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DEVELOPMENT
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Appeal No: ACP 324016

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To: Appeals2
Cc: Richard Kealey; Josephine Cunanan
Subject: Submission on Third Party Appeal under ACP Reg. Ref. ACP-324016-26
Attachments: 24102_Appeal Response_Portmarnock 1F_Final.pdf

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Dear Sir / Madam,

We are instructed by our client, (the Applicant), Portmarnock Real Estate Developments Ltd., Fitzwilliam Court, Leeson Close, Dublin 2, to lodge this Response to a Third-Party Appeal Planning Report relating to an appeal on Planning Application, Fingal County Council (FCC) Reg. Ref. LRD0058/S3E, which has been appealed to An Coimisiún Pleanála (ACP) under ACP Reg. Ref. ACP-324016-26.

This Third-Party Appeal Planning Report is attached for the Commission's attention.

We would be grateful for confirmation of receipt of the attached compliance from the Commission by return email.

Many Thanks,

Darragh Byrne,
STEPHEN LITTLE & ASSOCIATES
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**Stephen Little
& Associates**

Response to Third
Party Appeal. Fingal
County Council Reg.
Ref. LRD0058/S3E
and ACP Ref. ACP-
324016-26

**Planning Appeal
Report**

**Station Road,
Portmarnock,
Townland of
Maynetown,
Portmarnock,
Dublin**

**Prepared by
Stephen Little &
Associates on behalf
of Portmarnock Real
Estate
Developments
Limited**

February 2026

TABLE OF CONTENTS

1	INTRODUCTION	3
2	SITE DESCRIPTION & CONTEXT	4
3	DESCRIPTION OF INFRASTRUCTURE WORKS.....	5
4	DESCRIPTION OF PROPOSED DEVELOPMENT.....	6
5	PLANNING HISTORY	6
5.1	FCC REG. REF. F13A/0248 – PHASE 1A	6
5.2	ABP REF. ABP-300514-17 – PHASE 1B	6
5.2.1	ABP Ref. ABP-305877-19 – Amendments to Phase 1B	7
5.3	ABP REF. ABP-305619-19 – PHASE 1C	7
5.3.1	ABP Ref. ABP-311164-21 – Amendments to Phase 1C Local Centre	7
5.3.2	ABP Ref. ABP-311472-21 – Amendments to Phase 1C House Types.....	7
5.3.3	FCC Reg. Ref. LRD0014/S3 – Amendments to Medical Unit	7
5.4	ABP REF. ABP-312112-21 – PHASE 1D.....	7
5.4.1	FCC Reg. Ref. LRD0037/S3 – Amendment to Omit Attenuation Pond	8
5.5	FCC REG. REF. LRD0002/S3 – PHASE 1E.....	8
5.6	FCC REG. REF. F18A/0324 – MARKETING SIGN RETENTION	8
5.7	FCC REG. REF. F18A/0435 – MARKETING BUILDING.....	8
5.8	FCC REG. REF. F20A/0604 – MARKETING SUITE RETENTION.....	8
5.9	FCC REG. REF. F20A/0700 – PROVISION OF A CONSTRUCTION HAUL ROAD.....	8
5.10	FCC REG. REF. F19A/0400 – IRISH WATER WASTEWATER PUMPING STATION	9
5.11	FCC REG. REF. F20A/0568 – DECOMMISSIONING OF EXISTING PORTMARNOCK WASTEWATER PUMPING STATION.....	9
5.12	FCC REG. REF. F21A/0389 (ABP REF. ABP-314663-22) – IRISH WATER WASTEWATER PUMPING STATION.....	9
5.13	PLANNING HISTORY SUMMARY.....	9
6	GROUNDS FOR APPEAL	10
6.1	FAILURE TO PROVIDE CHILDCARE INFRASTRUCTURE	10
6.1.1	Applicant’s Response to Ground No. 1	10
6.2	INCONSISTENT APPLICATION OF PUBLIC SAFETY ZONE CONSTRAINTS	13
6.2.1	Applicant’s Response to Ground No. 2	13
6.3	FAILURE TO CREATE A BALANCED AND SUSTAINABLE COMMUNITY	13
6.3.1	Applicant’s Response to Appeal Ground No. 3	13
6.4	LACK OF PHASED SOCIAL INFRASTRUCTURE DELIVERY.....	14
6.4.1	Applicant’s Response to Appeal Ground No. 4	14
6.5	APPEAL CONCLUSION.....	15
6.5.1	Applicant’s Response to Appeal Conclusion	16
7	SUMMARY OF THIRD-PARTY SUBMISSIONS	16
7.1	APPLICANT’S RESPONSE TO THIRD-PARTY OBSERVATIONS	16
7.1.1	Childcare.....	16
7.1.2	Primary and Post-Primary Education	16
7.1.3	Transport.....	17
7.1.4	Open Space	17
7.1.5	Environmental Impact Assessment Report.....	17
8	ADDITIONAL INFORMATION.....	18
9	PLANNING AUTHORITY’S ASSESSMENT.....	18
9.1	PRINCIPLE OF DEVELOPMENT AND COMPLIANCE WITH THE ZONING OBJECTIVE.....	18
9.2	DENSITY AND COMPLIANCE WITH THE OUTER PUBLIC SAFETY ZONE.....	19
9.3	LAYOUT, DESIGN, AND UNIT MIX.....	19
9.4	RESIDENTIAL STANDARDS.....	19
9.5	CHILDCARE, SCHOOLS AND SOCIAL INFRASTRUCTURE	20
9.6	OPEN SPACE AND LANDSCAPING	20
9.7	TRANSPORTATION	21

9.8 FLOOD RISK..... 21

9.9 WATER AND DRAINAGE..... 22

9.10 ARCHAEOLOGICAL HERITAGE 22

9.11 PART V AND SECTION 47 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)..... 22

9.12 PUBLIC ART 22

9.13 APPROPRIATE ASSESSMENT..... 22

9.14 ENVIRONMENTAL IMPACT ASSESSMENT 23

9.15 ADDITIONAL INFORMATION ITEMS 3-5..... 23

10 GRANT OF PERMISSION 24

11 CONCLUSION 24

12 APPENDIX A – AVIATION PLANNING COMPLIANCE 25

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Author	Approved by	Purpose	Date
DB	RK	Draft	30.01.2026
DB	RK	Final Client Draft	04.02.2026
JC	RK	Final	06.02.2026

1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planners and Development Consultants, 26/27 Upper Pembroke Street, Dublin 2, D02 X361 are instructed by our client (the Applicant), Portmarnock Real Estate Developments Ltd., Fitzwilliam Court, Leeson Close, Dublin 2, to prepare this Response to a Third-Party Appeal Planning Report relating to an appeal on Planning Application, Fingal County Council (FCC) Reg. Ref. LRD0058/S3E, which has been appealed to An Coimisiún Pleanála (ACP) under ACP Reg. Ref. ACP-324016-26.

The proposed development as granted under FCC Reg. Ref. LRD0058/S3E comprises 296no. residential units consisting of 42no. duplex / apartments and 254no. houses ranging in height between 1.5 and 3 storeys; public open space including southern Monument Park which formed part of the Racecourse Park development permitted under ABP Reg. Ref. JP06F.311315; vehicular access to serve the development is proposed off Monument View; and all associated and ancillary site development, infrastructural, landscaping and boundary treatment works.

The proposed development also comprises a new (temporary) rising main to serve this phase and previous development phases (1A to 1E inclusive) c. 1.7km long, running from the interim St. Marnock's Pumping Station at Station Road/The Avenue (constructed under ABP Reg. Ref. 300514-17 & upgraded under ABP Reg. Ref. 312112-21) passing through the Racecourse Park development permitted under ABP Ref. JP06F.311315 and connecting to the North Fringe Sewer at a point which is located south of Moyne Road and the Mayne River within the townland of Stapolin, Baldoyle, Dublin 13; Upgrade of interim St. Marnock's Pumping Station and storage at Station Road/The Avenue as required; and all associated and ancillary site development and reinstatement. The proposed temporary rising main and interim St. Marnock's Pumping Station will be decommissioned and these lands will then discharge by gravity to a proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when same is operational.

An Environmental Impact Assessment Report and a Natura Impact Statement was prepared in respect of the proposed development and accompanied the application. A dedicated website was also set up at: www.portmarnocksouthphase1flrd.com

The proposed development is being referred to as Phase 1F, following previous development of earlier phases of development within the wider lands.

This Proposed Development put forward by the Applicant in respect of their overall lands at Portmarnock South is the sixth phase of development, all previously granted. An Coimisiún Pleanála under Reg. Ref. 300514-17 (Phase 1B – 150no. units), Ref. 305619-19 (Phase 1C – 153no. units) and Ref. 312112-21 (Phase 1D – 172no. units). Fingal County Council (FCC) have previously granted permission for development under FCC Reg. Ref. F13A/0248 (Phase 1A – 101no. units). The same approach to those successful applications was taken with the current application.

All previous phases of development were subject to the provisions of the Portmarnock South Local Area Plan 2013, as Extended ("the LAP"). The Fingal County Development Plan 2023 – 2029 (*"the Development Plan"*) clarifies that *"the provisions of the operational LAPs will continue to apply up to the expiration of the LAP, thereafter the provisions of the Development Plan will pertain."* The LAP expired in July 2023. As such, the LAP no longer applies to development at the subject lands. Notwithstanding this, there are certain references in the LRD planning application documentation to the now expired LAP when setting the context for the Proposed Development given its influence on the development of the lands over the last 10+ years.

At the outset, it is noted the subject lands are located within the Outer Public Safety Zone associated with Dublin Airport. This designation imposes mandatory safety-based restrictions on the types of land uses that may be accommodated on the site. In particular, land uses involving the regular congregation of large numbers of people, including schools and childcare facilities, are not permitted within the Outer Public Safety Zone. In this regard, the application site is subject to a maximum density restriction of 60 persons per half-hectare, as set out in the ERM Report on Public Safety Zones (2005). This approach is consistent with the Environmental Resources Management guidance, the Development Plan governing the Portmarnock South lands. The Childcare Facilities – Guidelines for Planning Authorities also provide for circumstances where childcare facilities are not required in new residential areas where there are significant reasons to the contrary.

2 SITE DESCRIPTION & CONTEXT

The subject site represents the next phase of a plan led phased development in this part of Portmarnock. The site is located in the Townland of Maynetown, Portmarnock, Co. Dublin. The lands are generally bound by Station Road to the north, Coast Road and the future Sutton to Malahide Greenway to the east, Moyne Road to the south, and the Dublin to Belfast train line to the west. Additionally, the wider site including the rising main to the south, is partially located in the townland of Stapolin, Baldoyle Dublin 13.

The gross site area, including site infrastructure works, comprises c. 12.3ha. The net site area, excluding the pumping station area, recorded monument area, and main roads approved in previous phases, is c. 9.5ha. The extent of the subject site for the proposed 296no. residential dwellings is generally bounded by previously permitted Phase 1E to the southwest and Phase 1B northwest of the boundary.



Figure 1: Extract from Google Maps showing the extent of the application site outlined in red and the extent of the proposed Rising Main. (Overlay by SLA).



Figure 2: Site Location Map, prepared by BKD Architects.

3 DESCRIPTION OF INFRASTRUCTURE WORKS

Portmarnock South refers to the zoned lands south of Station Road c.40Ha originally covered by the Portmarnock South Local Area Plan (2013 – 2019, extended 2018 – 2023), but now by the Fingal Development Plan (2023-2029) which will potentially lead to an overall development of some 1100 residential units and a local centre.

Development of the lands commenced in 2016 with Phase 1A (101 units). Subsequently, Phase 1B (150 units) and Phase 1C (153 units + Local Centre) have been completed. Phase 1D (172 Units) is nearing completion and Phase 1E (195 Units) has just recently commenced. This next Phase 1F (296 units) was granted planning permission by Fingal County Council on the LRD0058/S3E.

Foul drainage from the proposed Phase 1F development is intended to be accommodated within the existing wastewater network on an interim basis through the upgraded St. Marnock's Interim Pumping Station, which provides enhanced emergency and operational storage and is equipped with telemetry and control systems to allow for managed operation of the wider network.

