



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-309622-21

Strategic Housing Development

198 no. Build to Rent apartments, childcare facilities and associated site works.

Location

Old Schoolhouse Site (former Clonsilla School, a protected structure), Porterstown Road, Kellystown, Clonsilla, Dublin 15. (www.clonsillashd.ie)

Planning Authority

Fingal County Council

Applicant

Osh Ventures Limited.

Prescribed Bodies

1. Development Applications Unit
2. Department of Defence
3. Iarnród Éireann
4. Irish Water
5. National Transport Authority
6. Transport Infrastructure Ireland

Observer(s)

1. Aidan and Carol Collins
2. Aisling Smith-Galan
3. Alan Thornberry
4. Alice McVeigh and Cian Obriain
5. Alistair White and Louise Cunningham
6. Amanda and Zoe Cunningham
7. Anette Fay
8. Ann Byrne
9. Ann Callanan
10. Ann Long
11. Anna Keane
12. Anne Lynch
13. Arun Rao, Gillian Williams, Georgia Rao-Williams & Myles Rao-Williams
14. Bernadene Byrne
15. Blanchardstown Castleknock History Society
16. Bláthnaid and Pádraig Mac Criostail
17. Brenda Finn
18. Brendan and Adrienne McCarthy
19. Brian Birmingham
20. Brian Mahon
21. Carmel Fahy
22. Carol Gill
23. Caroline Kavanagh
24. Carolyn Spain
25. Castlefield Park Residents Association
26. Castlefield Woods Residents Association
27. Sub - Cathie Shanahan
28. Catriona and Ian McLoughlin
29. Celine Jameson
30. Charles Hulgraine
31. Chris Treadgold
32. Christine McMahan
33. Christine Moore
34. Claire and Dominik Bohr
35. Claire and Ronan Kelly
36. Claire Durr
37. Claire Hughes

38. Clara Duke
39. Clodagh O'Dea
40. Colin Gaughan
41. Colm Quinn
42. Daire Cronin
43. Danny Lynch
44. Darren and Niamh O'Neill
45. Dawn and Ian Sullivan
46. Derek Whelan
47. Dermott Downey
48. Desmond Brown
49. Dublin Cycling Campaign
50. Dympna and Michael Cunningham
51. Eamon and Eileen McKiernan
52. Edwina Hogan
53. Eileen Doran
54. Elena Brunton
55. Elizabeth and Dominic Flynn
56. Elton Rooney
57. Emma and James Donnelly
58. Eoin Madigan
59. Evan Callanan
60. Fiona Dunne
61. Frances and David McClelland
62. Gareth Duke
63. Gareth John
64. Garrett Hulgraine
65. George McLellan
66. Geraldine Doyle
67. Gerry Deegan
68. Graham Duke
69. Helen and Gary Harold
70. Howard Mahony
71. Ian and Sinead Reid
72. Jacinta Lawlor
73. James Fitzpatrick
74. Janet Ivers
75. Jim and Mary Nolan
76. Jim O'Riordan (IWAI)
77. Joanna Hogan
78. John Burtchaell and Ruth
Coppinger
79. John Costello

80. John Duke
81. John Keating
82. John Walsh
83. June Mulholland
84. Katarzyna Baczyk
85. Kathleen Reilly Talbot
86. Keelin McEntee
87. Kevin Downes
88. Lambourn Residents Association
89. Leonie Thornton
90. Liam Diamond and Lisa Gavin
91. Linda Goff
92. Lorraine and Simon Judge
93. Lorraine Spain
94. Maeve McQuillan
95. Margaret Cahill and David O'Brien
96. Margaret Hogan
97. Margaretband Donal Finn
98. Maria Hughes
99. Marian Hynes
100. Marie Mc Cartney and Declan
Sherlock
101. Marion and Brian Harvey
102. Marion O'Haire
103. Mark and Maguerite Fox
104. Mark Callanan
105. Mark Hilliard
106. Mark Lawless
107. Martin and Brenda Callanan
108. Martin Diskin
109. Martin O'Reilly
110. Martina Glennon
111. Mary and Bernard O Halloran
112. Mary McCamley
113. Mary O Riordan (co-ordinator for
36 children from Lambourn
estate).
114. Matthew McEntee
115. Michael Downes
116. Michael Kelly
117. Naoibh O'Reilly and Siobhan
Merriman
118. Natalie Treacy

119. Niall and Rita Errity
120. Niall Flynn
121. Niamh Cooke
122. Noel Downey
123. Noeleen Morris
124. Noelene Reid
125. O'Riordan Household
126. Octavio Hernandez
127. Orla O'Farrell
128. Paddy and Mary Kavanagh
129. Pamela McEntee
130. Patrick Glennon
131. Paul and Janet Cullen
132. Paul and Siobhan O'Reilly
133. Sub - Paul Donnelly
134. Paul O Farrell
135. Pauline Crabbe
136. Peter Mc Nally
137. Peter Walker
138. Philip Acton
139. Philip McMahon
140. Philip Wall
141. Raymond Murphy
142. Regina Acton
143. Richard Dixon
144. Ritamary Bolton
145. Roderic O'Gorman, Pamela
Conroy and Daniel Whooley
146. Ronan Lawlor
147. Ross and Aoife Croft
148. Samantha and Kevin Nolan
149. Sarah Fay
150. Sarah Jane McEntee
151. Sarah Naughton
152. Séamus Lynam
153. Sean O'Hara
154. Sean Tobin
155. Shane Hulgraine
156. Shane Mcelduff
157. Sinead O Connor and Patrick
Ryan
158. Siobhan Keaney

159. St. Mochtas National School
Parents Association
160. St. Mochtas National School
161. Stacy Kenny
162. Stanley Sterritt
163. Susan Lawlor
164. Tania Doyle
165. Terry and Helen Lennon
166. The Hilliard Family
167. The Residents Association of The
Village Porterstown
168. Thomas and Lisa Burnett
169. Thomas Cole
170. Thomas Mc Nally
171. Tony Rock
172. Trish Doherty
173. Una Kennedy
174. Ursula and Oliver Hughes
175. Valerie O Farrell
176. Vanessa Madigan
177. Vera Cunningham (KRCRA)
178. Victoria Carroll
179. Vincent Hegarty
180. Vivienne Hamilton Reynolds and
Stephen Reynolds
181. Wolfgang Stengel.

