
Cumulative	<p>Traffic data used for the operational phase assessment included cumulative traffic from existing and permitted developments in surrounding area, specifically residential developments, school and sportsgrounds (Traffic and Transport Assessment). This impact assessment is cumulative. Cumulative impact of proposed development in relation to GHG emissions is direct, long-term, negative and not significant.</p> <p>Separately, for completeness, the FI Item 1(a) response adds 2no. additional permitted developments.</p> <ul style="list-style-type: none"> • ABP-320164-24: DART+ Coastal North Railway Order 2024 • ABP-312131-21: Greater Dublin Drainage Strategic Infrastructure Development (SID)

Mitigation Measures

9.11.16. Mitigation measures at construction phase comprise best practice measures to prevent significant GHG emissions and reduce climate impacts, to include –

- Appoint suitably competent contractor who will undertake waste audits
- Prevent vehicles from leaving engines idling
- Ensure all plant and machinery are well maintained and inspected regularly.
- Minimise waste of materials. Implement construction waste management plan. Promote recycling of materials and reduce the environmental footprint.
- Prioritise local sourcing of materials to reduce transport related CO2 emissions and support local suppliers, promoting economic sustainability.
- Review material choices at detailed design, to implement lower embodied carbon options, where feasible. For example, 30% minimum clinker replacement in cement may be used in line with requirements for public bodies
- Contractor to mitigate against the effects of extreme rainfall/flooding, extreme wind/storms, temperature extremes and the effects of fog, lightning and hail through site risk assessments and method statements
- All materials used will be accompanied by certified datasheets setting out the limiting operating temperatures.
- Review guidance documents to inform decisions during detailed design and construction phase, e.g. EU Commission Technical Guidance on Adapting Buildings to Climate Change (European Commission (2021a), LETI emergency design guide (LETI, 2020), and the latest IPCC report.

9.11.17. I note that operational energy use is outlined at 10.6.1.2.2.

9.11.18. Mitigation measures at operational phase are -

- Measures incorporated into the design of the development to mitigate against future climate change impacts include -
 - adequate attenuation and drainage incorporated to avoid potential flooding impacts due to increased rainfall events.
 - energy usage - Building Life Cycle Report and Sustainability & Energy

Report details design mitigation measures that have been incorporated to reduce the impact on climate wherever possible, such as A2/A3 BER rating, Compliance with Apartments to Part L 2021/ NZEB; Energy Performance Coefficient (EPC) 0.30 for dwellings; Carbon Performance Coefficient (CPC) 0.35 for dwellings; Building fabric u-value and g-value calculations to at least meet NZEB requirements; Lighting designed to limit energy required; Use of low carbon technology includes High Efficiency Split System Air Source Heat Pumps; Provide appropriate combination of technologies to ensure energy consumption is in line with Part L 2022 Dwellings requirements (Renewable Energy Ratio (RER) > 0.20);

- Access to public transport and reduced reliance on private transport as site is near rail/bus transport services and social/community services of Portmarnock

Residual Impacts

9.11.19. The proposed development will result in some impacts to climate through release of GHGs. It cites TII which states that the crux of assessing significance is “not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050”. The project proposes some best practice mitigation measures. The impact in relation to GHG emissions is considered direct, long-term, negative and not significant provided the final design and construction phase take account of GHG mitigation measures set out in Section 10.7 and local and national Climate Action Plans.

9.11.20. Regarding climate change vulnerability, it outlines that there is a low risk due to future climate change hazards. This risk will be mitigated where possible to reduce vulnerability. The residual effect of climate change on the proposed development is considered direct, long term, negative and not significant.

9.11.21. With regard to monitoring, it is set out (at Section 10.9) that monitoring of embodied carbon at construction phase will be conducted, with the aim of seeking further ways to minimise climate impacts, to include

- contractual obligations to ensure project stays in line with updated aims
- Commitments to monitor GHG emissions will be secured through final CEMP.

Contractor will monitor embodied carbon of materials, water usage, power and fuel usage, and waste generation (including reuse and recycling rates).

- 9.11.22. Monitoring will be conducted by the contractor to include the ongoing management of adaptation and mitigation to measure their effectiveness. If monitoring of adaptation and mitigation measures indicates that measures are not effectively minimising embodied carbon, then they should be reviewed and updated.

Direct and Indirect Effects Assessment

- 9.11.23. I have examined, analysed and evaluated Chapter 10 of the EIAR and all of the associated documentation, submissions and observations on file in respect of climate. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on the climate, as a consequence of the proposed development have been identified.

Conclusion: Direct and Indirect Effects

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

9.12. Climate (Sunlight & Daylight)

Issues Raised

- 9.12.1. No issues were raised in the grounds of appeal relating to sunlight and daylight.
- 9.12.2. The First Planner's Report notes (at Section 4.4 Residential Standards) that the submitted Daylight and Sunlight Analysis for the proposed duplex units indicates that 94% of rooms assessed would achieve satisfactory daylight, with a number of ground floor units (kitchen/living/dining room) not achieving the required standard, equating to c.21% of the units studied. FI Item 3 requested the applicant to demonstrate mitigation measures for the duplex units which do not achieve the required standard.
- 9.12.3. The Second Planner's Report noted the FI Item 3 response included revised

elevations, plans and sections for Duplex Type L1/M2 and L2/M2 amending the fenestration design, such that all 42no. duplex units feature enlarged front windows, increased in width from 1.81m to 2.148m at both ground and upper floor level. It outlines that the ground floor was necessary to meet required daylight standards, the first floor is proposed to maintain visual consistency, and an updated Daylight and Sunlight Analysis demonstrates a 100% pass rate, and therefore no mitigation is required. This was considered adequate and acceptable.

9.12.4. For completeness, I note that elsewhere in the First and Second Planner's Reports, with regard to Chapter 11 of the EIAR, the assessment finds that the proposed development would have no significant impacts on neighbouring buildings, and that no mitigation measures or residual measures are identified. The planning authority considered that there will be no potential for significant impacts on daylight and sunlight availability arising from the proposed development.

9.12.5. No issues were raised in the observations received on the appeal relating to sunlight and daylight.

Examination of the EIAR

Context

9.12.6. Daylight and sunlight are addressed in Chapter 11 of the EIAR. The accompanying Daylight and Sunlight Analysis gives a more detailed account. Having regard to the revised fenestration details to the proposed duplex units as proposed in the FI (item 3) response, this assessment of the EIAR Chapter 11 shall have regard to this updated information on file as relevant.

9.12.7. With regard to difficulties encountered, it is outlined that it was neither possible nor practical for the Design Team to gain unfettered access to every parcel of private property within the study area surrounding the site in order to carry out measured building survey. It continues to state that 'while consultant has confidence that the three dimensional model used in the assessment of the impact of the proposal on sunlight access achieves a high degree of accuracy'. This final sentence in Chapter 11 appears to be incomplete.

Baseline

9.12.8. The EIAR outlines that a scoping exercise was conducted to identify the neighbouring dwellings which would require a detailed study of impact on daylight and sunlight availability. It states -

- appropriate separation distances are achieved to buildings to north in terms of sunlight. No significant adverse impacts are expected to daylight. These neighbouring buildings are Phase 1B, Lima Building & St. Helen’s on Station Rd, and Mount Carmel & Sea Crest Lodge on Coast Rd.
- Neighbouring buildings to west will be assessed for impacts on sunlight using the decision chart in BRE publication “Site Layout Planning for Daylight and Sunlight – A guide to good practice (Third Edition)/2022 Edition.

9.12.9. The assessment methodology and technical guidance documents to which regard are had are outlined.

9.12.10. It is set out that a three-dimensional digital model of the proposed development, and of existing buildings in the area was constructed based on drawings supplied by the design team, and with reference to satellite and aerial photography. Trees and boundary planting were not included in this model as per the recommendations in Appendix G of the BRE Guide.

Potential Effects

9.12.11. The EIAR identifies the potential for a range of environmental effects on Climate (Sunlight & Daylight). Likely significant effects, as identified in the EIAR, are summarised in Table 9.7 below.

Table 9.7 Summary of Predicted Impacts on Climate – Sunlight and Daylight in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Existing sunlight environment within neighbouring buildings will remain unchanged.
Construction	As proposal nears completion, potential impact of the emerging development is likely to be similar to that of the completed development. Temporary structures and machinery have potential to result in changes in sunlight

	<p>access in buildings, although any impacts are likely to be temporary and minor.</p>
Operation	<p><u>Potential Impact on Sunlight Access to Existing Buildings Outside the Site:</u></p> <p>Proposed development will result in no change in sunlight access within neighbouring existing buildings. Potential impact on sunlight access is likely to be imperceptible, and there will be no undue adverse impact on sunlight access within buildings in the wider area surrounding the Site.</p> <p>Dwellings to west of Proposed Development are not more than three times their height above the lowest window and must be assessed for subtend angle. Neighbouring buildings whose subtend angle is below 25° were exempt from the VSC, APSH and No Sky Line assessment. buildings failing to have a subtend angle below 25° were assessed for VSC, APSH and No Sky Line. These assessments determined that the proposed development will not have an impact on daylight and sunlight availability of neighbouring buildings.</p>
Decommissioning	<p>Reinstatement is not relevant to the assessment of impacts on sunlight access as it is intended that the proposed development will be permanent.</p> <p>Separately, as outlined in description of development, the proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ pumping station adjacent to Portmarnock Bridge when same is operational.</p>
Cumulative	<p>5no. permitted schemes, comprising of a mix of residential, wastewater infrastructure, open</p>

	<p>space/recreational and public transport infrastructure are cited. One further scheme is cited as ongoing case; ABP-312131-21 (Greater Dublin Drainage Strategic Infrastructure Development) refers.</p> <p>Through distance, subtend angle, VSC, APSH and NSL assessments, the proposed development will have no undue adverse impact on sunlight access within buildings in the cumulative development, and the potential impact on sunlight access within the cumulative development surrounding the site is likely to be imperceptible.</p>
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Mitigation Measures

9.12.12. The subject application proposes the development of a greenfield site zoned for development. In these circumstances, during the construction or operational phases, scope for mitigation measures, which would preserve a sustainable level of density, is limited.

Residual Impacts

9.12.13. At construction phase, it is outlined that as no ameliorative, remedial, or reductive development is proposed, the residual impact on sunlight access is predicted to be as described under Section 10.5.1.1.

9.12.14. At operational phase, as no ameliorative, remedial, or reductive development is proposed, the residual impact on sunlight access is predicted to be as described under Section 10.5.1.2.

9.12.15. With regard to monitoring, it is outlined that monitoring of avoidance, remedial and mitigation measures is not relevant in the subject application because sunlight access determination is based on set parameters that do not change, namely the sun’s annual movement through the sky, location of the existing buildings, and location and heights of proposed buildings.

Direct and Indirect Effects Assessment

9.12.16. I have examined, analysed and evaluated Chapter 11 of the EIAR and all of

the associated documentation, submissions and observations on file, including the information submitted in response to FI Item 3, in respect of Sunlight and Daylight. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely sunlight and daylight, as a consequence of the proposed development, have been identified. As noted above, daylight and sunlight impact was not an issue identified in the grounds of appeal.

9.12.17. In terms of detail, I note that there would appear to be a number of minor errors, namely

- incorrect citation of Section 10.5.1.1 and Section 10.5.1.2 as they relate to Residual Impact of the Proposed Development (at Section 11.7)
- apparent incomplete information at Difficulties Encountered (at Section 11.10)

9.12.18. However, I consider that these errors are minor and do not materially impact on the assessment of the proposed development as it relates to impacts on sunlight and daylight.

9.12.19. With regard to the FI Item 3 response, I note that the front windows to all 42no. duplex units have been increased from the previously proposed 1.81m width to 2.148m. I consider that the revised plans and elevations showing these amendments to be acceptable, and I do not consider that such amendments give rise to any adverse visual or residential amenity impacts.

9.12.20. I note the associated updated Daylight and Sunlight Analysis (dated 30 September 2025) submitted as Further Information to the planning authority on 10 October 2025. With regard to the matter of limited daylight availability to some residential (duplex) units raised in FI Item 3, I note that it is outlined (at Section 6.2) that 100% of the analysed rooms were determined to be compliant with the methodology utilised, namely the Spatial Daylight Autonomy (SDA).

9.12.21. I consider that the proposed development would be acceptable in terms of daylight availability within the proposed residential units, and would be acceptable in terms of daylight and sunlight impacts on existing residential units. I am satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects

9.12.22. Having regard to my examination of environmental information in respect of

daylight and sunlight, in particular the EIAR, and the amended plans and particulars submitted in response to FI Item 3, including the updated Daylight and Sunlight Analysis provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received by both the planning authority and the Commission in the course of the application, I do not consider that there are any significant direct or indirect daylight and/or sunlight effects.

9.13. Air (Noise & Vibration)

Issues Raised

- 9.13.1. No issues were raised in the grounds of appeal relating to noise and vibration.
- 9.13.2. The First Planner's Report noted that the issue of noise mitigation had been raised in third party submissions.
- FI Item 1 (2) noted that significant residual effects have not been detailed at location N5 during construction, despite significant effects identified at N5 prior to mitigation. The applicant was requested to clarify this matter, to include mitigation measures and resulting residual impacts.
 - FI Item 1(3) noted that potential impacts at location N1 and N5 are described as Not Significant to Significant at Table 12-16. However, 65dB LAeq, 1hr construction noise criterion is exceeded by up to 11dB at N1. The description of potential impacts does not appear to accord with the significance of effect descriptions detailed in Table 12-8 and should be clarified.
- 9.13.3. The response to FI Item 1(2) notes that the residual impacts at sensitive reception N5 were inadvertently missing. The separate acoustic consultant's report (titled Ref. LRD0058/S3E – Response to RFI Points 2 & 3) states
- In the absence of mitigation, location N1 would have potential to experience a Very Significant impact, and location N5, a Significant Impact. This is a worst case assessment that assumes works are being carried out at the boundaries closest to these receptors.
 - Good practice mitigation measures in Section 12.7 of original (EIAR) Chapter are predicted to reduce noise levels from construction works by minimum 5dB. Taking account of this reduction, the updated residual impacts are:

- At location N1 residual impacts are predicated to be negative, slight to significant and temporary with the most significant effects occurring when works take place closest to boundary to the receptor. When works take place at greater distances, effects will reduce to negative, slight to moderate and short term.
- At locations N3 and N5 the residual impacts are predicted to be negative, slight to moderate and short-term with the greatest effects occurring when works take place at the closest boundary to receptor.
- All other identified noise sensitive locations at greater distances from the proposal will experience negative, slight and short-term effect
 - It concludes that a conservative prediction of 5dB attenuation from mitigation has been identified.

9.13.4. The Second Planner's report noted that the updated significance of effect descriptions provided in the updated table accord with the significance of effect descriptions in Table 12-8 of the original EIAR. The updated descriptions were considered accurate and accord with best practice. It noted that the Air and Noise Unit have no objection to the proposed development subject to conditions.

9.13.5. The Air and Noise Unit's report is dated 28 November 2025, i.e., subsequent to the receipt of the FI response. 4no. conditions are recommended.

9.13.6. Condition 13 of the planning authority's decision states

(a) Achieve internal noise level as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings

(b) noise levels generated by construction works shall not exceed construction noise thresholds in EIAR Table 12-7 at any noise sensitive location. Developer shall monitor and record construction noise levels at representative noise sensitive locations. Submit monitoring results to planning authority at intervals to be agreed

(c) Vibration arising from construction works shall not give rise to levels above those in EIAR Table 12-9 at any sensitive receptor

(d) Implement design recommendations and mitigation measures for building

services plant noise in EIAR Section 12.6.3.2 Building Services Plant. Tonal noise associated with this plant shall not be audible at any nearby noise sensitive location

9.13.7. The report received from DAA on the application originally lodged is outlined at Section 4.0 of this report. Issues raised by the DAA relate to primarily to the site's location within Dublin Airport's Outer PSZ (ERM Report) and within the airport's Noise Zone B. It requests inter alia

- Further Information for Noise Impact Assessment (NIAs) to demonstrate that appropriate levels of indoor and outdoor residential amenity can be achieved.
- Condition that applicant/agent adequately advise prospective purchasers/occupiers that the development is located within a Dublin Airport Noise Zone and subject to higher aviation noise levels, including provision of accurate and comprehensive information about potential noise environment.
- Condition submission of compliance reports verifying implementation and effectiveness of noise mitigation measures prior to occupation.

The recommended FI and conditions are not included in the planning authority's decisions. As outlined above, the planning authority has included alternative conditions relating to noise levels at construction and operational phases.

Examination of the EIAR

Context

9.13.8. Noise and Vibration impacts are assessed in Chapter 12 of the EIAR. Having regard to the matters raised in FI Item 1(2) and (3), updated information relating to Chapter 12 is included where relevant in this assessment.

9.13.9. Standards and guidelines referred to are set out. The methodology for construction and operational phase noise and vibration are outlined.

9.13.10. It is outlined that no difficulties were encountered in the preparation of this EIAR chapter.

Baseline

9.13.11. The receiving environment identifies a number of noise sensitive locations, shown on Fig. 12.1 and described in Table 12-1. These 5no. locations are:

Ref.	Description
N1	Mountain View Properties (residential) incl. Phase 1E under construction
N2	Dwelling on R123
N3	Dwellings on R106 (Coast Road)
N4	Dwelling on R123
N5	Dwellings on Station Road

9.13.12. It is outlined (at Section 12.3.2) that an environmental noise survey was conducted to assess the existing noise environment, in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. The survey results from attended and unattended noise measurements are outlined at Section 12.3.2.5.

9.13.13. The attended noise measurements indicate that the noise environment was dominated by aircraft movements overhead. Construction contributed to overall noise levels, and birdsong, foliage rustling and traffic were noted in quieter periods.

9.13.14. Unattended noise measurements indicate -

- During daytime periods, average noise levels were in ranges 61 to 63 dB LAeq and 41 to 49 dB LA90.
- During night-time periods, average noise levels were ranges 51 to 57 dB LAeq and 31 dB LA90.
- LAeq & LAFMax values were measured at 15-minute intervals over survey duration
- Figure 12.3 present the number of measured LAeq and LAFMax events for each decibel level during the day and night periods. The 78 dB LAmix noise level is not normally exceeded.

Potential Effects

9.13.15. The EIAR identifies the potential for a range of environmental effects on Noise and Vibration. Likely significant effects, as identified in the EIAR, are summarised in Table 9.8 below.

Table 9.8 Summary of Predicted Impacts on Noise and Vibration in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>The noise environment at the nearest noise sensitive locations and within the development site will remain largely unchanged resulting in a neutral impact in the long term.</p>
Construction	<p><u>Noise</u></p> <p>Typical construction activity related noise lists various plant items will be in use, such as excavators, lifting equipment, dumper trucks, compressors and generators. Table 12-14 outlines typical plant items and associated noise levels.</p> <p>Vehicular traffic flow to/from a construction site is potential source of relatively high noise levels.</p> <p>Construction hours are 07:00 to 18:00hrs, Monday to Friday and 08:00 to 14:00hrs on Saturdays, with occasional weekday evening works.</p> <p>Indicative construction noise prediction values are within the criterion of 65 dB LAeq,1hr for receptor locations N2 to N4. However, when works are undertaken closest to N1 and N5 they exceed the criterion.</p> <p>Management of construction noise will need to be applied proactively on a daily basis. No construction activities are expected to give rise to noise levels that would be considered out of the ordinary or exceed the levels outlined in Table 12-8 on an on-going basis.</p> <p>Table 12-16 Review of Potential Daytime Construction Noise Impact outlines Predicted Construction Noise Impacts for Various Phases dB LAeq,1hr.</p>

	<p>Note: Table 12-16 is updated in the FI Item 1(2) and (3) response. The FI consultant's report indicates that at location N1 (Monument View dwellings), construction noise impacts are indicated to vary from Not Significant to Very Significant.</p> <p>Construction activities for pump connections will vary and will not be continuous in nature. Noise levels are not expected to exceed the threshold over a significant period, as the works are linear. This duration is below the threshold that would trigger a significant effect.</p> <p><u>Vibration</u></p> <p>Expected vibration levels during piling assuming augured or bored piles have been determined through reference to published empirical data. Vibration levels at the closest neighbouring buildings are expected to be orders of magnitude below limits set out in Table 12-9 to avoid any cosmetic damage to buildings. Vibration levels are expected to be below a level that would cause disturbance to building occupants, although for closest receptors vibration may be perceptible. Impacts are predicted to be temporary, negative and slight</p>
Operation	<p><u>Noise</u></p> <p>Main potential <u>outward noise impact</u> will be from additional vehicles on surrounding road network, building services and mechanical plant.</p> <p>Predicted traffic flow increase in design year 2044 will result in noise level increase of less than 1dB along all roads receiving traffic from the proposal, which will have negligible effect. Effect is neutral, imperceptible and</p>

	<p>long-term. It notes traffic figures consider a cumulative scenario. Changes of noise levels with the development alone will be lower.</p> <p>Noise prediction calculations for operation of heat pumps and impact have been undertaken in accordance with ISO 9613: Acoustics – Attenuation of sound outdoors, Part 2: General method of calculation (2024). Assuming minimum distance from any heat pump to nearest window is 5m, predicted noise level for any given noise sensitive receiver will be 33dB or lower and below the criteria. Resultant effects are negative, not significant and long-term.</p> <p>Main potential <u>inward noise impact</u> Site lies within Dublin Airport Noise Zone B. External noise levels during the daytime, with North Runway in operation, are expected to be approx. 62 dB LAeq,16hr. While external amenity areas would be above the desirable level of 55 dB LAeq,16hr it is not possible to reduce noise level across external spaces due to aircraft noise being the dominant noise source.</p>
Decommissioning	<p>Reinstatement is stated as not applicable.</p> <p>Separately, as outlined in description of development, the proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ pumping station adjacent to Portmarnock Bridge when same is operational.</p>
Cumulative	<p>If construction were to concur with other phases, there is potential for cumulative construction noise impacts. Significant construction noise levels are only expected</p>

	<p>when works are being carried out at short distances from a given NSL. However, due to site layout it is not likely that there will be simultaneous construction activity from other proposed developments at such distances from NSLs.</p>
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Mitigation Measures

9.13.16. Mitigation measures at construction phase refers to BS 5228 (2009 +A 2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2, which includes guidance relating to selection of quiet plant, control of noise sources, screening, hours of work, liaison with public and monitoring.

9.13.17. Mitigation measures at operational phase outlines –

- Predicated plant noise emissions show criteria in Section 12.20 are not exceeded and no specific mitigation is required
- noise mitigation measures regarding the outward impact of traffic are not deemed necessary as there is no significant impact calculated
- at detailed design stage, glazing and vent specifications will ensure suitable internal noise levels. Internal noise criteria can be achieved through consideration of proposed façade elements.

9.13.18. For completeness, I note at Section 12.6 Potential Impact of the Proposed Development that a considerable amount of information is outlined in relation to ‘Operational Stage – Inward Impact’, much of which relates to detailed design of acoustic mitigation measures.

Residual Impacts

9.13.19. It is outlined (at Section 12.8.1.1) that at construction phase, there will be a short-term noise impact on nearby noise sensitive properties from site activities and close proximity of adjacent buildings. The application of noise limits, hours of operation and implementation of appropriate noise and vibration control measures, will ensure that noise and vibration are minimised. At location N1 a negative, slight to significant and temporary effect is likely depending, with the most significant effects occurring when works take place at the closest boundary to the receptor. All other

identified NSL at greater distances from the proposed development will experience a negative, slight and short-term effect.