Uisce Éireann has confirmed that connection is feasible subject to upgrades and has identified the delivery of a rising main connection to the North Fringe Sewer as an interim solution pending the delivery of the new Portmarnock Bridge Pumping Station. When the permanent Uisce Éireann infrastructure becomes operational, all foul flows from the Portmarnock South lands will be diverted to the new facility and the interim pumping infrastructure will be decommissioned.

4 DESCRIPTION OF PROPOSED DEVELOPMENT

On the 10 December 2025 Fingal City Council issued a Notification of Decision to **Grant Permission** for development comprising 296no. dwellings (254no. houses and 42no. duplex units) ranging in height between 1.5 – 3 storeys on lands at Portmarnock South.

All housing units are on lands that are zoned “RA – Residential Area” under the Fingal County Development Plan. In respect of this zoning objective, the County Development Plan confirms this as being: -

“Objective RA – Residential Area: To provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure.”

As the development is for greater than 100no. dwellings and those dwellings are all proposed on land zoned for residential development, the proposal amounts to a Large-scale Residential Development.

The development also consists of associated site infrastructure and services required to support the use of the dwellings. No non-residential floor space forms part of the proposal.

5 PLANNING HISTORY

The following is an outline of the relevant planning history of the subject site. The Portmarnock LAP lands have been developed incrementally in accordance with the provision of the LAP. There have been a number of recent planning permissions for residential development in proximity to the proposed development, as detailed below.

5.1 FCC REG. REF. F13A/0248 – PHASE 1A

Permission was sought by Sherman Oaks Ltd. for development comprising 101no. dwellings including 56no. 3-bedroom, 2 storey houses, 25no. 4-bedroom 2 storey houses, and 21no. 4-bedroom, 3 storey houses, vehicular access onto Station Road, extension to the existing footpath and cycle along Station Road, 51no. car parking spaces to be associated with the future Portmarnock South local centre, all associated site development works, landscaping, boundary treatments, open spaces and surface water treatment areas.

A Notification of Decision to Grant Permission was issued by FCC on 24 March 2014. The Decision was appealed to by An Coimisiún Pleanála by a Third Party and subsequently withdrawn.

Permission was granted by FCC on 29 July 2014 and provided for an equivalent net residential density of 30no. units per hectare. The residential development associated with this application is now completed and occupied and is called ‘St. Marnock’s Bay’.

5.2 ABP REF. ABP-300514-17 – PHASE 1B

Permission was obtained by St. Marnock’s II Designated Activity Company & Clear Real Estate Investments plc under the Strategic Housing Development provisions for a development consisting of 150no. residential units (52no. duplex/apartments, 98no. houses). The application also sought permission for vehicular access off Station Road, 2no. areas of open space, integration of development with a Protected Structure (RPS No. 0475), cycle/walking route along Station Road, a detention pond, a temporary foul water pumping station and wastewater storage tank and a regional wetland area located to the east alongside Strand Road.

Permission was granted by An Coimisiún Pleanála on 23 March 2018 subject to 23no. conditions.

The residential development associated with this application is now completed and fully occupied.

5.2.1 ABP Ref. ABP-305877-19 – Amendments to Phase 1B

Permission was obtained by St. Marnock's II Designated Activity Company Limited under Section 146B of the Planning & Development Act 2000, as amended for minor amendments to the development permitted under ABP Ref. ABP-300514-19. The amendments consisted of alterations to house types for house Nos. 196 – 198.

Permission for the alterations were granted by An Coimisiún Pleanála on 23 December 2019.

5.3 ABP REF. ABP-305619-19 – PHASE 1C

Permission was obtained by St. Marnock's II Designated Activity Company under the Strategic Housing Development provisions for a development consisting of 153no. residential units (113no. houses and 40no. apartments), 3no. retail units, cafe, restaurant, medical unit and associated site works all on a site of approximately 4.6ha.

Permission was granted on 30 January 2022 subject to 33no. conditions.

The residential development associated with this application is now completed and fully occupied.

5.3.1 ABP Ref. ABP-311164-21 – Amendments to Phase 1C Local Centre

Permission was obtained by St. Marnock's II Designated Activity Company Limited under Section 146B of the Planning & Development Act 2000, as amended for minor amendments to the development permitted under ABP Ref. ABP-305619-19. The amendments consisted of the amalgamation of Units No. 2 & 3 of the Local Centre.

Permission for the alterations was granted by An Coimisiún Pleanála on 11 April 2022.

5.3.2 ABP Ref. ABP-311472-21 – Amendments to Phase 1C House Types

Permission was obtained by St. Marnock's II Designated Activity Company Limited under Section 146B of the Planning & Development Act 2000, as amended for minor amendments to the development permitted under ABP Ref. ABP-305619-19. The amendments consisted of alterations to house types for house Nos. 109 – 116.

Permission for the alterations was granted by An Coimisiún Pleanála on 11 April 2022.

5.3.3 FCC Reg. Ref. LRD0014/S3 – Amendments to Medical Unit

Permission was obtained by St. Marnock's II Designated Activity Company Limited under the Large- Scale Residential Development (LRD) provisions for the change of use from permitted medical use to pharmacy use at Unit 1 of the Local Centre.

Permission was granted by Fingal County Council on 8 November 2022 subject to 6no. conditions.

The primary retail unit (Unit 2 & 3) in the Local Centre is now occupied by Centra. Unit 1 is now occupied by Cleary's Pharmacy.

5.4 ABP REF. ABP-312112-21 – PHASE 1D

On the 14 May 2021 permission was sought by Quintain Development Ireland Limited for 172no. residential units, Skylark Park, upgrades to the interim pumping station and a permanent road connection south to Moyne Road.

Permission was granted by An Coimisiún Pleanála on 10 May 2022 subject to 31no. conditions.

Construction for this phase of development has since commenced.

5.4.1 FCC Reg. Ref. LRD0037/S3 – Amendment to Omit Attenuation Pond

Permission was obtained by Quintain Development Ireland Limited under the Large-Scale Residential Development (LRD) provisions for the omission of a above ground wetland attenuation area / pond, including associated drainage network and landscaping located to the east of the permitted road connecting with Moyne Road.

Permission was granted by Fingal County Council on 05 March 2024, subject to 3no. conditions.

5.5 FCC REG. REF. LRD0002/S3 – PHASE 1E

Permission was obtained by Portmarnock Real Estate Developments Limited under the Large-Scale Residential Development (LRD) provisions for the development comprising 195no. residential units (26no. duplex/apartments and 169no. houses). The application also sought permission for vehicular access to serve the development from Station Road, as well as comprising minor amendments to permitted site development works at Phase 1D (ABP Ref. ABP-312112-21 as amended by FCC Reg. Ref. LRD0037/S3).

Permission was granted by Fingal County Council on 05 December 2025 with 31no. conditions.

5.6 FCC REG. REF. F18A/0324 – MARKETING SIGN RETENTION

Retention Permission was sought by St. Marnock's II Designated Activity Company & Clear Real Estate Investments plc for a period of 3 years for 1no. advertising V-shaped board sign for marketing the permitted residential development at St. Marnock's Bay, with an overall height of 6.1m consisting of 2no. panels c. 3.5m wide and 3.7m high (c. 25.9 sq. m total area positioned 2.4m above the ground).

Permission for a period of 3 years was granted by Fingal County Council on 22 October 2018.

5.7 FCC REG. REF. F18A/0435 – MARKETING BUILDING

Retention Permission was sought by St. Marnock's II Designated Activity Company & Clear Real Estate Investments plc for a period of 3 years for the completion of a single storey marketing suite building and retention of an existing surface car park.

Permission for a period of 3 years was granted by FCC on 22 October 2018.

The Marketing Suite has now been relocated to an area east of the Phase 1B – See Section 2.3.8 below.

5.8 FCC REG. REF. F20A/0604 – MARKETING SUITE RETENTION

Retention permission has been sought by St. Marnock's II Designated Activity Company Limited on 25 November 2020 for a marketing suite building and associated access arrangements and landscaping.

Retention Permission for a period of 4 years and 11 months was granted by Fingal County Council on 22 March 2021.

5.9 FCC REG. REF. F20A/0700 – PROVISION OF A CONSTRUCTION HAUL ROAD

Permission was sought by Quintain Developments Ireland Limited on 22 December 2020 for a Construction Haul Road including a temporary junction onto Moyne Road.

Permission was granted by Fingal County Council on 3 March 2021.

The Construction Haul Road is now completed and is the primary construction access and egress route for this phase of development. The construction haul road will remove all construction vehicles related to current and future construction works from Station Road. This will result in a significantly improve situation with regard to pedestrian usability and safety, traffic congestion and in turn enhance the general amenity of Station Road.

Nearby Lands

5.10 FCC REG. REF. F19A/0400 – IRISH WATER WASTEWATER PUMPING STATION

Permission was sought by Irish Water on 30 August 2019 for a new wastewater pumping station and associated network infrastructure, including a gravity sewer and rising main connections.

On 22 June 2020, a decision to grant permission was made by Fingal County Council on this application. An Coimisiún Pleanála refused permission following an appeal under ACP Reg. Ref. 307641-20.

5.11 FCC REG. REF. F20A/0568 – DECOMMISSIONING OF EXISTING PORTMARNOCK WASTEWATER PUMPING STATION

Permission as sought by Irish Water on 9 November 2020 for a new wastewater pumping station and associated network infrastructure.

The application was Withdrawn on 7 January 2021 on the basis the application was linked to FCC Reg. Ref. F19A/0400 which was refused planning permission.

5.12 FCC REG. REF. F21A/0389 (ABP REF. ABP-314663-22) – IRISH WATER WASTEWATER PUMPING STATION

Permission was sought by Irish Water on 19 July 2021 for a Wastewater Pumping Station. The proposal generally comprised of modification of Portmarnock Bridge pumping station including decommissioning of redundant above and below ground plant and equipment. Gravity sewer connection beneath the Sluice River linking the proposed pumping station and the modified Portmarnock Bridge 'pumping' station. Completion of rising main connection to North Fringe Sewer. Decommissioning of foul rising main within Strand Road and Coast Road. Site entrances work for proposed pumping station, new and replacement boundary fencing, ground level alterations, landscaping and site drainage. All other associated site development works as required to facilitate the development.

Permission was sought by Irish Water on 19 July 2021 for a Wastewater Pumping Station. The proposal generally comprised of modification of Portmarnock Bridge pumping station including decommissioning of redundant above and below ground plant and equipment, including the demolition of the control building. A Notification of Decision to Grant Permission was issued by Fingal County Council on 25 August 2022. The Decision was appealed to An Coimisiún Pleanála by Third Party.

An Coimisiún Pleanála granted permission for this Pumping Station on the 27 June 2024. That decision was subsequently legally challenged and is awaiting a judicial review in the High Court.

5.13 PLANNING HISTORY SUMMARY

The principle of residential development has been established on these lands over approx. 10 years since Phase 1A was permitted. The lands have been developed incrementally in a manner which has been consistent with the now-withered Portmarnock South Local Area Plan. The current and future phases of development of this landbank will see the completion of this new residential community.



Figure 3: Extract from the Development Framework within the Design Statement, prepared by Burke-Kennedy Doyle Architects showing the various phases of development at Portmarnock (constructed – Phase 1A, 1B, 1C, under construction – Phase 1D, 1E and subject to this appeal Phase 1F.

6 GROUNDS FOR APPEAL

1no. appeal was lodged (ACP Ref. ACP-324016-26) on the decision to grant permission under Fingal County Council Reg. Ref. LRD0058/S3E.

6.1 FAILURE TO PROVIDE CHILDCARE INFRASTRUCTURE

Appeal Ground No. 1 is stated as follows: -

“Fingal County Council has granted permission for a further 296 residential units despite the complete absence of any delivered childcare facility within the existing St. Marnock's Bay development, which already comprises approximately 576 dwellings. This decision is contrary to Objective CIOS027 of the Fingal County Development Plan 2023-2029 and the Childcare Facilities - Guidelines for Planning Authorities, which recommend the provision of childcare at a rate of 20 places per 75 dwellings unless sufficient existing provision is available.

No evidence has been provided to demonstrate that adequate childcare capacity exists in Portmarnock or the surrounding area. On the contrary, all local childcare providers have extensive waiting lists extending several years as we have personally experienced and can attest to. As parents to a now eight-month-old child, we have been unable to secure a childcare place in the locality and are both required to return to full-time employment. Our child has been on the waiting list of every creche in the area since the early stages of pregnancy with little to no prospect of securing a place before we must return to full time employment. Our only solution, and that of many other families in the development, is to turn to expensive in-home childcare. This is not a viable long-term solution and should not be the only option available to families. Fingal County Council has failed to meaningfully address the shortfall of childcare and as such it is not acceptable to continue to further develop the area without addressing this.”

