



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-324034-26**

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<b>Development</b>	Large-Scale Residential Development (LRD) amendments to LRD0005/S3 (ABP-316065) Construction of 35 dwellings with all associates site works
<b>Location</b>	Lands east of Kenure Park and west of Goldenridge, Skerries Road, Rush, County Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	LRD0072/S3E
<b>Applicant(s)</b>	Marese Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Marese Limited
<b>Observer(s)</b>	None

**Date of Site Inspection**

30/03/2026

**Inspector**

Darragh Ryan

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

## 1.0 Background

1.1. The proposed development relates to a Large- Scale Residential Development (LRD) associated with a larger LRD site of 7.49 hectares located to the north of Rush Town Centre in the lands east of Kenure Park and west of Goldenridge, Skerries Road, Rush, County Dublin. The proposed development seeks to amend LRD permission FCC Reg. Ref. LRD0005/S3 and ABP-316065. This development is currently under construction.

1.2. The site of the proposed amended development was identified for a potential future school site as the provision of a school site is a Map Based Objective of the Fingal Development Plan 2023 – 2029 for a post primary school on wider “RS” (Residential) zoned lands. As per this application the applicant sets out that there is now no requirement for a school at this location as per the Map Based Objective and seeks permission for the construction of 35no residential dwellings at this location.

### 1.3. Site Location and Description

1.3.1. The subject site is located to the north of Rush Town Centre on lands extending to approximately 1.2 hectares. The site is situated between Kenure Park to the west and the Goldenridge Close/Walk/Green residential development to the east.

1.3.2. The lands comprise an infill greenfield site, which has most recently been in agricultural use. Access to the site is currently facilitated from the south via a permitted Large-Scale Residential Development (LRD), which is under construction and comprises 114 no. houses and 45 no. apartments.

1.3.3. The site also falls within the wider blue line boundary of the previously permitted LRD at this location, wherein the subject lands were identified for the future provision of a post-primary school in accordance with a map-based objective of the Fingal County Development Plan.

1.3.4. The site is bounded by established residential developments and individual dwellings.

- To the west, the site adjoins the Kenure Park residential development;
- To the north and east, it adjoins the Golden Ridge housing development, comprising a mix of two-storey dwellings and three-storey apartment blocks;

- To the south-east, the site adjoins a single-storey dwelling fronting Skerries Road;
- To the south, the site adjoins the Brookfield Park housing development, consisting of two-storey detached dwellings, as well as a two-storey dwelling fronting Farren's Lane.

The site is therefore located within an established suburban residential context, characterised by a mix of housing typologies and building heights.

- 1.3.5. This part of the LRD site is currently undeveloped and retains a greenfield character, except for the southern most boundary which overlaps with permitted LRD. A historic stone boundary wall is present along the western and northern boundaries. Mature hedgerows and natural vegetation are located along the perimeter of the site, contributing to established boundary treatments.
- 1.3.6. The eastern boundary is defined by a combination of block walls and timber fencing associated with adjoining residential properties. The internal lands are generally comprised of grassed areas, although some clearing works have taken place in association with the permitted LRD construction works in the southern portion of the site.
- 1.3.7. Overall, the site presents as an infill parcel of land within an established residential area, with defined boundaries and an emerging access arrangement from the adjoining permitted development to the south.

## 2.0 Proposed Development

- 2.1. The proposed development will consist of a Large – Scale Residential Development on lands east of east of Kenure Park and west of Goldenridge, Skerries Road, Rush, County Dublin. The proposed development seeks to amend LRD permission FCC Reg. Ref. LRD0005/S3 and ABP-316065.
- 2.2. The proposed development will consist of:
- A) The construction of 35 no residential dwellings comprising 6 no. 2 bedroom houses and 29 no 3 bedroom house (all two storey), with rear garden private amenity spaces accessed from laneways. Resulting in total of 194 no dwellings within the overall LRD scheme.

- B) Vehicular/pedestrian and cyclist access taken from the permitted development to the south (FCC Reg Ref LRD 0005/S3 & ABP 316065) with potential for future pedestrian /cyclist access to adjoining lands including link to Goldenridge Walk to the east.
- C) The provision of 57 no. surface car parking spaces (mix of on and off curtilage) to serve residential units and internal road and shared pedestrian/cycle paths.
- D) Provision of c. 0.14ha of public open space in the northern and southern parts of the site including outdoor play area and landscaped planting, with open space integrating with that permitted on the southern end of the site.
- E) Provision of foul and surface water drainage as well as bin stores; public lighting and all associated landscaping and boundary treatment works, site development and infrastructural works (including replacing the of mechanical flow control within the surface water drainage network's outfall manhole to facilitate the extended development), and all ancillary works necessary to facilitate the development.

Site Area	1.2ha gross/ 1.03ha net
Land Use Zoning	RS – Residential & OS – Open Space
No. of Dwellings	35 dwellings, 6 no 2 bed, 29 no 3 bed
Part V	7 no units
Density	C 35dph
Open Space	0.143ha (14% of site area)
Car Parking	57
Bicycle Parking	Rear gardens
Vehicle Access	Goldenridge LRD to the south

The following is a list of accompanying documentation submitted with the LRD:

- Planning Report and Statement of Consistency
- Statement of Response to LRD Opinion
- Educational Audit
- Design Statement
- Architectural Drawings
- Landscape Design Report
- Tree Assessment Summary
- Engineering Services Report
- Traffic and Transport Memo
- Site Specific Flood Risk Assessment
- DMURS statement of consistency
- Construction Environmental Management Plan
- Resource & Construction Waste Management Plan
- Appropriate Assessment Screening
- Energy & Sustainability Statement
- Public Lighting Report
- Archaeology Assessment

### **3.0 Planning Authority Opinion**

The planning authority and the applicant convened a meeting under section 32C of the Planning Act for the proposed Large-scale Residential Development on 25th July 2025. The record of that meeting is attached to the current file. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted did not constitute a reasonable basis on which to make an application for permission for the proposed LRD.

The Planning Authority acknowledged that the principle of residential development on the subject lands is acceptable under the 'RS – Residential'

zoning in the Fingal Development Plan 2023–2029, subject to the resolution of issues relating to the former school site reservation, housing mix, laneway configuration, open space integration, and permeability.

#### **4.0 Planning Authority Decision**

##### **4.1. The planning authority issued a Decision to refuse the LRD for a single reason as follows:**

The Fingal Development Plan 2023 – 2029 contains a Map Based Objective to deliver a post primary school on the “RS” zoned lands at this location (as per Map Sheet No. 6B of the Development Plan). Under Extant Permission Reg. Ref LRD0005/S3 (ABP-316065-23) the current application site was reserved for a future school site in accordance with this objective of the Development Plan. The applicant has failed to demonstrate how the proposed development complies with this objective. As such the proposed development would materially contravene an objective of the Fingal Development Plan 2023 -2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

##### **4.2. Planning Authority Report**

###### **4.2.1. There is a single Planning Report on file dated the 15<sup>th</sup> of December 2025**

- Principle of development – residential element of the development located on lands zoned “RS” residential, in this regard the proposed development is considered acceptable. However, the Fingal Development Plan map based objective identifies the land zoned “RS” shall be reserved for the delivery of a future school. Under permission LRD 0005/S3 (ABP – 316065-23 this part of the larger LRD was retained for the delivery of the school to meet the map based objective of the Fingal Development Plan. Notwithstanding the submission of the Educational Audit, Department Letter stating that the lands at Golden Ridge are not required for a school, the planning officer considered the applicant has failed to demonstrate how the proposal will achieve the relevant objective of the current Development Plan.

- LRD 0005/S3 (ABP – 316065-23) was granted on the basis that the main area for the current site being reserved for the delivery of potential future school site.
- Density – proposed density of 33 units per ha considered acceptable and in compliance with Sustainable Residential Development and Compact Settlement Guidelines.
- Unit Mix- The proposed mix of units within the overall LRD scheme are considered acceptable.
- Residential Standards – The proposal does not fully comply with SPPR1 in relation to impact on existing residents at Golden Ridge Green from overlooking from proposed terraced block. There are concerns relating to the shallow depths of proposed gardens in certain locations. Conditions recommended in the event of a grant permission.
- Part V – proposal deemed acceptable. Condition recommended.
- Design and Layout – the planning officer highlights several issues with respect to design and layout of the scheme.
  - The proposed front garden and car parking arrangement to terrace block 40 is a poor urban design response which is at odds with adjacent terrace block 41. The omission of proposed dwelling nos 9 & 10 in terrace block 42 would allow for realignment of terrace block 41 which may provide a better design response.
  - Terrace block 40 may have an overbearing impact on neighbouring Golden Ridge Green in terms of residential amenity. It is considered the submitted documentation fails to demonstrate that there would be no undue negative visual impacts in visual or residential amenities. Terrace block 40 may be considered overbearing given location first floor level bedroom windows in relation to existing habitable windows to the front of neighbouring Golden Ridge Green properties.
  - The shallow depths of some of the rear garden properties is of concern, particularly dwelling no 9.

- Access laneways – the proposed access laneway as provided are a poor quality and poor practical urban design solution. There are no formal bin staging areas to the front of these laneways. This causes concerns in relation to visual amenity.
- Finishes – There are concerns relating to the poor fenestration and poor quality architectural design to the side elevations of proposed terrace blocks. It is not considered the proposed development provides for appropriately designed, high quality bespoke dual frontage end of terrace units at key locations.
- Regarding the proposed hydrobrake to be provided the applicant has not provided sufficient details in terms of drawings and specifications.