Date of Site Inspection

3rd June 2021

Inspector

Daire McDevitt

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

The site, with a stated area of c.2.32 hectares, is located on the western side of Porterstown Road, south of entrance to The Village residential estate and north of the Royal Canal. A vehicular railway crossing is located to the south of the site on Porterstown Road and Clonsilla Station is located between c.480m to the west of the site. Clonsilla Road with commercial and other uses is located c.300m to the north of the site. St Mochta's National School is located on the corner of Clonsilla Road and Porterstown Road.

The area in the immediate vicinity of the site is characterised by two storey suburban housing, the closest of which are located in Lambourn Park and The Village to the north of the site. A single detached dwelling adjoins the northern boundary to the site on Porterstown Road. An undeveloped site is located to the north of the subject site and west of The Village estate, this is referred to in the documentation on file as the 'Aldi site'. Opposite the site to the east of Porterstown Road is a detached single dwelling and private access road for agricultural land.

The site is bounded to the south by the embankment for the Royal Canal, the canal and associated towpath, all of which are at a significantly lower level to the site. To the north by open space associated with The village, the 'Aldi' site, Churchlands, and open space associated with Lambourn and the boundary of No. 108 Lambourn Park. The subject site is accessed off Porterstown Road, a narrow road off Clonsilla Road. There is a level crossing to the south of the bridge over the Royal Canal on Porterstown Road to the south of the site access.

The site is c. 850m long with widths varying from c. 23.5 to 30m and is overgrown. There are two structures currently on the site, the Old Schoolhouse building, a Protected Structure (RPS. 700) and a smaller structure. The Old Schoolhouse which occupies the eastern portion of the site is a detached, three-storey, three-bay, gable-fronted building, built c.1854. It has not been in use for an extensive period and is in

a state of serious neglect in need of substantial restoration and is currently fenced off from the remainder of the site.

3.0 Proposed Strategic Housing Development

3.1 Permission is sought for a Strategic Housing Development, which will be accessed from Porterstown Road, will consist of the following:

- (i) The construction of a residential development of 198 no. Build to Rent apartment units (120 no. one beds, 59 no. two beds and 19 no. three beds) in 8 no. blocks (ranging in height from four/five to seven storeys in height) as follows:
- Block A containing a total of 22 no. apartments (16 no. 1 bed units, 5 no. 2 bed units and 1 no. three bed units) measuring 4 to 5 storeys in height with all apartments provided with private balconies/terraces.
 - Block B containing a total of 21 no. apartments (11 no. 1 bed units, 6 no. 2 bed units and 4 no. three bed units) measuring 5 storeys in height with all apartments provided with private balconies/terraces.
 - Block C containing a total of 27 no. apartments (15 no. 1 bed units, 8 no. 2 bed units and 4 no. three bed units) measuring 6 storeys in height with all apartments provided with private balconies/terraces.
 - Block D containing a total of 31 no. apartments (15 no. 1 bed units, 10 no. 2 bed units and 6 no. three bed units) measuring 7 storeys in height with all apartments provided with private balconies/terraces.
 - Block E containing a total of 37 no. apartments comprising (27 no. 1 bed units and 10 no. 2 bed units) measuring 7 storeys in height with all apartments provided with private balconies/terraces.
 - Block F containing a total of 31 no. apartments comprising (23 no. 1 bed units and 8 no. 2 bed units) being 6 storeys in height with all apartments provided with private balconies/terraces.
 - Block G containing a total of 11 no. apartments comprising (3 no. 1 bed units and 8 no. 2 bed units) measuring 5 to 6 storeys in height with all apartments provided with private balconies/terraces.
 - Block H containing a total of 18 no. apartments comprising (10 no. 1 bed units, 4 no. 2 bed units and 4 no. three bed units) measuring 4 to 5 storeys in height with all apartments provided with private balconies/terraces and
- (ii) internal/external refurbishment and alterations to the existing 3 storey Protected Structure (Former Clonsilla School - RPS No. 700) to allow for its change of use and conversion to provide a management office with ancillary community use for residents and
- (iii) the construction of 1 no. childcare facility located within the ground and first floor levels of Block G.

A total of 100 no. car parking spaces are proposed including 96 no. spaces serving the proposed apartments, (32 no. standard spaces at undercroft level at Blocks B to H, 58 no. standard spaces at surface level at Blocks A, C, D, E, F and G and 6 no. disabled spaces at undercroft level at Blocks B, D and F), 3 no. spaces for the staff of the proposed childcare facility at undercroft level at Block G and 1 car-share space at surface level at the Old Schoolhouse.

A total of 392 no. bicycle parking spaces are proposed, including 312 no. spaces at undercroft levels and 80 no. spaces at surface level.

Planning permission is also sought for landscaping and infrastructural works, foul and surface water drainage, bin storage, ESB substation, open space areas including playground, boundary treatments, internal roads and footpaths (including a Greenway Cycle Path), upgrade to existing access from Porterstown Road and all associated site works to facilitate the development.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

3.2 The following are the key parameters of the proposed development:

- Site Area: 2.32 hectares,
- No. of residential units: 198 BTR apartments.
- Other Uses: Refurbishment and Change of Use of Old School House to Management office with ancillary community use for residents. Childcare facility in Block G.
- Density: 85.34uph
- Height: Block A (4 to 5 storeys), Block B (5 storeys), Block C (6 storeys), Block D (7 storeys), Block E (7 storeys), Block F (6 storeys), Block G (5 to 6 storeys) and Block H (4 to 5 storeys).
- Open Space:

Private: Balconies to apartments

Public: c.3554sqm

- Internal Communal Amenity space: c.493.5sq.m
- Parking:

Car: 100 no. car parking spaces are proposed including 96 no. spaces serving the proposed apartments, (32 no. standard spaces at undercroft level at Blocks B to H, 58 no. standard spaces at surface level at Blocks A, C, D, E, F and G and 6 no. disabled spaces at undercroft level at Blocks B, D and F), 3 no. spaces for the staff of the proposed childcare facility at undercroft level at Block G and 1 car-share space at surface level at the Old Schoolhouse.

Bicycle: 392 no. bicycle parking spaces are proposed, including 312 no. spaces at undercroft levels and 80 no. spaces at surface level.

- Part V: 22 apartments

3.3 Unit Mix

- 120 no. 1 bed units.
- 59 no. 2 bed units.
- 19 no. 3 bed units

3.4 Proposed Phasing Strategy:

- Phase1: Renovation and refurbishment of Old School House building
- Phase 2: Block G, H
- Phase 3: Block E, F
- Phase 4: Block C, D
- Phase 5: Block A, B

4.0 Planning History

Site:

PA Reg. Ref. F95A/0965 – refers to a 1996 decision to refuse permission for the construction of a dwelling to the rear of Old School House. There were 2 reasons for refusal relating to the zoning at that time for open space and recreational amenities and the visually intrusive impact overlooking the Royal Canal.