9.13.20. As outlined in the FI Item 1(2) and (3) response, it is outlined that at location N1 (Monument View properties, includes Phase 1E under construction) the residual impacts are predicted to be negative, slight to significant and temporary with the most significant effects occurring when works take place at the closest boundary to the receptor. When works take place at greater distances from the receptor, the effects will reduce to negative, slight to moderate and short-term.

9.13.21. At operational phase, the predicated impact of additional traffic on surrounding roads is predicted to be imperceptible along existing road network, with the overall effect considered to be of neutral, imperceptible and long term effect to nearby noise sensitive locations.

9.13.22. The resultant noise effect from heat pumps will be of negative, not significant, long-term impact.

9.13.23. In terms of monitoring, it is outlined that noise and vibration monitoring during construction phase should be in accordance with the following –

- noise monitoring: ISO 1996: 2017: Acoustics – Description, Measurement and Assessment of Environmental Noise and be located more than 3.5m from any reflective surfaces, e.g. walls, in order to ensure a free-field measurement without any influence from reflected noise sources.
- Vibration monitoring:
 - BS 7385-1 (1990) Evaluation and measurement for vibration in buildings — Part 1: Guide for measurement of vibrations and evaluation of their effects on buildings; or
 - BS 6841 (1987) Guide to Measurement and Evaluation of Human Exposure to Whole-Body Mechanical Vibration and Repeated Shock.

9.13.24. It is further outlined with regard to construction activities, that best practice operational and control measures for noise and vibration from construction sites are found within BS 5228 (2009 +A1 2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2.

Direct and Indirect Effects Assessment

9.13.25. The noise and vibration impacts of the proposed development were not issues raised in the grounds of appeal.

9.13.26. I have examined, analysed and evaluated Chapter 12 of the EIAR and all associated documentation, including the FI response, submissions and observations on file in respect of noise and vibration impacts. I am satisfied that key noise and vibration impacts, as a consequence of the proposed development, have been identified.

9.13.27. The Air and Noise Unit states no objection to the proposed development, subject to 4no. conditions. I consider that the matters raised in the planning authority's FI Item 1(2) and 1(3) are adequately addressed.

In particular, I note that the main changes between EIAR Table 12-16 (Review of Potential Daytime Construction Noise Impacts) and updated Table 1-1 (in FI response; consultant's submission), which are summarised in the table compiled as follows: .

Ref.	Predicted Ranges of Construction Noise Levels for Various Phases dB LAeq,1hr			
	Site Preparation	Foundations	General Construction	Landscaping
N1	<u>From:</u> Not Significant to Significant <u>To:</u> Not Significant to Very Significant	<u>From:</u> Not Significant to Significant <u>To:</u> Not Significant to Very Significant	<u>From:</u> Not Significant to Significant <u>To:</u> Not Significant to Very Significant	<u>From:</u> Not Significant to Significant <u>To:</u> Not Significant to Very Significant
N2	<u>No Change</u> Not Significant	<u>No Change</u> Not Significant	<u>No Change</u> Not Significant	<u>No Change</u> Not Significant
N3	<u>From:</u> Not Significant <u>To:</u> Slight to Moderate	<u>From:</u> Not Significant <u>To:</u> Slight to Moderate	<u>From:</u> Not Significant <u>To:</u> Slight to Moderate	<u>From:</u> Not Significant <u>To:</u> Slight to Moderate
N4	<u>No Change:</u> Not Significant	<u>No Change:</u> Not Significant	<u>No Change:</u> Not Significant	<u>No Change:</u> Not Significant
N5	<u>No Change</u> Not Significant to Significant	<u>No Change</u> Not Significant to Significant	<u>No Change</u> Not Significant to Significant	<u>No Change</u> Not Significant to Significant

9.13.28. In this regard I note the predicted impacts at construction phase, in the absence of mitigation include ‘...to Very Significant’ at Ref. N1 (Monument View and Phase 1E under construction) and ‘...to Significant’ at Ref. N5 (Station Road dwellings).

9.13.29. I note in particular that NSL 1 includes recently constructed, and now occupied/partially occupied dwelling units in the earlier phases of the overall residential scheme. NSL 1 also includes the location of Phase 1E, at which a

residential scheme under construction.

9.13.30. However, while noting that the range of noise levels at construction phase includes significant/very significant at these locations, I note also the range of mitigation measures proposed. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant noise and vibration impacts. I am also satisfied that there would be no significant cumulative impacts, and if so, this can be appropriately managed.

Conclusion: Direct and Indirect Effects

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

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

9.14. Landscape and Visual Impact Assessment

Issues Raised

9.14.1. No issues are raised in the grounds of appeal relating to landscape and visual impact assessment.

9.14.2. The First Planner's Report notes that the EIAR assesses the baseline landscape and visual sensitivity of the subject site as moderate, and the baseline sensitivity of lands to the east and south as high. The planning authority considered this acceptable and that it takes into account the sensitivity of surrounding areas. The planning authority notes that the assessment refers to photomontages prepared for the EIAR, and overall, considers the assessment is satisfactory. No specific issues were raised in the FI request relating to landscape and visual impact. The Second Planner's report outlines that the planning authority is satisfied that the proposed development would not have any direct, indirect or cumulative significant effects on landscape.

9.14.3. No specific issues were raised in the observations received with regard to landscape and visual assessment. Concerns are raised regarding a lack of adequate public open space. This issue is discussed separately at Section 7.0 (Assessment).

Examination of the EIAR

Context

9.14.4. Landscape and Visual Impact Assessment is addressed in Chapter 13 of the EIAR.

9.14.5. The Assessment Methodology outlines that the study area includes the site of the proposed Phase 1F development, lands within the Portmarnock South Local Area Plan, the surrounding landscape context north to Portmarnock, and especially along the coast and over Baldoyle Bay to the east and southeast.

9.14.6. The methodology outlines the relevant legislation, policy and guidelines. These include Guidelines for Landscape and Visual Impact Assessment (the 'GLVIA') 3rd edition (Landscape Institute and the Institute of Environmental Management and Assessment [IEMA] 2013).

9.14.7. It outlines that 'Landscape' means an area, as perceived by people, whose character is the result of the action and interaction of natural and / or human factors' (as per European Landscape Convention, 2000).

9.14.8. It is set out that data collection and collation is based on initial desk studies, supported by full site walkovers and augmented by further specific site reviews, within the study area, and the selection and preparation of verified Photomontages.

9.14.9. Desk studies included a review of Fingal County Development Plan 2023– 2029, Portmarnock South Local Area Plan 2013 (expired), historical and current mapping and aerial photography and mapping of the proposed development.

9.14.10. No difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

9.14.11. It is outlined that the Phase 1F lands at St. Marnock's Bay are located within the north-eastern area of the residential zoned lands in the Fingal Development Plan (as per the lapsed Portmarnock South LAP). The lands within Portmarnock South area run south from Station Road to Moyne Road and east from the Dublin-Belfast Railway to the R106 Coast Road adjoining Baldoyle.

9.14.12. The Proposed Development comprises a sixth phase of development (Phase 1F) at St. Marnock's Bay, Portmarnock South. 771no. residential units and a local centre have been permitted on these lands in the previous 5 phases of development.

9.14.13. The now lapsed LAP set the development framework for the overall Portmarnock South lands, including preparation of the masterplan and the approach for previously permitted phases and proposed phase of development. These principles are included in the Fingal Development Plan 2023-2029, specifically Objective CSO66, which provides to 'Ensure that the mitigation measures as set out in the Portmarnock South and Baldoyle Stapolin LAPs (and other LAPs as necessary) will continue to be implemented and managed in accordance with the requirements of the LAPs or where a LAP is no longer in place....' This objective continues to provide a list of key measures for Portmarnock South lands, including those for Green Infrastructure, Surface Water, Water Quality, and general environmental control.

9.14.14. It is outlined that the subject site comprises unmanaged former arable lands with some areas used for site compound and temporary storage of soil material. There are no trees or field boundaries within the Site. However, the wider area is undergoing significant on-going change with emerging residential development to the immediate west and southwest. Construction-related activities, including earthworks, soil movement and storage, building works and construction traffic movements are all prominent in the vicinity. In landscape terms, the boundary hedgerows along the railway and internally along the Portmarnock / Maynetown townland boundary are prominent landscape features to the west, as are longer range views where available, east and south over Baldoyle to the Irish Sea, Howth and to the Dublin Mountains.

9.14.15. The site of a recorded monument – an 'enclosure' (DU015-055) is located to the southeast. The feature is currently enclosed by palisade fencing. No features of archaeological significance are visible on the surface. Natural regeneration of willow is evident within the fenced area.

9.14.16. The wider landscape is more open to the northeast, east and southeast approaching the coastal corridor of Coast Road / Baldoyle Estuary, where there are panoramic views extending eastwards and southeast towards Lambay, Ireland's Eye,

and Howth and long-range background views south to the Dublin Mountains.

9.14.17. It is outlined (at Section 13.3.4) that landscape and visual sensitivities of the baseline environment relate to:

- Maintaining function and quality of ecological and landscape buffer lands to north and east of Phase 1F lands;
- Protecting/incorporating heritage value of recorded monument (DU015-055);
- Retaining character and quality of views to coast and from ecological and landscape buffer lands
- Continuing the quality and nature of residential development on the wider Portmarnock South lands, especially along the northern and eastern edge, as already established in Phase 1D and Phase 1FE to the south.

9.14.18. The baseline landscape and visual sensitivity of the Phase 1F lands are Moderate, while the baseline landscape and visual sensitivity of areas east and south of the Phase 1F lands are High.

Potential Effects

9.14.19. The EIAR identifies the potential for a range of environmental effects on Landscape and Visual Impact. Likely significant effects, as identified in the EIAR, are summarised in Table 9.9 below.

Table 9.9: Summary of Predicted Impacts on Landscape and Visual Impact in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The lands are zoned for residential and associated open space. It is envisaged that some broadly similar residential / open space development will proceed on these lands at some stage.
Construction	Site-based landscape disturbance, earthworks, stockpiling of soils and materials, general construction activity, traffic, inconvenience and / or visual effects from dust, dirt, noise.
Operation	• Design, character and quality of proposed buildings

	<ul style="list-style-type: none"> • Design, amenity and quality of proposed park and open spaces • Overall quality of finish and management of development
Decommissioning	<p><u>Construction Phase</u></p> <p>All landscape areas disturbed by construction works will be reinstated prior to completion of construction. Any materials or plants which fail within 12- month aftercare period will be replaced.</p> <p><u>Operational Phase</u></p> <p>Any landscape materials, plants or areas which fail during on-going Operational Phase will be replaced.</p>
Cumulative	<p><u>Construction Phase</u></p> <p>Wider site-based landscape disturbance, earthworks, stockpiling of soils and materials and other sites in vicinity, more intensive construction activity, traffic from a number of sites/sources and wider inconvenience and / or visual effects from dust, dirt, noise.</p> <p><u>Operational Phase</u></p> <ul style="list-style-type: none"> • Design, character and quality of a wider range of buildings, developments; • Design, amenity and quality of open spaces within and around the Site; and • Overall quality of finish and management of subject and surrounding developments.

Mitigation Measures

9.14.20. It is outlined that at construction phase, while no significant landscape/visual effects arise, mitigation measures in CEMP are being implemented in accordance with best methodologies and practice. The following measures are proposed:

- CEMP provides environmental management framework during construction

- Construction compounds will not be located within RPA of trees or hedgerows to be retained and will be enclosed by solid hoarding. Compound areas will be fully decommissioned and reinstated at end of construction phase.
- Phase 1F construction site will be enclosed and secured. Construction traffic will follow agreed routes. Roads will be maintained in clean and safe manner.

9.14.21. At operational phase, mitigation measures of significant landscape and visual impacts are not required. Measures to ensure its integration within its setting include:

- Provision of high-quality of architectural design, character and finish.
- Provision of significant areas of new open space with play facilities as amenity and recreation for new communities, of high-quality design and finish
- Planting of new trees along streetscapes and within open spaces, appropriate to streets and character of coastal edge
- Replace any defective/dead material during 12-month maintenance period
- Open spaces including Record Monument DU015-055 and 'Monumental Way' will be offered for taking-in-charge

Residual Impacts

9.14.22. At construction phase, residual impacts are outlined as follows:

- Site disturbance associated with stripping of soils and movement of machinery may be unfamiliar and draws visual attention. No trees or hedgerows are impacted.
- The site is limited in extent and in part has been previously disturbed by construction works associated with Phases 1D & 1E. Construction works will be most be most visible from within adjoining phases at St. Marnock's Bay, from ecological and landscape buffer lands to north and east, from more distant viewpoints on coast road and east of Baldoyle Bay, from rear of 8 existing properties on R106 Coast Road / Station Road. View of similar construction activity are already a feature. The degree of landscape and visual change is Medium.

9.14.23. The sensitivity of the receiving Phase 1F landscape is Moderate and Magnitude of Change is Medium. The landscape impact is Slight to Moderate

Negative Short-term Significance.

9.14.24. The sensitivity of the receiving visual environment and the Magnitude of Change are considered Medium. The visual impact of the Construction Phase is assessed as being of Moderate Negative Short-term Significance.

9.14.25. At operational phase, a new development will establish its presence on the environmental, physical and visual character of its environs. Landscape and visual impacts must be considered within context of existing, planned, emerging and likely future development proposals for the area. The previous phases and the current Proposed Development (Phase 1F) are provided in accordance with the Portmarnock South LAP requirements, which are also included in Objective CSO66 in Fingal Development Plan 2023-2029.

- the sensitivity of the receiving landscape is Moderate and Magnitude of Change is Medium. The landscape impact is Moderate Positive Medium to Long-term Significance.
- 8no. photomontages show 'before' and 'after' scenarios in the Photomontages Booklet, the locations of which are shown and described in Chapter 13. In summary, the proposed development does not alter or adversely impact the sensitivity or significance of any landscape or visual characteristics in the area
- Where mitigation measures were not implemented or failed the worst-case landscape and visual impact would be Moderate Negative Medium to Long-term Significance.

9.14.26. Monitoring measures during construction include siting of construction compound, topsoil stripping and storage, and reinstatement of landscape / soil areas. Specific measures and method statements will be prepared for works at the Recorded Monument (DU015-055), to be agreed with the Project Archaeologist and supervised by Project Archaeologist and Landscape Architect

9.14.27. At operational phase, monitoring of management of landscape areas is required.

Direct and Indirect Effects and Assessment

9.14.28. I have examined, analysed and evaluated Chapter 13 of the EIAR and all of

the associated documentation, submissions and observations on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impact impacts in respect of likely effects on landscape and visual impact, as a consequence of the proposed development, have been identified.

9.14.29. The photomontages are useful in setting out the visual impact of the proposed development. I consider the baseline information regarding the receiving environment outlined in Chapter 13 to be acceptable, and the 8no. viewpoints contained in the Photomontages booklet to be acceptable.

9.14.30. I note that Development Plan mapping indicates that the site is located within a Highly Sensitive Landscape, and that there is an objective to preserve views along Coast Road, i.e., a short distance east of the subject site.

9.14.31. On site visit I noted that much of the subject site is currently accessible from the existing greenway. The absence of built structures or boundaries lends these lands a sense of having an open character. Having visited the site and surrounding area, and in noting the landscape and the emerging streetscape in the previous and ongoing developments in the immediate vicinity, I consider that the proposed development would alter somewhat the existing landscape at this location. However, the overall nature of the proposed development is of 2- and 3-storey scale and thereby generally low-rise in character. I note that the archaeological monument (enclosure – RMP DU015-055) location is elevated above the level of the existing greenway to the east. Having regard to the scale of the proposed development and the set back of new buildings from Coast Road, I consider that the impact of the proposed development on the landscape and visual amenities of the area would be acceptable.

Conclusion: Direct and Indirect Effects

9.14.32. Having regard to my examination of environmental information in respect of landscape and visual impacts, in particular the EIAR and photomontages, which were submitted with the application, the planning authority's planning reports and the submissions and observations received by both the planning authority and the Commission in the course of the application, I do not consider that there are any significant direct and indirect landscape and visual impact issues.

9.15. **Material Assets - Transportation**

Issues Raised

- 9.15.1. Issues raised in the grounds of appeal include concerns that the permission undermines the principles of compact growth, 15-minute neighbourhoods and sustainable communities by forcing families to travel significant distances for basic childcare services, placing undue pressure on families, increasing traffic generation and conflicts with national and local planning objectives.
- 9.15.2. In the assessment of this EIAR chapter in the First Planner's Report noted that concerns were raised in a number of third party submissions regarding traffic impacts arising from the proposed development, and considered that the conclusions drawn in the EIAR are appropriate. It noted that the Transportation Planning Section's report indicated no objection to the approach taken in the Traffic Impact Assessment.
- 9.15.3. The planning authority was satisfied that traffic impacts as a result of the development would generally be minor based on the analysis undertaken, and overall was satisfied that there would be no unacceptable direct, indirect or cumulative transportation impacts arising from the proposed development.
- 9.15.4. No issues specifically relating to traffic/transportation were raised in the FI request. However, the response to FI Item 1(a), which queried the cumulative assessment presented in the EIAR, includes within the list of development projects the DART+ Coastal North Railway Order 2024 (ABP-320164-24), on which a decision to make a railway order with conditions was made in 2025.
- 9.15.5. The First Transportation Planning Section considered that car and cycle parking provision was in compliance with Development Plan standards.
- 9.15.6. The First Planner's Report notes the content of the Transportation Section's Report, which considered road access arrangements acceptable and accepts applicant's rationale for 4.8m wide roads, notes the Traffic Impact Assessment (TIA) satisfactorily demonstrates that the development would not cause significant residual impacts on the surrounding road network, and that car parking aligns with Development Plan standards for Zone 1 and SPPR 3 of Sustainable Residential Development and Compact Settlement Guidelines. It notes that Transportation

Section requires end-of-street bicycle stores to be clarified by condition, that the site will be well connected to existing and planned active travel infrastructure, and that the development would safeguard the potential future upgrade of the existing greenway at the north west corner of the site. It notes the Transportation Section's recommendation for a special financial contribution to be agreed by condition for the upgrade of the Station Road/Drumnigh Road junction, as was applied in previous phases in Portmarnock South, and considers this acceptable.

- 9.15.7. The observation received (Síle Ní Cheallaigh) raises concerns that absence of dedicated cycle lanes and safe pedestrian connections to adjoining areas will perpetuate car dependency, and that it contravenes NPO 37.
- 9.15.8. The applicant's response to the grounds of appeal does not comment specifically on the matters raised relating to traffic and transportation, refers to the planning authority's assessment of the proposed development on this matter, and considers that the proposed development is acceptable in terms of traffic.
- 9.15.9. With regard to concerns raised in the observations regarding reliance on private car travel and capacity of existing public transport, the applicant outlines that in tandem with the site's location from the DART, Irish Rail are progressing with DART+ Coastal North Programme, which was approved in 2025. DART will be extended from Malahide to Drogheda. This programme will increase train frequency for the 3 hours in AM peak to Dublin city, representing an increase from 20 to 30 services within the peak 3 hour AM rush, with projected increase in passenger numbers from 23,300 to 33,800.
- 9.15.10. It is outlined that the no difficulties were encountered in completing this EIAR chapter.

Examination of the EIAR

Context

- 9.15.11. It is outlined that this Chapter 14 chapter provides an assessment of potential traffic impacts associated with both Phase 1F and the entire development (constructed Phases 1A, 1B, 1C, Phase 1D nearing full completion, Phase 1E granted permission, this proposed Phase 1F and future Phase 1G – infill phase) as shown in Figure 14-2. The assessment aims to identify and quantify likely traffic

impacts on the surrounding road network resulting from the development, identify any potential safety issues and parking requirements, and identify suitable measures to mitigate traffic and transportation impacts, if any.

9.15.12. The methodology included site inspection, consideration of proposed access arrangements, analysis of existing traffic volumes on the surrounding road network and assessment of junctions most likely to be impacted upon by traffic movements in terms of capacity and road safety.

9.15.13. Reference has been made to a number of documents in preparing this assessment, including TII Traffic and Transport Assessment Guidelines, DMURS and Fingal Development Plan 2023-2029.

Baseline

9.15.14. The existing road network is described, as are baseline traffic data, pedestrian and cycling facilities and public transport provision. The proposed development is described as per details proposed in the subject application, and also in the context of the Cumulative (Entire Development) scale of development recently constructed, under construction, permitted and potential future development. Fig. 14-2 Entire Development & Phases shows the appeal site in the context of other phases of the wider lands at this location.

9.15.15. The site for the proposed residential development (Phase 1F, as defined in Figure 14-1) is on lands north of Moyne Road and south of Station Road (i.e., excluding linear proposed rising main part of the subject site), east of the Dublin-Belfast/ (DART) Railway Line, and west of the Coast Road. The northern frontage of the site, onto Station Road, currently provides access to the external road network. As part of Phase 1D (ABP-312112-21 refers), it is proposed to link these developments via an access road direct to Moyne Road.

9.15.16. Table 6.3 of the Development Plan contains an objective to upgrade Moyne Road (i.e. R123 Moyne Road realignment) and Station Road (i.e. Station Road, Portmarnock and Drumnigh Road Junction). Bus routes serving the area showing frequency of services is outlined at Table 14-2.

9.15.17. Portmarnock Station is approx. 900m north west of the site, an approx. 11-

minute walk and 5-minute cycle, as shown in Fig. 14-10. Other images contained in this chapter include

- Fig. 14-8 Existing Cycle Facilities
- Fig. 14-9 Proposed Cycle Network

9.15.18. Potential Effects

The EIAR identifies the potential for a range of environmental effects on Material Assets – Transportation. Likely significant effects, as identified in the EIAR, are summarised in Table 9.10 below.

Table 9.10 Summary of Predicted Impacts on Material Assets - Traffic and Transport in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There does not appear to be any reference to a ‘do nothing’ scenario in this EIAR chapter.
Construction	<p>A greater number of HGVs are expected to/from the site. Traffic will be generated by surplus subsoil disposal, deliveries of engineering fill, construction materials and equipment and construction staff’s private vehicles. Construction traffic tends to be outside peak hours. Traffic generated by construction phase will not be higher than peak hour predicted volumes for Operational Phase.</p> <p>Table 14-6 Trip Generation during Construction Stage (Typical Working Day + Haulage HGV Trips) shows an estimated average daily flow to comprise 28 HGV trips, 40 haulage HGV trips for imported fill and 56 car trips.</p> <p>Any impacts would be temporary in nature and of relatively short duration.</p>
Operation	Table 14-11: TRICS Trip Generation for Phase 1F Development shows AM peak hour hourly Trips In is

43no. and Trips Out is 109. Corresponding figures in PM peak hour are 99 and 48.

14.5.2.8 Operational Phase 2028 Opening Year Phase 1F – Junction Capacity relates to 4no. junctions:

Junction 1 – Station Road / Drumnigh Road R124:
Station Road arm on Junction 1 will exceed normal design threshold in morning and evening peak hours in 2028 for both “without” development and “with” Phase 1F development scenarios, resulting in substantial queues/delays for motorists. Impact will be mainly due to regular background traffic growth. Traffic from Phase 1F will have minimal impact on this junction. In this scenario, primary access road onto Moyne Road will have been constructed.

Junction 2 – Strand Road / Coast Road / Station Road:
Junction will reach / slightly exceed normal design threshold in evening peak hour in 2028 for “without” development and “with” Phase 1F development scenarios. Impact will be mainly due to regular background traffic growth. Traffic from Phase 1F will have minimal impact on this junction.