#### 4.2.2. Other Technical Reports

- Environment Section – report received 5<sup>th</sup> of November 2025, the Operational Waste Management Plan submitted has been reviewed and found to be acceptable.
- Heritage Officer – report received 27<sup>th</sup> of November 2025 – no objections subject to carrying out archaeological testing.
- Transportation Planning Section – report received 5<sup>th</sup> of December 2025 – no objection to the proposed development subject to conditions. Recommended conditions are attached.
- Parks & Green Infrastructure – report received 24<sup>th</sup> of November 2025 – no objection conditions are recommended.
- Architects Department – report received 21<sup>st</sup> of November 2025, concerns raised in relation site layout, access lanes, building types and accessible housing.

From an urban design perspective, a suburban scheme of this scale would benefit from the provision of appropriate play spaces directly associated with the development. It is unclear how this is fostered based on the site layout and landscaping proposal provided.

b) Following consultation, Terrace 40 has been stepped back from terrace 41 to set up a relationship and not close off the cul-de-sac with Golden Ridge Green the east. An allowance for potential future pedestrian connection to the east would be beneficial. The deep front gardens/planted areas in front of terrace 40 somewhat make this difficult and may need reconsideration. The Architect's department is still of the opinion that the omission of house 9 in terrace 42 would allow for a more sympathetic alignment of terraces 40 & 41 in relation to Golden Ridge.

- Housing Department – report received 7<sup>th</sup> of November 2025 – Part V proposals considered acceptable.
- Water Services Department – report received 26<sup>th</sup> of November 2025 – no objection in relation to surface water or flooding.
- Public Lighting Section - report received 10<sup>th</sup> of November 2025 - no objection subject to conditions/compliance.
- Conservation Officer – report received 21<sup>st</sup> of November 2025 – no objection subject to conditions.

#### 4.3. Prescribed Bodies

- Uisce Eireann - The applicant shall enter into a Connection Agreement with Uisce Éireann to provide for a service connections to the public water supply and wastewater collection network and adhere to the standards and conditions set out in that agreement.

The applicant shall execute the granted particulars and conditions under LRD0005/S3 and ABP316065 in relation to water and wastewater for the overall LRD scheme extended by this application.

- Inland Fisheries Ireland - All works will be completed in line with the Construction Environmental Management Plan (CEMP) which ensures that good construction practices are adopted throughout the works period. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water either directly or indirectly through the storm water

drainage network and measures to minimise the generation of sediment and silt.

There can be no direct pumping of contaminated water from the works to a watercourse at any time. Any dewatering of ground water during excavation works must be pumped into an attenuation area before being discharged offsite.

The short-term storage and removal / disposal of excavated material must be considered and planned such that risk of pollution from these activities is minimised.

Drainage from the topsoil storage area may need to be directed to a settlement area for treatment. A common issue encountered on large construction sites is the excessive removal of top soil from the site resulting in the generation of volumes of silted water after wet weather that cannot be sufficiently treated before discharge to watercourses.

Precautions must be taken to ensure there is no entry of solids, during the connection to the surface water system

- Department of Housing, Local Government & Heritage – no objection subject to conditions.
- Transport Infrastructure Ireland – no objection subject to conditions

#### **4.4. Third Party Observations**

There are seven third party submissions received as part of the application. The issues raised can be summarised as follows:

- Concerns relating to loss of green space, trees wildlife and biodiversity.
- Concerns relating to ecological matters/ ecological survey is required.
- Environmental Impact Statement is required.
- The proposal is contrary to the council's biodiversity policies and objectives.
- Anecdotal evidence of protected species.
- Revised planting proposals are required.

- Loss of existing residential character, amenity and privacy at Golden Ridge.
- Alternative pedestrian/cyclist routes are needed.
- Concerns regarding impacts on historic stone wall at Kenure Park due to proposed pedestrian link.
- Lack of community engagement and consultation.
- Concerns relating to increased footfall and anti-social behaviour at Golden Ridge.
- Concerns regarding impacts on private property including boundary walls and services.
- Overlooking, overshadowing and overbearance.

## 5.0 Planning History

- 5.1.1. LRD005/S3/ ABP – 316065-23 – LRD granted on 3<sup>rd</sup> of July 2023, for 159 residential units (114 houses, 45 apartments, creche facility, open space and associated site works).
- 5.1.2. F08A/0800: Permission refused for the construction of 91 no. dwelling units which will form Phase 3 of residential development proposals on Local Area Plan lands fronting Skerries Road. Permission refused for three reasons relation to insufficient wastewater capacity, inadequate internal dimensions and poor quality design and layout. Refused 20/08/2008.
- 5.1.3. F06A/0032: Permission granted for revisions to previously granted planning permission F04A/1040 for 129 residential units entail change of house types and dimensions. Granted 18/04/2006.
- 5.1.4. F04A/1296: The construction of 110 no. 2 storey 2, 3 and 4 bedroom townhouses, ground mounted ESB substation, temporary waste water treatment plant, surface car parking for 216 no. cars and all associated site development works with access to site from Skerries Road, all at site fronting Skerries Road. Grant 11/01/2005.

- 5.1.5. PL06F.209842 (F04A/1040): Permission granted for 129 dwellings, ESB substation, waste water treatment plant, car parking, site development works. Granted 05/05/2005).
- 5.1.6. F02A/1537: Permission refused for a residential development comprising 132 no. 2 and 3 storey, 2, 3 and 4 bedroom town houses, 46 no. 1 and 2 bedroom apartments and 2 bed duplex apartments in blocks ranging in height from 2, 2.5 and 3 storey and single storey local services centre comprising of crèche, community meeting room and retail unit together with all associated site development works. Refused for one reason relation to prematurity pending preparation of an Action Area Plan and materially contravening zoning objective of the site. Refused 04/02/2003.

Sites in the vicinity...

F20A/0664: Permission granted for a mixed-use development comprised of 67 no. residential dwellings and 2 no. retail/commercial units on a site measuring circa 2.1 hectares. Granted 23/08/21. This development is located to the west/south west of the site and on opposite side of Farren's Lane with vehicular access off the Main Street and pedestrian access onto Farren's Lane, currently under construction.

F21A/0455: Permission granted for a development which will consist of a commercial development of 2,561 sqm that will include demolition of the properties at nos. 10 (rear part only), 12, 14a, and 16 Upper Main Street and the construction of a discount foodstore, 4 no. commercial units and an exhibition hall. Granted 11/11/21.

## 6.0 Policy Context

### National Policy

- 6.1.1. The **National Planning Framework 2040** includes objective NPO11 to favour development that can encourage more people to live or work in existing settlements; NPO13 which is that planning standards in urban areas should be based on performance criteria; NPO 27 which is to ensure the integration of safe and convenient alternatives to the car into the design of communities; NPO 35 to

increase residential density in settlements, including increased building heights; NPO 54 to reduce our carbon footprint by integrating climate action into the planning system; and NPO 64 to improve air quality through supporting public transport, cycling and walking as more favourable modes of transport than the private car.

6.1.2. **The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, 2009, states at section 5.9 that in the development of inner suburban/infill “the provision of additional dwellings within inner suburban areas of town and cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub division”.

6.1.3. **Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness:**

Aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. The Plan is built around two pillars ‘Activating Supply’ and ‘Supporting People’, with four key priorities under each pillar.

6.1.4. **Climate Action Plan (CAP) 2025: -**

Climate Action Plan 2025 builds upon last year’s Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

Climate Action Plan 2024 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

6.1.5. **Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030:**

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public

body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

- 6.1.6. **The Guidelines for Planning Authorities on Urban Development and Building Heights**, 2018, include a statement that it is Government policy to support increased building height and density in locations with good public transport accessibility in SPPR1. Section 3.2 sets out criteria at the scale of the city/town, district/neighbourhood/street, and site/building for development proposals to satisfy after which permission may be granted even in contravention of a limit in a development plan under SPPR3 of those guidelines.
- 6.1.7. **The Guidelines for Planning Authorities on the Design Standards for New Apartments** were issued in December 2022. Section 2.4 describes central/accessible urban locations as including sites within easy walking distance 400m-500m of high frequency (10 minute per hour) bus services which are generally suitable for higher density development; and intermediate urban locations which are suitable for smaller scale higher density developments that may wholly comprise apartments generally above 45 dph. Section 4.21 says that in central/accessible locations the default policy is for car parking provision to be minimised, substantially reduced or eliminated in certain circumstances, while section 4.23 states that in intermediate urban locations a reduced overall car parking standard must be considered.
- 6.1.8. **The Guidelines for Planning Authorities on Flood Risk Management** issued in 2009 sets out three flood risk zones – Zone A, where there is a high probability of flooding; Zone B where there is a moderate probability of flooding and Zone C where there is a low probability. Residential development is categorised as a highly vulnerable form of development which is usually appropriate only in Zone C. It may be justified in other zones following test for plan making and development management set out in box 4.1 and box 5.1 of the guidelines. The latter test requires

that the land has been zoned for the particular use and has been subjected to an appropriate flood risk assessment.

6.1.9. **The Departments of Education and the Environment and Local Government issued a Code of Practice on the Provision of Schools and the Planning System** in 2008. It states that the Department of Education will consult with planning authorities at an early stage of plan preparation regarding the approach to schools provision and in assessing specific land requirements for schools and the suitability of particular sites.