PA Reg. Ref. F97A/0316 – refers to a 1997 decision to refuse permission for a dwelling house to the rear of Old School House. There were 2 reasons for refusal (as per the application above) relating to the zoning at that time for open space and recreational amenities and the visually intrusive impact overlooking the Royal Canal.

Site to the north, referred to as the 'Aldi' Site:

PA Ref. No. FW19A/0112 (ABP Ref. No. 305478-19) refers to a 2020 decision to refuse permission for the construction of a mixed use residential and retail scheme comprising: 1) Construction of 2 storey commercial block fronting Weavers Row, incorporating a foodstore measuring 1,790 sq m gross (1,315 sq m net), with ancillary off-licence sales area, at ground level including an external service area; a crèche totalling 599 sq m at ground and first floor; 2) associated signage consisting of 2 internally illuminated fascia signs (5.11 sq m and 5.11 sq m), 1 none illuminated fascia sign 1.83 sq m, 1 no. double sided internally illuminated pole sign to include opening hours with a total area (front and back) of 10.22 sq m and 3.34 sq m; 2 no. poster frame, double sided signs at external trolley bay (3.45 sq m each); 2 back lit crèche fascia signs of 5.52 sq and 5.44 sq m; 3) Construction of 32 no. dwellings comprising 19 no. apartments (Block 1: 4 storeys contained 3 no. 1 bed units, 8 no. 2 bed units, 2 no. 3 bed units; Block 2: 2 storey containing 2 no. 2 bed units and 1 no. 2 bed duplex unit; Block 3: 2 storey containing 2 no. 2 bed units and 1 no. 2 bed duplex unit); and 13 no. 3 bed houses, all 3 storey; 4) 154 no. surface car parking spaces, 97 to serve the commercial block and 57 to serve the houses; 5) 44 no. cycle spaces; 6) Revised vehicular access off Weavers Row; 7) All landscape, boundary treatment and site development works at Weaver's Row, Clonsilla Road, Clonsilla, D15 for the following reason:

The site of the proposed development forms part of a key site within the village of Clonsilla for mixed use development, with the land use zoning objective “TC” Town and District Centre. It also forms a significant portion of undeveloped lands within the Clonsilla Urban Centre Strategy 2008 identified as “Opportunity Area number 3”. The Strategy identifies this area for an integrated mixed-use development of retail, general business use, restaurants, creche, underground parking, pedestrian links to Canal and new civic space, and notes that it presents the best development opportunity and is the appropriate location to integrate and consolidate the village core, thereby enhancing and protecting the character of the village. The proposed development, by reason of its poor design and layout, including distribution and usability of open space, roads layout, dominance of surface car parking, lack of set down area for the proposed crèche, minimal landscaping and lack of permeability with adjoining areas, would result in a substandard, uncoordinated form of development on this central site in the village core. It would seriously injure the residential amenity of future occupants, would set an undesirable precedent for similar non-integrated forms of development in the area, and would, therefore, fail to comply with the policies and objectives set out in the Fingal County Development Plan 2017-2023, the Design Manual for Urban Roads and Streets issued by the Government of Ireland in May 2019, and Clonsilla Urban Centre Strategy 2008. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP Ref. No. 307525-20 refers to a Appeal under section 9 (Notice of entry onto Vacant Site Register)

PA Ref. No. FW14A/0144 (ABP Ref. No. 245446) refers to a 2016 decision to refuse permission for the Construction of a mixed use residential and retail including foodstore, off-licence, creche and 20 houses with all associated site works for the following reason: *It is an objective in the current Fingal County Development Plan 2011- 2017 to implement the Urban Centre Strategy for Clonsilla. The site of the proposed development forms a significant portion of undeveloped lands within the Urban Centre Strategy which are identified as Opportunity Area number 3. The Strategy recognises that this area presents the best development opportunity and is the appropriate location to integrate and consolidate the village core thereby enhancing and protecting the character of the village. The proposed development, by reason of lack of integration with adjoining areas would result in a disorderly form of development on this important site within the village and would set a precedent for similar non-integrated development in this centrally located site and would, therefore, fail to comply with the policies and objectives set out in the Urban Centre Strategy for Clonsilla and the current Fingal County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Strategic Housing Developments in the vicinity

308695-20 refers to a March 2021 decision to refuse permission for the demolition of existing buildings, construction of 360 no. residential units (128 no. houses, 232 no. apartments), childcare facility and associated site works in the townlands of Kellystown, Porterstown and Diswellstown, Dublin 15 for the following reasons:

- 1. The proposed vehicular layout and access arrangement to Block A is contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown Local Area Plan, compromising the delivery of east-west connectivity as set out in the Local Area Plan, as well as cyclist and pedestrian connectivity in accordance with Key Objective DA 1.3. Furthermore, it is considered that the lack of an agreed Green Infrastructure Masterplan for the application site is contrary to Phase 1 Eastern Development Area (DA1) of the Local Area Plan.*
- 2. Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, it is considered that the proposed development results in a high number of cul-de-sacs, poorly defined and overlooked streets and open spaces, which would result in a substandard form of development, and would seriously injure the residential amenities of future occupants. Furthermore, the development fails to deliver adequate pedestrian facilities along the eastern boundary of the site with Porterstown Road. The proposed development would seriously injure the residential amenities of future occupants, would, therefore, be contrary to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.*

306074-19 refers to a March 2020 grant of permission for 211 apartments in 4 no. blocks (part 6 and part 8 storeys) on lands at Windmill, Porterstown, D15.

The applicant in their documentation has referenced 'precedents' for BTR granted permission under SHD by An Bord Pleanála. These include:

- 303435-19 grant of permission for 265 BTR apartments at the former Dulex Factory site, Davitt Road, D12.
- 303358-19 grant of permission for 112 BTR units on lands at Swiss Cottage Public House, Swords Road and School House Lane, Santry, D9
- 304346-19 grant of permission for 495 BTR apartments at Former Chivers Factory, Coolock, D17.

The applicant has referenced precedents for Co-Living accommodation:

- 304249 grant of permission 204 room BTR Shared Living residential development

And referenced precedents for high density development in close proximity to the Royal Canal and Grand Canal:

- 307656-20 permission for 725 residential units at Rathbourne Avenue, Pelletstown, Ashtown, D15.