6.1.1 Applicant's Response to Ground No. 1

The first issued raised in the appeal claim states that permission has been granted in the absence of childcare provision, contrary to Objective CIOS027 of the Fingal County Development Plan 2023–2029 and the *Childcare Facilities – Guidelines for Planning Authorities*, and that no evidence has been provided to demonstrate adequate existing childcare capacity.

Objective CIOS027 (Optimum Childcare Locations) states:

*“Encourage the provision of childcare facilities in **appropriate locations**, including residential areas, town and local centres, areas of employment and areas close to public transport nodes. Encourage the co-location of childcare facilities and community facilities where appropriate, such as community centres and schools, with an emphasis on community and not for profit childcare facilities where appropriate.”*

This claim made in the third party submission, does not accurately reflect either the material submitted with the application or the detailed assessment carried out by the Planning Authority. With specific reference to objective CIOS027, the objective specifically requires childcare locations in appropriate locations. Per the Aviation report, submitted as part of this application and appended to this report, this sets out densities appropriate for the area within consideration of these lands within the Public Safety Zone.

The LRD application was accompanied by a comprehensive Social Infrastructure Audit, prepared by this office, Stephen Little and Associates, in accordance with Objective DMS078 of the Development Plan, which specifically assessed childcare demand, existing and permitted childcare capacity, demographic trends and policy context. The Planning Authority undertook a detailed and critical review of this audit within Section 4.5 of its Planner’s Report and addressed childcare provision as part of its overall assessment of compliance with Development Plan policy.

The Planning Authority correctly identified that, applying the Childcare Guidelines standard of 20 childcare places per 75 dwellings, the theoretical requirement arising from the proposed development would be approximately **79 childcare spaces**. This corrected provision is calculated as follows:

296 no. residential units ÷ 75 units × 20 childcare spaces = 78.9 childcare spaces, which is rounded to 79 childcare spaces.

While the Planning Authority noted discrepancies in the applicant’s stated demand range and concluded that the higher end of the estimate was correct, this does not change the main conclusion. The key issue was not the quantum of theoretical demand, but whether on-site provision was required or feasible having regard to overriding site-specific constraints.

In this regard, the Planning Authority gave particular consideration to the site’s location entirely within the Outer Public Safety Zone of Dublin Airport, as defined by the Environmental Resources Management Report on Public Safety Zones. As set out clearly in the Planner’s Report, institutional uses including schools and childcare facilities are **not permitted** within the Outer Public Safety Zone on public safety grounds. This restriction is also specifically recognised within Section 2.4 of the Childcare Facilities – Guidelines for Planning Authorities, which allows for the non-provision of childcare facilities in new housing areas where *“there are significant reasons to the contrary”*.

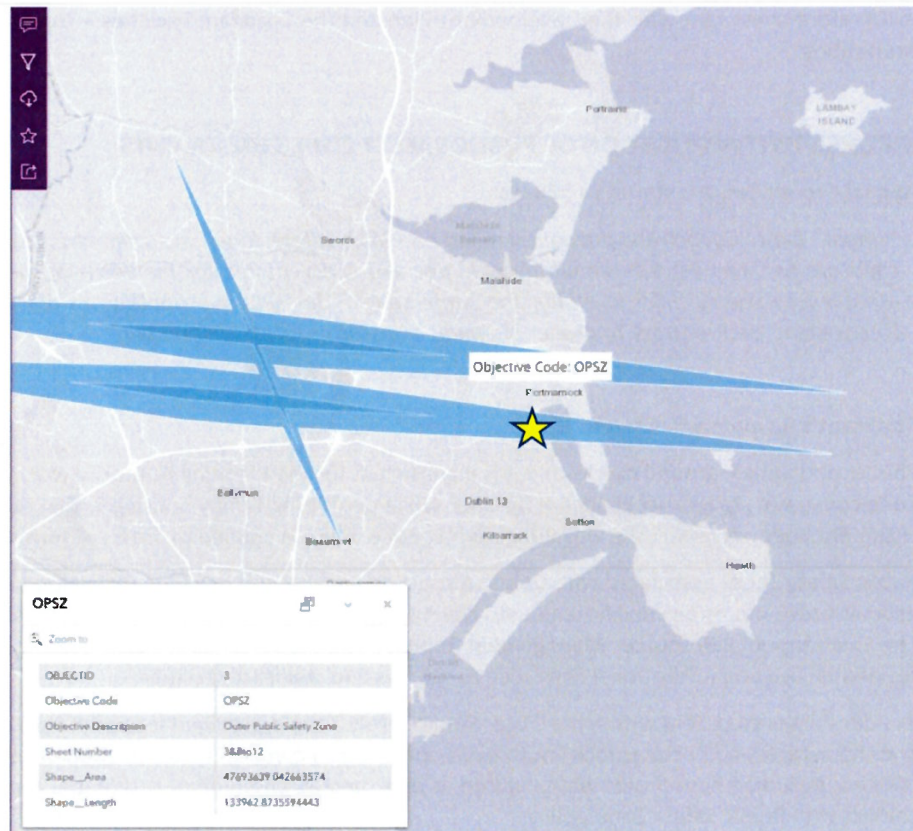


Figure 4: Extract from the Dublin Airport Public Safety Zones Map showing the subject site (marked by a yellow star) located within the Outer Public Safety Zone. (Source: Fingal County Development Plan 2023–2029, with SLA overlay.)

The Planning Authority therefore concluded that the absence of on-site childcare provision is justified and acceptable in this particular instance, and that the development does not materially contravene Objective CIOS027 of the Development Plan. This conclusion is further supported by the long-established zoning and development framework for Portmarnock South, which has facilitated multiple residential phases without childcare provision precisely because of these aviation safety constraints.

Objective CIOS028 (Childcare Facilities and New Development) states:

*“Require the provision of appropriate childcare facilities as an essential part of new residential and mixed-use developments in accordance with the provisions of the **Childcare Facilities Guidelines for Planning Authorities 2001 or any superseding Guidelines, or as required by the Planning Authority. Such facilities should be provided in a timely manner and be an integral part of the development proposal.**”*

Notwithstanding the restriction of on-site provision, the Social Infrastructure Audit demonstrates that there is sufficient existing and permitted childcare capacity within the wider area. The audit identifies approximately 342 existing childcare spaces within a 1.5km radius of the site, a further 34 permitted spaces within the same catchment, and an additional 293 permitted spaces within a 1.5–3km radius, all of which are accessible by walking, cycling, public transport and short car journeys. The Planning Authority specifically acknowledged this surrounding provision and accepted that, when considered alongside demographic trends, future permitted facilities, and the phased occupation of the development, childcare demand can be accommodated off-site.

While the appeal submission relies heavily on personal experience of childcare availability and waiting lists, it is well established that planning decisions must be based on objective and policy compliance rather than individual circumstances. The Planning Authority addressed the issue of childcare in a structured manner, taking into consideration Development Plan objectives, national guidance, demographic data and overriding public safety considerations.

Accordingly, the claim that the Planning Authority “*failed to meaningfully address*” childcare provision is not supported by the record. The matter was comprehensively assessed. The decision to grant permission

is therefore consistent with the Development Plan and the Childcare Facilities – Guidelines for Planning Authorities.

6.2 INCONSISTENT APPLICATION OF PUBLIC SAFETY ZONE CONSTRAINTS

Appeal Ground No. 2 is stated as follows: -

“Fingal County Council has previously relied on Public Safety Zone Constraints to justify the absence of childcare facilities yet has simultaneously deemed it acceptable for hundreds of family homes to be occupied by young children within the same zones. This selective application of policy is irrational, inconsistent, and contrary to proper planning and sustainable development.”

6.2.1 Applicant’s Response to Ground No. 2

The second appeal ground claims that it is inconsistent for the Planning Authority to rely on Public Safety Zone constraints to restrict childcare facilities while permitting family housing within the same area. This argument does not reflect the way Public Safety Zone policy is applied to different forms of development.

Public Safety Zones associated with Dublin Airport do not prohibit residential development. Instead, they establish restrictions on specific land uses having regard to the nature, scale and intensity of occupation. The Environmental Resources Management Report on Public Safety Zones distinguishes between general residential use and institutional uses such as schools and childcare facilities.

Residential development within the Outer Public Safety Zone is provided for under the Development Plan and the established Portmarnock South development framework. The occupation of residential units by families, including households with children, is an expected outcome of residential zoning and does not conflict with Public Safety Zone policy.

Childcare facilities differ from residential use in that they involve the regular congregation of large numbers of young children in a single location for defined periods. **Public Safety Zone policy seeks to avoid this form of concentrated institutional use within the Outer Public Safety Zone. The restriction therefore relates to the characteristics of the land use rather than the presence of children.**

The Planning Authority addressed this distinction in its assessment, noting that **schools and childcare facilities are not permitted within the Outer Public Safety Zone.** This approach is consistent with the Environmental Resources Management guidance, the Development Plan governing the Portmarnock South lands. The Childcare Facilities – Guidelines for Planning Authorities also provide for circumstances where childcare facilities are not required in new residential areas where there are significant reasons to the contrary.

There is therefore no inconsistency in permitting residential development while restricting childcare facilities. Each use is assessed on its own characteristics and policy context. The Planning Authority addressed the relevant policies in a consistent manner.

6.3 FAILURE TO CREATE A BALANCED AND SUSTAINABLE COMMUNITY

Appeal Ground No. 3 is stated as follows: -

“The permission undermines the principles of compact growth, 15-minute neighbourhoods, and sustainable communities by forcing families to travel significant distances for basic childcare services. This places undue pressure on families, increases traffic generation, and conflicts with national and local planning objectives.”

6.3.1 Applicant’s Response to Appeal Ground No. 3

The third appeal ground contends that the absence of on-site childcare provision undermines compact growth, 15-minute neighbourhood principles and sustainable communities. This position does not reflect the policy context or the Planning Authority’s assessment of the development.

The principles of compact growth and 15-minute neighbourhoods are applied through a plan-led approach, having regard to the overall spatial strategy of the Development Plan and the characteristics of individual sites. These principles do not require that every element of social infrastructure be provided within each phase or parcel of residential development, particularly where there are site-specific constraints on land use.

The subject lands form part of an established and planned residential area at Portmarnock South. The wider development framework provides for residential development supported by existing and permitted services within the surrounding area, rather than requiring all facilities to be delivered on-site. This approach has been consistently applied across earlier permitted phases of development in the area.

In this regard, the application site is subject to a **maximum density restriction of 60 persons per half-hectare, as set out in the ERM Report on Public Safety Zones (2005)**. The proposed development complies fully with this restriction, as demonstrated in the Aviation Planning Compliance Report prepared by Ove Arup & Partners Ireland Limited, submitted with the application and included at Appendix A of this report for the benefit of the Commission.

The approach to apply compact growth principles through further residential development on the site would result in this 60 persons per half-hectare threshold being exceeded. The density limit therefore represents a binding, safety-based constraint on the manner in which compact growth principles may be applied.

Accordingly, compact growth principles must be applied in a manner that is proportionate and responsive to these site-specific constraints. The delivery of residential development at the maximum permissible density, supported by existing and permitted services within the wider urban area, represents a policy compliant and appropriate interpretation to both compact growth principles and Public Safety Zone constraints.

The Planning Authority assessed childcare provision in the context of the surrounding area and accepted that existing and permitted childcare facilities are available within a reasonable distance of the site, supported by walking, cycling and public transport connectivity. The site is located in proximity to Portmarnock village, a local centre, rail services and multiple bus routes, which facilitate access to services beyond the immediate site boundary.

The restriction on on-site childcare provision arises from Public Safety Zone constraints, which limit the range of land uses that may be accommodated within the site. These constraints were considered alongside compact growth and sustainable mobility objectives. The Planning Authority concluded that the development remains consistent with national and local planning policy when assessed as part of the wider urban area framework.

In relation to traffic generation, the Planning Authority considered transport and mobility impacts as part of its assessment and raised no objection to the overall traffic and transport strategy. The absence of on-site childcare does not, of itself, demonstrate a conflict with sustainable transport objectives, particularly where alternative facilities are accessible by non-car modes.