## 6.2. **Regional Policy**

6.2.1. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 2031 (RSES-EMR).**

6.2.2. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

6.2.3. Rush is within the Core Region of the plan defined as “the peri-urban ‘hinterlands’<sup>2</sup> within the commuter catchment around Dublin, which covers the Eastern counties and extends into the Midlands, north into Louth and south beyond the Region into Wexford. The Core Region is home to over 550,000 people with some of the youngest and fastest growing towns in the Region and the State”.

6.2.4. Rush is Self-Sustaining Town defined under RSES as “some settlements, particularly those that have undergone rapid residential expansion will require targeted investment in local employment and services to grow at a more sustainable level appropriate to their position in the hierarchy, to be determined by local authorities”.

## 6.3. **Development Plan**

6.3.1. The relevant plan is the **Fingal County Development Plan 2023-2029** is the development plan applicable to this application and appeal. The majority of the site is zoned **RS-residential** with a stated objective “to provide for residential development and protect and improve residential amenity”. Two parts of the site, to west and a

strip of land to the south are zoned **OS-Open Space** with a stated objective to “preserve and provide for open space and recreational amenities”. There is **map objective for Post Primary School on the lands zoned RS at this location**. The map objective does not specify a location for the school within these lands and is an objective to reserve a site for such.

6.3.2. Map 6B – Map Based Objectives for Rush

6.3.3. Rush is identified as a Self-Sustaining Town, with a development strategy to promote the creation of a vibrant town core by providing a high-quality living environment for the existing and future population and providing for the development of necessary community, commercial, cultural and social facilities in tandem with new residential development and accordingly a 10% increase in population is appropriate. Table 2.14 Core Strategy identifies an estimate population in 2023 of 10,877 and estimated population in 2029 of 11,802 (growth 925), projected housing demand is 500 units, zoned land available is 53 hectares with a potential yield of 1,600 units and extant permissions provide for 388 units.

6.3.4. General policy and objectives regarding the settlement strategy and Rush are set out in the plan including Policy CSP34 “consolidate the growth of Self-Sustaining towns including Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries as set out in the Settlement Strategy for RSES and by encouraging infill development and compact growth rather than greenfield development and by intensification at appropriately identified locations” and Objective CSO58 “facilitate the development of Rush as a vibrant town and retain its market gardening tradition”.

6.3.5. Policy CSP18 – Promotion of Residential Development

Promote residential development addressing the current shortfall in housing provision and meeting target guidance figures, through a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, and vacant and underutilised sites.

Policy CSP34 – Consolidate Growth of Self Sustaining Towns

Consolidate the growth of Self-Sustaining towns including Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries as set out in the Settlement Strategy for RSES and by encouraging infill development and compact growth rather than greenfield development and by intensification at appropriately identified locations.

#### 6.4. **Natural Heritage Designations**

- Northwest Irish Sea SPA (Site Code: 004236) - 0.6km east of site
- The Rogerstown Estuary SAC (Site Code: 000208) – 1.0km south of site
- The Rogerstown Estuary SPA (Site Code: 004015) – 1.0km south of site
- Rockabill to Dalkey Island SAC (Site Code: 003000) – 1.8km southwest of site

#### 7.0 **EIA Screening**

See completed form 2 on file.

Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

The proposed development comprises the construction of 36 residential units on a greenfield site of 1.2ha. The site is taken from larger LRD landholding of 7.49 ha for 114 dwellings houses and 45 apartments). The site is located on zoned lands within the boundary of Rush. The site is adjacent to other zoned lands. As such, I am satisfied that the development does not require mandatory EIA.

Having regard to: (a) the nature and scale of the development, (b) the location of the site on zoned land, adjacent to other zoned land (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 The Appeal

8.1. **This is a first party appeal against the Decision of Fingal County Council to refuse permission. The Grounds of Appeal are focused on the single reason for refusal as set out by Fingal County Council. The reason for refusal can be summarised as follows:**

- 8.1.1. The Map Based Objective for post -primary school is not located within the red line boundary of the site and therefore not directly relevant to the proposed development. The proposed development is acceptable in principle and in compliance with the site's majority "RS – Residential" land use zoning as set out in Map 6B of the Fingal Development Plan 2023 – 2029.
- 8.1.2. The Department of Education has provided a letter to Fingal County Council (10<sup>th</sup> October 2025) confirming that they have no requirement for the site to meet the educational needs of Rush. *"Goldenridge site is not required by the department to meet current or future educational needs of the existing Rush urban area and in addition, I can re-affirm that the location and constraints of the site would not be suitable for future school development"*
- 8.1.3. A 1000 capacity secondary school at St Joseph's c. 600 meters west at Park Road was granted permission under FCC Reg Ref F24A/739E in July 2025. The Department of Education School Capital Programme December 2025 notes ongoing expansion works at 3 no schools in Rush. The future needs for secondary school places in Rush is in existing campuses and not in the existing site.
- 8.1.4. The Educational Audit submitted with the application notes sufficient school capacity for Rush having regard to planned upgrades and expansion to existing school facilities in the settlement, with a decline in demand for primary and post primary school places observed in recent years projected to continue, with an average surplus capacity of up to 195 post -primary school places anticipated in Rush by 2035.
- 8.1.5. The application site is not viable for provision of post primary school due to limitations on size, access, parking/set down areas and frontage to the public road network, as confirmed by the Department of Education.

- 8.1.6. Were the Commission to consider that the proposed development would constitute a material contravention of the Fingal Development Plan 2023-2029, the applicant has included material contravention statement at Appendix 1 of the appeal to address the criteria set out in section 37 (2) (b) of the Planning and Development Act 2000, as amended.

## 8.2. Planning Authority Response

The Planning Authority issued a response to the appeal on the 6<sup>th</sup> of February 2025.

- An Coimisiún Pleanála is respectfully requested to uphold the relevant objective of the Planning Authorities Development Plan to ensure adequate provision for the delivery of necessary social and community infrastructure in the area remains available, as and when required, in accordance with the proper planning and sustainable development of the area.

## 8.3. Observations

There are no observations on the appeal.

## 8.4. Further Responses

- None

## 9.0 Assessment

Having examined the application details and all other documentation on file, including appeal and observation submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Development
- Material Contravention
- Design/Layout
- Surface Water
- Other Matters

## 9.1. Context

- 9.1.1. The proposed development relates to an amendment to a permitted Large-Scale Residential Development (LRD) on lands forming part of a wider landholding of approximately 7.49 hectares located to the north of Rush Town Centre, on lands to the east of Kenure Park and west of Goldenridge, Skerries Road, Rush, County Dublin. The proposal seeks to amend a permitted LRD development under Fingal County Council Reg. Ref. LRD0005/S3 and ABP-316065-23. The parent development is currently under construction.
- 9.1.2. The subject site forms part of lands identified in the Fingal Development Plan 2023–2029 with a map-based objective for the provision of a post-primary school on lands zoned “RS” (Residential). The applicant has indicated that there is no longer a requirement for a school at this location and is seeking permission for residential development in lieu of the previously identified educational use.
- 9.1.3. The application relates to a site area of approximately 1.2 hectares within the wider LRD landholding. The layout has been designed to integrate with the permitted and emerging development to the south at Goldenridge (FCC Reg. Ref. LRD0005/S3; ABP-316065-23). The scheme adopts a perimeter block structure, with dwellings fronting onto streets and public open spaces, thereby contributing to a legible, permeable and connected urban form. This approach is consistent with the principles of good urban design as set out in Section 14 of the Fingal Development Plan 2023–2029 and the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- 9.1.4. The proposed development comprises 35 no. residential units, including 6 no. two-bedroom and 29 no. three-bedroom dwellings, all two storeys in height. The layout and design reflect the established and permitted development pattern in the surrounding area, including Kenure Park to the west and Goldenridge to the east. The architectural approach is consistent with the permitted adjoining scheme, and the proposal includes connections to the existing and permitted road and pedestrian network. In this regard, a connection is proposed along the eastern boundary to Goldenridge Walk, together with pedestrian links to the permitted public open space to the south and onward connectivity to Kenure Park to the west. I consider that the

proposal accords with Development Plan objectives relating to permeability, connectivity and integration with existing and permitted development.

- 9.1.5. Public open space is provided in two areas, comprising approximately 1,153 sq. m to the north of the site and a secondary area of approximately 287 sq. m along the southern boundary. These spaces integrate with the wider open space network permitted under the parent LRD development. The Parks Department of Fingal County Council has calculated the overall public open space requirement to be 2,763 sq. m, based on the requirements of Objective DMS051 of the Fingal County Development Plan. I agree with this assessment, having regard to a population equivalent of 1,050 persons across the permitted and amended development.
- 9.1.6. Based on this requirement, there is a shortfall of approximately 1,323 sq. m of public open space provision. As recommended by the Parks Department, I consider it appropriate that, in the event of a grant of permission, a condition be attached requiring a financial contribution in lieu of this shortfall, in accordance with Section 48 of the Planning and Development Act 2000, to be utilised for the upgrade of Class 1 public open space recreational facilities in the area. Notwithstanding the quantitative shortfall, I am satisfied that the quality of open space, as set out within the Architectural Design Statement, accords with Section 14.13.3 of the Fingal Development Plan 2023–2029 and SPPR 1 and SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- 9.1.7. Each dwelling is provided with private rear garden space and access to car parking, with a total of 57 no. car parking spaces proposed, equating to a ratio of approximately 1.62 spaces per unit. There are no specific private amenity standards set out in the Fingal Development Plan for dwelling houses; however, SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024 sets out minimum private open space standards of 30 sq. m for a two-bedroom house and 40 sq. m for a three-bedroom house. I am satisfied that the proposal complies with these requirements. With regard to car parking, Section 14.17.7 of the Development Management Standards of the Fingal Development Plan sets out the applicable standards. I consider that the site is located within Zone 1, as defined under Table 14.19, and therefore requires a minimum of 1 space per dwelling. The proposed provision of 57 spaces complies with this requirement.