5.0 Section 5 Pre Application Consultation

Pre-Application Consultation

A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP-307464-20 in respect of a proposed development of 221 no. Build to Rent apartments units, creche, restoration and change of use of Old School House and associate site works.

Notification of Opinion

An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

1. Design Strategy

The prospective applicant should provide further justification and/or detail in relation to the design strategy for the proposed development. In particular, the prospective applicant should provide further justification and/or detail in relation to the layout, mass, elevational design and material treatment of blocks, as well as the relationship with the Royal Canal and Protected Structures both within and adjacent to the site. In consideration of the layout of blocks, regard to the quality and usability of open space should be had, alongside potential impacts upon grassland areas. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted. Photomontages, CGIs and a Landscape Visual Impact Assessment alongside verified views, will be required to accurately illustrate the appearance of the proposed development.

2. Connections and Routes

The prospective applicant should provide further justification and/or detail in relation to connections from the site to surrounding areas, and in particular routes to Clonsilla village and rail station, alongside future potential connections. The submission should clearly indicate whether connection to the towpath forms part of development works. Connections that form part of development works should be consistently illustrated in all submission drawings / documents if these form part of development works. The agreement of all landowners for proposed works should be demonstrated. The submission should also demonstrate compliance with DMURS, in particular the prioritisation of safe walking and cycling routes both within and around the development. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Transport Impact Assessment

A Transport Impact Assessment is required and should demonstrate compatibility of the proposed development with required upgrade works to both Porterstown Road and electrification of the Irish Rail Line close to the site. Any impact upon access routes to the site should be clearly described along with any necessary mitigation.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. The prospective applicant should satisfy themselves in relation to whether the proposed development represents a material contravention of the Development Plan and/or Local Area Plan and satisfy the subsequent submission requirements in relation to this.
2. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development.
3. Additional details and/or revised proposals in relation to the proposed material palette for the proposed development. Details shall be described in a building life cycle report in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. Details should include the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

4. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. Requirements relating to Build-to-Rent accommodation under the Apartment Guidelines should be addressed with residential facilities and amenity areas clearly described in both drawings and schedules.
5. Submission of a Daylight, Sunlight and Overshadowing Assessment providing analysis of both the proposed accommodation and any potential impact upon surrounding dwellings/amenity spaces.
6. A plan of landscape proposals clearly delineating public, communal and private spaces to be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children should be provided. A response to the comments from the Planning Authority in relation to the landscape proposals is also required.
7. Further detail on the biodiversity impacts of the proposal. Proposals in relation to removal, storage and reinstatement of grasslands require further justification, detail and description of precedent schemes. Proposals for tree removal should be accurately reflected in all proposed drawings / plans for the proposal. Potential impact upon the ecology of the Royal Canal waterway, towpath and embankment edge should be investigated further.
8. Address the 12 detailed points outlined in section 7 of the Planning Authority opinion.
9. Additional detail of arrangement for future connections to water supply and wastewater services is required in consultation with Irish Water.

Applicants Statement

A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016.

The 'Statement of Response to Pre-Application Consultation Opinion' does not include a response to the issues identified in the Opinion (ABP 307464-20) that need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing relating to Item No. 1 Design Strategy, Item No. 2 Connections and routes and Item no. 3 Transport Impact Assessment. I note that this information has been submitted with the application documentation and is available on the file.

The response received includes a brief summary of information in an attempt to address the 9 items of specific information required in the Opinion.

6.0 Policy Context

6.1 National:

Project Ireland 2040 - National Planning Framework (2018)

The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

The National Planning Framework includes a specific **Chapter, No. 6**, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

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

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)

Rebuilding Ireland was launched with an objective to double the annual level of residential construction to 25,000 no. homes and deliver 47,000 no. units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.

Rebuilding Ireland is set around 5 no. pillars of proposed actions. Pillar 3 seeks to – Build More Homes: Increase the output of private housing to meet demand at affordable prices and Pillar 4, ‘Improving the Rental Sector’, includes build-to-rent and encourages “build-to-rent” as a key action.

Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021)

6.2 Regional

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

Under the RSES a **Dublin Metropolitan Area Strategic Plan (MASP)** has been prepared to manage the sustainable and compact growth of Dublin. The following Regional Policy Objectives are of note:

Support the consolidation and re-intensification of infill/brownfield and sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

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

RPO 5.8: Support the promotion and development of greenway infrastructure and facilities in the Dublin metropolitan area and to support the expansion and connections between key strategic cycle routes and greenways as set out in the NTA Greater Dublin Area Cycle Network Plan.

The Royal Canal is identified in the MASP as one of the strategic natural, cultural and green infrastructure assets in the region.

6.3 Local

Fingal County Development Plan 2017-2023

Zoning: The site is zoned '**Residential Area – RA**' with the objective to '*Provide for new residential communities in accordance with approved local area plans and subject to provision of the necessary social and physical infrastructure*', and **MP 13.B (Masterplan Area)**, under the Fingal Development Plan 2017-2023. Residential and creche uses are permitted in principle in this zone.

The site is located in the **River Valleys and Canal Character Type**, which is also classified as a Highly Sensitive landscape.

Clonsilla Old School house is on the Record of Protected structures (RPS No. 700)

The Royal Canal to the north of the site is a pNHA and on the Record of Protected Structures (RPS No. 944a).

Part of site is identified as part of the Royal Canal Nature Development Area, areas with potential for biodiversity enhancement.

The Royal Canal has a Green Infrastructure mapped objective '*GIM10: Seek the development of the Royal Canal as a significant public amenity while protecting its natural and built heritage*'

Clonsilla is designated as a local centre with a limited number of retail and commercial activities. The main aim of the development strategy is to: '*Enhance the village character while encouraging suitable retail, commercial and residential uses are provided for*'

The following objectives are relevant to the proposal:

Objective Clonsilla 1 Prepare an Urban Framework Plan to guide and inform future development; and to include measures to improve and promote the public realm of the village, in addition to traffic calming measures along the main street from St. Maru's Church of Ireland to St. Mochta's National School.

Objective Clonsilla 2 Develop key sites within the village for mixed use including a residential component to enhance the viability and vitality of the village while ensuring new developments do not exceed three storeys

Objective Clonsilla 3 Require that new development in the village optimises the Royal Canal, where appropriate and possible, as a local heritage resource and public amenity, while protecting its character and biodiversity as a waterway.

Objective Clonsilla 4 Protect the historic character of Clonsilla Village by conserving old houses and cottages and only permitting sensitive development.

Objective Clonsilla 6 Create a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and the adjacent railway stations; and a connection from the 'Windmill' residential development to Dr. Troy Bridge and the future Metro West Stop.