Junction 3 – Moyne Road / Coast Road:
Junction will slightly exceed normal design threshold in morning peak hour in 2028 for “without” development and “with” Phase 1F development scenarios, resulting in substantial queues/delays for motorists.
Impact will be mainly due to regular background traffic growth. Traffic from Phase 1F will not cause a significant impact on junction.

	<p>Junction 4–Hole in the Wall Road/Moyne Road: Junction 4 will operate within normal design threshold in morning and evening peak hours in 2028 for “without” development and “with” Phase 1F development scenarios.</p>
Decommissioning	<p>It is stated that reinstatement is not applicable to Material Assets (Transportation) of this EIAR.</p> <p>Separately, I note that is not proposed to decommission the proposed development, save for the proposed rising main and interim St. Marnock’s Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new UÉ Pumping Station adjacent to Portmarnock Bridge when same is completed.</p>
Cumulative	<p>Section 14.5.4.7 2043 Design Year Entire Development sets out junction capacity analysis for the 4no. junctions cited at ‘Operation’ above.</p> <p>Section 14.5.4.8 Summary for Cumulative (Entire Development) outlines that Entire Development 2043 analysis assumes that little additional transport interventions have been applied to the road network in Fingal area and presents a “worst-case” situation where full impact of population growth and employment distribution is assigned to the existing road network.</p> <p>Several road schemes and junction upgrades in Fingal / North Dublin City area are to be implemented in the coming years. This assessment does not quantify the exact impact due to these road schemes / junction upgrades on the surrounding road network, but it will be positive. These upgrades will likely take traffic away</p>

	<p>from smaller junctions around St. Marnock's Bay site. Additionally, the analysis does not consider that by 2043 further sustainable transport improvements in Fingal area such as improved DART services, Bus Connects, cycle schemes and additional government initiatives will all have a positive effect on the modal split, reducing the impact of surrounding junctions.</p>
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Mitigation Measures

9.15.19. Mitigation measures at construction phase include –

- CEMP is submitted with this application, which includes, inter alia, indicative phasing of the works, hours of operation, a traffic management plan, noise and dust mitigation measures etc. A Construction Manager will be appointed to liaise directly with the various sections of FCC and develop the plan as required. Construction management plan will take into account construction vehicle routing and timing to mitigate any issues with vehicles on public roads.

9.15.20. Mitigation measures to minimise impacts to the public road network include –

- Good construction management practices such as fencing site from public and neighbouring sites, external/internal signage, secure site offices, construction access points;
- Appropriate staff parking to avoid overflow parking. Site will accommodate employee/visitor parking. This will be challenging as development nears completion
- Set construction traffic routes to and from the site will be agreed with FCC
- Tracked excavators will be moved on low-loaders and not be permitted to drive on street pavements;
- Wheel washers will be placed at site access points. Roads will be inspected and cleaned on a regular basis
- Haul vehicles will be covered after loading to ensure no risk of construction material falling

9.15.21. Mitigation measures at operational phase include –

- Car and cycle parking complies with Development Plan.
- Mobility Management Plan (MMP) will be rolled out, which addresses the following –
 - Influencing travel patterns
 - Accessibility audit; Section 14.3 provides a summary of existing and proposed public transport services in vicinity
 - Action plan relating to Car pooling, Walking (Fig. 14-24 shows 30min Walking Cordon), Cycling (Fig. 14 – 25 shows 30min cycling cordon), public transport and taxsaver tickets and monitoring.

Residual Impacts

9.15.22. At construction phase, there will be minor impacts on safety or operation of the road network. Having consideration for mitigation measures, any impacts will be negligible. All construction related traffic will be outside morning and evening peak hours and will not have a significant impact on operation of adjoining junctions. They will be temporary in nature and of relatively short duration.

9.15.23. At operation phase,

2028 Opening Year (Phase 1F Development)

- Junction 2 to Junction 4 will operate within normal design threshold except:
 - Junction 2 in evening peak hour in 2028 for the “with” Phase 1F development scenario (but not greater than its theoretical capacity of 1.0), resulting in queues/delays for motorists, and
 - Junction 3 in morning peak hour in 2028 for the “without” development and “with” Phase 1F development scenarios (but not greater than its theoretical capacity of 1.0), resulting in queues/delays for motorists.
- Junction 1 will exceed normal design threshold in morning and evening peak hours in 2028 for the “without” development and “with” Phase 1F development scenarios, resulting in substantial queues/delays for motorists. Analysis concurs with South Fingal Transport Study (2012) referenced in expired Portmarnock South LAP. Study concludes this junction will undergo capacity issues in future and recommended that a junction upgrade is explored.

- The impact on those concerned junctions will be mainly due to regular background traffic growth but not the proposed development. Traffic from the proposed Phase 1F development will not cause a significant impact on Junctions 1 to 4 inclusive for the 2028 opening year.

2043 Design Year (Phase 1F Development and Entire Development)

- 9.15.24. In 2043 design year (Phase 1F Development and Entire Development),
- Junction 4 will operate within normal design threshold in both morning and evening peak hours for both the “without” development and “with” Phase 1F/Entire Development scenarios.
 - Junction 1 to Junction 3 will exceed normal design threshold in both the morning and evening peak hours for both the “without” development and “with” Phase 1F/Entire Development scenarios, but the following junctions and scenarios with RFC/DOS not greater than its theoretical capacity of 1.0:
 - Junction 2 in morning peak hour for both the “without” development and “with” Phase 1F/Entire Development scenarios,
 - Junction 2 in evening peak hour for the “without” development scenario, and
 - Junction 3 in evening peak hour for both the “without” development and “with” Phase 1F/Entire Development scenarios.

However, it is outlined that the analysis indicates that the impact on those junctions will be mainly due to regular background traffic growth but not the proposed Phase 1F/Entire Development. Therefore, traffic from proposed Phase 1F/Entire Development will not cause a significant impact on Junctions 1 to 4 inclusive for the 2043 design year.

- 9.15.25. It concludes that the residual impacts from both the proposed development (Phase 1F/Entire) and background traffic growth will be mitigated with improvements of the public transport network (DART and BusConnects) and cycling infrastructure throughout Dublin. The proposed development will provide adequate pedestrian and cycle linkages to both existing and future sustainable travel facilities and modes which will encourage a greater number of Portmarnock residents to choose sustainable transport modes.

9.15.26. As outlined previously with regard to Predicted Impacts at cumulative stage, Section 14.7.1.3 Worst Case Impact outlines that while the Entire Development 2043 analysis assumes that little additional transport interventions have been applied and presents a “worst-case” situation where the full impact of population growth and employment distribution is assigned, it notes that several committed road schemes and junction upgrades in the Fingal / North Dublin City area are to be implemented in the coming years, and these will have a positive impact on the surrounding road network, and will likely take traffic away from smaller junctions around the entire development. The analysis does not consider that by 2043 further sustainable transport improvements in Fingal such as improved DART services, Bus Connects, cycle schemes and additional government initiatives are likely to be in place, which will have a positive effect on modal split, reducing impact on surrounding junctions.

9.15.27. Monitoring is outlined at Section 14.8.

9.15.28. At construction phase, a number of monitoring exercises have been implemented in previous phases. Measures in the final construction management plan to be agreed with the planning authority are in compliance with construction vehicle routing and parking practices, internal and external road conditions and timing of construction activities.

9.15.29. At operational phase, residual impacts from the proposed development and background traffic growth will be mitigated with public transport network (DART and BusConnects) and cycling infrastructure improvements throughout Dublin. No significant monitoring has been proposed, although the MMP sets out ways to monitor progress.

Direct and Indirect Effects Assessment

9.15.30. I have examined, analysed and evaluated Chapter 14 of the EIAR and all of the associated documentation, submissions and observations on file in respect of traffic and transportation. I am satisfied that the applicant’s presented baseline environment is reasonably comprehensive and that the key impacts in respect of likely transportation impacts, as a consequence of the proposed development, have been identified.

Construction phase impacts:

9.15.31. With regard to construction phase impacts, I am satisfied that any impacts at construction phase would be adequately mitigated by standard construction practices set out in a site-specific CEMP. In this regard I note that Section 5.12 of the CEMP comprise a Traffic Management Plan.

Operational phase impacts:

9.15.32. In terms of detail, I note that the EIAR estimates that Portmarnock Train Station is approx. 900m from subject site. However, I estimate, based on Tailte Éireann mapping (www.tailte.ie, accessed 5 March 2026) that the most northerly dwelling houses proposed in this scheme (and excluding the most northerly part of the site near Station Road, would be considerably less at within 600m of the rail station via Station Road. However, the more south easterly part of the site would by reason of it location be further distant from the station at approx. 900m, and extending to an approx. 1km distance at the most south easterly part of the site in the vicinity of the recorded monument. While noting that the lesser distance from the northern part of the subject site to the rail station is not outlined, and that the various relative distances are not set out, I do not consider that the reference to the approx. 900m distance only is misleading, given that it applies to much of the site. In this regard I consider that the information submitted relating to the site's proximity to the rail station is acceptable.

9.15.33. Also in terms of detail, I note that no 'do nothing' scenario appears to be set out in this chapter. While noting this apparent omission, I consider it reasonable to conclude that in the absence of this proposed development progressing, as the site is located on zoned, serviced lands, it is anticipated that such lands would otherwise be developed in the foreseeable future.

9.15.34. I note the concerns raised in the grounds of appeal and in the observation cited relating to traffic and transportation impacts of the proposed development. However, the subject site is located within an area which is well served by existing active travel measures, particularly its proximity to Portmarnock rail station and the existing greenway to the east. It is anticipated that Portmarnock rail station will benefit from future increased frequency of services as a result of the approved (albeit not implemented) DART+ Coastal North Railway Order 2024 (ABP-320164-24). The existing greenway is located almost directly outside the red line boundary, along its

eastern/north eastern boundary. Development Plan indicates Indicative Greenway to south east/south/south west of the general location of the existing Recorded Monument. This is shown on the lodged drawings as Proposed Future FCC Greenway (by others), and an indicative access point to the future greenway from the subject site is shown. The various road/junction upgrades proposed in the vicinity are outlined in the EIAR. I note in particular that Development Plan Table 6.3 Transportation Schemes includes

- R123 Moyne Road realignment and Station Road
- Drumnigh Road Junction

9.15.35. I note that the proposed development would result in increased trip generation. It is outlined that in 2028 Opening Year, for 'without' development and for 'with' Phase 1 development scenarios, normal design threshold will be exceeded at Junction 1 (morning and evening peak hours), will be reached/slightly exceeded at Junction 2 (evening peak hours) and will be slightly exceeded at Junction 3 (morning peak hours). However, it is also outlined that the impact will be mainly due to regular background traffic growth, not from the proposed development. Traffic from Phase 1F will have minimal impact on Junctions 1 and 2, and will not cause significant impact on Junction 3. It is outlined that Junction 4 will operate within normal design threshold in morning and evening peak hours in 2028 for "without" development and "with" Phase 1F development scenarios (both morning and evening peak hours).

9.15.36. I have noted also the information outlined in respect of the impacts of the proposed development at the 2028 opening year and 2043 design year. I am satisfied that while the proposed development would result in increased trip generation, it would not result in significant adverse effects on traffic and transportation.

9.15.37. Having regard to the site location on zoned, serviced lands proximate to rail-based public transport infrastructure and an existing greenway, and in the context of proposed upgrades to roads and junctions outlined above, in addition to the provision of a new greenway, as indicated in the current Development Plan, I am satisfied that the additional public transport demand generated by the proposed development can be adequately accommodated.

Car Parking – Operational Phase

9.15.38. Concerns regarding the quantum of car or cycle parking are not raised in the grounds of appeal nor in the observations. I note that the planning authority did not raise concerns regarding the quantum of car parking. However, having regard to the detail on the plans and particulars on file regarding the amount of parking proposed to be provided on site, I consider it relevant to address this matter in this EIAR Chapter.

9.15.39. The site is considered to be located within Zone 1 in the Development Plan, which includes areas within 800m of Bus Connects spine route, or 1600m of existing or planned Luas/Dart/Metro rail station; Table 14.18 refers. Table 14.19 outlines car parking standards, which in Zone 1 are the maximum. Residential (1-2 bedroom) is 0.5 spaces per unit, with Residential (3-3+) being 1 per unit.

9.15.40. Section 14.4.1.2 of EIAR Chapter 14 states that it is proposed to provide 267 car parking spaces, inclusive of 14 accessible spaces, and that this equals the maximum car parking spaces required in the Development Plan.

9.15.41. In contrast, Overall Schedule of Areas lodged with the application shows that 286no. parking spaces are required, and 289no. spaces are provided. I note in particular that 38no. 2-bed houses are proposed, for which the maximum car parking ratio is 0.5spaces per unit. I do not consider that it has been adequately outlined on the Overall Schedule of Areas document as to how these 19no. spaces are accounted for.

9.15.42. I consider that the information outlined in Section 14.4.1.2 of the EIAR aligns with the Development Plan standard, i.e., a lesser quantum than that shown on Overall Schedule Areas.

9.15.43. For comparison, I draw to the Commission's attention that SPPR 3 (car parking) of the Compact Settlement Guidelines states that the parking standards (in city centres and urban neighbourhoods) is maximum 1no. car space per dwelling. This would equate to a maximum 296no. spaces, i.e., higher than the Development Plan standard, and slightly higher than the 289no. spaces proposed in this case. The Guidelines state that the maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street EV charging stations or accessible parking spaces, and that the maximum car parking standards do include provision for visitor parking.

9.15.44. I note that Section 2.1.2 (Development Management) of these Guidelines states that in accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the SPPRs. However, while I note this content of the Guidelines, and notwithstanding SPPR 3, having regard to the Development Plan standards, I consider that it would be appropriate in this case that the lesser quantum of car parking spaces be provided, i.e., 267no. spaces. Should the Commission be minded to grant permission, this matter could be addressed by condition.

Active Travel – Contributions

9.15.45. The observation received (Síle Ní Cheallaigh) outlines that if a financial contribution is recommended (relating to public open space provision), this should be ring-fenced for the Portmarnock community and on condition to fast-track high quality continuous active travel infrastructure. However, I note that the current Fingal Development Contribution Scheme states (at Item 25) that contributions collected (contribution in lieu of open space and play facilities) will be used for the provision of open space, recreational and community facilities and amenities and landscaping works. In this regard I consider in the event a contribution in lieu of public open space were required, that such a contribution would be specific to the provision of that infrastructure, as distinct from active travel infrastructure.

9.15.46. Furthermore, as set out previously in the main IR (in the assessment of Public Open Space), it is recommended that no requirement for a contribution in lieu of public open space arises in this case.

Condition 33 - Special Contribution

9.15.47. The matter of the planning authority's Condition 33, requiring a special contribution towards upgrade works to a T-junction, has been discussed previously in the main IR.

Conclusion of Direct and Indirect Effects Assessment:

9.15.48. Having regard to my examination of environmental information in respect of traffic and transportation, in the EIAR provided by the applicant, the planning authority's planning reports, and the submissions and observations received by both

the planning authority and the Board in the course of the application, I do not consider that there would be any significant direct or indirect transportation effects.

Conclusion: Direct and Indirect Effects

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

9.16. **Material Assets – Waste**

Issues Raised

9.16.1. The grounds of appeal did not raise any issues in relation to waste.

9.16.2. In the assessment of this EIAR chapter, the First Planner's Report notes the various lodged reports/management plans and that a standard set of mitigation measures is provided. The planning authority was satisfied that there would not be any unacceptable direct or indirect waste impacts arising from the proposed development. The Environment Section (Waste Enforcement & Regulation) report requires that prior to commencement, a Construction and Demolition Resource Waste Management Plan be submitted. It considered the Operational Waste Management Plan to be acceptable.

9.16.3. The observations received did not raise any issues in relation to waste.

Examination of the EIAR

Context

9.16.4. Impacts of the proposed development on Material Assets – Waste are addressed in Chapter 15 of the EIAR. Water, roads, traffic/transportation and utilities are also counted as material assets and are assessed under separate chapters of this EIAR.

9.16.5. The assessment methodology is outlined. The desktop study include a review of applicable policy and legislation, description of the typical waste patterns generated during construction and operational phases and identification of mitigation measures to prevent waste generation and promote waste management.

Baseline

- 9.16.6. It is outlined that the receiving environment is governed by the requirements set out in National Waste Management Plan for a Circular Economy (NWMPCE) 2024 – 2030 and Waste Action Plan for a Circular Economy – Waste Management Policy in Ireland. They set out the following targets for waste management in the region:
- Achieve a recycling rate of 55% of managed municipal waste by 2025; and
 - Reduce to 0% direct disposal of unprocessed residual municipal waste to landfill (from 2016 onwards) in favour of higher value pre-treatment processes and indigenous recovery practices.
- 9.16.7. The NWCPCE sets the ambition to have a 0% total waste growth per person over the life of the Plan with an emphasis on non-household wastes including waste from commercial activities and the construction and demolition sector. FCC no longer operates municipal waste landfill in the area. There are a number of waste permitted and licensed facilities located in Eastern Midlands Regional (EMR) Waste Region for management of waste from the construction industry as well as municipal sources. These include soil recovery facilities, inert C&D waste facilities, municipal waste landfills, material recovery facilities and waste transfer stations.
- 9.16.8. It is outlined (at Section 15.4) that there will no demolition. It is estimated that 40,100m³ of material will need to be excavated to facilitate construction of new foundations and underground services. It envisages 6,800m³ of excavated material will be retained and reused on site while the remaining 33,300m³ will be removed off site for reuse, recycling or disposal.
- 9.16.9. The RWMP (Appendix 15) provides an estimate of the main waste types likely to be generated during construction; Table 15-1: Estimated off-site reuse, recycle and disposal rates for construction waste refers.
- 9.16.10. Total estimated waste generation for the development for main waste types is presented in Table 15.2. Total residential waste (combined) is 70.77m³ per week.
- 9.16.11. In terms of difficulties encountered, it is outlined that until final materials and detailed construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that will be generated. There is potential to encounter contaminated material or material with naturally occurring

variations in minerals and chemicals that necessitates sending it to a different suitably licensed facility. Licensed/permitted/registered waste facilities in Fingal, surrounding counties and Northern Ireland may not be available when required or may be limited by the waste contractor selected to service the development in the appropriate phase. In addition, there is potential for more suitably placed waste facilities or recovery facilities to become operational in the future which will be more beneficial from an environmental perspective. In a normal development waste facilities would switch between facilities with available capacity. The ultimate selection of waste contractors and waste facilities would be subject to appropriate selection criteria proximity, competency, capacity, serviceability, and cost.

Potential Effects

9.16.12. The EIAR identifies the potential for a range of environmental effects on Material Assets – Waste. Likely significant effects, as identified in the EIAR, are summarised in Table 9.11 below.

Table 9.11 Summary of Predicted Impacts on Material Assets – Waste in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There would be no excavation or construction at this site, and no operational waste generated. There would be a neutral effect on the environment in terms of waste. Site is zoned for development. It is likely that a similar development would be progressed that accords with national and regional policies, and likely significant effects would be similar to this proposal.
Construction	A range of non-hazardous and hazardous waste materials during site excavation and construction will be generated (see Appendix 15.1). Waste materials will be temporarily stored in or adjacent to the site compound, and if not stored correctly, is likely to lead to litter or pollution issues, the indirect effect of which is presence of vermin. In absence of mitigation, the effect is likely to be indirect, short-term, significant and negative.

	<p>The use of non-permitted waste contractors or unauthorised waste facilities could give rise to inappropriate waste management. In absence of mitigation, the effect is likely to be indirect long-term, significant and negative.</p> <p>Wastes arising will need to be taken to suitably registered / permitted / licenced waste facilities for processing and segregation, reuse, recycling, recovery, and / or disposal. In absence of mitigation, the effect is likely to be indirect short-term, significant and negative.</p> <p>Topsoil and subsoil need to be excavated. Excavated material that cannot be reused onsite needs to be removed. Correct classification and segregation are required to ensure contaminated materials are identified do not impact negatively on workers or water and soil environments, on and off-site. In absence of mitigation, effect is likely to be indirect, short-term, significant and negative.</p>
Operation	<p>Improper or lack of waste management during operational phase would lead to small volumes of waste being sent unnecessarily to landfill. In absence of mitigation, the effect is likely to be indirect, long-term, significant and negative.</p> <p>Waste collection, treatment, recovery, disposal and segregation of municipal recyclables infrastructure is in place in the region. Waste unsuitable for recycling is typically sent for energy recovery. If waste material is not managed/stored correctly, it is likely to lead to litter or pollution issues. The effect of litter issues is presence</p>

	<p>of vermin. In absence of mitigation, the effect is likely to be indirect, long-term, significant and negative.</p> <p>Waste contractors will be required on a scheduled basis to remove waste. It is essential that all waste materials are dealt with in accordance with regional and national legislation. In absence of mitigation, the effect is likely to be indirect, long-term, significant and negative.</p>
Decommissioning	<p>In the event that the proposed development is discontinued, there is not likely to be any significant impacts on waste management at the site. If decommissioned, demolition or refurbishment plan for decommissioning phase will ensure no waste nuisance occurs at nearby sensitive receptors.</p>
Cumulative	<p><u>Construction phase:</u></p> <p>There are existing residential and commercial developments close by, and 6no. developments permitted developments are listed. Multiple developments could be developed concurrently or overlap. Other developments will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects. Effect will be short-term, not significant and neutral.</p> <p><u>Operational phase:</u></p> <p>Current and potential developments will generate similar waste types. Authorised waste contractors will be required to collect waste materials segregated into recyclables, organic waste and non-recyclables. An increased density of development in the area is likely improve efficiencies of waste collections. Developments will be required to manage waste in compliance with national and local legislation, policies and plans which</p>

	will minimise/mitigate potential cumulative impacts. The effect will be long-term, imperceptible and neutral.
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Mitigation Measures

9.16.13. At construction phase, a project specific RWMP is included at Appendix 15.1. Mitigation measures will ensure effective waste management and minimisation, reuse, recycling, recovery and disposal of waste material generated during excavation and construction stages. Measures include:

- appointed Contractor(s) to refine/update RWMP (Appendix 15.1) in compliance with planning conditions
- Classification and segregation of excavated material will ensure that contaminated materials are identified and handled in a way that will not impact negatively on workers as well as on water and soil environments
- On-site segregation of waste materials will be carried out. Waste will be stored in skips/suitable receptacles. Hazardous wastes will be stored in appropriate receptacles, in suitably bunded areas
- Resource Manager will be appointed by the main Contractor(s). Construction staff will be trained on waste management procedures
- Waste will be transported by suitably permitted contractors to suitably registered, permitted or licenced facilities. Waste leaving the site will be recorded and relevant documentation maintained.
- Any material to be reused on another site as by-product (and not as a waste), will be in accordance with Regulation 27 (By-products), as amended, European Union (Waste Directive) Regulations 2011-2020. EPA approval will be obtained prior to moving material as a by-product.

9.16.14. It outlines that the mitigation measures will ensure that waste arising is dealt with in compliance with provisions of Waste Management Act 1996, as amended, associated Regulations and Litter Pollution Act 1997 and NWCPE, and will ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved and will promote more sustainable consumption of resources.

9.16.15. Mitigation measures at operational phase include waste segregation,

implementation of Operational Waste Management Plan (OWMP) at Appendix 14.2 which will ensure a high level of recycling, reuse and recovery.