Accordingly, the appeal ground does not establish that the permission conflicts with compact growth, 15-minute neighbourhood principles or the creation of sustainable communities.

6.4 LACK OF PHASED SOCIAL INFRASTRUCTURE DELIVERY

Appeal Ground No. 4 is stated as follows: -

“The development has been allowed to progress in phases without any binding condition requiring the delivery of essential social infrastructure such as childcare. This represents a fundamental failure in development management and places existing and future residents at a significant disadvantage.”

6.4.1 Applicant’s Response to Appeal Ground No. 4

The fourth ground of the appeal contends that the phased delivery of the development without a binding condition requiring childcare provision represents a failure in development management. This claim does

not reflect either the policy context governing the site or the conditions attached to the grant of permission.

As set out in the Planning Authority's assessment, the subject lands are constrained by their location within the Outer Public Safety Zone of Dublin Airport. Within this zone, institutional uses including childcare facilities are not permitted. In these circumstances, it would not be appropriate or reasonable to attach a condition requiring the delivery of childcare infrastructure that cannot be lawfully provided on the site.

The Planning Authority assessed social infrastructure provision having regard to the wider development framework for Portmarnock South, the findings of the Social Infrastructure Audit, and the availability of existing and permitted childcare facilities in the surrounding area. On that basis, it was concluded that the absence of on-site childcare does not give rise to a material deficiency in the application and does not warrant a condition requiring its delivery as part of this phase.

Importantly, the Planning Authority have already exercised development management control through the attachment of Condition 4, which restricts the use of the permitted residential units. Condition 4 provides that:

*"Each dwelling unit shall be used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission. The residential units shall not be used for short-term letting unless a prior grant of permission has been received from the Planning Authority, or An Coimisiún Pleanála on appeal. The units shall not be used for the purposes specified in Article 10(5) of the Planning and Development Regulations 2001, as amended, in respect of **childminding** except where permitted by way of grant of planning permission.*

Reason: In the interest of clarity and to ensure proper planning and sustainable development and in the interest of public safety."

This condition is directly relevant to the Public Safety Zone constraints applicable to the site. It ensures that the residential units cannot be used in a manner that would introduce childcare or childminding uses by default or by intensification, thereby preventing the establishment of childcare activity within the Outer Public Safety Zone outside of a formal assessment by the Planning Authority.

The absence of a condition requiring childcare provision therefore reflects a considered judgement by the Planning Authority rather than a failure in development management. Condition 4 imposed, reinforces the public safety need to prevent higher densities of vulnerable children gathering, beyond what is permissible per the regulations. The Planning Authority cannot require infrastructure that is restricted by policy and safety constraints, and instead has imposed conditions to regulate the use of the development in a manner **consistent with those constraints**.

Accordingly, the appeal ground does not demonstrate that existing or future residents are placed at a disadvantage as a result of inadequate development management.

6.5 APPEAL CONCLUSION

Conclusion to the appeal: -

"We respectfully request that An Coimisiún Pleanála overturn the decision of Fingal County Council or, in the alternative, impose a condition requiring the provision of an appropriately sized childcare facility to serve the existing and proposed population of St. Marnock's Bay prior to any further development of residential units. The Public Safety Zone Constraints do not negate the

requirement for childcare infrastructure or the relevance of national and local planning policies. We are asking that Fingal County Council or the developer, or both in conjunction, be obligated to provide childcare at a suitable location to serve the population of St. Marnock's Bay."

6.5.1 Applicant's Response to Appeal Conclusion

The appeal seeks either the overturning of the Planning Authority's decision or, in the alternative, a condition requiring the provision of a childcare facility to serve the existing and proposed population of St. Marnock's Bay, whether on-site or at an alternative location. Neither outcome is supported by the planning or policy context applicable to the development.

Public Safety Zone constraints do not remove the relevance of planning policy, rather, they form part of the policy framework within which development must be assessed. In this case, those constraints materially limit the range of land uses that may be accommodated on the subject lands. The Planning Authority correctly concluded that childcare facilities are not permissible within the Outer Public Safety Zone and that it would therefore be neither appropriate nor reasonable to require on-site childcare provision as a condition of permission.

The alternative request, namely the imposition of a condition requiring the Planning Authority or the developer to provide childcare facilities at an unspecified off-site location, is not supported by planning law or policy. Conditions attached to a grant of permission must relate to the development permitted, must be reasonable and enforceable, and must not require works or uses on lands outside the control of the applicant. The Childcare Facilities – Guidelines for Planning Authorities do not provide a mechanism for mandatory off-site provision of childcare facilities where on-site provision is restricted.

The Planning Authority assessed childcare provision at the appropriate scale, having regard to the established development framework for Portmarnock South and the availability of existing and permitted childcare facilities within accessible distances of the site. That approach is consistent with the plan-led delivery of social infrastructure and with the manner in which previous phases of development in the area have been permitted.

Accordingly, the appeal does not demonstrate that the decision to grant permission is flawed, nor does it provide a basis for the imposition of the alternative condition sought. The decision of the Planning Authority is consistent with the Development Plan, national guidance and the proper planning and sustainable development of the area, and it is therefore submitted that the permission should be upheld.

7 SUMMARY OF THIRD-PARTY SUBMISSIONS

Several third-party observation submissions were made under FCC Reg. Ref. LRD0058/S3E. The matters raised related principally to infrastructure capacity, childcare, open space and placemaking, noise and environmental impacts, wastewater and drainage, traffic and transport, pedestrian and cycle connectivity, parking provision, and compliance with Development Plan objectives.

7.1 APPLICANT'S RESPONSE TO THIRD-PARTY OBSERVATIONS

7.1.1 Childcare

The applicant is specifically prevented from providing a childcare facility on the application site due to flight path restrictions and the Outer Public Safety Zone. Subsequent to the third-party submissions, and in the Planning Authority's assessment they concluded that the absence of on-site childcare provision is acceptable, having regard to the provisions of the Development Plan, the Childcare Guidelines (which allow for non-provision where there are significant reasons to the contrary), and the long-established development framework for Portmarnock South. Please see section 10 of this report that goes into greater detail on this point, in response to the grounds made in the appeal.

7.1.2 Primary and Post-Primary Education

The observations raised concerns regarding the adequacy of existing and future school capacity. These matters were considered as part of the application documentation, mainly within the Social Infrastructure Audit, which included an Educational Needs Assessment prepared having regard to the *Provision of Schools and the Planning System* guidelines issued by the Department of Education.

The assessment examined the likely child yield arising from the proposed development, taking account of the housing mix and the phased nature of occupation, and considered this in the context of existing schools and planned educational provision in the wider area. It is noted that detailed school place planning and the delivery of additional school capacity fall within the statutory responsibility of the Department of Education, with the role of the planning system being to ensure that appropriate school sites are identified through the Development Plan and Local Area Plan framework rather than requiring the delivery of schools as part of individual residential developments.

Additionally, a permanent site for Malahide/Portmarnock Educate Together National School is planned in the Broomfield area in southern Malahide and will also serve the Portmarnock area. This school is proposed to have a stated capacity of 440no. students and 36no. staff, within 16no. mainstream classes and 4no. classroom Special Educational Needs Unit. A decision to grant permission for a school at this site was made by Fingal County Council on 19th June 2025 under FCC Reg. Ref. F24A/0541E. This application was then appealed to An Coimisiún Pleanála under Reg. Ref. ACP-322888-25 on 16 July 2025. An Coimisiún Pleanála issued decision to **grant permission** for this school facility on 22 October 2025.

7.1.3 Transport

In relation to transport and accessibility, the observations raised concerns regarding reliance on private car travel and the capacity of existing public transport services to accommodate additional residents.

In tandem with the proposed development's location from the DART, Irish Rail are progressing with their "Dart+ Coastal North Programme" project. This will see the DART extended to Drogheda from Malahide. Whilst Portmarnock already benefits from electrified trains in the form of the DART service, this programme will also increase the train frequency for the 3 hours AM peak period for services to Dublin City. For Portmarnock this will see 2 commuter services per house and 7 DART services per house. This represents an increase from 20 to 30 services within the peak 3hour AM rush with projected passenger numbers to increase from 23,300 to 33,800. We note that the Dart+ Coastal North Programme project (ABP-320164-24) was recently approved by An Coimisiún Pleanála on 19 August 2025.

7.1.4 Open Space

The observations raised concerns regarding the accessibility and quality of open space provision for residents. These matters were addressed through the application documentation, which included details of public and private open space provision within the proposed development, as well as the relationship of the site to existing and permitted open space in the wider Portmarnock South area.

The application material demonstrated that the proposed development forms part of a broader phased framework, within which open space has been delivered on a phased basis across earlier permissions. The proposed development provides open space in excess of the statutory minimum requirement of 15%, as residents of this phase would have access to both on-site open space and nearby shared amenities, including the existing greenway and the permitted regional park.

7.1.5 Environmental Impact Assessment Report

The observations raised concerns regarding the potential environmental effects of the proposed development, including cumulative impacts arising from phased development at Portmarnock South. These matters were addressed through the submission of an Environmental Impact Assessment Report (EIAR), prepared in accordance with the requirements of the Planning and Development Regulations and the EIA Directive. The EIAR assessed the likely significant effects of the proposed development across all relevant environmental factors, including population and human health, traffic and transport, biodiversity, water and drainage, noise, air quality, climate, and interactions between these factors.

Following a request for Further Information, a revised EIAR was submitted which provided additional clarification and detail in respect of the matters raised, including cumulative impacts and mitigation measures. The revised EIAR refined the assessment where required, clarified assumptions and

methodologies, and confirmed that appropriate mitigation measures are proposed to offset potential adverse effects. The revised EIAR therefore formed part of the complete application documentation available to the Planning Authority and ensured that the potential environmental effects of the proposed development were assessed in a comprehensive manner, in accordance with legislation, guidelines and policy requirements.

8 ADDITIONAL INFORMATION

Notwithstanding the Planning Authority's stated satisfaction with the proposed development as originally submitted, a request for Further Information was issued on 09 September 2025. This request sought clarification and additional detail mainly in respect of the Environmental Impact Assessment Report and Appropriate Assessment documentation submitted with the application. The matters raised comprised the following:

- Item 1: Environmental Impact Assessment Report.
- Item 2: Natura Impact Statement.
- Item 3: Duplex Units – Daylight and Sunlight Mitigation Measures.
- Item 4: Phasing Plan; and
- Item 5: Duplex Units L1/M1 and Unit Type F4.

The applicant submitted a comprehensive Further Information response on 10 October 2025 addressing each item in full. Having considered the additional material, the Planning Authority reaffirmed its conclusion that the proposed development complied with all relevant planning policies and objectives (as set out in Section 8 of this report) and was appropriate in principle and in detail. Accordingly, a decision to grant permission was issued on 10 December 2025 under FCC Reg. Ref. LRD0058/S3E.

9 PLANNING AUTHORITY'S ASSESSMENT

Having regard to the Fingal County Council Planner's Report, the request for Further Information, and the Chief Executive's Order granting permission, it is clear that the Planning Authority is satisfied that the key aspects of the proposed development have been appropriately addressed by the Applicant and its Design Team and that the scheme accords with the proper planning and sustainable development of the area. Please see the following assessment of the Planning Authority's judgement of the application.

9.1 PRINCIPLE OF DEVELOPMENT AND COMPLIANCE WITH THE ZONING OBJECTIVE

The proposed land use on the site is 'residential', which is permitted in principle under the Zoning 'RA', Residential Area, in which Portmarnock South Phase 1F is located.

The Planning Authority generally considered the proposed development acceptable and conforming to the zoned land use set out in the Fingal County Development Plan 2023 – 2029: -

"The portion of the site proposed for new housing is zoned 'RA,' Residential Area. New residential development and associated ancillary development is permitted in principle in this zoning."

"Development Plan monitoring by Fingal County Council's Planning and Strategic Infrastructure Department indicates that [Portmarnock's housing] allocation has not yet been met, and the proposed 296 units would not exceed the target... The development would therefore comply with the Core Strategy."

"The proposed development would be the sixth and final phase of development on the Portmarnock South lands."