General:

Chapter 2, Core Strategy and Settlement Strategy – as amended by Variation 2 Blanchardstown is identified as being within the Dublin City and Suburbs Consolidation Area.

Table 2.4 Total Residential Capacity provided under Fingal Development Plan 2017-2023, updates as of September 2019: Blanchardstown (in which Kellystown is located) has a remaining capacity in hectares of 260 hectares and remaining residential units of 9306 units.

Chapter 3 relates to Placemaking

Objective PM31 – Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM32 – Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government's Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority's Permeability Best Practice Guide (2015), in the provision of good urban design.

Objective PM38 – Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM41 - Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective PM42 Implement the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.

Chapter 4 Urban Fingal Objective Blanchardstown 18 Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan – which includes inter alia the **Old School house (MP 13.B)** site and states the following:

- *Development provided for within the Masterplan lands shall be to secure the preservation, conservation and redevelopment of the Old School House, a Protected Structure. Any new development will respect the integrity of the Protected Structure to be retained.*
- *No residential or commercial unit shall be sold or occupied pending the full reinstatement of the Protected Structure to the satisfaction of the Planning Authority.*
- *Preserve the Old School House, a Protected Structure, and facilitate its rehabilitation into a suitable long-term use that is integrated with the back lands adjacent to the Royal Canal and which provides public access, and links to the Royal Canal as a central design feature.*
- *Facilitate a comprehensive re-development of this backland area which provides new pedestrian and cycle route connections to adjoining sites.*
- *Provide for integration with the Royal Canal and with adjoining Open Space lands.*
- *Provide for a recreation/tourism hub at this location facilitating a linear public park in addition to tourism related uses, restaurants and craft shops to be scaled and designed in a sensitive manner to reflect the sensitive environment.*
- *A key priority of the Masterplan shall be safeguarding the viability of the schoolhouse restoration (financially and otherwise).*

Chapter 7 describes the approach to movement and infrastructure in Fingal.

Chapter 9 Natural Heritage

The site is located within the River Valley and Canal Landscape Character Type, which is considered to have a high landscape value and high landscape sensitivity. The following landscape character objectives are relevant.

Objective NH33: Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

Objective NH34: Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types

Chapter 10 relates to cultural heritage.

The Old School House is included on the Council's Register of Protected Structures, as RPS No. 700.

OBJ CH20 Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.

OBJ CH21 Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.

OBJ CH22 Encourage the sympathetic and appropriate reuse, rehabilitation and retention of Protected Structures and their grounds including public access seeking that the Protected Structure is conserved to a high standard, and the special interest, character and setting of the building preserved. In certain cases the relaxation of site zoning restrictions may be considered in order to secure the preservation and conservation of the Protected Structure where the use proposed is compatible with the existing structure and this will only be permitted where the development is consistent with conservation policies and the proper planning and sustainable development of the area

Chapter 12 describes the **Development Management Standards**. The following objectives are of particular relevance:

Objective PM14 Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

Objective NH26 Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.

Objective CH20 Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.

Objectives DMS24 to DMS48 describe the qualitative standards for new residential development.

Objectives of note include:

Daylight, Sunlight & Overshadowing

High levels of daylight and sunlight provide for good levels of amenity for residents. The internal layout of residential units should be designed to maximise use of natural daylight and sunlight. Daylight and sunlight levels, as a minimum, should be in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011) and British Standard (B.S.). 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or any update on these documents

Objective DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

Acoustic Privacy

Objective DMS31 Require that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards and evidence will need to be provided by a qualified sound engineer that these levels have been met.

Open Space

Objective PM52 – Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purpose of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedroom. For all developments with a residential component , the overall standard for public open space provision is a minimum of 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area.

Objective DMS57 - Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A – Require a minimum of 10% of a proposed development site area to be designated for use as public open space. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 12.5.

The Council has discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable. This is subject to the Regional Park meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 12.5.

Objective DMS57B - Require a minimum of 10% of a proposed development site area to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5 , such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational /amenity facilities subject t the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space specified in Table 12.5.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% class 2 and 75% class 1 in addition to the development costs of the open space.

Clonsilla Urban Centre Strategy 2008.

This document identified key development sites and sketch briefs were prepared. Old School House site was identified as Opportunity Area No. 6.

The **Kellystown LAP 2021** does not include the site, it refers to lands to the south of the rail line

6.4 Nature Heritage Designations

The proposed development is not located within or adjacent to any European sites.

The nearest European site to the proposed development is Rye Water Valley/Carton SAC, c.5km to the west.

Surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located c.15km east of the proposed development site.

Dublin Bay contains the following European sites: North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC, Dalkey Island SPA, Howth Head Coast SPA and Howth Head SAC.

The Royal Canal proposed Natural Heritage Area (Site Code 002103) immediately adjoins the site to the south.

6.5 Applicants Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with National Regional and local and requirements of section 28 guidelines. I note that the applicant's Statement of Consistency refers to development that were 'due for decision in March 2020', yet the Statement is dated February 2021.

6.6 Applicant Material Contravention Statement

The application documentation includes a report titled 'Statement of Material Contravention', which relates to height, density and open space provision and material contravention of the Fingal County Development Plan 2017-2023.

The potential material contraventions are set out as follows:

Height:

Objective CLONSILLA 2 *Develop key sites within the village or mixed use including a residential component to enhance the viability and vitality of the village while ensuring new development do not exceed three storeys.*

The proposed development may materially contravene the objectives for building to not exceed 3 storeys in height with the proposed height exceeding this by providing structures up to 7 storeys in height.

Density:

The proposed development may also materially contravene the maximum density with a proposed density of 85 units per hectare based on the residential zoned lands.

Justification for the granting of permission for the proposed height and density:

Under section 37(2)(b)(i) the proposed development falls within the definition of Strategic Housing Development as per section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. On this basis it is submitted that the proposed development is of strategic importance with respect to the timely delivery of urban housing and implementation of the current Government's Action Plan for Housing and Homelessness – Rebuilding Ireland.

The development is located on residentially zoned land in an existing urban settlement and is adjacent to existing infrastructure and services.

It will also provide significant improvements to the adjoining public realm, including an upgrade footpath, an increased quantum of land scaping and planting, new furniture. It is considered that the proposal would enhance the permeability of Clonsilla by providing additional gateways to provide access through the site. It is also considered that the proposal would integrate with and complement the existing Royal Canal.

Under section 37(2)(b)(ii) As there is no specific residential density standard prescribed by the Fingal County Development Plan. Objective PM 41 seeks to: “Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.”