Residual Impacts

- 9.16.16. At construction phase, when mitigation measures are implemented and a high rate of prevention reuse, recycling and recovery is achieved, the predicted impact will be short-term, imperceptible and neutral.
- 9.16.17. At operational phase, when mitigation measures are implemented and a high rate of reuse, recycling and recovery is achieved, the predicted impact will be long-term, imperceptible and neutral.

Direct and Indirect Effects Assessment

- 9.16.18. I have examined, analysed and evaluated chapter 15 of the EIAR and all of the associated documentation, submissions and observations on file in respect of waste. I am satisfied that the applicant's presented baseline information is comprehensive and that the key impacts in respect of likely significant effects on waste, as a consequence of the proposed development, have been identified, I note that these were not issues raised in the grounds of appeal.
- 9.16.19. In terms of detail, I note that this chapter refers in a number of instances to 'SDCC'. This reference may relate to another local authority in the Dublin region, in lieu of Fingal County Council (FCC). However, while noting this apparent discrepancy, I do not consider that this materially impacts on the assessment of the proposed development.
- 9.16.20. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on waste at construction or operational phases. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects

- 9.16.21. Having regard to my examination of environmental information in respect of waste, in particular the EIAR provided by the applicant, the planning authority's planning reports and the submission and observations received by both the planning authority and the Commission in the course of the application, I do not consider that there are any significant direct or indirect waste effects.

9.17. **Material Assets (Utilities)**

Issues Raised

- 9.17.1. The grounds of appeal did not raise any particular issues in relation to services. In the assessment of this EIAR chapter, the planning authority considered the assessment satisfactory, and was satisfied that there would not be any unacceptable direct or indirect utilities impacts arising from the proposed development.
- 9.17.2. Uisce Éireann's (UÉ) letter received on the application states that a Confirmation of Feasibility has issued advising that water and wastewater connections are feasible subject to upgrades. Uisce Éireann's 3 no. standard Condition(s) include (3) UÉ does not permit Build Over of its assets; Where applicant proposes to build over or divert existing water or wastewater services, applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from UÉ prior to works commencing.

Examination of the EIAR

Context

- 9.17.3. Impacts of the proposed development on Material Assets – Utilities are addressed in Chapter 16 of the EIAR.
- 9.17.4. The chapter addresses issues relating to the material assets of water supply infrastructure, ESB supply, telecommunications and broadband. It refers to Chapter 8 for consideration of environmental impacts on water infrastructure including surface water, foul drainage and water supply.
- 9.17.5. It is outlined that information on built assets in the vicinity was gathered from a desktop review of UÉ and ESB Networks Utility Plans, Eir E-Maps and Virgin Media Maps, consultation with UÉ and Fingal County Council, submission of a Pre-Connection Enquiry Application to UÉ, site meetings with ESB Network and site inspection.
- 9.17.6. It is outlined that no difficulties were encountered.

Baseline

- 9.17.7. The primary main serving these overall lands is a 450mm diameter watermain which has been extended from the North Fringe Watermain into previous development

phases as well as to be extended into future Phase 1E with spurs connects to same. Fig. 16.1 shows water supply infrastructure.

- 9.17.8. The daily water demand for the proposed is estimated to be 119,880 l/day with a peak consumption demand of 8.67 l/s. It is proposed to connect to the existing watermain network constructed as part of previous developments which are ultimately fed via the 450mm extension from North Fringe Watermain. UÉ confirmed the proposed connection to their network can be facilitated and is “Feasible without infrastructure upgrade by Uisce Éireann”. It noted that a 200mm connection main is required Phase 1F and a minimum 150mm spine main is required for fire flow requirements. Water supply infrastructure will be constructed in accordance with UÉ, and where relevant FCC requirements, specifications and standard details.
- 9.17.9. Regarding ESB supply, there is considerable existing ESB Networks (ESBN) infrastructure in the vicinity in the form of Medium Voltage and Low Voltage (MV / LV) services. ESB confirmed that there is sufficient capacity for the proposed development. Servicing strategy, locations and sizes have been agreed with the ESB. The site service strategy is a planned extension of ESB service from previous Phases (1A to 1D inclusive) and permitted Phase 1E. There are no existing services with the site footprint. It is intended to connect into the existing network which is provided in Phase 1B, Phase 1C and will be provided as part Phase 1E (permitted) in appropriate locations. A new Medium Voltage below ground network will be provided which will connect to existing ESB Networks infrastructure in Phase 1A and Phase 1D. 4no. new sub-stations will be provided within the proposed development.
- 9.17.10. With regard to telecommunications, the main Eir network infrastructure is located on Station Road. There are no existing services within the footprint of the site. It is intended to tap into the existing network in Phase 1B and which will be provided as part of (permitted) Phase 1E in appropriate locations.
- 9.17.11. With regard to broadband, the main Virgin Media (VM) network infrastructure is located on Station Road. The completed phases of development, phase under construction (Phase 1D) and future phase (Phase 1E) connect/will connect into this infrastructure, as will the proposed development, subject to permission. There are no existing services within the footprint of the Site.

Potential Effects

9.17.12. The EIAR identifies the potential for a range of environmental effects on Material Assets – Utilities. Likely significant effects, as identified in the EIAR, are summarised in Table 9.12 below.

Table 9.12 Summary of Predicted Impacts on Material Assets – Utilities in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>There are no predicted impacts on these material assets should the development not proceed. No additional water / energy / telecoms / broadband supply would be required. Site is zoned for development. In absence of proposed development it is likely that a similar development would be constructed in line with national policy and development plan objectives.</p> <p>Construction and operational phase impacts outlined are likely to occur in the future.</p>
Construction	<p>Watermain: No significant impact to existing watermain. There will be minor demand for site offices. Pipeline construction includes trench excavation and spoil removal. If existing 450mm dia. watermain damaged, there would potentially be water supply loss to wider development until repaired.</p> <p>Risk of contamination to existing water supply during connection of watermains to public water supply. Risk is eliminated through UÉ Code of Practice.</p> <p>The negative effects will be temporary in duration.</p> <p>ESB Supply & Telecommunications / Broadband: Installation will be conducted with other services. Relocation/diversions of existing ESB network may lead to loss of connectivity to/supply interruption from electrical grid to surrounding areas. Loss of supply will be managed by ESB Networks to minimise impact.</p>

	<p>Potential loss of connection to telecommunications / broadband infrastructure while carrying out works. This likely adverse impact would be a temporary, regionally short term, moderate impact.</p> <p>Site compound will require power and telecommunications connection. The likely adverse impact will be temporary and negligible.</p>
Operation	<p>Watermains: Impact would be watermain supply capacity requirement of 119,880l/day with peak consumption demand of 8.67 l/s. Potential adverse impact on public water supply network is likely to be long term but negligible in overall operational phase of the network. UÉ confirmed existing network has capacity to meet additional demand.</p> <p>ESB Supply & Telecommunications / Broadband: Impact on power supply network would be requirement for Electrical Diversified Load of 1,400 KVA, split over up to 4no. ESB substations in the scheme. Impact on telecommunications and broadband network would be to increase demand on the existing network.</p>
Decommissioning	It is stated that reinstatement is not required.
Cumulative	No predicted cumulative impacts arising from construction or operational phases related to provision of water, power and telecommunication / broadband services. Other developments will be required to engage with utility providers to ensure sufficient supply which will mitigate against potential cumulative effects.

Mitigation Measures

9.17.13. At construction phase, it is outlined that mitigation measures proposed in

relation to drainage and water infrastructure include implementation of CEMP, adequate power and potable water supply to construction compound, watermains to be constructed in accordance with UÉ's Code of Practice, method statements to be submitted to UÉ prior to work in vicinity of the 450mm DI Watermain, provision of backup network supply where possible to any services, and coordination of existing gas and telecommunications networks with the relevant utility provider

9.17.14. At operational phase, no further mitigation measures are proposed in relation to electrical, telecommunications or broadband infrastructure.

Residual Impacts

9.17.15. It is outlined that

- implementation of mitigation measures will ensure that potential impacts on the site's material assets do not occur during construction phase and any residual impacts will be short term.
- demand on power supply, water services, telecommunications and broadband will increase, development is expected to be finalised in Q2 2027, and residual impacts will be permanent and imperceptible.

9.17.16. It is outlined that no utilities monitoring is needed.

Direct and Indirect Effects Assessment

9.17.17. I have examined, analysed and evaluated chapter 16 of the EIAR and all of the associated documentation, submissions and observations on file in respect of utilities. I am satisfied that the applicant's presented baseline information is comprehensive and that the key impacts in respect of likely significant effects on waste, as a consequence of the proposed development, have been identified. I note that these were not issues raised in the grounds of appeal.

9.17.18. However, in terms of detail, I note that mitigation measures at construction phase (at Section 16.6.1.1) are stated to relate to drainage and water infrastructure. The mitigation measures cited appear to relate the CEMP generally, to water infrastructure, and one mitigation measure relates to existing gas and telecommunications networks. Some of the water infrastructure mitigation measures are also contained in EIAR Chapter 8 Water. Notwithstanding this, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there

would be not significant adverse impacts on services. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

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

9.18. Chapter 17 – Cultural Heritage (Archaeological and Architectural)

Issues Raised

9.18.1. No issues were raised in the grounds of appeal relating to cultural heritage, nor in the submissions received from the observers.

9.18.2. The First Planner’s Report notes the Heritage Officer’s and the Department of Housing, Local Government and Heritage’s (DHLGH) comments (regarding archaeology), both of which indicate the approach outlined in the EIAR is acceptable. It notes the Conservation Office’s report that there are no specific requirements with regard to closest Protected Structure; Rail Bridge at Grange/Maynestown (RPS No.919). The planning authority was satisfied that subject to implementation of the mitigation measures, there would not be any unacceptable direct or indirect cultural heritage impacts.

9.18.3. The Conservation Officer’s report states that there are no protected structures within the development site, nor it is within an Architectural Conservation Area. The nearest protected structure, a Rail Bridge at Grange/Maynestown (RPS No. 919), approx. 150m to west, will not be directly impacted by the proposed development. There are no specific requirements regarding the proposal.

9.18.4. The Heritage Officer’s report states the most significant area of archaeological heritage potential in Phase 1F lands is the enclosure (RMP DU015-055). It is of approx. 70m diameter with an entrance to the east facing the sea, two linear features forming a splayed formal approach, and possible pits and burnt features in the interior. Testing identified human remains survive as little as 0.40m below the present

surface. It outlines that mitigation proposed for preservation in situ, preservation by record (excavation) and monitoring can be considered a reasonable approach to protection, conservation and promotion of the archaeological resource, and that the mitigation as detailed in Section 17.8 of the EIAR and Appendix 17.3, and the Conservation and Management Plan for Enclosure at Maynetown (RMP DU015-055) should be implemented in full. The planning authority's Condition 18 is very similar to the DHLGH's recommended condition, outlined below.

- 9.18.5. The Development Applications Unit (DAU), DHLGH made an observation on the application originally lodged. It recommends a condition pertaining to Archaeological Preservation in situ, Archaeological Excavation of subsurface archaeological features in advance of construction works and Archaeological Monitoring of ground disturbance at construction stages within the development site, and includes -
- (1) applicant to engage services of suitably qualified archaeologist to co-ordinate mitigation proposals in EIAR for archaeological excavation (preservation by record);
 - (2) archaeologist will oversee and implement plan for preservation in situ, conservation and management of subsurface ditched enclosure (SMR No. DU015-055----) as outlined in Conservation and Management Plan.

Examination of the EIAR

Context

- 9.18.6. Cultural Heritage – Archaeological and Architectural are addressed in Chapter 17 of the EIAR. It is outlined that this chapter describes and assesses the archaeological, cultural and architectural heritage of the lands proposed for residential development at Portmarnock South Phase 1F and the rising main which will serve the Portmarnock South LAP lands (Figure 17-1).
- 9.18.7. It outlines that the methodology used is based on the Environmental Protection Agency (EPA) Guidelines (2022), and both direct physical effects, as well as impacts on the setting of individual heritage assets, have been assessed. A desk study was carried out of published and unpublished documentary and cartographic sources, supported by a site inspection, geophysical survey and test excavation.
- 9.18.8. Sources include Record of Monuments and Places and Sites and Monuments Record, topographical files of the National Museum of Ireland, Fingal County Development Plan (2023-2029) and Portmarnock South Local Area Plan (LAP) 2013. Archaeological investigations are outlined at Section 17.5.4. It is outlined that

numerous archaeological investigations have been undertaken across the Portmarnock lands generally and within the Phase 1F lands specifically over the past 25 years. A wade survey and metal detection survey was undertaken in May 2025 where the rising main will cross under the Mayne River through directional drilling.

9.18.9. Legislation, standards and guidelines consulted are set out.

9.18.10. No difficulties were encountered.

Baseline

9.18.11. The archaeological and historical background is set out ranging from prehistoric period, early medieval period, Viking activity, medieval and post-medieval periods. Aerial imagery was examined from 1999 to 2025. The enclosure site (RMP DU015-055) was visible in 2003, with the circular enclosure ditch and the associated 'avenue' to the east visible (Figure 17-3). The enclosure to south of Phase 1F lands (SMR DU015-130) is identifiable in the 2003 image.

9.18.12. The earthworks on Mayne River tentatively identified as a potential Viking longphort appear in the field east of the route of the rising main, but aerial photography does not suggest that it extended past the field boundary.

9.18.13. There are six recorded monuments within Phase 1F lands, with the ZoN for a seventh site extending into the east side of Phase 1F lands, and the ZoN of an eighth site extending into the route of the rising main, as shown in Figure 17-2.

9.18.14. The Maynetown enclosure (RMP D0015-055) within Phase 1F lands is to be preserved in-situ, and the interconnector monumental routeway provides access and views to and from this monument and the recorded mound (RMP DU015-014) in Portmarnock townland. The Maynetown enclosure (RMP DU015-055) is located towards the eastern end of an east-west ridge with extensive views of the coast. Lower fills from the enclosure ditch were dated to AD 687-887. It is not depicted on the Down Survey map of 1656, Rocque's map of 1760 or on the First Edition OS six-inch map of 1837, indicating that this enclosure has not had an above-ground presence for several centuries.

9.18.15. The burnt mound (SMR DU015-157) within Phase 1F lands was excavated as part of the Phase 1B excavations. It was interpreted as the remains of a trough of a fulacht fiadh, and was added to the SMR in 2023.

9.18.16. The enclosure (SMR DU015-130) is visible as a faint crop mark in aerial

photography (Figure 17-3). The survey shows that while the ZoN extends into the route of the rising main, the site itself is approximately 45m south of the planning boundary and will therefore not be impacted by the development.

- 9.18.17. Site inspection in January 2025 noted the northwest end of the Phase 1F lands are dominated by the construction compound and ancillary construction areas. The majority of this area has been archaeologically monitored as part of enabling works in advance of installation of the compound areas, and is characterised by rough gravel surfaces. The ground around the attenuation area on the north-east corner of the compound comprises very disturbed, rough, wet grassland. The rest of the proposed development area comprises rough pasture with mowed tracks through part of this pasture. A single hedgerow remained from the former field boundary. The enclosure DU015-055 was within protective fencing. There were several in the fencing where panels had fallen away. The interior was extremely overgrown with willow, briars and palm trees seeded from nearby gardens. There was evidence of a former campsite. The ground drops towards the greenway. The slope precludes views towards the subsurface enclosure from the greenway.
- 9.18.18. Adjacent archaeological investigations are outlined.
- 9.18.19. Cultural heritage relating to folklore, townland names, and an overview of cartographic sources are outlined. In terms of built heritage, the mound (RMP DU015-014; outside of Phase 1F) is also a protected structure (RPS 0475). There are no further protected structures or sites recorded on the National Inventory of Architectural Heritage (NIAH). The railway bridge over Mayne River at approx. 150m west of where the rising main will cross the river is a protected structure (RPS 0919)
- 9.18.20. Part of the proposed development includes the preservation in-situ and landscaping of the area of the enclosure (RMP DU015-055) to create a public amenity area.
- 9.18.21. Appendix 17.3 of the EIAR comprises a Conservation and Management Plan for Enclosure at Maynetown (RMP DU015-055).
- 9.18.22. Appendix 17-2 comprises Final Archaeological Testing Report, Maynestown, Co. Dublin, dated 26 July 2023. It outlines that archaeological testing has been carried out pre-planning, the results will be included with planning application for Phase 1E, adjacent to sub-surface ditched enclosure RMP DU015-055, which is due

to be preserved in situ. It recommends that the linear ditches to northeast of the enclosure be fully excavated under licence, in advance of development, and that a plan for landscaping be agreed with the archaeologist to ensure the methodology proposed will allow suitable protection to the below ground archaeological remains.

Potential Effects

9.18.23. The EIAR identifies the potential for a range of environmental effects on Cultural Heritage – Archaeological and Architectural. Likely significant effects, as identified in the EIAR, are summarised in Table 9.13 below.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The land would remain in use for agriculture. No archaeological monitoring would take place in order to identify below ground remains (if present) and no further archaeological sites would be identified and recorded.
Construction	<p><u>Archaeological Heritage</u></p> <p>Enclosure (RMP DU015-055) will be protected insitu and area landscaped to create public amenity area. Along buffer zone, existing ground levels will be raised to ensure that no ground reduction works occur at or in vicinity of below ground enclosure. In absence of mitigation, there would be potential for this to negatively impact underlying features.</p> <p>It is unlikely that features of archaeological significance (apart from enclosure site and related features) are within remainder of Phase 1F lands, including route of rising main. Licensed monitoring will take place at site preparation and construction stage. It is not considered that there will be likely and significant effects from proposed development.</p> <p>Phase 1F will not result in a negative, likely significant, direct, indirect or cumulative effect from archaeological,</p>

	architectural and cultural heritage perspective.
Operation	As the enclosure (RMP DU015-055) is a below ground monument which will be preserved in-situ, there will be no operational stage impacts as all archaeological heritage issues will be resolved by mitigation in advance of operational phase.
Decommissioning	There will be no requirement for reinstatement at any stage of the proposed development.
Cumulative	Previous archaeological findings and cultural and built heritage interest features within Portmarnock lands were considered. There will be no significant potential cumulative effect to archaeology or cultural heritage features from construction phase of Phase 1F development or temporary rising main.

Mitigation Measures

9.18.24. Mitigation measures relating to archaeological excavation will be carried out, the buffer zone surrounding RMP DU015-055 will be maintained during construction and a landscaping plan will be agreed to ensure suitable protection to below ground archaeological remains, with particular emphasis on human skeletal remains identified at 0.4m below ground level. Archaeological monitoring under licence will be carried out of topsoil stripping and earth-moving activities in portions of the Phase 1F lands which have not previously been subject to monitoring. A Conservation Management Plan is included at Appendix 17.3.

9.18.25. As the enclosure (RMP DU015-055) is a below ground monument which will be preserved in-situ, there will be no operational stage impacts from the proposed development. No mitigation measures are required. The open space area where the monument is located will be taken in charge who will oversee maintenance.

Residual Impacts

9.18.26. Should any archaeological remains be uncovered, they will be resolved by preservation in situ or by record under advice from National Monuments Service prior to the main construction stage.

9.18.27. Sensitive presentation of the monument (RMP DU015-055) will enhance public awareness of archaeology and cultural heritage, having an overall positive effect. It is of Medium sensitivity and magnitude of impact is Medium and positive, resulting in a Moderate positive residual effect.

Direct and Indirect Effects Assessment

9.18.28. I have examined, analysed and evaluated Chapter 17 of the EIAR and all of the associated documentation, submissions and observations on file in respect of cultural heritage, archaeology and architectural heritage. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on cultural heritage, archaeology and architectural heritage, as a consequence of the proposed development, have been identified.

9.18.29. However, there would appear to be an anomaly at Section 17.7.1.1. The conclusion states that the Phase 1F development will not result in a negative, likely significant, direct, indirect or cumulative effect when assessed in relation to the proposed works necessary for construction and operational phases of the residential development from an archaeological perspective.

9.18.30. It is elsewhere stated in this section that two linear ditches and two smaller linear features which are likely to be associated with the enclosure (RMP DU015-055) were identified in Trenches T2 and T3 to north-east of the enclosure, and are of archaeological potential. As they lie outside of the protective fence, there is potential for them to be impacted by the proposed development. It continues to state that the enclosure area is to be protected insitu, will be landscaped, and along the buffer zone, the existing ground level will be raised, ensuring that no ground reduction works occur at or in the vicinity of the below ground enclosure site. In particular, it outlines that in the absence of appropriate mitigation, there would be the potential for this to negatively impact the underlying features, particularly as human remains have been identified as little as 0.40m below the surface.

9.18.31. In this regard therefore I consider that there is potential for significant direct adverse effects on archaeology during the construction phase, which would be mitigated by archaeological preservation in situ, excavation and monitoring.

9.18.32. I note that the separate CEMP includes (at Section 3.10 Cultural Heritage) a

range of measures relating to archaeology, including

- Maintenance of a temporary exclusion zone around linear features identified in Trenches T2 and T3 prior to excavation
- Existing buffer zone surrounding RMP DU015-055 will remain in place for duration of construction (Figure 3.3).
- Any unanticipated archaeological discoveries will trigger a halt works protocol, followed by immediate notification to relevant statutory bodies

9.18.33. I am satisfied that the mitigation measures relating to archaeology have been adequately provided for in the CEMP.

9.18.34. With regard to the planning authority's Condition 18, which is very similar to the DHLGH's recommended condition, I note that the main material difference is that Condition 18(e) requires the planning authority and the National Monuments Service (NMS) of the Department to be furnished with a report describing the results of the monitoring, including '...for their written agreement prior to occupation of any of the dwellings in the proposed development.' I consider it reasonable that a report describing the results of monitoring is furnished to both the planning authority and NMS. However, I do not consider it necessary that written agreement is required prior to occupation of any dwellings. As such, should the Commission be minded to grant permission for the proposed development, I consider that a condition more similar to that of the DHLGH would be appropriate in this case.

9.18.35. I note that some of the content of the Conservation and Management Plan for Enclosure at Maynetown (RMP DU015-055) (Appendix 17.3) is similar to that contained in Chapter 17. I consider that the overall approach (at Section 6.3) relating to conservation and protection of the monument, landscaping of this proposed open space area to be generally acceptable. It includes a number of low mounds as part of the natural play opportunities within the open space, and outlined that the area will be handed over to the Council as open space. A climbing net of 5.2m in height is also proposed in the play area south east of the recorded monument (Drawing lodged with the application titled Recorded Monument Detailed Sections; Drawing No. 7173_303; Rev.00 refers).

9.18.36. In addition, I note that Objective CSO66 – Mitigation Measures (for

Portmarnock South Area) includes Objective GI30: Integrate public open space provision and surface water management [SuDS]. The drawing titled SuDS Layout – Sheet 4; Drawing No. 25201-EEI-00-XX-DR-C-04008; Rev. P01 lodged with the application shows a number of proposed bioretention areas at the general area of the recorded monument (RMP DU015-055). Various other SuDS features are also shown, such as permeable pavements.

9.18.37. I note also that Condition 6 requires a revised landscape plan, as set out at (a) to (l) inclusive, to be agreed. In addition, Condition 7 requires a revised Taking in Charge Plan, to be based on the landscape plan agreed in accordance with Condition 6. Having regard to the nature of the range of works proposed at the recorded monument relating to open space and play facilities, provision of SuDS features, in addition to the archaeological monitoring at this location, and given that this area is indicated to be taken in taken in charge, I consider it reasonable in this instance that conditions similar Conditions 6 and 7 be attached, should the Commission be minded to grant permission.