SPPR 3 of the Sustainable Residential Development and Compact Settlement Guidelines 2024 sets out maximum car parking standards. The site is located within a “Peripheral” location, as identified in Table 3.8 of the Guidelines, which permits a maximum of 70 spaces for a development of this scale. The proposed provision of 57 spaces is therefore in compliance with both the Development Plan standards and SPPR 3.

- 9.1.8. The scheme comprises a mix of terraced dwellings, contributing to variation in the streetscape and facilitating passive surveillance. The design of the dwellings has regard to the Sustainable Residential Development and Compact Settlement Guidelines 2024. The proposed materials palette includes rendered finishes, coloured brick, grey concrete roof tiles and double-glazed windows, consistent with the permitted adjoining development. All units are dual or triple aspect, with dual frontage units provided at corner locations to enhance passive surveillance and urban design quality. In addition, two no. two-bedroom units are incorporated at the western end of Terrace 41 and the northern end of Terrace 42 to address site-specific layout constraints and to avoid rear gardens extending beyond established building lines I am satisfied that the proposed design approach accords with Development Plan policies relating to design quality and residential amenity. I note concerns of local authority and third party submissions in relation to very specific aspects of layout of the scheme, this shall be dealt with under Section 9.3 of this assessment.
- 9.1.9. The proposed development has a stated net density of approximately 35 dwellings per hectare. Section 14.6.3 of the Fingal Development Plan 2023–2029 states that residential density should be determined with reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), which recommend densities in the range of 30–40 dwellings per hectare. Furthermore, Table 3.5 of the Sustainable Residential Development and Compact Settlement Guidelines 2024 identifies Rush as a Key Town / Large Town. These Guidelines support densities in the range of 30–50 dwellings per hectare in suburban and urban extension locations. I am satisfied that the proposed density of 35 dwellings per hectare is consistent with both the Development Plan and Section 28 Guidelines.

9.1.10. Below is combined Key statistics for Subject and Adjoining Site

	Permitted Dev (ABP 316065-23)	Proposed Dev	Total of Both Developments	Unit Mix
Gross Site Area	6.30hs	1.2ha	7.5ha	
Net Site Area	4.81ha	1.03ha	5.84ha	
Public Open Space	14,892m <sup>2</sup>	1440m <sup>2</sup>	16,332m <sup>2</sup>	
No of units	159	35	194	100%
Density	33pha	35pha	33pha	
2 bed house	23	6	29	14.95%
3 bed house	71	29	100	51.55%
4 bed house	20	n/a	20	10.31%
1 bed apt	3	n/a	3	1.55%
2 bed apt	42	n/a	42	21.65%
Parking	305	57	362	

9.1.11. Regarding Density, Unit Mix, Residential Standards and compliance with Compact Settlement Guidelines, Part V Requirements, Open space and Bicycle & Vehicular Parking, the planning authority generally considered the development proposal in this regard to be acceptable. Concerns were raised by the planning authority with respect to Design and Layout, this shall be assessed in full within the assessment of the report. I am satisfied therefore that the principle concerns of this LRD relate to Principle of Development, Design & Layout and Surface Water Management. An Appropriate Assessment Screening and EIA Screening shall also be carried out as part of the assessment.

## 9.2. Principle of Development

9.2.1. The proposed development is located within the settlement of Rush, within the functional area of Fingal County Council. The Fingal Development Plan 2023–2029 is the statutory plan for the area, which came into effect on 5th April 2023.

The subject site is subject to two land use zonings:

- The majority of the site is zoned RS – Residential, with the stated objective to *“provide for residential development and protect and improve residential amenity”*.
- The southern portion of the site is zoned OS – Open Space, with the stated objective to *“provide for open space and recreational amenities while protecting and improving the amenity and environmental value of such lands.”*

The proposed development provides residential units and associated infrastructure (including roads and open space) on lands zoned RS, with open space areas located within the OS zoned portion. These uses are consistent with the permitted uses set out under Chapter 13 (Land Use Zoning) of the Development Plan.

9.2.2. The Planning Authority did not accept the principle of development at this location, citing a map-based objective within the Development Plan for the provision of a school on the subject lands. It was further determined that, having regard to the planning history of the wider lands, including the Large-Scale Residential Development under Reg. Ref. LRD 0005/S3 (ABP 316065-23), the subject site had effectively been reserved for a future school site. On this basis, the Planning Authority concluded that residential development at this location would conflict with this specific Map Based objective and the failure to deliver a school on these lands would materially contravene the Fingal Development Plan.

9.2.3. The applicant submits that the zoning objective for the lands clearly permits residential development in principle. It is contended that the map-based objective for a school conflict directly with the residential zoning of the site and should not preclude otherwise acceptable residential development. The applicant further submits that the requirement for a school at this location is no longer necessary, having regard to updated educational provision in the wider Rush area.

9.2.4. Having regard to Map Sheet 6B of the Development Plan, I note that the school objective originated in the context of the wider lands to the south, including those subject to the permitted LRD under Reg. Ref. LRD 0005/S3 (ABP 316065-23).

As part of that process, it was indicated that lands would be retained to facilitate the delivery of a future school site in accordance with the Development Plan. However, I

note that during the preparation of the Draft Fingal Development Plan 2023–2029, the Department of Education made a submission (January 2022) stating that:

*“The Department of Education no longer requires a school on the site.”*

The Chief Executive’s Report accepted this position and recommended that the proposed school site objective be removed. Notwithstanding this, the elected members resolved, through the Material Alterations process, to retain the school objective. The stated rationale was to maintain the reservation for a school pending confirmation that alternative provision for increased primary and post-primary capacity had been secured.

9.2.5. I note the letter on the LRD file from the Department of Education dated 10<sup>th</sup> of October 2025 indicating that the site at Golden Ridge Rush is not required to meet future school demand in the local area. It is further stated that the Department has purchased a site for a school campus at Kenure, therefore negating the requirement for a school at the above site. Additionally, the Department state that there are several on site constraints in relation to the Golden Ridge site, that would be prohibitive in terms of the development of the site for a school campus. I further note the submission from O’Connor, Sutton, Cronin consulting engineers which cites on site issues in terms of road frontage and internal road network. To access the site through an existing residential neighbourhood is not consistent with Section 3.1 of the Department of Education’s Technical Guidance Document TGD-027, regarding road frontage and parking/set down facilities.

9.2.6. The applicant has submitted a detailed Educational Audit to assess the capacity of existing and permitted educational infrastructure within the Rush area. In respect of childcare provision, I note that the permitted LRD development includes a 415 sq.m crèche facility with capacity for approximately 54 children. This is considered sufficient to cater for demand arising from the proposed development.

The audit identifies the following key trends:

- The population of Rush increased by approximately 20.9% between 2011 and 2022;
- 36.6% of the population falls within the 0–25 age cohort;

- There are 8 childcare facilities and 3 primary schools within a 1.5km radius of the site.

The three primary schools have a combined capacity of approximately 1,340 pupils. In the 2024–2025 academic year, approximately 195 places were available, with a conservative estimate of 125 places available for 2025–2026. Enrolment trends indicate a steady decline in primary school demand over the past six years, from 1,302 to 1,145 pupils. Departmental projections indicate that primary school demand is expected to decline by approximately 24% by 2036.

Furthermore, planned extensions to Rush National School and Gaelscoil Ros Eo are expected to increase capacity by approximately 270 places by 2028.

9.2.7. Within a 1.5km radius of the site, there is one post-primary school (St Joseph's) with a current capacity of approximately 950 pupils and an enrolment of 947 students in the current academic year. While enrolments have increased in recent years, Department of Education projections indicate that post-primary enrolments have reached peak levels (circa 2024–2025) and are expected to decline by approximately 15.3% by 2036 across the Dublin region. Significantly, under Reg. Ref. F24A/0739E, a major extension and campus development in conjunction with Gaelscoil Ros Eo at Park Road will expand post-primary provision to between 1,000 and 1,200 pupils. This would provide an additional 50 to 250 school places by 2028.

9.2.8. Having regard to the Educational Audit and supporting documentation, including correspondence from the Department of Education and O'Connor Sutton, Cronin, consulting engineers, I am satisfied that:

- There is sufficient existing and permitted capacity in both primary and post-primary sectors to accommodate the population arising from the proposed development;
- Future projections indicate a reduction in school place demand over the medium to long term;
- Additional capacity is already committed through permitted developments in the locality.

In this context, I do not consider that the provision of a school on the subject lands is necessary or feasible. While the map-based objective for a school remains within the

Fingal Development Plan 2023 - 2029, it is evident that this objective is, in effect, a legacy provision which has been superseded by evolving educational provision and updated Departmental requirements.

As the school objective is site-specific, its omission in this instance would constitute a material contravention of the Fingal Development Plan 2023 - 2029. This matter is addressed separately in Section 9.3 of this report.

- 9.2.9. Notwithstanding the map-based objective, I consider that the zoning objective for the site remains the primary determinant of land use. The RS zoning clearly supports residential development in principle, while the OS zoning appropriately accommodates the open space elements of the proposal.