The Development Plan otherwise refers to the assessment of planning applications having regard to the Sustainable Residential Development in Urban Areas Guidelines (2009) and its companion document Urban Design Manual. For ‘Outer Suburban’ sites, the Guidelines promote general minimum net residential densities of 35-50 dwellings per hectare, involving a variety of housing types. The Guidelines also advocate a design-led approach to achieving appropriate density that meets the relevant residential density safeguards.

It is submitted on the basis of the above that the density objective for this site are not clearly stated in the current Fingal County Development Plan.

Under section 37(2)(b)(iii)

It is submitted that the proposed development is consistent with the objectives set out in the NPF with regards to density and unit mix.

Reference to the Sustainable Residential Development in Urban Areas & Design manual and the Urban Development and Building Heights Guidelines for Planning Authorities 2018, in particular SPPR1 which supports increased building height and density in location with good transport accessibility. And SPPR3 of the Guidelines which notes that the planning authority may approve such development , even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 and refers to section 2.23 which notes the NPF moves away from rigidly applied, blanket standards to building design, in favour of performance based standards and section 2.4 which promotes higher density of development in ‘Central and/or Accessible Urban Locations’, which the site is.

It is submitted that the increased height and number of units put forward will deliver much needed housing within the area in accordance with the aims of Rebuilding Ireland and in particular Pillars 3 and 4.

The proposal is consistent with Objective 4.3 ‘Consolidation and Re intensification’ of the RSES. The proposed development allows for the efficient intensification of a site within a built-up area and is therefore in accordance with the RSES for the Eastern and Midland Region.

Under section 37(2)(b)(iv) reference to precedent in the area. ABP 306074-19 SHD of 211 apartments at Windmill, Porterstown Road, Clonsilla, D15 (8 storeys in height)

Open Space

Section 3.5 and 12.7 of the Fingal County Development Plan set out the criteria or public open space provision.

The following are stated Objective in the Development Plan

Objective PM52 – Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purpose of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedroom. For all developments with a residential component , the overall standard for public open space provision is a minimum of 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area.

Objective DMS57 - *Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.*

Objective DMS57A – *Require a minimum of 10% of a proposed development site area to be designated for use as public open space. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 12.5.*

The Council has discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable. This is subject to the Regional Park meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 12.5.

Objective DMS57B - *Require a minimum of 10% of a proposed development site area to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5 , such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational /amenity facilities subject t the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space specified in Table 12.5.*

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% class 2 and 75% class 1 in addition to the development costs of the open space.

Justification of proposed quantum of public open space:

The proposal provides for a series of areas of open space dispersed throughout the development , providing for 3554sq.m (0.3554 hectares) which equates to over 15% of the overall site/red line area.

Table 12.5 sets out an open space hierarchy , with a requirement to provide 'Pocket parks' of between 5500 sq.m and 0.2ha in size and to be within 150m walking distance of every home. It is submitted that all of the proposed dwellings are located less than 150m from an area of public open space that is greater than 500sq.m.

It is submitted that the proposed open space meet the minimum 10% requirement set out in the Development Plan.

Should the criteria set out under objective PM52 be applied an open space requirement of 0.8375 hectares (36% of the overall site area) would be required. It is submitted that 15% public open space is sufficient for the proposed development complies with Objective DMS57A and DMS57B

7.0 Third Party Submissions

The Board received 187 submissions, these included 6 from Prescribed Bodies (refer to section 9 of this report) and 181 observer submissions which I propose to summarise in this section. I note the CE report refers to a figure of 185 submissions forwarded by An Bord Pleanála (statutory bodies/private individuals/organisations). I cannot account for this discrepancy or whether it is a typo in the CE Report.

Most of the submissions have been made by local residents.

The following elected representatives made submissions: Cllr Natalie Tracey, Cllr John Burschaell, Minister Roderic O'Gorman TD , Cllr Pamela Conroy, Cllr David Whooley, Paul Donnelly TD, Cllr Tania Doyle, Cllr John Walsh.

The following Residents Associations/Management Companies/Groups made submissions: Castlefield Park Residents Association, Castlefield Woods Residents Association, Lambourn Residents Association. The Residents Association of the Village Porterstown, Kirkpatrick Rockfield Coolmine Residents Association (KRCRA), St. Mochtas National School, St. Mochtas National School Parents Association, Blanchardstown Castleknock History Society Inland Waterways Association of Ireland (IWAI).

Submissions include a variety of material ranging from photographs, website extracts, letters from minors, extract from drawings/maps, ecological study/assessment etc.

Two third party observations include a 'Desktop and Overview Field Survey of lands at Old School House' by NatureCubsIreland (includes bat & badger surveys carried out on 18th and 21st March 2021 and Ecologist walk over on 21st March 2021). The submission from Mark Hiliard noted that the Ecological report was commissioned by Mark Hiliard and The Lambourn Residents Association and b) A copy of the NatureCubsIreland Desk Top and overview Field survey of lands at the Old School House also accompanied the submission by Ian & Sinead Reid. Other submissions have referred to a link to this study or referenced it in their submission.

There is a significant degree of overlap and reiteration of issues raised throughout the submissions. In summary the topics raised are summarised below (Appendix 2 includes a more detailed summary) and are dealt with later in the assessment that follows.

Policy:

- The development is contrary to national policy.
- It does not comply with the Building Height Guidelines.

Fingal County Development Plan:

- Material contravention of the development Plan as it relates to height/density and provision of public open space.
- Lack of Masterplan is a material contravention.
- Build to rent and segregation of social housing is a material contravention.
- Contrary to Objective Blanchardstown 18 which requires a Masterplan for the Old School House site.
- Development of this site is premature pending the preparation of a Masterplan for the site.
- Parking provision does not comply with the Development Plan standards.
- Lack of children play areas.
- Housing mix contravenes the RA zoning and Objective PM40

- The development of the site, identified as potential open space adjacent to the Royal Canal which would contravene objective Clonsilla 5 in the County Development Plan.
- Does not comply with the Fingal Heritage Plan and Biodiversity Plan.
- Does not comply with the Clonsilla Urban Centre Strategy 2008.
- The area alongside and adjacent to the Royal Canal represents one of the few remaining amenities in the Clonsilla Village area, for local residents to enjoy. This was recognised by Fingal Council in its Urban Development Plan 2008. The Old Schoolhouse, which is a protected structure, was identified as a building of great historical importance to the community as was the site which is the subject of this planning application.
- The proposed development is at total variance with the stated objectives of the 2008 Urban Development Plan. In this Plan, the area immediately adjacent to the Old Schoolhouse was zoned residential (RS), while the remainder of the site was classified as 'Open Space'. The 'RS Residential' zoning does not permit this type of development.
- The Clonsilla Development Plan 2008 envisages that the Old Schoolhouse and adjoining land be used for amenity purposes, complimenting the proposed Royal Canal Greenway. This 'Greenway' proposal will provide a much-needed and long-overdue social amenity for the wider Clonsilla/Castleknock community. As a listed structure, the Old Schoolhouse should be restored, with the provision of much-needed public vehicular parking, to facilitate access to the Canal.