9.18.38. Overall, I consider that mitigation measures proposed are sufficient to ensure that there would be no significant adverse impacts on cultural heritage, archaeology and architectural heritage. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects

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

- significant direct negative impact on archaeology during the construction phase, which would be mitigated by archaeological preservation in situ, excavation and monitoring by a suitably qualified archaeologist.

9.19. Risk Management (Major Accidents & Disasters)

Issues Raised

- 9.19.1. No issues were raised in the grounds of appeal relating to Major Accidents and Disasters. The planning authority is satisfied that there would not be any unacceptable risk arising as a result of major accidents and disasters arising from the proposed development.
- 9.19.2. No issues were raised in the observations received on the appeal relating to major accidents and disasters.

Examination of the EIAR

Context

- 9.19.3. Impacts of the proposed development in respect of major accidents and disasters are addressed in Chapter 18 of the EIAR.
- 9.19.4. It outlines that a risk analysis-based methodology that covers the identification, likelihood and consequence of major accidents and / or disasters has been used for this assessment. Legislation and guidance documents are set out.
- 9.19.5. It states that no difficulties were encountered.

Baseline

- 9.19.6. It outlines that the the scope and methodology of the assessment is centred on the proposed development being designed, built and operated in line with best international current practice and the vulnerability of the proposed development to risks of major accidents and/or disasters is considered low.
- 9.19.7. It outlines that an assessment of some potential accidents and disaster scenarios such as pollution incidents to ground and watercourses and an assessment of flooding events are described in the EIAR Chapter 8: Water and Chapter 7: Land, Soil and Geology.

Potential Effects

- 9.19.8. The EIAR identifies the potential for a range of environmental effects on Major Accidents and Disasters. Likely significant effects, as identified in the EIAR, are summarised in Table 9.14 below.

Table 9.14 Summary of Predicted Impacts on Major Accidents and Disasters in the Absence of Mitigation

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Site would remain in its current undeveloped, greenfield state. In absence of increased number of people residing, working or visiting, there would be no increase in risk of major accidents. Site is zoned for development. It is likely that similar development would be constructed in future in line with national policy and development plan.
Construction	Table 18.4: Risk Register – Construction Phase sets out potential vulnerability to and potential to cause a range of accidents/disasters, and potential risks. e.g., flooding, fire/explosion, traffic accidents, falling debris. None of the risks considered have been identified as requiring further assessment. Reasons include site is outside existing floodplain and development is to comply with CEMP, health and safety guidance and legislation.
Operation	<p>Table 18.5: Risk Register – Operational Phase includes that there are no COMAH sites within 6km and therefore no requirement for further assessment. 2no. potential Operational Phase risks identified -</p> <p><u>K ‘Collision of Aircraft’</u></p> <p>Failure of air traffic control systems/collision when approaching Dublin Airport is ‘extremely unlikely risk’. Consultant engaged with AirNav Ireland and DAA regarding aviation safety. No issues were raised. Collision from potential act of terrorism is ‘extremely unlikely’. Should aircraft come down over proposed development, ‘catastrophic’ consequence is predicted. Risk matrix indicates ‘low risk scenario’</p> <p><u>J ‘Incident at nearby Portmarnock Train Station’</u></p> <p>National Risk Assessment 2023 (Dept. of the Taoiseach, 2023) identified risk to Ireland from domestic</p>

	and international terrorism. Such an incident is 'very unlikely'. Station is not in city centre and location is less of potential target. Such an attack could have significant impact on public safety/security in short term. A very serious consequence is that such an event would result in numerous injuries and possibly fatalities, and there would be 'localised effects for an extended duration.' Risk matrix indicates 'low risk scenario'.
Decommissioning	No reinstatement measures are necessary during construction or operational phases.
Cumulative	No cumulative effects are identified.

Mitigation Measures

- 9.19.9. During construction phase, mitigation measures relevant to each environmental factor outlined in chapters 5 – 17 of the EIAR and the CEMP will be implemented and will collectively mitigate risk of major accidents and disasters. Construction will be carried out in accordance with site management measures relating to health and safety and emergency response, described in the CEMP.
- 9.19.10. At operational phase, no mitigation or monitoring measures are proposed specific to reducing the risk of major accident / disaster.

Residual Impacts

- 9.19.11. Risk of a major accident/disaster during construction and operational phases of the proposed development is considered low.
- 9.19.12. No monitoring associated with risks of major accidents/disaster is proposed during construction or operational phases.

Direct and Indirect Effects Assessment

- 9.19.13. I have examined, analysed and evaluated Chapter 18 of the EIAR and all of the associated documentation, submissions and observations on file in respect of Risk Management – Major Accidents & Disasters. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely significant effects in respect of major accidents and disasters as a consequence of the proposed development, have been identified.

9.19.14. In addition, and separate to EIAR documentation, the Aviation Planning Compliance document lodged with the application includes, at Appendix A, a letter dated 16 January 2024 from AirNav Ireland to applicant's planning consultant outlining -

- documentation supplied has been reviewed vis-à-vis AirNav managed Navigation Aid (NAVAID) in this area and elevations of proposed development in relation to Instrument Flight Procedures (IFP) at Dublin Airport.
- the proposed buildings and any associated crange do not impact the IFP Surfaces at Dublin Airport
- the NAVAID, a non-directional beacon (marker), is currently not used in any flight procedures, although remains operationally viable. While its removal is being considered, proposed development does not affect this facility

9.19.15. While the AirNav Ireland letter is dated January 2024, and forms part of the applicant's plans and particulars, as distinct from being received on the lodged planning application, I note the content of same does not raise any concerns regarding effects of the proposed development for navigation aid or for Instrument Flight Procedures at Dublin Airport. This is considered acceptable.

Conclusion: Direct and Indirect Effects

9.19.16. Having regard to my examination of environmental information in respect of major accidents and disasters, in particular the EIAR and CEMP, which were submitted with the application, the planning authority's planning reports and the submissions and observations received by both the planning authority and the Commission in the course of the application, I do not consider that there are any significant direct and indirect major accidents and disasters issues.

9.20. **Chapter 19 Summary of Mitigation Measures**

9.20.1. Chapter 19 of the EIAR contains the mitigation and monitoring measures proposed during construction and operational phases, which have been set out in Chapters 5 – 19 of the EIAR, to reduce the potential for significant adverse impact of the proposed development on the environment.

9.20.2. In terms of detail, there would appear to be a minor discrepancy regarding the

reference to 'Chapters 5 – 19', as Chapter 19 is Summary of Mitigation Measures.

9.21. Chapter 20 Summary of Cumulative Impacts and Interactions

9.21.1. Chapter 20 of the EIAR sets out that it identifies the principle interactions between potential impacts of the environmental factors identified in Chapter 5 to 18 inclusive, and that cumulative impacts arising from the interaction of impacts identified are also outlined.

Cumulative Impacts

9.21.2. No issues were raised in the grounds of appeal relating to cumulative impacts.

9.21.3. With regard to Chapter 20, the First Planner's Report outlines that within the EIAR as a whole, the list of other development projects considered during the cumulative assessment is inconsistent across EIAR chapters and recommended FI to clarify same. FI was also sought for clarification as to the Cumulative Impacts section of the Biodiversity assessment.

9.21.4. The FI Item 1 response is outlined at Section 9.0 of this report. The Second Planner's Report noted the EIAR errata document provides an update to Section 3.7 of the EIAR, and includes 2no. additional projects – Dart + West and Greater Dublin Drainage SID which were inadvertently missing, and that the EIAR team had a complete list of projects, including these, in the preparation of the EIAR. The planning authority was satisfied that the proposed development would not result in cumulative significant effects on the receiving environment.

9.21.5. The Second Planner's Report notes the FI response contends that the spatial area to which the cumulative assessment is based is lands catered by the former Portmarnock South LAP, and that there are no changes to the assessment outlined in the EIAR submitted with the planning application in July. This was considered acceptable.

9.21.6. The 6no. projects listed in the FI EIAR Errata document are outlined at Section 20.3.11 (Material Assets (Waste) Chapter 15). I note that these projects are not mapped in this Chapter 20. However, I consider that the 6no. projects listed are relevant and are adequately described in terms of their nature and location. A key difference between the FI EIAR Errata document and Chapter 20 (lodged with the application) is that 2no. projects have been updated, namely

- DART+ Coastal North Railway Order 2024 (ABP-320164-24) was approved in August 2025
- Greater Dublin Drainage SID (ABP-312131-21) was granted in July 2025

9.21.7. Each EIAR chapter for an environmental factor contains a cumulative assessment section. Save for the information outlined in respect of Chapter 15 (Material Assets (Waste)), the various potential cumulative impacts, vis-à-vis other under construction/permitted schemes are not itemised elsewhere in Chapter 20. I note that development of a final phase of approx. 33no. residential units is also outlined, although no planning application/permission reference is cited for this.

9.21.8. I have noted the concern raised in the observation (Síle Ní Cheallaigh) that the proposed development fails to assess cumulative impacts. However, I note also that this is a standard construction project on lands which are primarily zoned RA Residential Area, and also to a lesser extent, is zoned OS Open Space and HA High Amenity, and as such I consider that the proposed development is located on suitably zoned land. With regard to the RA land use zoning which pertains to much of the subject site, I note that this zoning and other policies and objectives relating to this location and the wider Portmarnock area were subject to separate strategic environmental assessments as part of the Development Plan process.

9.21.9. Having regard to the content of the environmental chapters of the EIAR and all other supporting documentation on file such as the CEMP, and including the FI received, I am satisfied that cumulative impacts of the proposed development have been adequately addressed.

Interactions

9.21.10. Table 21.1: Matrix of Interactions between Environmental Factors (During Construction and Operational Phases) outlines a matrix showing the factors that interact with each other and Section 20.2 summarises the interactions between each of these during both the construction and operational phases.

9.21.11. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having regard to both the design and the mitigation measures to be put in place, I am satisfied that no residual risk of

negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions are accurately described in the EIAR. In this regard I have taken account also of the content of Chapter 21 Summary of Residual Impacts, outlined below.

9.22. Chapter 21 Summary of Residual Impacts

9.22.1. Chapter 21 of the EIAR collates the predicted residual impacts on the environment as identified in Chapters 5 to 18, arising from the proposed development, during construction and operational phases.

9.22.2. Each EIAR chapter for an environmental factor contains a residual impacts section.

9.22.3. As outlined in the preceding section, having regard to the design of the proposed development and mitigation measures proposed, I am satisfied that no residual risk of negative interaction between any of the environmental factors would arise and no further mitigation measures to those in the EIAR or as conditions of the permission would arise.

9.22.4. I am satisfied that the various residual impacts are accurately described in the EIAR.

9.23. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive impact for population, due to substantial increase in housing stock during operational phase,
- Significant positive effect through construction stage employment and associated construction phase economic activity and an increase in the local population for services in the operational phase, and
- Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures, resulting in no

significant residential impacts on population and human health.

- Significant, indirect, negative effects on wider biodiversity as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures
- Significant, indirect, negative impacts on bats at operational phase due to lighting and loss of vegetation, which would be mitigated by appropriate lighting, biodiversity planting and provision of bat boxes
- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.
- Direct negative noise effects arising for noise sensitive locations along some site boundaries during construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures.
- significant direct negative impact on archaeology during the construction phase, which would be mitigated by archaeological preservation in situ, excavation and monitoring by a suitably qualified archaeologist.

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

10.0 Appropriate Assessment

10.1. Appropriate Assessment Screening

Screening Determination

10.1.1. 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 it is not possible to exclude that the proposed development alone will

give rise to significant effects on Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) in view of the sites' conservation objectives. Appropriate Assessment (Stage 2) is required.

This determination is based on:

- Objective information presented in the applicant's reports
- Zone of influence of potential impacts having regard to pathways to European 2000 sites
- Potential for construction and operational phase impacts on surface water run off and generation of dust emissions
- The application of the precautionary approach; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European sites.

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

10.1.2. In carrying out AA (Stage 2) of the proposed development, following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in Natura Impact Statement and CEMP, and appointment of project ecologist/ECoW (ecological clerk of works)
- Application of planning conditions to ensure application of these measures

The proposed development will not affect the attainment of conservation objectives for Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025).

11.0 Water Framework Directive

- 11.1. Water Framework Directive (WFD) Screening is set out at Appendix 2 of this report.
- 11.2. A WFD Assessment was lodged with the application.
- 11.3. Further to the provisions of Appendix 2 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 other jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 Planning Authority Conditions

- 12.1.1. The following is an overview of the planning authority's schedule of conditions (35no.). Outlined is commentary relating to the recommended inclusion or otherwise of the conditions, should the Commission be minded to grant.

1.	<p>The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application on 22/07/2025 and as amended by the Significant Additional Information received on 16/10/2025, save as may be required by the other conditions attached hereto.</p> <p>Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.</p> <p><u>Comment:</u> Similar condition recommended.</p>
2.	<p>This permission relates to the provision of 296 residential units, comprising 254 houses and 42 duplex units within the permitted scheme.</p> <p>Reason: In the interest of clarity.</p> <p><u>Comment:</u> Same condition recommended.</p>

3.	<p>The development shall be carried out on a phased basis, in accordance with the phasing scheme submitted to the Planning Authority on 10/10/2025 unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In the event of any disagreement on phasing, between the developer and the planning authority, the matter shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the timely provision of services and open space for the benefits of the occupants of the proposed dwellings.</p> <p><u>Comment:</u> Similar condition recommended.</p>
4.	<p>Each dwelling unit shall be used as a single dwelling unit and shall not be used for multiple occupancy living unit/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission. The residential units shall not be used for short-term letting unless a prior grant of planning permission has been received from the Planning Authority, or An Coimisiun Pleanála on appeal. The units shall not be used for the purposes specified in Article 10(5) of the Planning and Development Regulations 2001, as amended, in respect of childminding except where permitted by way of grant of planning permission.</p> <p>Reason: In the interest of clarity and to ensure proper planning and sustainable development and in the interest of public safety.</p> <p><u>Comment:</u> Similar condition recommended.</p>
5.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except with 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 of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(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 residential 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 conditions has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> <p><u>Comment:</u> Similar condition recommended.</p>
6.	<p>Prior to the commencement of works on site, a revised landscape plan shall be submitted and agreed in writing with the Planning Authority. The landscape plan shall include the following, unless otherwise agreed:</p> <ul style="list-style-type: none"> (a) Services both above and below ground to be clearly shown; (b) Contours; (c) Cross sections of open space including the interface with roads/cycle path/adjoining land; (d) Full details of temporary and permanent treatment of land within Fingal's ownership which have been included within the redline of the application; (e) The location of cycle links to the greenway to the east;

	<p>(f) Play provision of a minimum 1,184sqm to be provided. Details including area in square metres as well as age groups they cater for, i.e., toddler play, 6-12 years and teenage play to be clearly shown and to be in compliance with BS EN 1176 and BS EN 1177;</p> <p>(g) The inclusion of a native hedge along the eastern boundary of the development;</p> <p>(h) A Street Tree Plan to include: Constructed tree pits for street and garden trees, noting a minimum of 16 cubic metres rooting volume for street trees. A seven-metre separate distance between street trees and public lighting to be clearly shown;</p> <p>(i) Revised boundary treatment details;</p> <p>(j) Management and maintenance details of all landscape features including play facilities to be provided.</p> <p>(k) Full details of reinstatement works in relation to the temporary rising main to serve this phase and previous development phases (1A to 1E inclusive) and interim St. Marnock's Pumping Station and storage at Station Road/The Avenue.</p> <p>(l) Where wildflower meadow planting /seed mixes are proposed these shall include only Irish sourced native species preferable of local provenance.</p> <p>Reason: To ensure the provision of amenity afforded by appropriate open space and landscape design.</p> <p><u>Comment:</u> Similar condition recommended. As outlined in the main IR (assessment of Public Open Space), a children's play area is proposed in the vicinity of the recorded monument DU015-055--.</p>
7.	<p>Prior to the commencement of works on site, a revised Taking in Charge Plan shall be submitted and agreed in writing with the Planning Authority. The taking in charge drawing shall be based on the landscape plan agreed in accordance with Condition No. 6. All areas that are proposed to be taken in charge by Fingal County Council shall be constructed and maintained to the Council's standards for taking in charge, including roads, footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the</p>

	<p>development.</p> <p>Reason: In the interest of orderly development.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
8.	<p>Prior to commencement of development full details of all external finishes shall be submitted for the written agreement of the Planning Authority to include trade brochures. Sample panels shall be erected if required.</p> <p>Reason: In the interests of visual amenity.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
9.	<p>The developer shall comply with the following:</p> <p>(a) Pedestrian links from 'road 3' to the existing 'Portmarnock to Baldoyle Greenway' shall be provided by the developer. The pedestrian links shall be provided in their entirety and shall tie-into the existing greenway infrastructure. The quantity, location, layout and detail of each of the links shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>(b) The shared cycle-pedestrian path that follows along 'road 5' shall be continued to tie-into the existing 'Portmarnock to Baldoyle Greenway' infrastructure. The tie-in shall be provided by the developer, and the layout and detail of the tie-in detail shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>(c) The applicant shall provide a cycleway and footpath along the north of road 11, as per the layout displayed on page 37 of the 'architectural design rationale report' submitted on 22nd of July 2025; and the layout and detail shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>Alternative condition recommended.</p>

	<p>Road 3 and Road 11 are shown to be located near the northern end of the site. A pedestrian crossing near the greenway is shown at the point Road 3 and Road 11 meet.</p> <p>The eastern end of Road 5, where it connects with Road 3 (at a pedestrian crossing) indicates to its east 'potential link to existing greenway (by others). An indicative short route to the greenway is shown.</p> <p>While a narrow strip of land along much of the eastern and southern site boundary is indicated to be within the ownership of FCC, and a letter of consent has been lodged with the application, I note in particular that the indicative 'potential link' is within the red line boundary.</p> <p>In terms of detail, I note that the applicant's response to the grounds of appeal does not comment on Condition 9.</p> <p>It is recommended that conditions similar to 9(a) and (b) are attached.</p> <p>Regarding 9(c), the drawing cited in the 'architectural design rationale report' is at Appendix A- Universal Design Statement. It states that the diagram demonstrates that sufficient space has been reserved along northern boundary of Phase 1F layout to accommodate potential future upgrade of the Greenway as part of FCC proposed 'Sutton to Malahide Greenway Project'. It is recommended that a similar condition is attached.</p>
10.	<p>A detailed Construction Management Plan and Construction Traffic Management Plan shall be submitted for the written agreement of the Planning Authority prior to commencement of development. A dedicated 'liaison officer' shall be appointed by the developer for the duration of the construction phase to liaise with the residents of the surrounding residential development in regard to the 'construction traffic management plan'.</p> <p>Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.</p> <p><u>Comment:</u></p> <p>Condition 14 requires CEMP to be submitted and agreed, to include all applicable mitigation measures set out in the EIAR and NIS.</p>

	<p>It is recommended that the Conditions 10 and 14 be amended and partially amalgamated to require submission of a CEMP, to include all applicable mitigation measures set out in the EIAR and NIS and all relevant requirements relating to archaeology, and which shall also incorporate a Construction Traffic Management Plan.</p> <p>For clarity, I note that the CEMP lodged with the application includes a traffic management plan.</p>
11.	<p>The developer shall comply with the following:</p> <ul style="list-style-type: none"> (a) Road Safety Audits (Stage 2, Stage 3 and Stage 4) shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027. Any works required to address an issue identified in a Road Safety Audit shall be agreed in writing with the Planning Authority prior to being implemented. (b) Where permeable paving parking areas adjacent roads are proposed, construction details preventing the road edge being undermined by water shall be implemented. (c) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the Developer's own expense and according to the requirements of the relevant utility service provider/service owner/statutory undertaker. (d) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road surface. <p>Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.</p> <p><u>Comment:</u> Similar condition recommended.</p>
12.	<p>The management and maintenance of the proposed development following its completion save for areas that are to be taken in charge shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas including cycle parking areas, shall</p>

	<p>be submitted to, and agreed in writing with the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
13.	<p>The developer shall comply with the following:</p> <ul style="list-style-type: none"> (a) The developer shall achieve the internal noise levels as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings in all dwellings of the proposed development. Following the detailed design stage and prior to construction stage, the developer shall submit sound insulation performance requirements for glazing and ventilation to the Planning Authority for written agreement. (b) The noise levels generated by the proposed development construction works shall not exceed construction noise thresholds defined in Table 12-7 of the EIAR at any noise sensitive location. The developer shall monitor and record construction noise levels at representative noise sensitive locations during construction. Monitoring results shall be submitted to the Planning Authority at intervals which shall be agreed in writing with the Planning Authority prior to commencement of development. (c) Vibration arising from construction works shall not give rise to vibration levels above those specified in Table 12-9 of the EIAR at any sensitive receptor. The developer shall monitor and record construction vibration levels at representative sensitive locations. Monitoring results shall be submitted to the Planning Authority at intervals which shall be agreed in writing with the Planning Authority prior to commencement of development. (d) In order to control plant noise associated with the operational phase of the development, the design recommendations and mitigation measures for building services plant noise as set out in Section 12.6.3.2 Building Services Plant of the EIAR shall be implemented in

	<p>full. Tonal noise associate with building services plant shall not be audible at any nearby noise sensitive location.</p> <p>Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.</p> <p><u>Comment:</u> Alternative condition relating to noise insulation recommended, whereby proposed external finishes to take account of location within Noise Zone B.</p>
14.	<p>All construction works shall be managed in accordance with a Construction and Environmental Management Plan (CEMP) which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The CEMP shall include all applicable mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement and the content of other applicable conditions attached hereunder. It shall include details of the implementation of appropriate mitigation measures for noise, dust and vibration, and the monitoring and measurement of such levels during construction.</p> <p>Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.</p> <p><u>Comment:</u> See Condition 10.</p>
15.	<p>The following shall be complied with in full:</p> <ul style="list-style-type: none"> (a) All of the avoidance, remedial, mitigation and monitoring measures set out in the Environment Impact Assessment Report (EIAR) and other particulars accompanying the application and conditions attached herein shall be implemented by the Developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission. (b) The developer shall appoint a project manager with appropriate experience to ensure the implementation of the mitigation measures during the construction stage. (c) All mitigation measures as outlined in the submitted Natura Impact Statement shall be implemented in full.