Having regard to:

- The zoning objectives under the Fingal Development Plan 2023–2029;
- The detailed Educational Audit submitted;
- The position of the Department of Education; and
- The provision of additional school capacity within the locality,

I consider that the requirement for a school at this location is no longer warranted.

Accordingly, I am satisfied that the principle of providing residential development on the RS zoned lands, together with open space on the OS zoned lands, is acceptable in principle.

### 9.3. **Material Contravention of the Development Plan**

- 9.3.1. The proposed development will result in the non-delivery of a post-primary school on lands identified for such provision under Map 6B of the Fingal Development Plan 2023–2029. While the provision of residential dwellings on lands zoned “RS” (Residential) is not considered to constitute a material contravention, the omission of the school represents a material contravention of a map-based objective of the Development Plan. The applicant sets out that the omission of a school on these lands would not result in a material contravention, as the map-based objective identifies lands to the south of the site in general terms and not the specific area

within the red-line boundary. It is further stated that the objective for the post-primary school is not located within the application site and is therefore not directly relevant.

- 9.3.2. I do not concur with the submission of the applicant in this regard. While Map 6B identifies a general location for a potential school on lands to the south, I consider that the RS zoning applies to the wider block of lands, including the subject site. Furthermore, the proposal relates to an amendment to an existing LRD. That LRD included lands to the south of the site, which were identified by the applicant as the location for a post-primary school. This approach was accepted by Fingal County Council and An Bord Pleanála (Coimmision) under LRD Ref. LRD0005/S3 / ABP-316065.
- 9.3.3. Having regard to the planning history and the Development Plan objective, I consider that the failure to provide a school at this location constitutes a material contravention of the Fingal County Development Plan 2023–2029. The Commission will be aware that under Section 37(2)(b) of the Planning and Development Act 2000, as amended, it may, in determining an appeal under that section, decide to grant a permission even if the proposed development contravenes materially the Development Plan.

The specific circumstances where permission may be granted notwithstanding a material contravention are set out in Section 37(2)(b) which provides that;

*‘Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that –*

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'*

9.3.4. I have completed an EIA Screening and Appropriate Assessment Screening of the proposed development and am satisfied that there are no likely significant effects on the environment and no adverse effects on the integrity of any European site.

9.3.5. Section 37(2)(b)(i) – Strategic or National Importance

I consider that the proposed development can be regarded as National Importance in the context of achieving targets associated with Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness: As set out previously, there is no realistic or likely prospect of a school being developed on the subject lands. This is supported by correspondence from the Department of Education, which indicates:

*Existing post-primary provision in the area has been expanded and is sufficient to meet demand;*

The subject lands do not meet the Department's requirements for school provision, particularly in respect of access and road arrangements.

I consider that these lands are of National Importance to achieving stated ambitions of Delivering Homes and Building communities. The Fingal County Development Plan 2023–2029 identifies a limited supply of residentially zoned lands within the area of Rush to align with the core strategy for the area as set out by Chapter 3 of the Fingal County Development Plan. Policy CSP18 seeks to promote residential development to address the current shortfall in housing provision. The lands to the south (wider LRD lands) are currently under construction. The continuation of residential development on RS zoned lands represents a logical and appropriate extension of this development.

Refusal of permission in this instance would result in the sterilisation of zoned and serviced residential lands in the medium term at the very least

In this context, I am satisfied that the proposed development may be considered of National importance and the proposal may be justified in terms of Section 37(2)(b)(i)

9.3.6. Section 37(2)(b)(ii) – Conflicting Objectives

I consider that, while there are two relevant objectives applying to the lands, these do not constitute directly conflicting objectives within the Development Plan.

The site is zoned “RS” Residential, with the primary objective:

“To provide for residential development and protect and improve residential amenity.”

In addition, the Development Plan includes:

- Policy CSP18 – Promotion of Residential Development, which seeks to address housing shortfall through development of appropriately zoned lands;
- Policy CSP34 – Consolidate Growth of Self-Sustaining Towns, which promotes compact growth and infill development in towns such as Rush.

The RS zoning is clear and unambiguous in its intent, namely the delivery of residential development in accordance with the Core Strategy and Settlement Strategy.

The map-based objective for a post-primary school is, in my view, an additional objective applicable to the wider area and does not, of itself, prohibit residential development. Accordingly, I do not consider that Section 37(2)(b)(ii) provides a basis for granting permission in this instance.

9.3.7. Section 37(2)(b)(iii) – National and Regional Policy

While the proposed development generally complies with Section 28 Guidelines in terms of design, layout, and density, I do not consider that there are specific provisions within Section 28 Guidelines, Section 29 policy directives, or wider national or regional policy which would, in themselves, provide a clear justification for granting permission in circumstances of a material contravention.

There is general policy support for residential development and compact growth; however, there is no specific policy that would indicate that residential development should be prioritised over a specific map-based objective for a school in this instance.

Accordingly, I do not consider that Section 37(2)(b)(iii) is the primary basis for justification.

9.3.8. Section 37(2)(b)(iv) – Pattern of Development

The proposal comprises an amendment to an existing permitted LRD (Ref. LRD0005/S3 / ABP-316065) for residential development, part of which is currently under construction on the same landholding.

The proposed development will utilise permitted open space and drainage infrastructure associated with the existing LRD. The Department of Education has confirmed that the subject lands are not suitable for the provision of a post-primary school.

In my view, refusal of permission on the basis of the school objective would result in the sterilisation of these lands, which are otherwise zoned and serviced for residential development.

I consider that the proposed development is consistent with the pattern of development in the area and with permissions granted since the adoption of the Development Plan, which have facilitated residential development on zoned lands. Accordingly, I am satisfied that Section 37(2)(b)(iv) provides a reasonable basis for granting permission.

9.3.9. In conclusion, I am satisfied that the proposed development constitutes a material contravention of the Fingal County Development Plan 2023–2029, by reason of the failure to provide a post-primary school on lands identified for such use under Map 6B. Notwithstanding this, having regard to the assessment above, I consider that a grant of permission is justified under:

Section 37(2)(b)(i), as the development is of National importance in the context of delivering homes; and

Section 37(2)(b)(iv), having regard to the established pattern of development and permissions granted in the area.

Accordingly, I consider that the proposed development is acceptable, notwithstanding the identified material contravention.

9.4. **Layout & Design**

- 9.4.1. The Planning Authority, while not citing design and layout as a reason for refusal, raised a number of concerns relating to specific aspects of the design and the potential for impacts on adjacent residential properties at Kenure Park and Golden Ridge. I also note submissions from residents of Kenure Park and Golden Ridge in relation to potential negative impact on existing residential amenities in terms of overbearance and overlooking. The concerns of the Planning authority and those of third parties on file relate to the design response of terrace blocks, potential impacts on residential and visual amenity, the quality and depth of private amenity spaces, the treatment of rear laneways, and the architectural quality of end-of-terrace units. It is also noted that the applicant has not substantively addressed these design concerns in the appeal documentation.
- 9.4.2. Regarding Layout and Urban Design - The proposed layout generally follows the established pattern of development permitted to the south under Reg. Ref. LRD 0005/S3 (ABP 316065-23), with 35 dwellings arranged across 8 terraces ranging from 3 to 6 units. Terraces 40 and 41 are positioned to front onto public open space, forming part of a coordinated open space network with the permitted scheme to the south. Terrace Block 40 incorporates a front garden and car parking arrangement comprising parking to the front of the dwellings with a landscaped buffer of approximately 5m. While soft landscaping is indicated, the Planning Authority considers this arrangement to represent a poor urban design response, particularly when viewed in contrast to the arrangement at Terrace Block 41, resulting in a lack of symmetry along the open space frontage.
- 9.4.3. The applicant has sought to justify this design approach within the Architectural Design Statement as submitted with the LRD, noting that Terrace 40 has been repositioned slightly from original layout northwards to improve alignment and reduce visual impact. The introduction of a stepped arrangement between Terraces 40 and 41, together with enhanced material finishes and refined fenestration, is intended to create a more cohesive and balanced streetscape.
- 9.4.4. Having regard to the provisions of Chapter 3 of the Fingal Development Plan 2023–2029, in particular Policy Objectives SPQH 036 and SPQH 037 which seek to ensure high-quality urban design while achieving sustainable densities, I am satisfied that the overall layout strategy is broadly consistent with these objectives. Furthermore, Objectives SPQH 034 and SPQH 035 seek to ensure the provision of high-quality

open space and landscape integration, which is reflected in the proposed relationship between the terraces and adjoining public open space. The Sustainable Residential and Compact Settlement Guidelines 2024 sets out design standards for new residential development in urban settings with a focus on compact growth. I have reviewed the Design Statement as provided by the applicant and information with respect to compliance with SPPR 1–4 of the Guidelines and I note that general compliance in terms of design has been achieved across SPPR 1 – 4.

9.4.5. While I acknowledge the Planning Authority’s concerns regarding the lack of symmetry between Terrace Blocks 40 and 41, I do not consider this issue, in isolation, to be of such significance as to undermine the overall design quality of the scheme. However, I concur with the Planning Authority’s recommendation that the omission of Unit 9 (located to the rear of Terrace Block 41) would facilitate an improved design response, including enhanced frontage treatment and increased private amenity space to the rear of units within Terrace 41. In the event of a grant of permission, I consider it appropriate that this matter be addressed by condition.