"Overall, the proposed development would consolidate and continue the development of the Portmarnock South lands in a planned and coordinated manner and in accordance with the County Development Plan Core Strategy and Settlement Strategy and the former LAP... The development is therefore acceptable in principle."

"The proposed development is... in a location that can support sustainable development of new housing."

9.2 DENSITY AND COMPLIANCE WITH THE OUTER PUBLIC SAFETY ZONE

The Planning Authority generally considered the proposed density to be acceptable, noting that: -

“While the proposed density is low compared to the ranges in the Guidelines, the requirements of the Outer Public Safety Zone are an exceptional site-specific circumstance that must be complied with. Therefore, given the overriding importance of public safety, the proposed density is acceptable.”

The development complies with the maximum density restriction of **60 persons per half-hectare** as set out in the ERM Report on Public Safety Zones (2005), and the applicant has submitted an Aviation Planning Compliance Report to this effect prepared by Ove Arup & Partners Ireland Limited. A copy of same, can be found in Appendix A of this report for ACP’s benefit.

9.3 LAYOUT, DESIGN, AND UNIT MIX

The Planning Authority noted that the proposed layout conforms to the indicative plans within the expired LAP and previously permitted applications and deems the unit mix as acceptable.

The Planning Authority’s assessment specifically noted the following: -

“Overall, the proposed layout is in accordance with the indicative plans within the LAP as well as previously permitted applications and appropriately ties the development into the overall framework for the area, the previously permitted phases including the ‘Monument View’ linear open space, and to the greenway and future regional park to the northeast.”

“The LAP designated the application site as ‘Character Area 5,’ the ‘Coastal Area’... composed of family houses along its eastern edges with potential for a more formal approach along the inter-monumental street to respond to Character Area 4 to the south.”

“Given the density constraints on the site and the character of previous residential phases in Portmarnock South, as well as the overall vision for the area in the expired LAP, this is an acceptable unit mix.”

The Planning Authority also acknowledged that the development conforms to SPPR 4 of the ‘Urban Development and Building Heights’ Guidelines and aligns with the policy support for own-door housing as set out in the ‘Sustainable Residential Development and Compact Settlements’ Guidelines.

9.4 RESIDENTIAL STANDARDS

The Planning Authority was generally satisfied with the proposed dimensions and level of internal noise amenity of the dwellings, stating that: -

“The Housing Quality Assessment demonstrates that the proposed houses comply with the requirements of ‘Quality Housing for Sustainable Communities’ in terms of minimum floor areas, room sizes and dimensions. The duplex units also generally comply with the quantitative standards of the ‘Planning Design Standards for Apartments’ Guidelines in terms of floor areas, dimensions, and private and communal amenity space.”

“The EIAR Noise and Vibration assessment demonstrates that the proposed units would incorporate appropriate noise insulation and achieve acceptable internal noise levels, as required in Noise Zone B.”

It was noted that;

“all units provide sufficient private storage space or are capable of being adapted for more storage (e.g. by attic conversions), and most units generally provide floor areas well in excess of the requirements of the relevant guidelines.”

The Planning Authority also acknowledged that the proposed house designs are adaptable, suitable for future attic conversions, consistent with the framework set out in the expired LAP.

“While a number of ground floor duplex units were identified as not meeting daylight standards, 94% of rooms assessed would achieve satisfactory daylight based on Spatial Daylight Autonomy, and clarification on potential mitigation will be sought.”

9.5 CHILDCARE, SCHOOLS AND SOCIAL INFRASTRUCTURE

The Planning Authority considered that the absence of childcare facilities is acceptable in this instance, noting that: –

“The site is located in its entirety within the Outer Public Safety Zone of Dublin Airport. The ERM Report on Public Safety Zones states that ‘institutional accommodation’ including schools and nurseries is not permitted within the Outer Public Safety Zone.”

“Given the overriding importance of public safety, this must be applied in this development. The Childcare Guidelines do not provide any mechanism for alternative or off-site provision.”

It is also noted that the lands have long been zoned for residential development, and a full development framework is in place which does not require on-site childcare provision. “The Childcare Guidelines consistently emphasise that it is the responsibility of Development Plans and Local Area Plans to identify suitable locations for childcare facilities; by extension, they can identify areas where they are not suitable.”

The Planning Authority therefore concluded that the absence of childcare facilities “does not materially contravene Objective CIOSO28.”

Similarly, the absence of school provision was accepted, with the Planning Authority noting that:

“Schools are not permissible in the Outer Public Safety Zone and no school site is identified in the Development Plan for Portmarnock South.”

“Detailed school place planning is the responsibility of the Department of Education.”

A planned permanent site for Malahide/Portmarnock Educate Together National School will serve the Portmarnock area, and the applicant has identified planned expansions at Portmarnock Community School, St. Fintan’s High School, and Santa Sabina College. The Planning Authority also noted that:

“The primary- and post-primary-age population generally is projected to fall in coming years... and that the development will take time to reach full occupation.”

The Planning Authority accepted the applicant’s educational needs assessment and concluded that:

“the development can be accommodated in the area.”

In terms of community facilities, the Planning Authority does not require provision in this phase, noting that:

“retail and community uses for the local centre in Portmarnock South, on Station Road, were approved under ref. ABP-305619-19.”

The Planning Authority go onto state that:

“this phase of development would be closest to Portmarnock village centre and residents would have access to existing facilities in the town.”

It is noted that the grounds of appeal focus in particular on the matters addressed within this section. However, having regard to the detailed and reasoned assessment undertaken by the Planning Authority, it is considered that the grounds of appeal are not substantiated and do not undermine the conclusions reached by the Planning Authority.

Please see section 10 of this report for further detail.

9.6 OPEN SPACE AND LANDSCAPING

The Planning Authority generally considered the proposed public open space provision acceptable, noting the site’s location adjacent to existing and permitted green infrastructure, and recognising the role of previous phases in delivering wider open space for the area. The Planner’s Report generally states that: –

“The proposed development is directly adjacent to an existing greenway and a permitted regional park. It provides open space in line with the development framework for the area (the expired LAP), while residents would also have access to open space provided in previous phases.”

Notwithstanding this, the Parks and Green Infrastructure Section raised a number of design-related and management concerns regarding the proposed open space layout and associated landscaping. These were addressed in full by the Applicant in response to Item 4 of the RFI.

"It is a suitable location for new housing and future residents will have easy access to a range of open space and green infrastructure. The on-site shortfall can be dealt with through a contribution in lieu, and the design issues raised in the Parks report can be most appropriately agreed in compliance with conditions."

In particular, the Planning Authority has accepted that planting of a native hedge along the boundary with the greenway can be addressed through condition, as can play provision, street tree layout, boundary treatments, revised landscape plans for the Monument space, and the active travel links.

"Overall, subject to compliance with conditions, the development would be acceptable in terms of public open space."

In the Planning Authority's grant of permission Condition 6 was attached requiring the applicant to submit a revised landscape plan to be submitted prior to the commencement of works.

9.7 TRANSPORTATION

The Planning Authority generally considered the road access arrangements and site layout in terms of connectivity and permeability to be acceptable, noting that: -

"The proposed road access arrangements are considered acceptable."

"The site layout is generally acceptable in terms of connectivity and permeability, and the development would link in with the neighboring greenways and active travel networks."

The Transportation report also noted that the proposed road layout complies with DMURS, and that the Traffic Impact Assessment demonstrates no significant residual impacts on the surrounding road network.

The report confirms that car and bicycle parking provision aligns with Development Plan standards and the Sustainable Residential Development and Compact Settlements Guidelines. A mix of in-curtilage and communal bicycle parking is considered generally acceptable, subject to clarification of end-of-street bike stores by condition.

While concerns regarding active travel links were raised, the Planning Authority accepts that;

"the site is directly adjacent to the Portmarnock to Baldoyle Greenway and will be well-connected to both existing and planned active travel infrastructure."

The report recommends strengthening greenway connections and correcting the taking in charge plan, both of which can be addressed by condition.

The Transportation report also recommends that a final Construction Management Plan be agreed through condition prior to commencement of development, and that:

"the applicant should give further consideration to segregating all construction traffic from the roads network of the existing (and permitted but not yet constructed) surrounding residential developments, or submit a highly developed construction traffic management plan and appoint a dedicated liaison officer for the development."

A special financial contribution for the upgrade of the Station Road/Drumnigh Road junction is also recommended and accepted, in line with conditions attached to previous phases.

Overall, subject to compliance with conditions, the proposed development is considered acceptable in terms of transportation.

9.8 FLOOD RISK

The Planning Authority considered the proposed development is acceptable in terms of flood risk in that no risk of flooding exist.

9.9 WATER AND DRAINAGE

Generally, water and drainage were considered acceptable by the Planning Authority, noting that: –

“The proposed drainage arrangements are acceptable subject to conditions.”

“The application documents also demonstrate agreement in principle from Uisce Éireann, and a grant of permission for a permanent wastewater pumping station in the vicinity would ensure the proposed temporary rising main and pumping station can be decommissioned in the medium term.”

Uisce Éireann has confirmed that water supply is *“feasible without infrastructure upgrade,”* subject to provision of a 200mm connection main and a 150mm spine main within the development. The proposed rising main to the North Fringe Sewer is considered an acceptable interim solution for wastewater, given the lack of clarity on the timeline for delivery of the Portmarnock Bridge Pumping Station.

SuDS and stormwater management proposals are also acceptable, including discharge to the existing regional wetland and detention pond, with the inclusion of bio-retention areas, swales, permeable paving, and rainwater butts.

9.10 ARCHAEOLOGICAL HERITAGE

The Planning Authority considered the proposed development acceptable in terms of archaeology. In this regard, the Planning Authority noted: -

“The Planning Authority considers the assessment robust. Overall, the Planning Authority is satisfied that subject to implementation of the mitigation measures outlined, there would not be any unacceptable direct or indirect cultural heritage impacts arising from the proposed development.”

9.11 PART V AND SECTION 47 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

The Planning Authority considered that, subject to a condition requiring a final agreement to satisfy the Part V obligation, the proposed development is acceptable. In this regard, the Planning Authority notes:

–

“As the proposed development consists entirely of houses and duplexes, a condition under Section 47 of the Planning and Development Act 2000 (as amended) shall be attached to any grant of permission restricting first occupation and use to individual purchasers and those eligible for social and affordable housing.”

The Housing Department confirmed that a Part V proposal was submitted and deemed acceptable, and a validation letter has been included with the application. The necessary Universal Design and Age Friendly housing requirements can be secured by condition.

9.12 PUBLIC ART

The Planning Authority recommended that: -

“a condition should be attached to any grant of permission requiring that a piece of public art be agreed in consultation with the Council (including the Arts & Culture Section and the Parks and Green Infrastructure Section) to comply with Objective DMSO194 of the Fingal Development Plan 2023-2029.”

In the Planning Authority’s grant of permission Condition 21 was attached requiring the applicant to provide a piece of public art or sculpture or architectural feature to comply with Objective DMSO194 of the Fingal Development Plan 2023 - 2029.

9.13 APPROPRIATE ASSESSMENT

The Planning Authority considered that the potential impacts of the proposed development could be satisfactorily addressed subject to the provision of further clarification. In this regard, the Planning Authority notes: –

“Overall, it is considered that the NHS lacks key details and does not address several key potential significant effects, and the NIS proper lacks these details as a result. Furthermore, the impact assessment, mitigation section, and residual impact section of the NIS overlap and lack clarity.”

Notwithstanding these matters, the Planning Authority expressly stated that it did not consider there to be any unacceptable impacts on European sites, noting: –

“The Planning Authority does not consider that there is any evidence that there would be unacceptable significant impacts on any European sites, particularly in view of the mitigation measures already in place on surrounding lands (e.g. the regional wetland) and provided for by the Development Plan (and expired LAP). However, the NIS must be robust, and updates should be provided.”

The Applicant subsequently submitted Additional Information addressing **Item 2** of the request for Further Information. This submission provided clarification and updated assessment in respect of the matters raised. Following review of the Additional Information, the Planning Authority was satisfied that the deficiencies identified at application stage had been appropriately addressed and that the Natura Impact Statement was sufficiently robust to support a conclusion that the proposed development would not adversely affect the integrity of any European site.