	<p>Reason: To protect the environment, ensure the protection of the integrity of European sites and in the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u> Similar condition recommended, which also includes reference to NIS.</p>
16.	<p>Preconstruction bat, mammal and bird surveys shall be carried out by a suitably qualified ecologist to reconfirm the findings of the EIAR in advance of works commencing at the site.</p> <p>Reason: In the interest of biodiversity protection and enhancement.</p> <p><u>Comment:</u> Inclusion of condition recommended. I note that condition does not require submission of survey findings to the planning authority.</p>
17.	<p>On completion of the construction works the developer shall submit an environmental report to the planning authority confirming that all works have been completed in accordance with the mitigation measures identified in the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS), the Construction Environmental Management Plan (CEMP); the Construction Traffic Management Plan (CTMP) and related documentation.</p> <p>Reason: In order to mitigate the potential impact of the proposed on the local environment.</p> <p><u>Comment:</u> Similar condition recommended.</p>
18.	<p>The developer shall comply with the following requirements in respect of archaeology:</p> <p>(a) The developer shall engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Environmental Impact Assessment Report for archaeological excavation (preservation by record) of the archaeological features already identified in advance of construction works and the archaeological monitoring of ground disturbance at construction stages across the development site.</p>

	<p>(b) The archaeologist shall oversee and implement the plan for the preservation in situ, conservation and management of the subsurface ditched enclosure (SMR No. DU015-055--) as outlined in the Conservation and Management Plan (Courtney Deery Report).</p> <p>(c) The archaeologist shall assist in the integration of the totality of the archaeological mitigation into the Construction and Environmental Management Plan.</p> <p>(d) Should previously unidentified 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 of the Department with regard to any necessary mitigating actin (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.</p> <p>(e) The Planning Authority and the National Monuments Service of the Department shall be furnished with a report describing the results of the monitoring for their written agreement prior to occupation of any of the dwellings in the proposed development.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p> <p><u>Comment:</u></p> <p>This condition is very similar to the DAU submission on file. The main change is that Condition 18(e) requires written agreement relating to monitoring. Similar condition recommended, whereby written agreement is not required.</p>
19.	<p>No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p> <p><u>Comment:</u></p> <p>The proposed development comprises residential use only, in the form of houses of 2- and 3-storey height, and 3-storey duplex blocks. While any additional development above parapet level may be relatively limited, I</p>

	consider it reasonable to include the above condition. It is recommended that Condition 19 is included.
20.	<p>All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.</p> <p>Reason: In the interests of residential amenity.</p> <p><u>Comment:</u> Similar condition recommended.</p>
21.	<p>The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the Public Art Coordinator, Fingal County Council (please contact Public Art Coordinator, with the Economic, Enterprise, Tourism & Cultural Department of Fingal County Council). The piece 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 site.</p> <p>Reason: To comply with Objective DMSO194 of the Fingal Development Plan 2023-2029.</p> <p><u>Comment:</u> Similar condition recommended.</p>
22.	<p>Bilingual proposals for an estate/street name, housing 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 numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme. The proposed name(s) shall be based on local historical or topographic 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).</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p> <p><u>Comment:</u> Similar condition recommended.</p>
23.	The developer shall comply in full with the following:

	<p>(a) No surface water/rainwater shall discharge into the foul water system under any circumstances.</p> <p>(b) The surface water drainage shall follow the principles of Sustainable Drainage Systems and in compliance with the principles outlined in the GDSDS (Greater Dublin Strategic Drainage Study) Regional Drainage Policies Volume 2, New Development, Aug 2005.</p> <p>Reason: In the interest of public health.</p> <p><u>Comment:</u> Alternative condition recommended relating to surface water disposal.</p>
24.	<p>Finished floor levels shall comply with the recommendation of the Strategic Flood Risk Assessment submitted with the application.</p> <p>Reason: In the interest of public health.</p> <p><u>Comment:</u> Same condition recommended.</p>
25.	<p>Prior to the commencement of development, the developer shall prepare, Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) for the written agreement of the Planning Authority. The RWMP shall include details of the various waste streams and expected tonnages which will be generated during site clearance, demolition and construction phases and any proposed exportation or importation of soil and stone material including destination/source locations, quantities and if any material will be assessed under By-Product notification. The RWMP shall also include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of residential amenity.</p> <p><u>Comment:</u> Similar condition recommended.</p>
26.	<p>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 accordance with the</p>

	<p>requirements of Section 96 of the Planning and Development Act 2000 as amended, unless an Exemption Certification shall have been applied for and been granted under Section 97 of the Act, as amended.</p> <p>Reason: To comply with the Requirements of Part V of the Planning and Development Act 2000 as amended and to comply with the requirements of the housing strategy in the Development Plan of the area.</p> <p><u>Comment:</u> Similar condition recommended.</p>
27.	<p>The applicant/developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide a service connection(s) to the public water supply and wastewater collection network.</p> <p>Reason: To ensure adequate provision of public water and wastewater facilities.</p> <p><u>Comment:</u> Same condition recommended</p>
28.	<p>Prior to the commencement of development, a final public lighting design and strategy shall be submitted to, and agreed in writing, with the Planning Authority. The design shall address the following:</p> <p>The lighting design shall comply with the Fingal County Council Public Lighting Specification.</p> <p>The report submitted references superseded lighting standards BS 5489-1:2013, this shall be reviewed under BS 5489-1:2020.</p> <p>A full Lighting calculation report to be submitted preferably in Lighting Reality format, with separate calculation grids for different part of the site (e.g. overall, paths around open spaces, site entrance, along the main road, home zone areas, etc. Note, all calculation grids must cover back of path to back of path.).</p> <ul style="list-style-type: none"> ○ Luminaire maintenance factor, colour temperature, mounting height, angle of tilt, outreach and proposed luminaires shall be included in the calculation report. ○ The existing public lighting locations at the site entrances and along the site boundary must also be included on the design.

	<p>Fingal County Council LED Technical details sheets shall be completed for each proposed luminaire.</p> <p>Confirmation that the design is in line with Forest of Fingal policy which states lanterns should not be installed within a 7-meter radius of a tree.</p> <p>Confirmation from a qualified ecologist that the proposal complies with the mitigation measures set out in Section 6.6.2.2 of the Environmental Impact Assessment Report.</p> <p>Reason: In the interest of amenity and public safety and to prevent light pollution and protect biodiversity.</p> <p><u>Comment:</u></p> <p>Alternative condition recommended requiring public lighting design to comply with planning authority's requirements to be submitted and agreed prior to commencement.</p>
29.	<p>Clearance of vegetation from the development site shall only be carried out between September and February i.e. outside the main bird breeding season.</p> <p>Reason: To avoid the destruction of bird nests, eggs and nestlings and promote the biodiversity of the area.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
30.	<p>The developer shall comply in full with the following:</p> <ul style="list-style-type: none"> (a) The hours of construction shall be restricted to between 7.00a.m. to 7.00p.m., Monday to Friday, and 9.00a.m. to 1.00pm. on Saturdays. (b) No activities shall take place on site on Sundays, bank or public holidays. (c) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Fingal County Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Fingal County Council. <p>Reason: To protect the amenities of the area.</p> <p><u>Comment:</u></p> <p>Similar condition recommended.</p>
31.	<p>The developer shall comply in full with the following:</p>

	<p>(a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble, or other debris or adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developer's own expense.</p> <p>(b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, arising from the construction work and shall either make good any damage to the satisfaction of the Planning Authority or pay the Planning Authority the cost of making good such damage upon issue of such a requirement by the Planning Authority.</p> <p>Reason: To protect the amenities of the area.</p> <p><u>Comment:</u> Similar condition recommended.</p>
32.	<p>All services cables associated with the proposed development (such as electoral or telecommunications cables) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of visual and residential amenity.</p> <p><u>Comment:</u> Similar condition recommended.</p>
33.	<p>A special financial contribution under section 48(2)(C) of the Planning and Development Act 2000, as amended, shall be paid by the developer to the Planning Authority in respect of the upgrade of the Station Road/Drumnigh Road (R124) junction. The contribution shall be assessed based on the area of the proposed development as a proportion of the total development lands within Portmarnock contributing to the junction upgrades, and shall be agreed with the Planning Authority prior to commencement of development. In default of such agreement, the matter shall be referred to An Coimisiun Pleanála for determination. The contribution shall be paid prior to commencement of</p>

	<p>development or in such phased payments as the planning authority may facilitate.</p> <p>Reason: In the interest of orderly development.</p> <p><u>Comment:</u></p> <p>It is recommended that this condition is not attached, as outlined in Section 8.0 of main IR.</p>
34.	<p>That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the change in charge of the Local Authority for roads, open spaces, car parks and drains has been given by: -</p> <p>A. Lodgement with the Council of a Bond of any Body approved by the Planning Authority in the sum of €2,368,000.00 which shall be kept in force by him until time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the CouncilOR/</p> <p>B. Lodgement with the Council of a Cash Sum of €1,184,000.00 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification.</p> <p>Reason: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.</p> <p><u>Comment:</u></p> <p>Similar condition recommended for unspecified amount.</p>
35.	<p>Prior to Commencement of development the developer shall pay the sum of €4,839,824.33 (update at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Construction Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.</p>

	<p>Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.</p> <p>Note on above Condition:</p> <p>Please note that with effect from 1st January 2014, Uisce Eireann are now the statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same.</p> <p><u>Comment:</u></p> <p>Similar condition recommended for unspecified contribution.</p>
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13.0 Recommendation

13.1. Having regard to the foregoing, I recommend that permission is granted for the development as proposed for the reasons and considerations set out below.

14.0 Reasons and Considerations

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

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework, including the First Revision (April 2025),
- (c) Delivering Homes, Building Communities (2025)
- (d) the provisions of the Climate Action Plan (2025),
- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (g) Planning Design Standards for Apartments Guidelines for Planning Authorities

(2025)

- (h) the provisions of the Design Manual for Urban Roads and Streets (2019),
- (i) the provisions of the Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031,
- (j) the provisions of Fingal Development Plan 2023-2029, including RA Residential Area, OS Open Space and HA High Amenity land use zoning objectives for the site,
- (k) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS), Water Framework Directive (WFD) Assessment, and the third party's grounds of appeal,
- (l) the submissions and observations received on file including from the local authority, prescribed bodies, and first and third parties,
- (m) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (n) the planning history of the site and the vicinity of the site, and
- (o) the report of the Inspector.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) are the only European sites in respect of which the proposed development has the potential to have a significant impact on effect.

Appropriate Assessment

The Commission considered the Natura Impact Statement and associated documentation submitted with the planning application and grounds of appeal, the mitigation measures contained therein, the submissions on file and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) in view of the sites' conservation

objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European sites. In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites, having regard to the sites' conservation objectives.

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

Environmental Impact Assessment

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

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, local authority, prescribed bodies and observers in the course of the application, and
- (d) the Inspector's report,

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies

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

Reasoned conclusion on the significant effects

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

- Significant direct positive impact for population, due to substantial increase in housing stock during operational phase,
- Significant positive effect through construction stage employment and associated construction phase economic activity and an increase in the local population for services in the operational phase, and
- Significant direct negative effects arising for population and human health during the construction phase, which would be mitigated by a number of appropriate construction phase management measures, resulting in no significant residential impacts on population and human health.
- Significant, indirect, negative effects on wider biodiversity as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures
- Significant, indirect, negative impacts on bats at operational phase due to lighting and loss of vegetation, which would be mitigated by appropriate lighting, biodiversity planting and provision of bat boxes
- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.

- Direct negative noise effects arising for noise sensitive locations along some site boundaries during construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures.
- significant direct negative impact on archaeology during the construction phase, which would be mitigated by archaeological preservation in situ, excavation and monitoring by a suitably qualified archaeologist.

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

Proper Planning and Sustainable Development

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

15.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of October 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission relates to the provision of 296 residential units, comprising 254 houses and 42 duplex units within the permitted scheme.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>(a) The mitigation and monitoring measures outlined in the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS) and associated documents submitted with this application shall be compiled into a Single Schedule of Monitoring and Mitigation Measures and shall be submitted to the planning authority prior to the commencement of the development.</p> <p>(b) The Mitigation and Monitoring measures shall be carried out in full except where otherwise required by condition attached to the permission.</p> <p>Reason: To safeguard amenities.</p>
4.	<p>Preconstruction bat, mammal and bird surveys shall be carried out by a suitably qualified ecologist to reconfirm the findings of the EIAR in advance of works commencing at the site.</p>

	Reason: In the interest of biodiversity protection and enhancement
5.	<p>On completion of the construction works the developer shall submit an environmental report to the planning authority confirming that all works have been completed in accordance with the mitigation measures identified in the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS), the Construction Environmental Management Plan (CEMP); the Construction Traffic Management Plan (CTMP) and related documentation.</p> <p>Reason: In order to mitigate the potential impact of the proposed on the local environment.</p>
6.	<p>The development shall be carried out on a phased basis, in accordance with the phasing scheme submitted to the planning authority as Further Information on 10th day of October 2025, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In the event of any disagreement on phasing, between the developer and the planning authority, the matter shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the timely provision of services and open space for the benefits of the occupants of the proposed dwellings.</p>
7.	<p>Each dwelling unit shall be used as a single dwelling unit and shall not be used for multiple occupancy living unit/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission. The residential units shall not be used for short-term letting unless authorised a prior grant of planning permission has been received from the Planning Authority, or An Coimisiun Pleanála on appeal. The units shall not be used for the purposes specified in Article 10(5) of the Planning and Development Regulations 2001, as amended, in respect of childminding except where permitted by way of grant of planning permission.</p> <p>Reason: In the interest of clarity and to ensure proper planning and sustainable development and in the interest of public safety.</p>

8.	<p>a) Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>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 housing unit, it is demonstrated to the satisfaction of the planning authority that it has it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>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 residential units, in which case the planning authority shall confirm in writing to the developer 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.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
9.	<p>Prior to the commencement of works on site, a revised landscape plan shall be submitted and agreed in writing with the Planning Authority. The</p>

	<p>landscape plan shall include the following, unless otherwise agreed:</p> <ul style="list-style-type: none"> (a) Services both above and below ground to be clearly shown; (b) Contours; (c) Cross sections of open space including the interface with roads/cycle path/adjoining land; (d) Full details of temporary and permanent treatment of land within Fingal's ownership which have been included within the redline of the application; (e) The location of cycle links to the greenway to the east; (f) Play provision of a minimum 1,184sqm to be provided. Details including area in square metres as well as age groups they cater for, i.e., toddler play, 6-12 years and teenage play to be clearly shown. (g) The inclusion of a native hedge along the eastern boundary of the development; (h) A Street Tree Plan to include: Constructed tree pits for street and garden trees, noting a minimum of 16 cubic metres rooting volume for street trees. A seven-metre separate distance between street trees and public lighting to be clearly shown; (i) Revised boundary treatment details; (j) Management and maintenance details of all landscape features including play facilities to be provided. (k) Full details of reinstatement works in relation to the temporary rising main to serve this phase and previous development phases (1A to 1E inclusive) and interim St. Marnock's Pumping Station and storage at Station Road/The Avenue. (l) Where wildflower meadow planting /seed mixes are proposed these shall include only Irish sourced native species preferable of local provenance. <p>Reason: In the interests of residential and visual amenities, and biodiversity.</p>
10.	<p>Prior to commencement of development, a revised Taking in Charge Plan shall be submitted and agreed in writing by the planning authority.</p>

	<p>The revised Taking in Charge Plan shall take account of the requirements of Condition 6 of this permission.</p> <p>Reason: In the interest of orderly development.</p>
11.	<p>(a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Such materials outlined at (a) above shall be consistent with the levels of noise insulation required having regard to the site's location within Noise Zone B of Dublin Airport.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
12.	<p>(a) All entrance doors in the external envelope shall be tightly fitting and self-closing.</p> <p>(b) All windows and rooflights shall be double glazed and tightly fitting.</p> <p>(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.</p> <p>Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect residential amenity.</p>
13.	<p>Prior to commencement of development, revised plans and particulars shall be submitted for the written agreement of the planning authority, which shall show the following:</p> <p>(a) Pedestrian links from 'road 3' to the existing 'Portmarnock to Baldoyle Greenway' shall be provided by the developer. The pedestrian links shall be provided in their entirety and shall tie-into the existing greenway infrastructure. The quantity, location, layout and detail of each of the links shall be clearly shown.</p>

	<p>(b) The shared cycle-pedestrian path along 'road 5' shall be continued to tie-into the existing 'Portmarnock to Baldoyle Greenway' infrastructure. The tie-in shall be provided by the developer, and the layout and detail of the tie-in detail shall be clearly shown.</p> <p>(c) The applicant shall provide a cycleway and footpath along the north of road 11, as per the layout displayed at Appendix A – Universal Design Guide (pp 37) of the Architectural Design Rationale Report lodged with the application on 22nd of July 2025; and the layout and detail shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.</p>
14.	<p>(a) The maximum number of car parking spaces to be provided to serve the proposed development shall be 267no.</p> <p>(b) Prior to commencement of development, a revised car parking strategy shall be submitted, comprising revised plans, particulars and a schedule of all proposed car parking spaces, and shall be submitted to and agreed in writing by the planning authority.</p> <p>Reason: In the interests of sustainable development.</p>
15.	<p>(i) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p>

- (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
 - (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;
- (ii) The CEMP outlined at (i) above shall incorporate a Construction Traffic Management Plan
- (iii) (a) The CEMP shall include all applicable mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement and the content of other applicable conditions.

	<p>(b) The CEMP shall include the location of any and all archaeological constraints relevant to the proposed development as set out in Chapter 17 of the EIAR.</p> <p>It shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological environment during all phases of site preparation and construction activity.</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection, and to ensure the continued preservation of archaeological features or objects on the site.</p>
16.	<p>The developer shall consult with Inland Fisheries Ireland at a number of stages of construction, with regard to the construction of the proposed rising main crossing over the River Mayne, the timings of which shall be agreed with Inland Fisheries Ireland prior to commencement of development. The detailed method statement to be prepared in response to same shall be submitted to the planning authority for information.</p> <p>Reason: In the interest of protecting the River Mayne.</p>
17.	<p>The developer shall comply with the following requirements in respect of archaeology:</p> <p>(a) The developer shall engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Environmental Impact Assessment Report for archaeological excavation (preservation by record) of the archaeological features already identified in advance of construction works and the archaeological monitoring of ground disturbance at construction stages across the development site.</p> <p>(b) The archaeologist shall oversee and implement the plan for the preservation in situ, conservation and management of the subsurface ditched enclosure (SMR No. DU015-055--) as</p>

	<p>outlined in the Conservation and Management Plan (Courtney Deery Report).</p> <p>(c) The archaeologist shall assist in the integration of the totality of the archaeological mitigation into the Construction and Environmental Management Plan.</p> <p>(d) Should previously unidentified 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 of the Department with regard to any necessary mitigating actin (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.</p> <p>(e) The Planning Authority and the National Monuments Service of the Department shall be furnished with a report describing the results of the monitoring.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
11.	<p>The developer shall comply with the following:</p> <p>(a) Road Safety Audits (Stage 2, Stage 3 and Stage 4) shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027. Any works required to address an issue identified in a Road Safety Audit shall be agreed in writing with the Planning Authority prior to being implemented.</p> <p>(b) Where permeable paving parking areas adjacent roads are proposed, construction details preventing the road edge being undermined by water shall be implemented.</p> <p>(c) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the developer's expense</p>

	<p>and according to the requirements of the relevant utility service provider/service owner/statutory undertaker.</p> <p>(d) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road surface.</p> <p>Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.</p>
12.	<p>The management and maintenance of the proposed development following its completion, save for areas that are to be taken in charge, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
14.	<p>No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
15.	<p>All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.</p>

	Reason: In the interests of residential amenity.
16.	<p>The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the Public Art Coordinator, Fingal County Council. The piece 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 site.</p> <p>Reason: To comply with Objective DMSO194 of the Fingal Development Plan 2023-2029.</p>
	<p>Proposals for an estate/street name, house/apartment 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/apartment 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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas</p>
18.	<p>The developer shall comply with the following:</p> <ul style="list-style-type: none"> (a) No surface water/rainwater shall discharge into the foul water system under any circumstances. (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. <p>Reason: In the interest of public health and surface water management.</p>
19.	Finished floor levels shall comply with the recommendation of the Strategic Flood Risk Assessment submitted with the application.

	Reason: In the interest of public health.
20.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing 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.</p> <p>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.</p>

22.	<p>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.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
23.	<p>Prior to commencement of development, a public lighting design and strategy for the entire site and to the satisfaction of the planning authority shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The lighting design shall comply with the Fingal County Council Public Lighting Specification.</p> <p>Reason: In the interest of amenity and public safety and to prevent light pollution and protect biodiversity.</p>
24.	<p>Clearance of vegetation from the development site shall only be carried out between September and February i.e. outside the main bird breeding season.</p> <p>Reason: To avoid the destruction of bird nests, eggs and nestlings and promote the biodiversity of the area.</p>
25.	<p>All services cables associated with the proposed development (such as electoral or telecommunications cables) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of visual and residential amenity.</p>
	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning</p>

	<p>authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure satisfactory reinstatement of the site.</p>
27.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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 judgment in an improper or inappropriate way.

Cáit Ryan

Senior Planning Inspector

16 March 2026

Appendix 1

Appropriate Assessment

Screening for Appropriate Assessment	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>20.4. 296no. residential units, associated infrastructural works, including:</p> <ul style="list-style-type: none"> ○ New (temporary) rising main to serve this and previous phases (1A to 1E inclusive) c. 1.7km long, running from interim St. Marnock's Pumping Station at Station Road/The Avenue (constructed under ABP Reg. Ref. 300514-17 & upgraded under ABP Reg. Ref. 312112-21) passing through the Racecourse Park development (permitted under ABP Ref. JP06F.311315) and connecting to North Fringe Sewer south of Moyne Road and Mayne River within Stapolin townland, Baldoyle, Dublin 13; ○ Upgrade of interim St. Marnock's Pumping Station & storage at Station Road/The Avenue; ○ The proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when operational. <p>at Maynetown and Portmarnock townlands, Portmarnock, Co. Dublin and Stapolin, Dublin 13.</p> <p>I have provided a detailed description at Section 2.0 of my report.</p>
Brief description of development site characteristics and potential	<p><u>Site Description</u></p> <p>The gross site area, including infrastructural works, comprises 12.3ha. The net site area, excluding pumping station area, recorded monument area, and main roads approved in previous phases, is c. 9.5ha.</p> <p>A description of the proposed development and study area is set out at</p>

<p>impact mechanisms</p>	<p>Section 3.1 of the NIS document. It outlines that Phase 1F lands are located within the north-eastern area of the residential zoned lands in Fingal Development Plan (as per the lapsed Portmarnock South LAP). The site is immediately east of Phase 1B development and northeast of the Phase 1D and 1E lands. It is increasingly enclosed by emerging development to west and south but retains an open aspect to north (Portmarnock) and east/southeast over ecological / landscape buffer open space to Baldoyle Bay and Portmarnock Peninsula with the Irish Sea, Ireland’s Eye and Howth Head in background.</p> <p>5no. existing houses north of Phase 1F front the R106 Coast Road / Station Road Junction and a further 3no. houses c.50m east of Phase 1F front the R106 Coast Road from where they overlook Baldoyle Bay.</p> <p>The site comprises unmanaged former arable lands with some areas used for site compound and temporary storage of soil material. There are no trees or field boundaries within the site. The wider area is undergoing significant change with emerging residential development to immediate west and southwest. Construction-related activities, including soil movement and storage, building works and construction traffic are all prominent.</p> <p>Boundary hedgerows along the railway and internally along Portmarnock/ Maynetown townland boundary are prominent landscape features to the west, as are longer range views where available, east and south over Baldoyle to the Irish Sea, Howth and Dublin Mountains. The site of a recorded monument – an ‘enclosure’ (DU015-055) is located to southeast. While it is currently enclosed by palisade fencing, no features of archaeological significance are visible on the surface. Natural regeneration of willow is evident within the palisade fenced area. The wider landscape is more open to the northeast, east and southeast approaching the coastal corridor of Coast Road / Baldoyle Estuary, where there are panoramic views extending eastwards and southeast towards Lambay, Ireland’s Eye, and Howth and long-range background</p>
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views south to Dublin Mountains.