Ecology:

- Lack of regard to the importance of the site and the Royal Canal to flora and fauna.
- Loss of important ecosystems.
- The Royal Canal is a pNHA and is potentially a site of European importance.
- The site is located in an area of 'deep sinking' on the canal which is ideal spot for bryophytes,
- Application documentation does not adequately address the protection of bats.
- The proposed development does not adequately deal with the protection of the ecological integrity of European and national designated sites.
- The lack of boundary treatment to the southern boundary of the site will lead to the Canal bank being subsumed into the development leading the erosion of the banks and reducing any screening currently provided.
- The site at present has native trees/hedgerow, EU protected bat species, indications of a badger sett, many species of birds, rare plants, barn owls, foxes and hedgehogs.
- EcIA submitted with the application is inadequate.

- Independent Ecology Report submitted with submissions dispute findings/consultation presented in the EclA submitted with the application.
- Lighting arising from the proposed development will have an unduly negative impact upon flora and fauna along the bank of the canal.
- Potential for damage to the environment from loss of aquatic flora and fauna. Fish in the Canal will be in peril from run-off due to proximity of the proposed development.
- Removal of trees/hedgerows will reduce air quality.
- A buffer/set back of c.50m from the proposed development to the boundary of the pNHA should be provided. An EclA should accompany any proposal for development within 50m of the pNHA boundary (reference to the ABP decision on Balgaddy- Clonburris SDZ)
- This location of the Royal Canal is a National Heritage Area which is given Statutory Protection under the wildlife Amendment Act 2000.

Royal Canal Greenway

- The route of the green way does not correspond with the route that has been the subject of public consultation.
- The provision of the greenway along the western side would result in noise and negative impact on existing adjoining residents and future residents, also presents health and safety concern.
- The route shown in the application, through the proposed development, is in conflict with the intentions and objectives of Greenways and the National Physical Activity Plan.
- The diversion of the greenway through the proposed development will force cyclist to dismount and numerous points and will make a nonsense of the original concept of the Royal Canal Greenway.
- The proposed access through the 'Aldi' site cuts through the proposed greenway.

Old School House:

- The proposed works to the Old School House does not ensure the full preservation and conservation of the building.
- Objective Blanchardstown 18 required that 'no residential or commercial unit shall be sold or occupied pending the full reinstatement of the Protected Structure to the satisfaction of the Planning Authority'
- The Old School house should be used for community purposes and should be the centre piece of the development.
- The proposed use (offices) does not comply with the Development Plans vision for this building.
- The proposal will impact on a cluster of three immediate protected structures, this has not been recognised/acknowledged in the application or design.
- The Development Plan sets out that the Old School house should be 'preserved as a community/historical/ecological amenity'

- The development is premature pending the preparation of an Urban Framework Plan for Clonsilla and a Masterplan for the Old School site.
- This historic space should be preserved to open up links with the canal and other historic places close to the Old Schoolhouse (St. Mary's Church, Old Signal Box).
- A more appropriate use of the site/Old school House would be as a wildlife and historic interpretive centre/café.

Connections to adjoining lands.

- Strong opposition to the provision of connections to adjoining estates is a common theme throughout the majority of the submissions.
- Purpose of provision links to Lambourn and The Village estates is not clear.
- Connection to Lambourn and The Village appear to be included to address the lack of open space provision and parking in the proposed development.
- Child safety concerns,
- Result in potential anti-social behaviour, reason previous openings/access were removed.
- Unsupervised access to the Canal raised health and safety concerns for parents.
- Access to Clonsilla Road will be within 50m via the 'Aldi' site (which has a history of refusal of permission)
- No connectivity with Clonsilla or Clonsilla Train Station provided.

Design Strategy (height/ layout/open space):

- Overdevelopment of the site.
- The height of the blocks and their proximity to the canal will have a severe impact on the character of the canal and be contrary to Objective CH43 (protection and enhancement of the heritage of the Royal Canal) of the FCDP 2017-2023.
- The height and density of the development will destroy the sense of village in Clonsilla and is at odds with the Clonsilla Urban Strategy.
- The development is inappropriate in terms of density, scale, bulk, height, mass, visual impact, proximity to boundaries, deficiency in open space and parking.
- Quality, quantity and location of the open space is poor. It is arranged along the access road within the site and dissected in parts by this road.
- Housing Mix (too many 1 bed units, lack of family units)
- Social housing is not evenly distributed.
- BTR will result in short term rentals and transient population.
- No provision made for open space areas or play area. It seems to me that because of this the developers have no choice but to install a kissing gate in the green area of 'The Village' where the children of "The Village' safely play.

- It will be visually intrusive to those availing of the proposed Royal Canal Greenway and adversely affect the rural nature and objective of this much needed and well-publicised amenity.
- The canal and towpath are at a level of approximately 5 metres below the development site. The proposed development will rise to up to 7 storeys and at a close-proximity (3-4 metres max) to the towpath, resulting in very intrusive vista for those who use the towpath for exercise and leisure purposes.

Residential Amenities:

- Overshadowing of adjoining residential properties.
- Overshadowing of adjoining open space serving Lambourn.
- Overlooking of adjacent residential properties.
- Overlooking and access to adjoining areas of open space.
- Overbearing impact when viewed from adjoining estates.
- Loss of vistas/outlook.
- Loss of light.
- Detrimental impact on visual amenities.
- Devaluation of property in the area.
- Build to Rent, transient nature of tenants means they will not integrate with the community.
- Light pollution
- Noise pollution
- Connection give rise to safety concerns.
- Lack of amenity for residents.
- Poor environment for future occupiers.
- Negative impact during construction (noise, traffic, dust, etc)
- Lack of privacy between balconies within the scheme.
- The developemt will make children feel unsafe and contravene the UN Convention on the Right of the Child.
- Access to open space in adjoining estates mean these will not be available as play areas for children.
- Mental, physical and social problems will occur as a result of a high rise development here.
- BTR does not solve housing shortage for those who wish to buy family homes and set down roots in the area.