9.14 ENVIRONMENTAL IMPACT ASSESSMENT

The Planning Authority considered that, while the Environmental Impact Assessment Report submitted with the application was generally robust and evidence-based, further clarification was required in order to enable a reasoned conclusion to be reached. In this regard, the Planning Authority noted: –

“While the EIAR is generally robust and evidence-based, there are several gaps and issues that must be addressed before the Planning Authority can make a reasoned conclusion.”

On that basis, Additional Information was sought for the purposes of *“addressing gaps and inconsistencies in the EIAR, in order for the Planning Authority to make a reasoned conclusion on EIA.”*

The Applicant subsequently submitted Additional Information addressing **Item 1** of the request for Further Information. This submission provided additional detail and clarification in respect of the matters identified by the Planning Authority. Following consideration of the Additional Information, the Planning Authority was satisfied that the EIAR had been appropriately updated and that it provided a sufficient basis upon which to make a reasoned conclusion on the likely significant effects of the proposed development.

9.15 ADDITIONAL INFORMATION ITEMS 3-5

Items 3–5 (i.e. the remainder of the request beyond EIAR and AA) of the request for Further Information related to detailed design and layout matters, including -

- **Item 3** related to **daylight and sunlight impacts to duplex units**, specifically seeking clarification and mitigation measures to address potential impacts on residential amenity and to demonstrate compliance with the relevant standards.
- **Item 4** related to the **phasing of the development**, seeking clarity on the sequencing of construction and delivery to ensure that the development could be assessed in a coherent and coordinated manner and that infrastructure, access and services would be provided in step with residential occupation.
- **Item 5** related to **specific unit types**, namely the duplex units at Levels L1/M1 and Unit Type F4, and sought clarification and revisions to demonstrate compliance with residential standards, internal layout requirements and overall design quality.

The Applicant subsequently submitted Additional Information addressing each of these matters in detail. Following this, the Planning Authority were satisfied that the clarifications and revisions provided adequately resolved the issues raised and that the proposed development complied with the relevant residential design standards and Development Plan objectives.

10 GRANT OF PERMISSION

Having considered the application, the submissions received, the Additional Information provided, and the assessment set out in the Planner's Report, the Planning Authority concluded that the proposed development complies with the relevant provisions of the Fingal County Development Plan 2023-2029 and national planning policy.

The Planning Authority was satisfied that all matters raised during the assessment process, including those addressed by way of Further Information, had been appropriately resolved. Accordingly, the Planning Authority issued a decision to **grant permission** on **10 December 2025**, subject to 35no. conditions.

11 CONCLUSION

This report has been prepared in response to a third-party appeal against the decision of Fingal County Council to grant permission for the proposed development at Portmarnock South under Reg. Ref. LR0058/S3E. The appeal raises a number of issues, primarily in relation to childcare provision and the application of Public Safety Zone constraints.

As set out in this report, the proposed development was subject to a comprehensive and detailed assessment by the Planning Authority, including consideration of the third-party submissions and a request for Further Information. All matters raised during the assessment process were addressed by the Applicant through the submission of Additional Information, following which the Planning Authority confirmed its satisfaction that the proposed development complies with the relevant provisions of the Fingal County Development Plan 2023–2029, national planning policy, and relevant guidelines.

The Planning Authority's assessment demonstrates that the development complies with the zoning objective for the site, represents the planned and final phase of a long-established development framework for Portmarnock South, and is appropriate having regard to site-specific constraints, including the Outer Public Safety Zone associated with Dublin Airport. The absence of on-site childcare provision was explicitly considered and accepted on the basis of these constraints, the availability of existing and permitted facilities in the wider area, and the provisions of national and local planning policy.

The grounds of appeal do not identify any error in the Planning Authority's assessment nor do they demonstrate that the decision to grant permission is contrary to proper planning and sustainable development of the area. The appeal relies largely on issues that were fully considered and addressed in the Planning Officer's Report and deemed acceptable.

Accordingly, it is submitted that the decision of Fingal County Council to grant permission on 10 December 2025 was well founded and consistent with the Development Plan and national planning guidance. It is therefore respectfully requested that An Coimisiún Pleanála dismiss the appeal and uphold the decision to grant permission.

STEPHEN LITTLE & ASSOCIATES

February 2026

12 APPENDIX A – AVIATION PLANNING COMPLIANCE

Portmarnock Real Estate Developments Ltd

Portmarnock Station Road Site

Phase 1F - Aviation Planning Compliance

Reference:

Final | 04 July 2025

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 254311-10

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Document Verification

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Revision	Date	Filename												
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1.	Introduction	1
2.	Site Location & Context	1
3.	Site Assessment and Compliance	2
4.	Aviation Planning Regulation Review & Assessment	3
5.	Dublin Airport Outer Public Safety Zone	3
5.1	Review of Aviation Planning Regulations	3
5.2	Assessment Methodology and Findings	5
5.3	Simultaneous Residential Occupancy	5
5.4	Census Small Area Population Statistics - 2022 (SAPS)	6
6.	Dublin Airport Noise Zone B	9
6.1	Review of Fingal County Development Plan (2023 – 2029) relevant policies.	9
6.2	Assessment Methodology and Findings	9
7.	Further Aviation Planning Checks	10
7.1	Potential Impact of the subject Development on Instrument Flight Procedure (IFP) Surfaces at Dublin Airport	10
7.2	Potential Impact of the subject Development on non-directional beacons (Runway 28 Outer Marker).	10
8.	Consultation Process	10
9.	Assessment Findings	11

Figures

Figure 1	Site Location in relation to Dublin Airport’s Public Safety Zones and Noise Zones	2
Figure 2	Extract from ERM Report outlining permitted development within public Safety Zones	4
Figure 3	Residential Occupancy Assessment Grid (Original Grid and Offset Grid Mesh)	5
Figure 4	Population of Fingal by Age Group, 2022	6
Figure 5	Population aged 5 and over by time leaving home to travel to work, school or college - 2022 SAPS	7
Figure 6	Simultaneous Population Density within residential area.	8

Appendices

Appendix A		A-1
AirNav Ireland Response Letter (16/01/2024)		A-1

1. Introduction

Portmarnock Real Estate Developments Ltd is planning to develop the next phase 1F of the Portmarnock South residential housing lands, in the County of Fingal. This is an extension of an existing development, with previous phases 1A to 1E.

The proposed development will comprise 296no. residential units consisting of 42no. duplex / apartments and 254no. houses ranging in height between 1.5 and 3 storeys; public open space including southern Monument Park which formed part of the Racecourse Park development permitted under ABP Reg. Ref. JP06F.311315; vehicular access to serve the development is proposed off Monument View; and all associated and ancillary site development, infrastructural, landscaping and boundary treatment works.

The proposed development will also comprise a new (temporary) rising main to serve this phase and previous development phases (1A to 1E inclusive), c.1.7km long, running from the interim St. Marnock's Pumping Station at Station Road/The Avenue (constructed under ABP Reg. Ref. 300514-17 & upgraded under ABP Reg. Ref. 312112-21) connecting to the North Fringe Sewer in the south via Phase 1E (permitted under FCC Reg. Ref. LRD0002/S3), Racecourse Park North and South (permitted under ABP Reg. Ref. JP06F.311315) including crossing under both Moyne Road and Mayne River; upgrade of pumping station and storage as required and all associated and ancillary site development and reinstatement. The proposed rising main and interim St. Marnock's Pumping Station will be decommissioned, and these lands will then discharge by gravity to a proposed new Uisce Éireann Pumping Station adjacent to Portmarnock Bridge when same is completed.

Arup has been commissioned by the applicant Portmarnock Real Estate Developments Ltd as part of a team of planners, architects, and engineers, to provide aviation regulatory planning advice. This advice will inform the preparation of a planning application for a development of approximately 296 residential units on a subject site adjacent to Station Road in Portmarnock South.

The purpose of this Memorandum is to describe the aviation consultancy services provided by Arup in order to document the aviation compliance of the planning application for the aforementioned lands.

2. Site Location & Context

The site is situated in Portmarnock South within Fingal County, approximately 7 kilometres East of runway 10/28 at Dublin Airport. Its northern boundary is marked by Station Road, while the western boundary is partially defined by the Belfast to Dublin railway line, with Portmarnock Train Station situated nearby. These lands fall within the former, now defunct Portmarnock South Local Area Plan (LAP), which was published by Fingal County Council in 2013.

Dublin Airport's Public Safety Zones as set out in the Fingal Development Plan 2023 – 2029 show an Inner Public Safety Zone and an Outer Public Safety Zone in accordance with the guidance set out in the Environmental Resources Management [ERM] Report 2003. Specifically, this ERM Report provides guidance on the potential use and scale of development that may be considered appropriate within these zones. The Irish Aviation Authority Obstacle Limitation Safeguarding Map sets out the guidance on the type and height of any structures that may be developed at Dublin Airport and its environs.

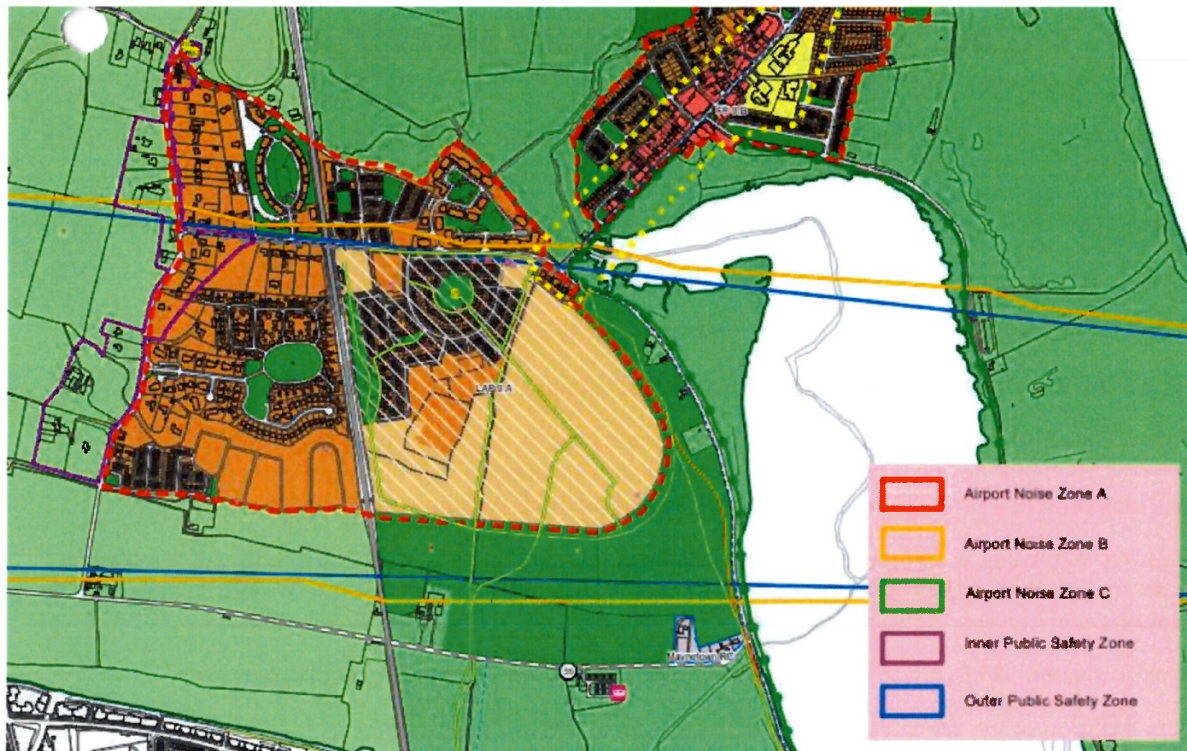


Figure 1 Site Location in relation to Dublin Airport's Public Safety Zones and Noise Zones

3. Site Assessment and Compliance

Due to the location within the Outer Public Safety Zone and the Noise Zone B of Dublin Airport's runway 10/28, Arup has been commissioned by the Client to assess the site in terms of the development guidelines and regulations which may apply to the site. This letter outlines the process of analysis which Arup is currently undertaking.

Arup notes that in 2003, ERM Environmental Resources Management Ireland Ltd. published a report on behalf of the then Department for Transport and the Department for Environment, Heritage and Local Government, identifying inner and outer Public Safety Zones (PSZs) for Dublin Airport. The subject lands are located within the Outer Public Safety Zone of Runway 10/28 of Dublin Airport.