Habitats are described at Section 3.3.1. The following habitat types/ mosaics were recorded within study area during field surveys in 2025:

- Amenity grassland (GA2)
- Dry meadows & grassy verges (GS2)
- Buildings and artificial surfaces (BL3)
- Artificial pond (currently dry) (FL8)
- Spoil and bare ground (ED2)
- Scrub (WS1)
- Hedgerow/Tree line WL1/WL2)
- Lowland rivers (FW2)
- Matrix of scrub and dry meadows (WS1 / GS2)
- Matrix of spoil & bare ground and recolonising bare ground (ED2/ED3)
- Current construction area matrix (BL3 / ED2 / ED3 / ED5)

Grassland habitat is considered to be of Local importance (higher value) due to species diversity present. Other habitats including construction compound, built surfaces, and ongoing works are of negligible importance.

The corridor linking Phase 1F development site to North Fringe Sewer comprises bare ground (ED2) in the section to north of Mayne Road, and a scrub/grassland matrix to south of Mayne Road (WS1, GS2). River Mayne (FW2) runs west to east through southern scrub/grassland matrix

The NIS document outlines (at Section 4.4.1) that

- site is adjacent to existing landscape and ecological buffer lands under FCC management, which comprises Ecological Buffer Zone (to east and south/south east) and Bird Quiet Zone (within the Ecological Buffer Zone to south), with arable field and other habitats (to south and southwest of Bird Quiet Zone and north of Moyne Road). The site is not of significant value for fauna – including bats, large mammals and all other species groups.
- No rare, threatened or legally protected plant species are known

	<p>to occur within the site and none have been recorded.</p> <ul style="list-style-type: none"> • No evidence of roosting bats, badgers, reptiles or amphibians has been recorded and no significant features suitable for use by these species was recorded on or in vicinity of the site • Overall (expired) Portmarnock South LAP lands are of value for range of bird species. Small numbers of red-listed kestrel, oystercatcher, golden plover, lapwing, black-tailed godwit, curlew, meadow pipit and redwing, and amber-listed lesser black-backed gull, skylark, barn swallow, house martin, mallard, black-headed gull, common gull, herring gull, northern wheatear, willow warbler, goldcrest, starling and linnet have been recorded in surveys undertaken in surveys covering Phase 1F area and lands to east and south). Light-bellied Brent goose has been recorded flying over the site, but site is unsuitable for use by grazing light-bellied Brent geese. None were found on the lands.
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	<p>DHLGH (DAU): Report dated 25 August 2025 refers to archaeological matters only. No issues raised relating to nature conservation.</p> <p>Uisce Éireann: Letter dated 28 August 2025 states a Confirmation of Feasibility has issued advising that water and wastewater connections are feasible subject to upgrades, including the following for wastewater: Wastewater Connection - Proposed connection is via existing private temporary pumping station constructed under Portmarnock South Phase 1B Development. Associated rising main discharges into existing private 225mm gravity sewer which trespasses Phase 1F site and connects to 375 CO sewer on Coast Road. Mayne Bridge Pumping Station cannot cater for any additional load. In order to accommodate the proposed connection, network upgrades are required: Option 1: Completion of Portmarnock Bridge Pumping Station project by</p>

UÉ. Currently, there is no estimated completion date for the Project.
Option 2: Upgrade existing temporary private pumping station to provide capacity for existing and proposed phases and construct a new rising main, to North Fringe sewer to south. Works will be funded by developer.
3no. standard conditions are stated in UÉ report.

Inland Fisheries Ireland (IFI): Letter dated 17 February 2026 states:

- Mayne River catchment is non-salmonid. It contains European Eel, a protected and highly threatened species and other fish species.
- Strongly advises that all construction personnel and contractors adhere to mitigation measures in any construction surface water management plan, CEMP, Inland Fisheries guidance, construction industry guidance and planning conditions.
- Short-term storage/disposal of excavated material must minimise pollution risk. No direct pumping of contaminated water to a watercourse; any dewatering must be treated by infiltration over land or to suitably sized and sited settlement pond. Discharge licence may be required.
- Essential that receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes
- Proposed rising main crossing over River Mayne should be carried out using a trenchless method, such as directional drilling. Detailed design, including drawings, construction methodology, environmental protection measures, and contingency plans, must be prepared. Final design and method statements shall be submitted to IFI for review and approval prior to the commencement
- Refers to “Guidelines on protection of fisheries during construction works in and adjacent to waters” (2016) and IFI’s revised “Planning for watercourses in the urban environment”.

Appellant: No issues raised in grounds of appeal relating to AA.

Observation: With reference to EIAR, the observation (Síle Ní Cheallaigh) states

	<ul style="list-style-type: none"> • EIAR content that there will no impacts on bird species/wetland habitats of Baldoyle Bay SPA nor on habitats or species of Baldoyle Bay SAC is contradicted by their finding that red and amber listed bird species have all been recorded. • Application contravenes EU habitat directive with additional protection for semi-natural dry grasslands. <p>Applicant’s response to grounds of appeal: Includes that FI Item 2 response provided clarification and additional assessment. Planning authority was satisfied that deficiencies identified at application stage had been appropriately addressed and the NIS was sufficiently robust to support a conclusion that the proposed development would not adversely affect the integrity of a European site.</p>
Other	<p>The planning authority requested FI (Item 2) relating to AA. FI Item 2 response is set out in a Technical Note.</p> <p>Following FI response, planning authority determined that considering implementation of mitigation measures proposed, that the proposed development will not adversely affect the integrity of any European sites, either alone or in combination with other plans or projects.</p> <p>Documentation on file includes 2no. consultant’s reports (on behalf of planning authority) relating to EIAR and AA.</p>
<p>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</p> <p>The site is not located within or immediately adjacent to a European site.</p> <p>I note that the applicant included 21no. European sites in their initial screening consideration with sites within 17.1km of the site considered. It outlines that potential significant adverse effects arising from the proposed development on the majority of these sites can be screened out at Stage 1, as there will be no loss of any habitat or species listed as a QI or SCI, and no significant effects as a result of land-take, resource requirements, impacts to habitat structure, disturbance to species of conservation concern, mortality to species, light and noise pollution, and emissions to air and water.</p> <p>Having regard to the matters outlined above and also to the various separation distances of these European sites to the subject site, I concur with the applicant’s assessment that the</p>	

majority of these sites can be screened out. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

Four European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below.

European Site (code)	Qualifying interests S.I.Number	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Baldoyle Bay SAC (000199)	<u>S.I. No. 472 of 2021</u> 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic maritima (salt meadows (Glauco-Puccinellietalia 1410 Mediterranean salt meadows (Juncetalia maritimi)	approx. 0.4km	No direct connection. Indirect connection via dust emissions and surface water run-off.	Yes
Baldoyle Bay SPA (004016)	<u>S.I. No. 275 of 2010</u> Branta bernicla hrota Light-bellied Brent Goose Tadorna tadorna Shelduck Charadrius hiaticula Ringed Plover Pluvialis apricaria Golden Plover Pluvialis squatarola	approx. 0.4km	As above	Yes

		<p>Grey Plover Limosa lapponica Bar-tailed Godwit</p> <p>Wetland and Waterbirds: Member States are required under Article 4 of Directive to pay attention to the protection of wetlands. The wetland habitat within this Special Protection Area and the waterbirds that utilise this resource are therefore listed as a special conservation interest for this site. This special conservation interest is “Wetland and Waterbirds”.</p>			
North Island (004006)	Bull SPA	<p>NPWS website (www.npws.ie) and S.I. No. 211 of 2010:</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Oystercatcher (Haematopus ostralegus) [A130]</p>	Approx. 2.4km (from southernmost part of site)	As above	Yes

	<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</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>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetlands and Waterbirds: As per S.I. No. 211 of 2010, Member States are required under Article 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and the water birds</p>			
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		that utilise this resource are listed as special conservation interest for this site. This SCI is listed as “Wetland and Waterbirds”.			
Malahide Estuary (004025):	SPA	<p>NPWS website (www.npws.ie):</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p>	Approx. 2.5km	As above	Yes

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162]</p> <p>As per S.I. No. 285 of 2011, Member States are required under Article 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and the water birds that utilise this resource are listed as special conservation interest for this site. This SCI is listed as “Wetland and Waterbirds”.</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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	Impacts	Effects
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<p>Site 1: Baldoyle Bay SAC (000199) Qualifying Interests: 1140 Mudflats and sandflats not covered by seawater at low tide 1310 <i>Salicornia</i> and</p>	<p><u>Construction phase</u> Indirect: Negative impacts (temporary) on surface water quality due to constructed related emissions including increased sedimentation and construction related pollution</p>	<p><u>Construction phase</u> Surface water pollution Potential risk to flora and fauna</p>
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<p>other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi)</p>	<p>Dust deposition</p> <p><u>Operational phase</u></p> <p>Change to surface water quality</p>	<p><u>Operational phase</u></p> <p>Any change to surface water quality may affect habitats and species of this SAC.</p>
<p>Y</p>	<p>Likelihood of significant effects from proposed development (alone): Y/N</p>	
<p>N/A</p>	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>Site 2:</p> <p>Baldoye Bay SPA (004016)</p> <p>Qualifying Interests:</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)</p>	<p><u>Construction phase</u></p> <p>Indirect impact via hydrological pathway due to physical disturbance of soil</p> <p>Dust deposition</p> <p><u>Operational phase</u></p> <p>Change to surface water quality</p>	<p><u>Construction phase</u></p> <p>Surface water pollution</p> <p>Potential risk to flora and fauna, in particular, potential ex-situ impacts on SCIs of this SPA.</p> <p><u>Operational phase</u></p> <p>Any change to surface water quality may affect habitats and species of this SPA.</p>

<p>[A157] Wetlands and Waterbirds: As per S.I. No. 275 of 2010, Member States are required under Article 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and the water birds that utilise this resource are listed as a special conservation interest for this site. This SCI is listed as “Wetland and Waterbirds”.</p>	<p>Loss of/ disturbance to habitat, including feeding habitat for birds</p>	<p>AA Screening in NIS document states site is of no importance as a significant feeding site for SCI of Baldoyle Bay SPA. It is within field that is partially developed, and contains no habitats likely to be used by light-bellied Brent geese.</p>
<p>Y</p>	<p>Likelihood of significant effects from proposed development (alone): Y/N</p>	
<p>N/A</p>	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>Site 3: North Bull Island SPA (004006) Qualifying Interests: Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Oystercatcher (Haematopus</p>	<p><u>Construction phase</u> Indirect impact via hydrological pathway due to physical disturbance of soil Dust deposition <u>Operational phase</u></p>	<p><u>Construction phase</u> Surface water pollution Potential risk to flora and fauna, in particular, potential ex-situ impacts on SCIs of this SPA. <u>Operational phase</u></p>

<p>ostralegus) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Shoveler (<i>Spatula clypeata</i>) [A857] Wetlands and Waterbirds: As per S.I. No. 211 of 2010, Member States are required under Article 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and the water birds that utilise this resource are listed as special conservation interest for this site. This SCI is listed as "Wetland</p>	<p>Loss of/disturbance to habitat, including feeding habitat for birds</p>	<p>AA Screening in NIS document states site is of no importance as a significant feeding site for SCI of North Bull Island Bay SPA. It is within field that is partially developed, and contains no habitats likely to be used by light-bellied Brent geese.</p>
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and Waterbirds”.		
Y	Likelihood of significant effects from proposed development (alone): Y/N	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 4: Malahide Estuary SPA (004025): Qualifying Interests: Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa</i>	<u>Construction phase</u> Indirect impact via hydrological pathway due to physical disturbance of soil Dust deposition <u>Operational phase</u> Loss of/disturbance to habitat, including feeding habitat for birds	<u>Construction phase</u> Surface water pollution Potential risk to flora and fauna, in particular, potential ex-situ impacts on SCI of this SPA. <u>Operational phase</u> Site is of no importance as a significant feeding site for SCI of Malahide Estuary SPA. It is within field that is partially developed, and contains no habitats likely to be used by light-bellied Brent geese.

<p>lapponica) [A157] Redshank (Tringa totanus) [A162] Wetlands and Waterbirds: As per S.I. No. 285 of 2011, Member States are required under Article 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and the water birds that utilise this resource are listed as a special conservation interest for this site. This SCI is listed as “Wetland and Waterbirds”.</p>		
<p>Y</p>	<p>Likelihood of significant effects from proposed development (alone): Y/N</p>	
<p>No</p>	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p> <p>In terms of detail, Section 4.5 (Summary of potential impacts of the proposed development) refers to the location of the proposed development at Holywell, Swords, Co. Dublin. While I note this erroneous reference to a Swords location, I do not consider that this materially impacts on the assessment.</p> <p>The AA screening in the submitted NIS document does not appear to outline in detail potential ex-situ impacts on QIs of Baldoyle Bay SPA, North Bull Island SPA and Malahide Estuary SPA. The FI Technical Note (at Item 2(f)) states that while the risk of disturbance to birds caused by construction activity on Phase 1F lands is low, as noted in Section 4.4.2 of the NIS, there remains the potential for impacts on Baldoyle Bay SAC and SPA, via potential visual disturbance of birds on the estuary.</p> <p>While I note the site’s approx. 2.4km and 2.5km separation distances to North Bull Island</p>		

SPA and Malahide Estuary SPA respectively, having regard to the mobile nature of the SCIs of these SPAs, I have decided, taking an abundance of caution approach, to 'screen in' these sites for further assessment, in addition to Baldoyle Bay SAC and Baldoyle Bay SPA.

It is not possible to exclude the possibility that the proposed development alone would result in

- significant effects on Baldoyle Bay SAC, Baldoyle Bay SPA, North Bull Island SPA and Malahide Estuary SPA from effects associated with surface water quality due to construction related emissions including increased sedimentation and dust deposition, and
- significant effects on Baldoyle Bay SAC and Baldoyle Bay SPA from effects associated with surface water quality at operational phase

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) in view of the sites' conservation objectives. Appropriate Assessment (Stage 2) is required.

This determination is based on:

- Objective information presented in the applicant's reports
- Zone of influence of potential impacts having regard to pathways to European 2000 sites
- Potential for construction and operational phase impacts on surface water run off and generation of dust emissions
- The application of the precautionary approach; and
- The nature and extent of predicted impacts, which could affect the conservation

objectives of the European sites.

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

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising 296no. residential units, associated infrastructural works, including:

- New (temporary) rising main to serve this phase and previous phases (1A to 1E inclusive) c. 1.7km long, running from interim St. Marnock's Pumping Station at Station Road/The Avenue (constructed under ABP Reg. Ref. 300514-17 & upgraded under ABP Reg. Ref. 312112-21) passing through the Racecourse Park development (permitted under ABP Ref. JP06F.311315) and connecting to North Fringe Sewer south of Moyne Road and Mayne River within Stapolin townland, Baldoyle, Dublin 13;
- Upgrade of interim St. Marnock's Pumping Station & storage at Station Road/The Avenue
- Decommissioning of proposed temporary rising main and interim St. Marnock's Pumping Station. These lands will then discharge by gravity to proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when operational

in view of the relevant conservation objectives of Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004236) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by Brady Shipman Martin
- Plans and particulars lodged with the application, including Further Information response received by the planning authority.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Submissions/observations from -

- DHLGH (DAU)
- Uisce Éireann (UÉ)
- Inland Fisheries Ireland (IFI)

are outlined previously at AA Screening stage.

Third party appeal: No issues were raised in grounds of appeal relating to AA.

Observation: Issues relating to AA in the observation (Sile Ní Cheallaigh) are previously outlined at AA Screening stage.

For completeness, issues raised by the observer relating to lighting are addressed in Section 9 (EIAR) of the main IR.

Baldoyle Bay SAC (000199)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) significant effects on Baldoyle Bay SAC from effects associated with surface water quality due to construction related emissions including increased sedimentation and dust deposition, and
- (ii) significant effects on Baldoyle Bay SAC from effects associated with surface water quality at operational phase

See

- **Section 5.3 (Appraisal of Likely effects on European Sites), Section 5.4 In-combination effects) and Section 5.5 (Mitigation Measures) in NIS**
- **FI Item 2 response**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary) Favourable conservation condition	Potential adverse effects	Mitigation measures (summary) NIS and FI Item 2 response
1140 Mudflats and sandflats not covered by seawater at low tide	Maintain	Scouring/erosion Habitat loss/loss of function	<u>Construction phase:</u> CEMP including dust minimisation measures, 3m high opaque construction
1310 <i>Salicornia</i> and other annuals colonising mud and sand	Maintain	Scouring/erosion Habitat loss/loss of function Sedimentation /pollution	fencing to prevent potential disturbance to birds, SuDS. Ecologist to monitor construction works <u>Operational phase:</u> SuDS
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	Maintain	Scouring/erosion Habitat loss/loss of function Sedimentation /pollution	Catchment 1 outfalls via surface water network to regional constructed wetland and then into estuary. Wetland provides attenuation and
1410 Mediterranean salt meadows (Juncetalia maritimi)	Maintain	Scouring/erosion Habitat loss/loss of function	pollutants removal. Catchment 3 serving new access road will be attenuated, drain with outflow limited to

		Sedimentation /pollution	2l/s prior to discharge through petrol interceptor to ditch along Moyne Road which connects to Mayne River.
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Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) Water quality degradation and dust emissions (construction phase)

The FI Item 2 response states that NIS (Section 4.4.2.1) addresses water quality, dust and other emissions during construction, that there is potential risk to flora and fauna from dust deposition, that given the nature, scale and duration of construction, there is potential for temporary slight negative impacts on water quality during construction, and that Baldoyle Bay SAC and SPA have been screened in because of these potential impacts, and as a consequence, appropriate mitigation is provided.

I note the content of NIS Appendix III: Summary of predicted impacts on Baldoyle Bay SAC and SPA (attribute and target data extracted from NPWS Conservation Objectives documents), which outlines separately the potential impacts and predicted impacts of the proposed development in the context of the attributes of the 4no. 'screened in' European sites.

The potential impacts for Baldoyle Bay SAC are scouring/erosion due to uncontrolled discharge of surface water, habitat loss/loss of function and sedimentation/pollution. While 'None' is indicated for all predicted impacts, reference is made to construction and operational impacts avoided via CEMP, SuDS/surface water management and no works being undertaken within or in vicinity of European site. In particular, I note that monitoring by ECoW (Ecological Clerk of Works) is outlined.

Mitigation measures and conditions

The FI Item 2 response includes

- given nature, scale and duration of construction phase, albeit unlikely, there is

potential temporary slight negative impacts on water quality. In order to eliminate potential impacts on habitat area and distribution, physical structure, vegetation structure and vegetation composition of Baldoyle Bay SAC, due to scouring, erosion, pollution, sedimentation, spread of invasive species or loss of or damage to QI habitat, appropriate construction and water management measures as set out in NIS Section 5.5 and in CEMP will be implemented.

- mitigation measures to address dust deposition are in EIAR chapters 6 & 9 and CEMP. Provided dust minimisation measures are adhered to (contractor is obliged to implement these as standard conditions), predicted residual air quality impacts are direct, short-term, negative, imperceptible and not significant.

I note construction phase mitigation measures in NIS include (at Section 5.5.1) use of temporary earth bunds/silt fences to contain surface water run-off, curtailment of excavation and stockpiling works during sustained wet weather periods and use of petrol interceptors.

Based on all information on file, in particular the information provided in the NIS document (including AA screening) and FI Item 2 response, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect QIs of Baldoyle Bay SAC and reduce possible effects to a non-significant level such that adverse effects can be prevented at construction phases.

(ii) Water quality degradation (operational phase)

AA Screening states (at Section 4.4.3.2 (Potential impact during operation/ Surface Water) that any change to surface water quality associated with the development may affect the habitats and species of Baldoyle Bay SAC and SPA, with potential impacts on the integrity of the SAC and SPA.

The NIS states (at Section 5.3.1.1 Predicted potential impacts on the conservation objectives of Baldoyle Bay SAC) that the WFD assessment indicates there is no potential for adverse or minor temporary/ long-term or localised effects on Mayne_010 WFD surface waterbody, Sluice River or Natura 2000 site located in the Baldoyle Bay

SAC / SPA. The proposed development will not cause any significant deterioration or change in water body status or prevent attainment, or potential to achieve, future good status or to meet the requirements and/or objectives in Water Action Plan 2024 - A River Basin Management Plan for Ireland, (DHLGH, Sept 2024)

FI Item 2(b) response outlines that all surface water infrastructure for Phase 1F has already been put in place, and regional wetland was constructed as part of Phase 1B.

Mitigation measures and conditions

The NIS outlines (at Section 5.5.2.1) that

- operational phase mitigation includes an overview of the surface water system for entire Portmarnock South LAP lands (now expired), which is divided into 3no. catchments, as out shown in Fig. 5.1.
- stormwater management will be in accordance with SuDS

I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to maintain the favourable conservation condition for the QIs will not be adversely affected.

In combination effects

The NIS outlines (at Section 5.4) a range of permitted developments in the vicinity of the subject site and a number of plans considered when assessing in-combination effects.

These include the previously permitted developments at the Portmarnock South LAP lands, some of which have been built out and are occupied and 2no. UÉ projects. In terms of detail, I note that the Racecourse Park project (ABP-311315-21) cited as being currently before the Board had however been approved by the Board in 2022. However, I do not consider this discrepancy materially impacts on the assessment of in-combination effects in this instance.

I am satisfied that in-combination effects have been assessed adequately in the NIS. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures and

there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site.

No direct impacts are predicted.

Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described to prevent ingress of sediment-contaminated or other polluted water leaving the site. Operational phase surface water management is acceptable. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site integrity

The proposed development will not affect the attainment of the conservation objectives of the Baldoyle Bay SAC (000199).

Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Baldoyle Bay SPA (004016)

Summary of Key issues that could give rise to adverse effects (from screening stage)

- (i) significant effects on Baldoyle Bay SPA from effects associated with surface water quality due to construction related emissions including increased sedimentation and dust deposition, and

(ii) significant effects on Baldoyle Bay SPA from effects associated with surface water quality at operational phase See <ul style="list-style-type: none"> • Section 5.3 (Appraisal of Likely effects on European Sites), Section 5.4 In-combination effects) and Section 5.5 (Mitigation Measures) in NIS • FI Item 2 response 			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary) Favourable conservation condition	Potential adverse effects	Mitigation measures (summary) NIS and FI Item 2 response
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	Maintain	Population change (reduction or distribution) due to disturbance, reduction in feeding habitat or reduction in habitat quality.	No loss of suitable habitat will take place. 3m high opaque construction fencing to prevent potential disturbance to birds, CEMP, SuDS/surface water management, no works will be undertaken within or in vicinity of SPA.
Shelduck (Tadorna tadorna) [A048]	Maintain		
Ringed Plover (Charadrius hiaticula) [A137]	Maintain		
Golden Plover (Pluvialis apricaria) [A140]	Maintain		
Grey Plover (Pluvialis squatarola) [A141]	Maintain		
Bar-tailed Godwit (Limosa lapponica) [A157]	Maintain		

			Monitoring by ECoW	
<p>Wetlands and Waterbirds: As per S.I. No. 285 of 2011, Member States are required under Art. 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and water birds that utilise this resource are listed as special conservation interest for this site. This SCI is listed as "Wetland and Waterbirds".</p>	<p>Maintain</p>	<p>Reduction in wetland habitat quality due to sedimentation, pollution or changes in water flows.</p>	<p>CEMP, SuDS/surface water management, no works will be undertaken within or in vicinity of SPA.</p> <p>Monitoring by ECoW</p>	
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation and dust emissions (construction phase)</p> <p>As above for Baldoyle Bay SAC.</p> <p>The water quality degradation issues outlined in the previous section (relating to Baldoyle Bay SAC) and the assessment of same also apply to Baldoyle Bay SPA.</p> <p>NIS Section 5.5 (Mitigation Measures) also includes -</p> <ul style="list-style-type: none"> Phase 1E is under construction to south of Phase 1F lands. No works are proposed within or near the mudflats or intertidal zone of Baldoyle Bay SPA, and 				

the existing ecological buffer lands and Bird Quiet Zone, managed by FCC, are located between the subject site and the Baldoyle Bay designated sites.