9.4.6. Regarding Residential Amenity and Separation Distances- The Planning Authority has raised concerns regarding the alignment of Terrace Block 40 and the potential for overlooking and impact on residential amenity of existing dwellings at Golden Ridge Green (east of site) from the first-floor windows to the front of the proposed dwellings. There are also concerns from the third parties in relation for potential for overshadowing and overlooking from the proposed dwellings.

With respect to the spatial relationship between the proposed and existing dwellings, I note that a separation distance of approximately 15 metres is achieved from front facing windows. Furthermore, the orientation of the proposed windows is such that they are not directly opposing existing habitable room windows but are offset to the north-west of existing Golden Ridge Green dwellings. The Development Management Standards of the development plan does not set out any specific separation distance for front facing windows. Section 14.8.2 of the Development Plan seeks that all proposals for residential development over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects. The Sustainable Residential Development and Compact Settlement Guidelines 2024 only sets out separation distances between rear facing windows of 16m. This is set out as

a specific planning requirement (SPPR). In this context, and having regard to the Development Management Standards set out in the Fingal Development Plan 2023–2029, including Objective DMS 026 (which relates to separation distances between dwellings), and Section 14.8.2 which seeks to avoid undue overlooking, overbearing and overshadowing, I am satisfied that the proposed development provides for acceptable separation distances.

- 9.4.7. While some degree of overlooking is inevitable within compact urban development, I consider that the level of impact in this instance is within acceptable limits, particularly having regard to the zoning of the site and the policy support for compact growth as set out in the Sustainable Residential Development and Compact Settlement Guidelines 2024. I do not consider that the alignment of Terrace Block 40 gives rise to a significant adverse impact on residential amenity.
- 9.4.8. Regarding - Private Rear Amenity Space. Concerns have been raised by the Planning Authority in relation to the depth and quality of private rear amenity spaces, particularly in respect of Terrace Block 41 and the end-of-terrace unit in Block 46. Having regard to the submitted Schedule of Accommodation and Housing Quality Assessment, I note that, with the exception of a marginal shortfall of 1 sq.m in one unit, the proposed private open space provision is generally compliant with the quantitative standards set out under SPPR 2 of the Compact Settlement Guidelines.
- 9.4.9. In respect of qualitative considerations under SPPR 1, I acknowledge that some of the rear gardens are limited in depth. However, it is also necessary to have regard to the infill nature of the site and the requirement to achieve compact growth. I further note that similar rear garden arrangements have been permitted within the wider LRD lands within the adjoining development to the south. While some degree of overlooking between rear gardens is typical in residential developments, I do not consider that the proposed arrangement gives rise to a significant deficiency in residential amenity. Notwithstanding this, I consider that the omission of Unit 9, as previously discussed, would provide an opportunity to improve the depth and quality of rear amenity spaces for a number of units within Terrace Block 41.
- 9.4.10. Overall, I am satisfied that the proposed development complies with SPPR 1 and SPPR 2 of the Sustainable Residential Development & Compact Settlement

Guidelines 2024 in terms of both the provision and quality of private amenity space, and that this issue does not warrant refusal.

9.4.11. Rear Laneways -The Planning Authority has expressed concern that the proposed rear access laneways represent a poor and impractical urban design solution, particularly in the absence of dedicated bin storage areas. I do not concur with this assessment. The provision of rear laneway access is a well-established urban design approach that facilitates functional access to private rear amenity spaces and enhances the usability of terraced dwellings.

Given that each dwelling benefits from direct access to private rear open space, I do not consider it necessary to provide additional communal bin storage areas. Waste collection typically occurs on a periodic basis and can be adequately accommodated within the curtilage of each dwelling. The applicant has indicated that laneways have been shortened and straightened where possible to reduce length and improve visibility. Lighting, passive surveillance, and boundary treatments have been incorporated to enhance safety. Where possible, garden access has been relocated to the front or side of units to reduce reliance on rear laneways, consistent with DMURS. Entrance gate positions have been revised at Terrace 44 to improve access management and visibility.

I am satisfied that the proposed laneway arrangement is both functional and appropriate and does not give rise to concerns in terms of residential or visual amenity.

9.4.12. Fenestration and End-of-Terrace Design The Planning Authority has raised concerns regarding the design quality of end-of-terrace units, particularly in relation to the absence of high-quality dual frontage treatment. While noting concerns of the planning authority in this regard, I note the submission of design statement and associated elevation drawings for terrace dwellings. Corner and end dwellings now have full brick gable elevations with dual-aspect façades, enhanced brick feature elements, and secondary windows on gable elevations. These modifications improve natural surveillance of public areas and enhance architectural legibility. Policy Objective SPQH034 of the Fingal Development Plan seeks to ensure the principles of passive surveillance and streetscape quality are prioritised within new residential development. Having regard to the level of detail provided by the applicant, I am

satisfied the applicant has taken cognisance of requirement for dual aspect finishes for the corner and end dwellings as required under Policy Objective SPQH034 of the Fingal Development Plan 2023 – 2029.

- 9.4.13. In conclusion, having regard to the provisions of the Fingal Development Plan 2023–2029, in particular the policies and objectives contained within Chapter 3: Sustainable Placemaking and Quality Homes, Chapter 14 Development Management Chapter and the Sustainable Residential Development and Compact Settlement Guidelines 2024 (including SPPRs 1–4), I am satisfied that the proposed development achieves a generally high standard of design and layout. While certain refinements are warranted, particularly in relation to the omission of Unit 9, these matters can be satisfactorily addressed by condition without any material change to the development proposal. The proposal represents an appropriate balance between achieving compact growth and ensuring a reasonable standard of residential amenity, consistent with national and local planning policy.

Accordingly, I do not consider that the issues raised in relation to design and layout constitute a basis for refusal of permission.

## 9.5. **Surface Water**

- 9.5.1. The Planning Authority has raised concerns regarding the level of detail submitted in respect of the proposed upgrade to the existing hydrobrake located adjacent to Brookes Stream. In particular, it is stated that insufficient information has been provided to enable a full assessment of this element of the surface water drainage strategy.
- 9.5.2. In response, the applicant has submitted an Engineering Services Report which includes a detailed Surface Water Management Plan, accompanied by a suite of surface water layout drawings and design details relating to specific SuDS components, including swales and soakpits. The Surface Water Management Plan has been prepared in accordance with Policy Objective IU015 of the Fingal Development Plan 2023–2029, which requires the incorporation of a comprehensive Sustainable Drainage System (SuDS) in all new developments.
- 9.5.3. The Fingal County Development Plan stipulates that post-development runoff rates must not exceed greenfield runoff rates. Accordingly, the proposed development is required to attenuate surface water up to and including the 1 in 100-year rainfall

event (1% AEP), with an additional 20% allowance for climate change, in line with the Development Plan and the Strategic Flood Risk Assessment. The strategy must also comply with the Greater Dublin Strategic Drainage System (GDSDS), ensuring that attenuated flows are discharged at a controlled rate not exceeding the equivalent greenfield runoff rate, while also providing appropriate water quality treatment.

- 9.5.4. The applicant proposes a gravity-based surface water drainage network, whereby runoff from the northern portion of the site will be carried southwards and collected within an open attenuation system located in the designated public open space. Attenuated flows will then discharge via a flow-controlled outlet to the permitted public surface water sewer network at the south-eastern boundary of the site.
- 9.5.5. There is no existing surface water drainage infrastructure within the site. The proposed drainage strategy reflects the natural topography and established drainage pattern of the surrounding area, including the adjacent Kenure Park estate, where surface water flows in a north-to-south direction towards an existing stream located to the south. This stream traverses the permitted Phase 1 development, into which the subject site will also discharge. The site will be appropriately graded to maintain this natural drainage pattern.
- 9.5.6. The applicant has identified a Standard Average Annual Rainfall (SAAR) value of 730 mm for the site, based on data sourced from Met Éireann. Greenfield runoff rates have been calculated using the IH124 method, resulting in a QBAR value of 3.017 l/s/ha. Infiltration testing was not undertaken on the subject (Phase 2) lands; however, testing carried out on the adjacent Phase 1 lands in accordance with BRE Digest 365 indicated poor infiltration characteristics, with no effective infiltration recorded. On the basis of similar ground conditions, a Soil Type 3 classification has been applied for the purposes of runoff calculations. Having regard to the information submitted, I am satisfied that the applicant has appropriately characterised the existing surface water regime and greenfield runoff rates.
- 9.5.7. Given the confirmed lack of infiltration potential, the proposed surface water management strategy relies on attenuation and controlled discharge, incorporating a range of SuDS measures. A climate change allowance of 20% has been applied in

the design of all relevant attenuation features. The proposed SuDS strategy includes the following elements:

- Pervious Paving: Distributed throughout the site to facilitate localised attenuation and water quality treatment.
- Filter Drains: Stone-filled trenches with perforated pipes, located adjacent to car parking areas to convey and attenuate runoff while providing a positive outfall to the drainage network.
- Swales: Shallow vegetated channels designed to convey, attenuate, and treat runoff. These are proposed primarily in the northern portion of the site. Swales will be constructed with 1:5 side slopes and a base width of approximately 500 mm, with a perforated collector drain beneath. Dropped kerbs will facilitate inflow from adjacent impermeable surfaces.
- Detention Basin: An unlined basin located within the southern public open space, providing approximately 354 m<sup>3</sup> of attenuation storage. The basin is designed to accommodate storm events up to the 1 in 100-year event (plus climate change). It will operate by temporarily storing runoff and releasing it at a controlled rate. The basin includes 1:5 side slopes and a maximum design water depth of approximately 0.87 m.
- Flow Control Device: A vortex-type Hydrobrake Optimum flow control device is proposed downstream of the attenuation system to regulate discharge rates.