The Fingal Development Plan (2023 – 2029) references this ERM report with regard to the allowable density of housing, stating that: 'no single half hectare plot should accommodate more than 60 persons (persons at home)'. Arup has taken cognisance of these recommendations in order to ensure that the proposed development is compliant with the requirements of the Development Plan and the ERM report, by assessing the density of proposed layouts for development.

In addition to the Public Safety Zones, the Fingal Development Plan (2023 – 2029) outlines the Noise Zones associated with Dublin Airport, and the objectives for development within these zones. Arup have informed the design team that the subject site is within the Noise Zone B and therefore the necessary consideration for the objectives relating to this zone will be taken.

4. Aviation Planning Regulation Review & Assessment

A comprehensive review of the relevant aviation planning regulations associated with the subject site has been carried out. This review included the examination of, among others, the following publications:

- The Fingal Development Plan (2023 – 2029), Fingal County Council
- Public Safety Zones Report (2003), ERM Environmental Resources Management Ireland
- Land Use Planning and Offshore Development Version 1 (2014), Irish Aviation Authority; and
- ICAO EUR DOC 015 Third Edition (2015), International Civil Aviation Organisation.

Based on this review of the relevant aviation planning guidelines, Arup is providing ongoing aviation regulatory advice to the client and the design team and is engaging in consultation with the relevant aviation bodies including Dublin Airport Authority (DAA) and the Irish Aviation Authority (IAA).

In addition to this consultation process, Arup has been involved in an iterative design layout assessment process, to ensure that proposed scheme design layouts were fully compliant with the aforementioned regulations.

The main constraints identified due to the proximity of the subject site to Dublin Airport are:

- The location of the site within Dublin Airport's Outer Public Safety Zone
- The location of the site within Dublin Airport's Noise Zone B; and
- The proximity of the site to Dublin Airport's Runway 28 Outer Marker and Outer Locators.

The methodology by which the scheme has been assessed in relation to these constraints is outlined in the following chapters.

5. Dublin Airport Outer Public Safety Zone

A comprehensive review of the relevant aviation planning regulations associated with the subject site has been carried out. This review included the examination of, among others, the following publications:

5.1 Review of Aviation Planning Regulations

In the absence of Public Safety Zone Guidelines, the 2003 ERM Environmental Resources Management Ireland Ltd. report is considered by both Fingal County Council and An Bord Pleanála as a key guidance document in order to assess the suitability of planning applications in terms of aviation safety within Airport Public Safety Zones.

This report was published on behalf of the then Department for Transport and the Department for Environment, Heritage and Local Government, identifying inner and outer Public Safety Zones (PSZs) for the main national airports including Dublin Airport. As previously outlined, the subject lands are located within the Outer Public Safety Zone of Dublin Airport's Runway 10/28.

Public Safety Zones are areas of land at the ends of airport runways, within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing.

Public Safety Zones are based on risk contour modelling; a process which assesses the likelihood of a person remaining in the same location for a year being subjected to a particular level of individual risk (1 in 1,000,000 in the case of the Outer Public Safety Zone) of being killed as a result of an aircraft accident.

Table 6.1 Permitted Developments (applicable to new applications for development)

Permitted Developments	Public Safety Zone (PSZ)	
	Inner PSZ	Outer PSZ
All developments	No further development (existing developments remain)	see below (existing developments remain)
		Outer PSZ
1. Housing		≤ 60 persons/half hectare
2. Holiday Accommodation		≤ 100 beds per development
3. Retail/Leisure Facilities		≤ 85 persons/half hectare
4. Working Premises		≤ 110 persons/half hectare
5. Institutional Accommodation		No further development
6. Sports Stadia		No further development
7. Limited Use		≤ 220 persons/half hectare
No restrictions on development beyond Outer PSZ		
Notes		
1. Housing – i.e. residential accommodation, persons at home.		
2. Holiday Accommodation – i.e. hotels, caravan parks.		
3. Retail/Leisure Facilities – i.e. shopping centres, sports halls, sports grounds, swimming pools, bowling alleys, golf clubs.		
4. Working Premises – i.e. factories, offices and facilities where persons are expected to congregate, such as railway stations.		
5. Institutional Accommodation – i.e. hospitals, schools, nurseries, care homes, prisons.		
6. Sports Stadia – i.e. football/rugby stadia.		
7. Limited Use – use not exceeding (approximately) a maximum of 12 hours in one week. i.e. Sunday markets, car boot sales, day fairs.		

Figure 2 Extract from ERM Report outlining permitted development within public Safety Zones

Based on this allowable level of risk, the ERM report provides recommended guidance on development management measures. Figure 2 displays these recommendations as they are presented in the ERM document.

The Fingal County Development Plan (2023 – 2029), acknowledges the significance of applying development control measures in relation to developments in close proximity to Dublin Airport or along the established/planned approach and departure flight paths. The following objectives are outlined in terms of Safety within Fingal County in the context of Dublin Airport.

Objective DAO18 – Safety: *“Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements”.*

Objective DAO19 – Review of Public Safety Zones: *“Support the review of Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.”*

Objective DAO20 – Irish Aviation Authority Publications: *“Take into account relevant publications issued by the Irish Aviation Authority in respect of the operations of and development in and around Dublin Airport”.*

Objective DAO21 – Irish Aviation Authority Advice: *“Continue to take account of the advice of the Irish Aviation Authority with regard to the effects of any development proposals on the safety of aircraft or the safe and efficient navigation thereof. To refer planning applications for any proposals that may be developed in the environs of the Airport to the Irish Aviation Authority and DAA in accordance with the Obstacle Limitation Requirements of Regulation (EU) No 139 / 2014 (EASA Certification Specifications), previously required under ICAO Annex 14, and which are depicted on the aerodrome operator’s map.”*

In addition to these objectives outlined within the Fingal County Development Plan (2023 – 2029), specifically references the ERM report with regard to the allowable density of housing, stating that:

“no single half hectare plot should accommodate more than 60 persons (persons at home)”

This requirement has been used as the basis of a residential occupancy checking exercise carried out by Arup in order to ensure that the proposed development is compliant with the requirements of the County Development Plan and the ERM report.

5.2 Assessment Methodology and Findings

In order to ensure that the residential element of the scheme is fully compliant with the aviation regulations and guidelines set out above, Arup has been involved in an ongoing review process of the proposed scheme layout.

Proposed layouts have been assessed to determine their compliance with the required residential density resulting in an occupancy of ≤ 60 persons per half hectare.

Based on the findings of these reviews, and the associated recommendations by Arup, the residential layout has been updated and refined iteratively, to ensure a fully compliant design layout is achieved. The methodology is outlined as follows:

Firstly, a grid of half hectare squares was overlaid onto the residential layout. This grid provided a framework within which residential occupancies could be checked.

It was quickly recognised that a single grid of half hectare squares would not provide the level of accuracy required to adequately assess the layout, as areas of high occupancy could straddle the border between two adjacent squares.

In order for the assessment to capture all areas of high occupancy, and thus ensure a compliant layout, three additional offset grids were generated in order to create a dense mesh of overlapping half hectare grids, as illustrated in Figure 3.

As part of this exercise over 285 half a-hectare squares were assessed.

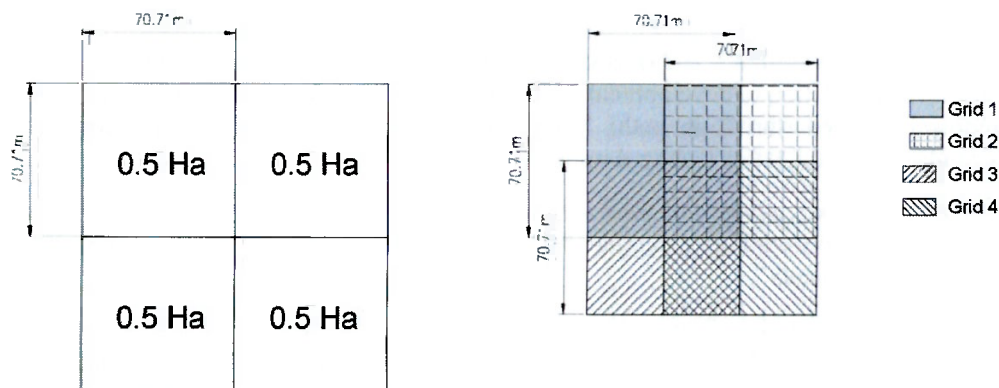


Figure 3 Residential Occupancy Assessment Grid (Original Grid and Offset Grid Mesh)

5.3 Simultaneous Residential Occupancy

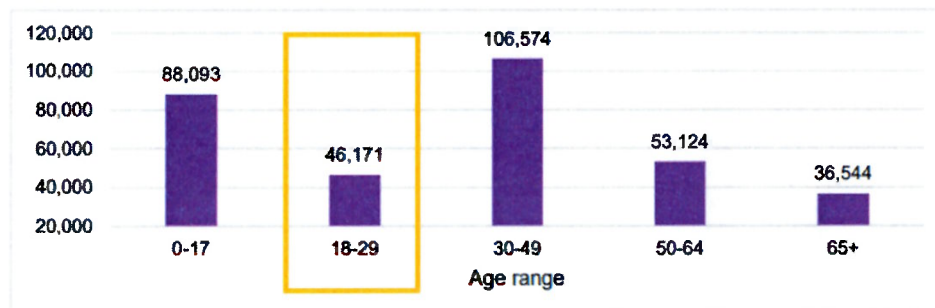
In order to determine the occupancy of each half hectare square, it was first necessary to determine the occupancy of each dwelling.

According to the socio-economic analysis included as part of the Fingal County Development Plan, [socio-economic-travel-trends-analysis.pdf \(fingal.ie\)](#), the average household size in Fingal was estimated 3.02 persons per household.

This figure is derived from the total number of persons usually resident there on the night of the census (Sunday, April 28, 2022), which includes those absent from the household for less than 3 months. Notably, this calculation encompasses college students and first-job employees who may be sharing a property in a different location but still have their address registered at their parents' home.

The population profile outlined in the same document emphasizes a noticeable population gap within the 18-29 age range, confirming the previously indicated assumption (see Figure 4 below).

Figure 4: Population of Fingal by Age Group, 2022



Source: CSO

Figure 4 Population of Fingal by Age Group, 2022

According to the same report, Fingal's population reached 330,506 in 2022, with 116,135 residential units in the area during the same period, according to data from the Central Statistics Office (CSO). Consequently, the theoretical average residential occupancy rate for the entire county can be calculated using the published CSO Census figures for 2022, resulting in a rate of 2.85 (330,506/116,135).

However, it is pertinent to acknowledge the considerable variance in occupancy rates across specific settlements within Fingal. Each settlement profile in the report provides detailed information, encompassing settlement boundaries, population statistics, levels of deprivation and affluence, as well as a spectrum of social, economic, and travel indicators. For instance, as depicted on page 102 of the same report, the household structure analysis for the Portmarnock settlement indicates an average household size of 2.80. This underscores the necessity of considering settlement-specific data to attain a more nuanced comprehension of residential patterns within Fingal.

When calculating simultaneous occupancy per dwelling, it is crucial to determine whether to consider an average simultaneous occupancy or a peak simultaneous occupancy. To ensure a conservative assessment, our focus will be on establishing the peak concurring hour when airport activity and household occupancy coincide.

To pinpoint this "peak period," it is essential to note that Dublin Airport adheres to a regulatory "night flight cap" of 65 flights during specified night hours, constituting approximately 12% of total flights. According to DAA traffic data, the peak period for concurrent take-offs and landings typically occurs between 7:00 - 7:30 am. Through consultations with AirNav (Ireland Air Navigation Service Provider - ANSP) and DAA, this peak period has been confirmed. This timeframe serves as a prudent reference point for evaluating simultaneous occupancy, aligning with the highest convergence of airport and household activities.

5.4 Census Small Area Population Statistics - 2022 (SAPS)

Small Area Population Statistics, generated by the Central Statistics Office (CSO), encompass a variety of geographical levels, ranging from the State to Small Areas. This dataset constitutes the most granular and detailed information derived from the census, offering a comprehensive and precise overview of population dynamics across different geographic scales.

Based on the information provided in the 2022 Census Small Area Population Statistics (SAPS), the percentage of individuals, living in the Portmarnock catchment, classified by the time they leave home for work, school, or college has been analysed (See Figure 5). Notably, 14.2% of the population in the Portmarnock area departs from their homes before 7:00 am.