- Low risk of disturbance to birds caused by construction activity on Phase 1F lands. There remains potential for impacts on Baldoyle Bay SPA via potential visual disturbance of birds on the estuary. Opaque 3m high construction fencing will be erected along construction area boundaries to prevent any potential disturbance to birds during construction by obstructing views of the site and shielding birds from potential disturbance.
- Phase 1F site is not of importance for SCI species of Baldoyle Bay SPA, (or any other SPA), does not hold nationally or internationally significant numbers of over wintering birds. This is due to low suitability of the habitats on Phase 1 Lands and availability of extensive areas of suitable habitat in wider Dublin area, including in Bird Quiet Zone.

Based on all information on file, in particular the information provided in the NIS document (including AA screening) and FI Item 2 response, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect QIs of Baldoyle Bay SPA and reduce possible effects to a non-significant level such that adverse effects can be prevented at construction phases.

(ii) Water quality degradation (operational phase)

As above for Baldoyle Bay SAC.

In addition, NIS Section 5.5 states there is no possibility of any significant disturbance to SCI species associated with Baldoyle Bay SPA (or any other SPA) once the proposed development is operational.

In conclusion, with regard to the matter of water quality degradation, and having regard to all information on file, in particular mitigation measures proposed to be undertaken at construction and operational phases, and measures to address dust emissions at construction phase, I am satisfied that it is not likely than any pollution event at the project site could result in significant impacts on this SPA.

In-combination effects

As above for Baldoyle Bay SAC.

In addition, I note that NIS Section 5.6 states that following implementation of all mitigation measures, including the continued management of the bird quiet zone and biodiversity zone habitat, there will be no adverse impacts on the integrity of any European site arising from the proposed development.

I am satisfied that in-combination effects have been assessed adequately in the NIS.

The applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures that could act in combination with other plans and project to generate significant on this SPA in view of the site's conservation objectives.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, will not adversely affect the integrity of Baldoyle Bay SPA.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded.

No direct impacts are predicted. Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described to prevent ingress of sediment-contaminated or other polluted water leaving the site. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

The proposed development will not affect the attainment of the conservation objectives of Baldoyle Bay SPA (004016). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

North Bull Island SPA (004006)

Summary of Key issues that could give rise to adverse effects (from screening stage)

- (i) significant effects on North Bull Island SPA from effects associated with surface water quality due to construction related emissions including increased sedimentation and dust deposition

See

- **Section 5.3 (Appraisal of Likely effects on European Sites), Section 5.4 In-combination effects) and Section 5.5 (Mitigation Measures) in NIS**
- **FI Item 2 response**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary) Favourable conservation condition	Potential adverse effects	Mitigation measures (summary) NIS and FI Item 2 response
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	Maintain	Population change (reduction or distribution) due to disturbance, reduction in feeding habitat or reduction in habitat quality.	No loss of suitable habitat will take place. 3m high opaque construction fencing to prevent potential disturbance to birds, CEMP, SuDS/surface water management, no works will be undertaken within or in vicinity of SPA.
Shelduck (Tadorna tadorna) [A048]	Maintain		
Teal (Anas crecca) [A052]	Maintain		
Pintail (Anas acuta) [A054]	Maintain		
Oystercatcher (Haematopus ostralegus) [A130]	Maintain		
Golden Plover	Maintain		

(Pluvialis apricaria) [A140]			Monitoring by ECoW
Grey Plover (Pluvialis squatarola) [A141]	Maintain		
Knot (Calidris canutus) [A143]	Maintain		
Sanderling (Calidris alba) [A144]	Maintain		
Dunlin (Calidris alpina) [A149]	Maintain		
Black-tailed Godwit (Limosa limosa) [A156]	Maintain		
Bar-tailed Godwit (Limosa lapponica) [A157]	Maintain		
Curlew (Numenius arquata) [A160]	Maintain		
Redshank (Tringa totanus) [A162]	Maintain		
Turnstone (Arenaria interpres) [A169]	Maintain		
Black-headed Gull (Chroicocephalus ridibundus) [A179]	Maintain		
Shoveler (Spatula clypeata) [A857]	Maintain		
Wetlands and Waterbirds: Member States are required under Art. 4 of Directive	Maintain	Reduction in wetland habitat quality due to sedimentation, pollution or	CEMP, SuDS/surface water management, no works will be undertaken within or

<p>to pay attention to protection of wetlands. Wetland habitat within this SPA and waterbirds that utilise this resource are listed as SCI for this site. This SCI is listed as "Wetland and Waterbirds".</p>		<p>changes in water flows.</p>	<p>in vicinity of SPA. Monitoring by ECoW</p>
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Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation and dust emissions (construction phase)

As above for Baldoyle Bay SAC and Baldoyle SPA.

The water quality degradation issues outlined in the previous section (relating to Baldoyle Bay SAC and Baldoyle Bay SPA) and the assessment of same also apply to North Bull Island SPA.

However, I note also that North Bull Island SPA is further distant from the subject site. While it is approx. 2.4km from the southernmost part of the subject site as the crow flies, any sediment/pollution-laden surface water run off would be subject to dilution and dispersal effects of the Irish Sea.

Based on all information on file, in particular the information provided in the NIS document (including AA screening) and FI Item 2 response, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect QIs of North Bull Island SPA and reduce possible effects to a non-significant level such that adverse effects can be prevented at construction phases.

In-combination effects

As above for Baldoyle Bay SAC and Baldoyle Bay SPA.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the

construction and operation of the proposed development alone, will not adversely affect the integrity of North Bull Island Bay SPA.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded.

No direct impacts are predicted. Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described to prevent ingress of sediment-contaminated or other polluted water leaving the site. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. The proposed development will not affect the attainment of the conservation objectives of North Bull Island SPA (004006). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Malahide Estuary SPA (004025):

Summary of Key issues that could give rise to adverse effects (from screening stage)

- (i) significant effects on North Bull Island SPA from effects associated with surface water quality due to construction related emissions including increased sedimentation and dust deposition

See

- Section 5.3 (Appraisal of Likely effects on European Sites), Section 5.4 In-combination effects) and Section 5.5 (Mitigation Measures) in NIS
- FI Item 2 response

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary)	Potential adverse effects	Mitigation measures (summary) NIS and FI Item 2 response

	Favourable conservation condition		
Great Crested Grebe (Podiceps cristatus) [A005]	Maintain	Population change (reduction or distribution) due to disturbance, reduction in feeding habitat or reduction in habitat quality.	No loss of suitable habitat will take place. 3m high opaque construction fencing to prevent potential disturbance to birds, CEMP, SuDS/surface water management, no works will be undertaken within or in vicinity of SPA. Monitoring by ECoW
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	Maintain		
Shelduck (Tadorna tadorna) [A048]	Maintain		
Pintail (Anas acuta) [A054]	Maintain		
Goldeneye (Bucephala clangula) [A067]	Maintain		
Red-breasted Merganser (Mergus serrator) [A069]	Maintain		
Oystercatcher (Haematopus ostralegus) [A130]	Maintain		
Golden Plover (Pluvialis apricaria) [A140]	Maintain		
Grey Plover (Pluvialis squatarola) [A141]	Maintain		
Knot (Calidris canutus) [A143]	Maintain		
Dunlin (Calidris alpina) [A149]	Maintain		

Black-tailed Godwit (Limosa limosa) [A156]	Maintain		
Bar-tailed Godwit (Limosa lapponica) [A157]	Maintain		
Redshank (Tringa totanus) [A162]	Maintain		
Wetlands and Waterbirds: Member States are required under Article 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and the water birds that utilise this resource are listed as SCI for this site. This SCI is listed as "Wetland and Waterbirds".	Maintain	Reduction in wetland habitat quality due to sedimentation, pollution or changes in water flows.	CEMP, SuDS/surface water management, no works will be undertaken within or in vicinity of SPA. Monitoring by ECoW

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation and dust emissions (construction phase)

As above for Baldoyle Bay SAC, Baldoyle SPA and North Bull Island SPA.

The water quality degradation issues outlined in the previous section (relating to Baldoyle Bay SAC, Baldoyle Bay SPA and North Bull Island SPA) and the assessment of same also

apply to Malahide Estuary SPA.

However, I note also that Malahide Estuary SPA is approx. 2.5km to north of the subject site as the crow flies. Any sediment/pollution-laden surface water run off would be subject to dilution and dispersal effects of the Irish Sea.

Based on all information on file, in particular the information provided in the NIS document (including AA screening) and FI Item 2 response, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect QIs of Malahide Estuary SPA and reduce possible effects to a non-significant level such that adverse effects can be prevented at construction phase.

In-combination effects

As above for Baldoyle Bay SAC, Baldoyle Bay SPA and North Bull Island SPA.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone will not adversely affect the integrity of Malahide Estuary SPA.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded.

No direct impacts are predicted. Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described to prevent ingress of sediment-contaminated or other polluted water leaving the site. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. The proposed development will not affect the attainment of the conservation objectives of Malahide Estuary SPA (004025). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed

development could result in significant effects on Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts
- Effectiveness of mitigation measures proposed in Natura Impact Statement and CEMP, and appointment of project ecologist/ECOW (ecological clerk of works)
- Application of planning conditions to ensure application of these measures
- The proposed development will not affect the attainment of conservation objectives for Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), North Bull Island SPA (004006) and Malahide Estuary SPA (004025).

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ACP-324016-26	Townland, address	Station Road and Maynetown townland, Portmarnock, Co. Dublin and Stapolin, Dublin 13.
Description of project		<p>296no. residential units, associated infrastructural works, including:</p> <ul style="list-style-type: none"> • New (temporary) rising main to serve this phase and previous phases (1A to 1E inclusive) c. 1.7km long, running from interim St. Marnock's Pumping Station at Station Road/The Avenue (constructed under ABP Reg. Ref. 300514-17 & upgraded under ABP Reg. Ref. 312112-21) passing through the Racecourse Park development (permitted under ABP Ref. JP06F.311315) and connecting to North Fringe Sewer south of Moyne Road and Mayne River within Stapolin townland, Baldoyle, Dublin 13; • Upgrade of interim St. Marnock's Pumping Station & storage at Station Road/The Avenue • The proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when operational. 	
Brief site description, relevant to WFD Screening,		<p>Gross site area, including infrastructural works, comprises 12.3ha. Net site area, excluding interim pumping station area, recorded monument area, and main roads approved in previous phases is c.9.5ha</p> <p>WFD Assessment lodged with the application states –</p> <ul style="list-style-type: none"> • Site topography is predominantly generally flat / level with minor localized undulations and slight falls in elevation from a maximum of approx. 10m AOD along the south-western corner to a minimum of c. 2m AOD to the northwest portion of the site adjacent to Station Road, the location for the proposed Interim Pumping Station. 	

	<ul style="list-style-type: none"> • No springs were identified on historical 6-inch first edition, 6-inch last edition and 25-inch Cassini maps within the site or in its immediate vicinity. • Aerial Satellite Imagery maps from 1995 to 2013 revealed predominant agricultural land use (greenfield) hasn't changed since 1995 (OSI, 2025), save for recent works associated with previous phases of the Portmarnock South Residential Development (Phase 1a-1e).
Proposed surface water details	<p>SUDs system proposed with hydrocarbon interceptor.</p> <p>The lodged WFD Assessment states</p> <ul style="list-style-type: none"> • the storm water network for Catchment No 1 including the regional wetland has been designed to cater for existing Phases 1A, 1B, and 1C, Phase 1D under construction, Phase 1E granted permission and this Phase 1F and remaining small infill phase of the entire development with the exception of Catchments No. 2 & No.3. • Catchment No. 3 consists of proposed (part of Phase 1D application) new access road with 3m verge/reservation each side which connects with Moyne Road. Surface water flows generated from this road will be attenuated through SuDS features prior to outfall through a petrol interceptor to existing ditch alongside Moyne Road.
Proposed water supply source & available capacity	<p>Uisce Eireann mains water connection.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>Uisce Eireann Wastewater connection.</p> <p>The lodged WFD Assessment states</p> <ul style="list-style-type: none"> • Site lies within North Fringe Sewer catchment, which discharges to Ringsend Wastewater Treatment Plant, currently undergoing significant upgrades. • Greater Portmarnock foul network discharges to existing pumping station adjacent to Portmarnock Bridge, from which effluent is pumped via a rising main along Coast Road to a high point and then flows by gravity to Mayne Bridge Pumping Station which pumps to North

	<p>Fringe Sewer, approx. 1km to south. This flows into Sutton Pumping Station which pumps to Ringsend WWTP.</p> <ul style="list-style-type: none"> • Ringsend WWTP is currently being upgraded to 2.4m Population Equivalent (PE) to meet increased demand of wider Dublin area. UÉ completed construction of infrastructure to treat wastewater for 2.1million PE at end of 2023, which is current organic capacity. Recent water quality assessment for Dublin Bay shows that they continue to meet criteria for ‘Unpolluted’ water quality status (EPA, data until 2024).
<p>Others?</p>	<p><u>WFD Assessment</u> states –</p> <ul style="list-style-type: none"> • Site is situated in Hydrometric Area No. 09 of Irish River Network, and within Liffey and Dublin Bay Catchment (Catchment ID: 09), and Mayne_SC_010 Sub-Catchment. The eastern part of River Liffey Catchment is drained by several small coastal streams and of relevance are the northern streams i.e. the Sluice, Mayne and Santry Rivers. • Southern part of lands is connected to Mayne River via an open ditch which runs parallel to and then crosses Moyne Road. This river lies approx. 600m - 650m to south of Proposed Development (proposed rising main to serve this and previous phases will cross below this river). Mayne River Waterbody (MAYNE_01, IE_EA_09M030500) traverses lands of former Baldoyle Racecourse to south. The watercourse traverses narrow portion of development running to south which includes rising water main and pipeline connection to North Fringe sewer. This watercourse flows in an easterly direction across southern end of the site where it outfalls to Mayne Estuary Transitional Waterbody (IE_EA_080_0100) / Baldoyle Estuary Nature Reserve at Coast Road (R106), to south of Moyne Road / Coast Road junction. Mayne Estuary and Baldoyle Bay ultimately discharge to Irish Sea Dublin (HA 09) coastal waterbody. • Sluice River rises north of Dublin Airport, flows by Kinsealy and outfalls into head of Baldoyle Bay at Portmarnock Bridge. Sluice River Waterbody (SLUICE_010, IE_EA_09S071100) is located

approx. 150m north east of proposed development site at point of closest proximity and flows in south-easterly direction where it outfalls to Mayne Estuary Transitional Waterbody/Baldoyle Estuary Nature Reserve, before discharging to Irish Sea Dublin (HA 09). Refer to Figure 2-1.

- Baldoyle Bay/Mayne Estuary (200m to east) is a tidal estuarine bay protected from open sea by large sand-dune system and is a SAC – (000199) and a SPA – (004016). Site has indirect hydrological link to Mayne Estuary and Baldoyle Bay SAC / SPA via overland flow to Mayne_010, albeit this pathway linkage would involve infiltration to ground in greenfield areas and low potential loading from site. Surface water, rainfall, is percolated via infiltration to grass and soil under influence of gravity. Portions of this greenfield land (western parcel) are partially drained by overland flow to drainage network comprising existing townland boundary drainage ditch which during previous phases has remained as a conveyance channel for green spaces. This historic drainage ditch collects and intercepts some runoff from greenfield areas and catchments of previous phases where it conveys flow to attenuation pond to north at a restricted/ controlled rate using a flow control device. Attenuation pond discharges treated runoff beneath roundabout at Strand Road to outfall location in Mayne Estuary.

Decommissioning:

With regard to decommissioning,

- EIAR (Biodiversity Chapter) states once the rising main is decommissioned, pipe will be rinsed out, capped and left in situ and no reinstatement works will be required; Section 6.9 refers.
- Site Layout Plan Sheet 1 of 3 (Drawing No. 6158D-PP-005; Rev P1) lodged with the application shows 'Future Phase (On Removal of Temporary Pumping Station)' at the northernmost part of the subject site, near Station Road.

	<p>Uisce Éireann (UÉ): Letter dated 28 August 2025 states a Confirmation of Feasibility CDS24005935 has issued advising that water and wastewater connections are feasible subject to upgrades.</p> <p><u>Water Connection-</u> A 200mm connection main is required for phase 1F. Min. 150mm spine main within the development is required for fire flow requirements</p> <p><u>Wastewater Connection</u> -Feasible subject to upgrades. Proposed connection is via existing private temporary pumping station constructed under Portmarnock South Phase 1B Development. Associated rising main discharges into existing private 225mm gravity sewer which trespasses the Phase 1F site and connects to 375 CO sewer on Coast Road. Mayne Bridge Pumping Station cannot cater for any additional load.</p> <p>In order to accommodate the proposed connection, network upgrades are required:</p> <p>Option 1: Completion of Portmarnock Bridge Pumping Station project by UÉ. Currently, there is no estimated completion date for the Project.</p> <p>Option 2: Upgrade of existing temporary private pumping station to provide capacity for existing and proposed phases of the development and construct a new rising main, to the North Fringe sewer to south. The works will be funded by the Developer.</p> <p>3no. standard conditions are stated in the UÉ report.</p> <p>Inland Fisheries Ireland (IFI): Submission dated 17 February 2026 states -</p> <ul style="list-style-type: none">• Mayne River catchment is non-salmonid. It contains European Eel, a protected and highly threatened species in Ireland) and other fish species.• It is strongly advised that all construction personnel and contractors adhere to mitigation measures in any construction surface water management plan, construction management and environmental plan, Inland Fisheries guidance, construction industry guidance and planning conditions.
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	<ul style="list-style-type: none">• Short-term storage and removal / disposal of excavated material must minimise pollution risk. Drainage from topsoil storage area will need to be directed to a settlement area for treatment. There can be no direct pumping of contaminated water from the works to a watercourse; any dewatering must be treated by either infiltration over land or to a suitably sized and sited settlement pond. A discharge licence may be required from Fingal County Council.• Essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes with no negative repercussions for quality of treatment, final effluent quality and quality of receiving waters.• Proposed rising main will cross River Mayne. Crossing should be carried out using a trenchless method, such as directional drilling, to avoid disturbance to river channel and banks. Detailed design of crossing, including drawings, construction methodology, environmental protection measures, and contingency plans, must be prepared in advance. Final design and method statements shall be submitted to IFI for review and approval prior to commencement of works• Refers to “Guidelines on protection of fisheries during construction works in and adjacent to waters” (2016) and “Planning for watercourses in the urban environment”
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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	600 - 650m to south (however proposed rising main will cross below this river).	MAYNE_01, IE_EA_09M030500 Watercourse outfalls to Mayne Estuary Transitional Waterbody (IE_EA_080_010). Mayne Estuary and Baldoyle Bay discharge to Irish Sea Dublin (HA 09) coastal waterbody	Poor (2019-2024) [2016-2021: Poor]	At risk (2019-2024)	Significant Pressures: UR Significant Issues: Nutrients, Organic, Unknown Impact Type	Yes – via an open ditch which runs parallel to and then crosses the Moyne Road to watercourse.
River Waterbody	Approx. 150m north east	SLUICE_010, (IE_EA_09S071100)	Poor (2019-2024) [2016-2021: Poor]	Review (2019-2024)	None stated.	Indirect pathway - potential direct discharge to Sluice_010 (out of an abundance of caution scenario) or stormwater drainage; Table 6-1 of lodged WFD Assessment refers

Transitional Waterbody	Approx. 200m east	Mayne Estuary Transitional Waterbody (IE_EA_080_0100)	Good (2019-2024) [2016-2021: Moderate]	Review (2019-2024)	None stated.	Indirect hydrological connection to Mayne Estuary via overland flow to the Mayne_010
Coastal Waterbody	Approx. 1.4km to east	Irish Sea Dublin (HA 09) (IE_EA_070_0000)	Good (2019-2024) [2016-2021: Good]	Not at risk (2019-2024)	None stated.	Indirect - Mayne Estuary Transitional Waterbody (IE_EA_080_0100) discharges to the Irish Sea Dublin (HA 09).
Groundwater Waterbody	Underlying site	Dublin groundwater body (IE_EA_G_008)	Good (2019-2024) [2016-2021: Good]	Review	None stated.	Low risk of vertical migration due to overburden thickness and low migration through poorly connected fracturing within limestone rock mass; Section 6 of lodged WFD Assessment refers.

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	Waterbody 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
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							'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	MAYNE_01, IE_EA_09M0 30500	Surface water drainage	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Surface	SLUICE_010, (IE_EA_09S0 71100)	Indirect pathway - potential direct discharge to Sluice_010 (out of an abundance of caution scenario) or stormwater drainage	As above	As above	No	Screened out
3.	Surface	Mayne Estuary Transitional Waterbody (IE_EA_080_ 0100)	Indirect hydrological connection to Mayne Estuary via overland flow to the Mayne_010	As above	As above	No	Screened out
4.	Surface	Irish Sea Dublin (HA 09) (IE_EA_070_ 0000)	Indirect hydrological connection via Mayne Estuary Transitional	As above	As above	No	Screened out

			Waterbody (IE_EA_080_0100)				
5.	Ground	Dublin groundwater r body (IE_EA_G_0 08)	Pathway exists but no likely impact	Pollution events, spillages	As above Also, Section 6 of lodged WFD Assessment states low potential loading, natural attenuation within overburden and discrete nature of fracturing and underground flow paths reduce off site migration.	No	Screened out
OPERATIONAL PHASE							
1.	Surface	MAYNE_01, IE_EA_09M0 30500	Surface water Drainage	Pollution event, Hydrocarbon spillage	SUDs features	No	Screened out
2.	Surface	SLUICE_010, (IE_EA_09S0 71100)	Surface water Drainage	Pollution event, Hydrocarbon spillage	SUDs features	No	Screened out

3.	Surface	Mayne Estuary Transitional Waterbody (IE_EA_080_0100)	Surface water Drainage	Pollution event, Hydrocarbon spillage	SUDs features	No	Screened out
4.	Surface	Irish Sea Dublin (HA 09) (IE_EA_070_0000)	Pollution event, Hydrocarbon spillage	Pollution event, Hydrocarbon spillage	SUDs features	No	Screened out
5.	Ground	Dublin groundwater r body (IE_EA_G_008)	Drainage through soils/subsoils	Pollution events, Spillages	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
1.	Surface	MAYNE_01, IE_EA_09M0 30500	Pollution event Note: Once rising main is decommissioned, pipe will be rinsed out, capped and left in situ and no	Pollution event	Standard construction practice	No	Screened out

			<p>reinstatement works will be required; EIAR Section 6.9 refers.</p> <p>Interim St. Marnock's Pumping Station will be decommissioned, and 'Future Phase' is shown at this location (site layout refers).</p>				
2.	Surface	SLUICE_010, (IE_EA_09S0 71100)	As above	As above	As above	As above	Screened out
3.	Surface	Mayne Estuary Transitional Waterbody (IE_EA_080_ 0100)	As above	As above	As above	As above	Screened out
4.	Surface	Irish Sea Dublin (HA 09) (IE_EA_070_ 0000)	As above	As above	As above	As above	Screened out

5.	Ground	Dublin groundwater r body (IE_EA_G_0 08)	As above	As above	As above	As above	Screened out
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