9.5.8. With regard to the hydrobrake, I note the concerns raised by the Planning Authority. However, I am satisfied that the applicant has adequately addressed this matter. The red line boundary has been revised to include the location of the existing hydrobrake, which is to be upgraded to accommodate the proposed development. This is reflected in drawing reference B1074-OCSC-P2-XX-DR-C-0501.

The proposed drainage design limits discharge from the site to 1.89 l/s, which corresponds to the calculated greenfield runoff rate for the site area (3.017 l/s/ha), for all storm events up to and including the 1% AEP event. This is achieved through the provision of the hydrobrake flow control device at the outfall manhole downstream of the attenuation system.

9.5.9. Having regard to the documentation submitted, I am satisfied that the applicant has provided a comprehensive and robust surface water management strategy. The proposed development incorporates an appropriate range of SuDS measures, ensures attenuation to greenfield runoff rates, and provides for adequate water quality treatment. I am further satisfied that the proposed system can integrate with the permitted drainage infrastructure currently under construction to the south. The development is therefore considered to be in compliance with the requirements of the Fingal Development Plan 2023–2029 and the Greater Dublin Strategic Drainage Study.

Accordingly, I consider that the issue of surface water has been satisfactorily addressed.

## 9.6. Other Matters

### 9.6.1. Flood Risk

As part of the LRD documentation submitted a Flood Risk Assessment has been submitted. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report examines historical flood records (OPW Flood Hazard mapping) with no historical flood events effecting the site. CFRAMS, Irish Coastal Protection Strategy Study (ICPS) and Fingal East Meath Flood Risk Assessment and Management Study (FEM-FRAM) mapping demonstrates that the site is not susceptible to coastal or fluvial flooding. The site does not fall within the 1 in 10, 1 in 100 or 1 in 1000-year extreme fluvial flood events.

The report has regard to the following forms of potential flooding:

- Fluvial Flooding: A review of the FEM-FRAM Mapping was carried out showing the site is within Flood Zone C. The proposal includes restriction of run-off discharge to The Brook and provision of finished floor level 1.5m above 0.1% AEP level of The Brook.
- Pluvial Flooding: The potential for pluvial flooding is based on future drainage proposal for the site. The proposal includes surface water drainage measures that include for storm-water drainage including

surface water attenuation and sustainable urban drainage systems proposals (SuDs).

- Coastal/Tidal: the site is located in land and due to levels on site and surrounding area not considered to be at risk from coastal/tidal flooding.
- Groundwater: There is no evidence of groundwater flooding on site and no risk of such anticipated.

9.6.2. Climate Change: Full regard has been had to climate change in the consideration of flood risk on site. An allowance of 20% additional flow should be taken for designing for flood events. The system is designed for storms up to and including the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

9.6.3. In relation to fluvial flooding all residential development is proposed within lands that are Flood Zone C. The Flood Risk Assessment refers to Table 1 of the Flood Risk Management Guidelines and the definition of land use and type of development in terms of vulnerability to flooding. Any of the development proposals (residential units) that are classified as highly vulnerable under table 3.1 of the guidelines located within Flood Zone C. Based on Table 3.2 of the guidelines, which outlines when a justification test is required based on vulnerability of development, there is no requirement for a justification test on the basis that highly vulnerable development is located within Flood Zone C.

9.6.4. Archaeology

9.6.5. The Planning Authority noted that the site is located within an area of archaeological potential and advised that any subsurface archaeological remains, if present, should be subject to appropriate archaeological testing and, where necessary, pre-development excavation. Clarification was also sought in respect of the Kenure Demesne boundary wall to the north of the site, specifically whether it forms part of the archaeological record and whether the proposed development could impact upon it.

9.6.6. An Archaeological Impact Assessment has been prepared by IAC Ltd and submitted as part of the application. The assessment confirms that there are no recorded

monuments located within the proposed development site. However, two recorded monuments are located within the wider 500m study area, namely:

- A well (DU008-014), located approximately 273m to the south;
- An excavated archaeological area (DU008-072), located approximately 260m to the south, which produced evidence of Bronze Age burial activity.

- 9.6.7. The assessment notes that no previous archaeological fieldwork has been undertaken within the subject site. A review of historic mapping and aerial photography did not identify any previously unrecorded archaeological features within the site boundary.
- 9.6.8. Notwithstanding this, the report acknowledges that the absence of known or visible features does not preclude the possibility of subsurface archaeological remains. Should such remains be present, ground disturbance associated with the proposed development would have the potential to result in a direct negative impact.
- 9.6.9. In this regard, the applicant proposes that a programme of targeted test excavations be undertaken in advance of development by a suitably licensed archaeologist, in accordance with the recommendations of the National Monuments Service and the Department of Housing, Local Government and Heritage. It is further proposed that any archaeological features identified during site works would be subject to full excavation and recording under licence, in compliance with the National Monuments Acts 1930–2014.
- 9.6.10. Having regard to the Archaeological Impact Assessment submitted, and the proposed programme of pre-development testing and mitigation, I am satisfied that any potential subsurface archaeological features can be appropriately identified and managed prior to the commencement of development. Subject to the imposition of appropriate conditions requiring archaeological monitoring, testing and, where necessary, preservation by record, I am satisfied that the proposed development would not give rise to unacceptable impacts on archaeological heritage.

## 9.7. Connectivity

- 9.7.1. Concerns have been raised by third parties in relation to the indicated pedestrian link from the proposed development through the historic stone wall along the western boundary adjoining Kenure Park. I note that the site layout plan includes an

indicative connection at this location; however, the applicant has clarified that no break is proposed in the existing historic stone wall. On this basis, I am satisfied that the historic boundary treatment will be retained in full, and I consider this to be an appropriate design response having regard to the character of the area.

- 9.7.2. The proposals also indicate a potential future pedestrian/cycle connection at the north-western corner of the site, which may facilitate a link to Kenure Park at a later stage. Notwithstanding this, I note that a direct and functional pedestrian and cycle connection to Kenure Park is already provided at the south-western boundary. This connection enables movement from the subject site through the Kenure Park development and onward to the public open space located to the north, thereby ensuring continuity within the wider green infrastructure network.
- 9.7.3. Permeability within the site is further enhanced through the provision of a centrally located pedestrian and cycle route linking to Goldenridge Walk to the east. Additional connections are indicated at Goldenridge Green, Goldenridge Close and Goldenridge Walk. These routes are designed to provide safe, convenient and attractive movement corridors, incorporating passive surveillance from adjacent dwellings, appropriate lighting, and high-quality landscaping.
- 9.7.4. While I am satisfied with the overall strategy for pedestrian and cycle connectivity, I consider it appropriate that final details relating to these connections, including boundary treatments and interface works with adjoining developments, be secured by condition prior to the commencement of development.
- 9.7.5. Overall, I am satisfied that the proposed development provides an appropriate level of permeability and connectivity, consistent with the principles of DMURS in promoting sustainable movement. The proposal is also in accordance with the relevant provisions of the Fingal Development Plan 2023–2029, including Policy Objective CSO20, which seeks to provide a network of pedestrian and cycle routes, and Objective CSO52, which promotes safe and convenient walking and cycling infrastructure.

## 9.8. AA Screening

9.8.1. I have considered the construction of a residential development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- The subject site is located 0.6km west from Irish Sea SPA 004236, The Rogerstown Esturary SAC (Site Code: 000208) – 1.0km south of site , The Rogerstown Estuary SPA (Site Code: 004015) – 1.0km south of site, Rockabill to Dalkey Island SAC (Sie Code: 003000)

The proposed development comprises:

- To construct 35 dwelling houses
- Internal access roads
- Connection to existing services
- Hard and soft landscaping
- Provision of car parking, and lighting

9.8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The proposed works are located on a greenfield site adjacent to serviced land, the applicant has demonstrated connections into public sewer. There are no impacts/effects predicted in this regard.
- Surface Water will be managed through connections into a new surface water network that adjoins Brookes stream to the south. A full SUDS train is being provided including interceptors and hydrobrakes to ensure quantity of surface water can be adequately managed and quality of surface water is ensured. Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA. This combined with the distance and built up intervening environment between the application site and the SAC & SPA removes any

potential connector/receptor pathways. Therefore no impacts/effects are predicted.

9.8.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

I have assessed the proposed development for the construction of 35 residential units and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to a surface water

The reason for this conclusion is as follows:

- The best practice standard measures that will be employed to prevent groundwater and surface water pollution from the site.

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

## 11.0 Recommendation

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

## 12.0 Reasons and Considerations

Having regard to the following:

- a) the location of the site on lands zoned for RS – ‘Residential’ within the Fingal County Development Plan 2023-2029
- b) the correspondence received from the Department of Education indicating that the existing site is not required for the provision of a school & the policies and objectives of the Fingal County Development Plan, and the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES);
- c) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- f) The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site,
- g) the existing pattern of development in the area,
- h) the availability of a wide range of physical, social and community, infrastructure and services in the area,
- i) The proximity of the site to transportation modes,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, and would be acceptable in terms of pedestrian safety and convenience, and would not be detrimental to conservation objectives of an European Sites or to the quality of receiving waters. Notwithstanding, that the proposed development constitutes a material contravention of the Fingal County Development Plan 2023–2029, by reason of the failure to provide a post-primary

school on lands identified for such use under Map 6B, I consider that a grant of permission is justified under:

Section 37(2)(b)(i), as the development is of national importance in the context of achieving housing targets and

Section 37(2)(b)(iv), having regard to the established pattern of development and permissions granted in the area.