Based on the conducted data analysis, we can deduce that the simultaneous occupancy rate during the identified peak period is estimated at 2.40 individuals per dwelling. This calculation is derived by considering the average household size of 2.80, adjusted by a factor of 85.8% (100%-14.2%) representing those who leave their homes before 7:00 am.

However, for added resilience, we have applied a safety margin and considered only those departing before 6:30 am in our calculations.

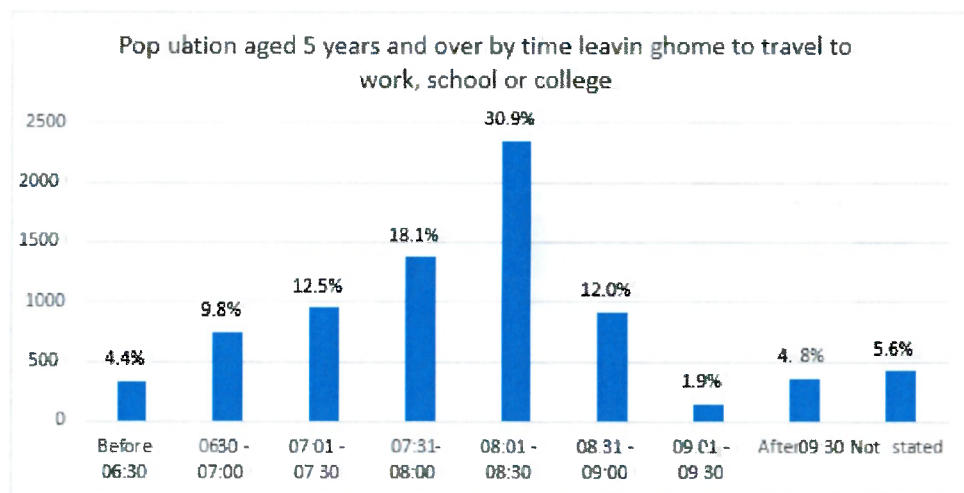


Figure 5 Population aged 5 and over by time leaving home to travel to work, school or college - 2022 SAPS

As a result of this assumption, we can confidently deduce that the simultaneous occupancy rate during the identified peak period is estimated at 2.67 individuals per dwelling. This calculation is derived by considering the average household size of 2.80, adjusted by a factor of 95.6% (100%-4.4%) representing those who leave their homes before 6:30 am.

Furthermore, within the specific timeframe from 6:30 to 7:00, a notable portion of the population, precisely 9.8%, will be engaged in the process of leaving their residences, driveways, and the housing estate. These findings underscore the necessity of accurately reflecting this observed movement pattern in the geographical distribution of density points.

A meticulous representation of these dynamics not only enhances the precision of our analysis but also contributes to a more comprehensive understanding of residential and commuter activities during the identified peak period. This detailed approach to geographical representation is critical for effectively calculating simultaneous occupancy peaks, ensuring alignment with real-life behaviours.

By multiplying the number of units in each square by the average 2.67 persons per unit occupancy rate, we calculated the number of persons occupying each half hectare square. However, it was recognised that a certain level of judgment was required where units lay on the border of two areas. To minimize subjectivity, units were divided into quarters, so that the occupancy associated with these units would be divided between adjacent half hectare squares.

To effectively communicate the occupancy associated with different areas within the scheme, a heatmap based on the calculations of simultaneous occupancy for 285 different points was produced. This diagram assists in assessing the various residential layouts produced by the architectural team in terms of aviation planning constraints. The analysis confirms that the density remains within the acceptable range across the layout.

Therefore, we confirm that the layout, as reviewed in consultation with Fingal County Council, complies with the aforementioned density restrictions.



Figure 6 Simultaneous Population Density within residential area.

6. Dublin Airport Noise Zone B

6.1 Review of Fingal County Development Plan (2023 – 2029) relevant policies.

The subject site is also located within the Dublin Airport Noise Zone B.

The Fingal Development Plan, Policy DAP5, states that it is a Policy of the council to:

Noise: *“Support the actions contained within the Noise Action Plan for Dublin Airport 2019–23, or any subsequent plan or extension of same”.*

Policy DAP5, states that it is a Policy of the council to:

Health of Residents and Aviation Noise: *“Protect the health of residents affected by aviation noise, particularly night-time noise”.*

The Fingal Development Plan, Objective DAO11 – Requirement for Noise Insulation, states that it is an objective of the council to:

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

In addition to this, the Development Plan states that it is an objective of the council to

Objective DAO14 – *“Aircraft Movements and Development Restrict development which would give rise to conflicts with aircraft movements on environmental or safety grounds on lands in the vicinity of the Airport and on the main flight paths serving the Airport, and in particular restrict residential development in areas likely to be affected by levels of noise inappropriate to residential use”.*

Objective DAO15 – *“Ongoing Review of Operation of Noise Zones Review the operation of the Noise Zones on an ongoing basis in line with the most up to date legislative frameworks in the area, the ongoing programme of noise monitoring in the vicinity of the Airport flight paths, and the availability of improved noise forecasts”.*

Objective DAO16 – Introduction of a Noise Quota System: *“To encourage and promote the introduction of a noise quota system at Dublin Airport to encourage Airlines to use quieter aircraft so as to prevent and reduce, where necessary, on a prioritised basis the effects due to long term exposure to aircraft noise”.*

6.2 Assessment Methodology and Findings

In order to ensure that the development of the subject site is fully in compliance with the regulations outlined above, AWN Consulting Limited (AWN), Environmental and Acoustic advisors, have been commissioned by the applicant as part of this application to assess the potential noise and vibration impacts of the Proposed Development in the context of current relevant standards and guidance.

The acoustic design statement has concluded that the site is suitable for residential development once consideration is given to the provision of mitigation to ensure the amenity of the proposed dwellings to be located within Dublin Airport’s Noise Zone B.

Based on the noise Zones, the upper thresholds of noise levels incident to dwellings and external amenity areas falling within this zone can be summarised as:

- Daytime: 63 dB LAeq,16hr
- Night-time: 55 dB Lnight.

It is anticipated that the outcome of the acoustic design assessment will change for this phase. The typical mitigation measures include:

- The introduction of enhanced glazing specification within building envelopes
- The provision of attenuated ventilation; and
- An enhanced roof construction.

7. Further Aviation Planning Checks

7.1 Potential Impact of the subject Development on Instrument Flight Procedure (IFP) Surfaces at Dublin Airport

After consulting with AirNav Ireland, the Air Navigation Service Provider (ANSP), and in their capacity as AirNav Ireland's Air Navigation Service Provider (ANSP) Manager for Airspace and Navigation, they have reviewed the documentation provided and assessed the proposed development's impact on AirNav-managed Navigation Aids (NAVAIDs) in the vicinity, as well as its elevations concerning Instrument Flight Procedures (IFP) at Dublin Airport.

It has been therefore confirmed that, based on their assessment, the proposed buildings and any associated craneage do not affect the IFP Surfaces at Dublin Airport. The correspondence has been attached to the Memo for your reference.

7.2 Potential Impact of the subject Development on non-directional beacons (Runway 28 Outer Marker).

After consultation with AirNav Ireland, the Air Navigation Service Provider (ANSP), it has been verified that the subject lands are situated in close proximity to several navigational aids associated with Dublin Airport's Runway 28. An Outer Marker for the runway is positioned adjacent to the R106 Coast Road, east of the subject site. These navigational aids are also documented in the Portmarnock South LAP.

Upon consultation with AirNav, it was observed that the referenced NAVAID, a non-directional beacon (marker), is presently not utilized in any flight procedures, although it remains operationally available. While there is deliberation on the removal of this NAVAID, the proposed development does not impact its functionality. The Aviation Authority is currently reassessing all NAVAIDs concerning future requirements, and each is being evaluated individually. However, in this instance, it does not pose a concern for AirNav Ireland. The correspondence has been attached to the Memo for your reference.

8. Consultation Process

A combined consultation process for both phase 1E and 1F was undertaken with both DAA and AirNav Ireland, the Air Navigation Service Provider (ANSP), on 01/02/2024 and 13/02/2024. During these meetings, the study methodology was presented, and no objections were raised.

Since the meetings in 2024 the residential densities and layout resulting from the calculations of simultaneous occupancy per half hectare remain within the permitted values consulted and approved in 2024.

This compliance report, as part of the planning application, details all relevant checks and assumptions made. It is anticipated that the report will be forwarded to both DAA and AirNav Ireland, as statutory consultees, for their feedback.

9. Assessment Findings

This memorandum presents a comprehensive review of aviation planning regulations applicable to the subject site, adjacent to Station Road in Portmarnock, in relation to Dublin Airport. The review covers:

- The site's positioning within Dublin Airport's Outer Public Safety Zone
- Its location within Dublin Airport's Noise Zone B
- Potential impact of the subject development on Instrument Flight Procedure (IFP) Surfaces at Dublin Airport
- Potential impact of the subject development on non-directional beacons (specifically, the Runway 28 Outer Marker).

These findings provided the basis for a detailed assessment of the subject site, ensuring compliance with required residential occupancy standards associated with the Outer Public Safety Zone of Runway 10/28.

The site was assessed to ensure compliance with the required simultaneous residential occupancy associated with the Outer Public Safety Zone of Runway 10/28, as well as ensuring that no building has an impact on Instrument Flight Procedure (IFP) Surfaces at Dublin Airport or on any non-directional beacons (Runway 28 Outer Marker).

In addition to this, due to the location of the site within the Noise Zone B associated with Runway 10/28, an Acoustic Design Statement will be carried out by Awn Consulting Limited. This assessment will propose mitigation measures in order to ensure that the appropriate internal noise criteria are met within residential units.

Through collaboration with relevant authorities and an iterative design review process, a scheme layout was developed that fully adheres to aviation planning regulations outlined in preceding sections.

Appendix A

AirNav Ireland Response Letter (16/01/2024)

Seirbhís Aerloingseoireachta
na hÉireann
ag trádáil mar AirNav na
hÉireann
Foirgneamh na hAmanna
11-12 Sráid D'Olier
Baile Átha Cliath 2, D02 T449,
Éire

The Irish Air Navigation
Service
trading as AirNav Ireland
The Times Building
11-12 D'Olier Street
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T: +353 1 6031505
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Michael O'Sullivan,
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STEPHEN LITTLE & ASSOCIATES
Chartered Town Planners & Development Consultants
26/27 Upper Pembroke Street,
Dublin 2 D02 X361

Re. Large-scale Residential Development (LRD) South Phase 1E Coast Road, Portmarnock

Dear Michael and to whom it may concern,

For the purposes of the planning application process as referenced above and in my capacity as AirNav Ireland Air Navigation Service Provider (ANSP) Manager Airspace and Navigation, I have reviewed documentation you have supplied and reviewed this proposal vis a vis, AirNav managed Navigation Aid (NAVAID) in this area and the elevations of the proposed development in relation to Instrument Flight Procedures (IFP) at Dublin Airport.

I can confirm that the proposed buildings and any associated craneage, do not impact the IFP Surfaces at Dublin Airport.

Separately, the NAVAID referenced, which is a non-directional beacon (marker), is not currently used in any flight procedures, although it remains operationally available. While removal of this NAVAID is being considered, the proposed development does not affect this facility.

We are looking at all NAVAIDs in the context of future requirements and each one must be looked at individually, but in this case again is not a concern for AirNav Ireland.

I may be contacted for any clarification if required, as follows:

Email: cathal.maccristail@airnav.ie
Mobile: (+353) 86 0527130

Cathal Mac Criostail
AirNav Ireland Manager Airspace and Navigation

16th January 2024
cc. Paul Cumiskey, Gary Mackin, daa
AirNav Ireland Corporate Affairs, Planning

Bord Stiúrthóirí/Board of Directors

Bryan Bourke (Chair)
Ethna Brogan
William Morrissey
Aoife McQuillan

Registered Office:

The Times Building, 11-12 D'Olier Street
Dublin 2, D02 T449, Ireland
Registered No. 734291 Registered in Ireland
A Designated Activity Company

Oifig Chláraithe:

Foirgneamh na hAmanna, 11-12 Sráid D'Olier
Baile Átha Cliath 2, D02 T449, Éire
Uimhir Chláraithe: 734291. Áit Chláraithe: Éire
Cúideachta Ghníomhaíochta Ainmnithe