The proposed development is considered appropriate, taking into account the correspondence on file from the Department of Education stating the site is no longer required for the provision of a school and the wider support for residential development set out in the Fingal County Development Plan 2023-2029 as well as national and regional policy support for residential development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Fingal County Development Plan 2023-2029.

### 13.0 Recommended Draft Order

Appeal: by Marese Limited (1<sup>st</sup> party) against the decision made on the 15th day of December 2025 by Fingal County Council to refuse permission to Marese limited.

Proposed Development

The development will consist of a large-scale residential development comprising amendments to a previously permitted LRD permission FCC reg Reg LRD0005/S3 & ABP 316065 (currently under construction) to the lands east of Kenure Park and west of Goldenridge, Skerries Road, Rush County Dublin. The development will consist of:

- A) The construction of 35 no residential dwellings comprising 6 no 2 bedroom houses and 29 no 3 bedroom house (all two storey), with rear garden private amenity spaces accessed from laneways. Resulting in total of 194 no dwellings within the overall LRD scheme.
- B) Vehicular/pedestrian and cyclist access taken from the permitted development to the south (FCC Reg Ref LRD 0005/S3 & ABP 316065) with potential for future

pedestrian /cyclist access to adjoining lands including link to Goldenridge Walk to the east.

C) The provision of 57 no surface car parking spaces (mix of on and off curtilage) to serve residential units and internal road and shared pedestrian/cycle paths.

D) Provision of c0.14ha of public open space in the northern and southern parts of the site including outdoor play area and landscaped planting, with open space integrating with that permitted on the southern end of the site.

E) Provision of foul and surface water drainage as well as bin stores; public lighting and all associated landscaping and boundary treatment works, site development and infrastructural works (including replacing the of mechanical flow control within the surface water drainage network's outfall manhole to facilitate the extended development), and all ancillary works necessary to facilitate the development.

## **Decision**

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

## **Matters Considered:**

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

a) the location of the site on lands zoned for RS – ‘Residential’ within the Fingal County Development Plan 2023-2029

b) the correspondence received from the Department of Education indicating that the existing site is not required for the provision of a school & the policies and objectives of the Fingal County Development Plan, and the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES);

c) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

- d) The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site,
- e) the existing pattern of development in the area,
- f) the availability of a wide range of physical, social and community, infrastructure and services in the area,
- g) The proximity of the site to transportation modes,
- h) The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site, the documentation submitted with the planning application within the first party grounds of appeal,
- i) the submissions and observations received on file including from the planning authority, prescribed bodies, and first party,
- k) 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,
- l) the planning history in the vicinity of the site, and,
- m) the report of the Planning Inspector.
- n) the proposed development constitutes a material contravention of the Fingal County Development Plan 2023–2029, by reason of the failure to provide a post-primary school on lands identified for such use under Map 6B, it is considered that a grant of permission is justified under:
  - Section 37(2)(b)(i), as the development is of national importance in the context of delivering housing
  - Section 37(2)(b)(iv), having regard to the established pattern of development and permissions granted in the area.

### **Appropriate Assessment Screening**

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and found that the proposed development (alone) would not result in likely significant effects on any European

Site. The subject site is located 0.6km west from Irish Sea SPA 004236, The Rogerstown Estuary SAC (Site Code: 000208) ,1.0km south of site , The Rogerstown Estuary SPA (Site Code: 004015) ,1.0km south of site, Rockabill to Dalkey Island SAC (Site Code: 003000).

The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. I note that other Natura 2000 sites are too remote from the subject site for the appeal site to have a possible connection or pathway and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

### **Environmental Impact Assessment Screening**

The Commission completed an environmental impact assessment screening of the proposed development. Having regard to:

- a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10 (f) (ii), and Paragraph 14 of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended),
- b) the location of the site on land zoned 'RS –Residential' in Fingal County Development Plan 2023-2029
- c) the existing use of the site, the extant permission on site and the pattern of development in the vicinity,
- d) the availability of public water and foul services to serve the proposed development,
- e) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended).

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

The Commission consider that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms

of layout, urban design, and would be acceptable in terms of pedestrian safety and convenience, and would not be detrimental to conservation objectives of an European Sites or to the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Fingal County Development Plan 2023-2029.

The Commission noted the map based objective for the proposed site as set out under Map 6B of the Fingal Development Plan 2023 – 2029. The provision of residential dwellings on RS zoned land is not considered to be a material contravention however the failure to provide a school materially contravenes a map based objective of the Fingal Development Plan 2023 - 2029

The Coimisiún noted the provisions of Section 37(2)(b) of the Planning and Development Act 2000, as amended, where the Coimisiún may *‘decide to grant a permission even if the proposed development contravenes materially the Development Plan.’*

Subject to the provisions of Section 37(2)(b), the proposed development would be justified on Residential Zoned lands having regard to the provisions under Section 37(2)(b)(i) & (iv) of the Planning and Development Act 2000 (as amended) that;

Section 37(2)(b)(i), as the development is of National importance in the context of delivering homes; and

Section 37(2)(b)(iv), having regard to the established pattern of development and permissions granted in the area.

The Coimisiún agreed that the development is considered of National Importance in terms of delivering housing and regarding the general pattern of development in the area. Rush is identified as a Self-Sustaining Growth Town, where Policy CSP34 promotes infill development and compact growth at appropriate locations. The subject site, being zoned for residential development, represents such a location. Policy CSP18 further supports the delivery of housing on appropriately zoned lands to address existing shortfalls in supply. The proposed project is considered of National Importance in the context of achieving targets associated with Delivering Homes,

## Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness

On the basis of the above, and noting the conclusions reached in the Inspector's report that the proposed development accords with the proper planning and sustainable development, the Coimisiún was satisfied that, notwithstanding the provisions of Map based objective for the provision of a school, it is appropriate for the Coimisiún to grant permission, taking into account the correspondence on file from the Department of education stating the site is no longer required for the provision of a school and the wider support for residential development set out in the Fingal County Development Plan 2023-2029 as well as national and regional policy support for residential development. In conclusion on this matter, the Coimisiún was satisfied that the proposed residential development located on Residentially zoned lands in Rush County Dublin is acceptable and in relation to the current proposal is in accordance with the proper planning and sustainable development for the area.

### 15. Conditions

1. The amendments to the development permitted under Ref. ABP-316065-23 shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with this application, save as may be required by the other conditions attached hereto.

**Reason:** To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Register Reference ABP-316065-23 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. Prior to commencement, the Applicant shall submit revised drawings and details for the written agreement of the planning authority with the following amendments:
  - a) House no 9 shall be omitted from terrace block 42.
  - b) Terrace block 41 shall be set back in line with Terrace Block 40.
  - c) All soft landscaping details shall be updated to reflect revised block layout.
  - d) Full detail of pedestrian access points and boundary treatments at all locations of the development.

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

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological test excavation in advance of construction works and provide a conservation plan for preservation in-situ of the well (SMR No. DU008-014\_). No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(b) the archaeologist is required to notify the Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(c) the archaeologist shall carry out any relevant documentary research and will; excavate test trenches, at locations chosen by the archaeologist, having consulted the proposed developments.

(d) having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department for consideration.

(e) where archaeological material is shown to be present, avoidance, preservation in-situ. Preservation by record (excavation) and/or monitoring may be required and the Department will advise the Applicant/Developer with regard to these matters.

(f) No site preparation or construction works shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department.

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

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

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

6. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

7. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

8. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and surface water management.

11. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

12. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

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

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

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

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

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste

Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

15. The construction of the development shall be managed in accordance with a Construction Environmental 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 with measures to reflect mitigation described in the submitted draft Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;

- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

**Reason:** In the interest of amenities, public health and safety.

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

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

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

18. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), 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.

**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.

19. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,

drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Darragh Ryan  
Planning Inspector

7<sup>th</sup> of April 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	324034-26		
<b>Proposed Development Summary</b>	Large Scale Residential Development which consists of the following: Amendments to permitted LRD REF : ABP 316065-23. Construction of 35 residential units		
<b>Development Address</b>	to the lands east of Kenure Park and west of Goldenridge, Skerries Road, Rush County Dublin.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	<b>Yes</b>	X	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		

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

## Appendix 2

### EIA Preliminary Examination

<b>Case Reference</b>	ABP-324034-26
<b>Proposed Development Summary</b>	Large Scale Residential Development which consists of the following: Amendments to permitted LRD REF : ABP 316065-23. Construction of 35 residential units
<b>Development Address</b>	to the lands east of Kenure Park and west of Goldenridge, Skerries Road, Rush County Dublin.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>The proposed development comprises amendments to a permitted development.</p> <p>A short-term construction phase would be required, and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the permitted development is not bigger in terms of height compared to surrounding development.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.</p>	<p>The development is situated in an urban area and situated adjacent to existing residential properties and an areas of public open space which is not exceptional in the context of surrounding development.</p> <p>The development is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects. This amendment is</p>

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>seeking to provide 35 residential dwellings in place of a map based objective for a future school The permitted parent development was accompanied by a EIA Screening report and it was determined that EIA was not required.</p> <p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, which is seeking amendment to a permitted residential development, on serviced land, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

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