Traffic & Transportation:

- Development does not comply with DMURS.
- Traffic congestion in the area will be further exacerbated by the additional demand as a result of the development.
- Changing surfaces within the scheme lead to a disjoining feel about feel to the spaces.

- The proposal is premature pending the completion of the design consultation process or the footbridge crossing the Canal and railway at the Porterstown railway crossing, the resolution of the northern linkage through the 'Aldi' site and the completion of the Masterplan as required in the Development Plan/LAP.
- The Traffic Assessment submitted with the application is uninformative and unworkable. It does not appear to recognise that the Porterstown Road (only access to the site) is very busy.
- Traffic congestion, especially at school times.
- No permeability study has been carried out.
- Lack of capacity in public transport serving the area to cater for the additional demand.
- The TIA methodology raises concerns regarding the accuracy of the trip generation figures.
- Separate walkways and cycle ways should be provided from the development to public transport, rather than using the Royal Canal.
- It is unclear if the implementation of the Travel Plan submitted would be successful, no evidence submitted on the successful implementation of similar plans in other places.
- Footpaths on both Clonsilla and Porterstown Road are narrow, these will be even more congested if the development goes ahead.
- The preferred layout for the proposed railway footbridge differs from the shown on the application drawings.
- The proposal is premature pending the resolution of the Dart+West plan at Porterstown.
- Development does not address Objectives PM69, MT05 or MT37 relating to traffic and transportation.
- Presence of 'pay as you go' parking spaces further reduce parking for residents.
- With the closing of the Porterstown Level Crossing, all of the traffic from these apartments would end up being routed through the existing Porterstown Road, which already has extremely severe traffic issues each morning and afternoon due to the volume of children attending St. Mochtas and other schools in the area.
- Inadequate parking proposed will result in a spillage of cars over into the neighbouring estates, which already have many additional cars parking in the area.

- The developer has obtained permission from the owners of adjoining 'Aldi' site for an access road from Clonsilla Road, should the Aldi site be developed. If this was to happen, then the afore-mentioned 'green space' would be further reduced as proposed road would intersect same.
- If, as stated, a new access road through the Aldi site is planned, there is no need for pedestrian access through Lambourn Park. It can only be assumed that this access is considered necessary to address the shortcomings in both 'green space' and car parking.
- Access to the proposed development is from the Porterstown Road. This is a country road and will soon be closed off at the nearby railway crossing to facilitate the up-grading of the Dublin-Maynooth railway line. This will necessitate all traffic from the development to access the Clonsilla Road at the St. Mochta's School junction. This road and junction are most unsuitable for the increased volume of traffic from this very large development. On weekdays, this area around the school is very congested at present and additional vehicular traffic will only exacerbate the problem.
- Parking does not comply with the Development Plan standards.
- No accessible parking provided for the creche.
- Bicycle parking is unsafe and ugly.
- Having regard to the Urban Design Manual – Best Practice Guide (DoEHLG 2009), which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout and public realm and having regard to the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013, as updated), this proposed development should be rejected on the grounds of insufficient access, poorly defined and overlooked low-rise residential areas and inadequate open spaces, which would result in a substandard form of development and would be seriously injurious of the residential amenity of future occupants.

Water services infrastructure/drainage:

- Proposed development would put undue pressure on existing water and sewerage services.
- There are problems with sewerage in the Lambourn estate and it would not be a good idea to connect the proposed development to the existing sewer in Lambourn.
- Measures required to prevent contaminated surface water run off and dust onto adjacent habitats.
- Surface water/flooding measures are directed towards Lambourne Park in order to protect the Canal. Similar measures should be in place to protect Lambourn.

- The developer envisages that the sewage needs of the development will be met by connecting across the green space in Lambourn Park, accessing the existing sewage system in Lambourn estate. For many years, there has been a problem with sewage on the Kellystown side of the Clonsilla Road and this has impacted negatively, with problems in the Lambourn estate, specifically at the junction of Lambourn Road and Lambourn Park, which is the closest access point to the proposed development.
- The proposal to add another 198 dwellings to the existing sewage system in Lambourn will adversely impact on the already over-burdened system.
- The surface water from the proposed development will discharge into the Royal Canal, which in turn, will impact negatively on this unique eco-system and wildlife habitat.

Social Infrastructure:

- Shortage of community amenities in the area.
- The development will not contribute to the shortfall of community facilities in the area.
- The proposed creche does not appear to offer places to existing residences.
- The application has not considered the impact on healthcare provision in the area and does not deliver on objectives PM87 and PM88 (provision of healthcare facilities)
- Local Primary and Secondary schools in the area are already greatly over-subscribed. There is clearly no plan or thought gone into accommodating any of the families and children within such a large development into the local schools.

Construction Phase:

- Access to the site during proposed construction will necessitate heavy vehicular use of the Porterstown Road, which is ill-equipped to take this. This will further add to the existing heavy traffic entering/exiting St. Mochta's NS. This could also have safety implications for the 950 approx. children attending the school and their parents (school drop-off and pick-up) etc.
- The site for development runs adjacent to the Royal Canal in an area known locally as the 'Deep Sinking'. This area is so called because it is solid bedrock, which necessitated major excavation work during the construction of the canal. It is likely therefore that any development will require significant excavation (including possible blasting), which would impact adversely on the adjoining residential estates.

SHD Legislation/process:

- SHD legislation is not fit for purpose. It is not achieving the goals it was set up to deliver.
- SHD by passes local planning laws and is developer led.

- Development is premature as the constitutionality of SHDs is currently being challenged.
- Not enough time or opportunities to oppose the proposal due to covid restrictions.
- Volume of material submitted with the application and the limited time period available to review it along with the nature of the operation of the SHD process infringes upon the rights of the party making the submission to fair procedure and effective remedy under the Constitution and Article 13 of the European Convention on Human Rights.
- Details of any pre-application consultation with the applicants have not been provided to members of the public.

Other:

- Site notices were not erected in conspicuous locations.
- Newspaper where the ad was placed is not widely read in the area.
- Site boundaries (red) are incorrect.
- The proposed development encroached on lands outside the applicant ownership and control to the north and south which are in the ownership of FCC and Waterways Ireland.
- The development will only put more pressure of facilities that are already to their limit. Two main services are ambulance and fire brigade and DFB in Coolmine do not have the appropriate equipment for the height of these apartments.
- Provision of all Social Housing in one individual apartment block which is unacceptable.

8.0 Planning Authority Submission

- 8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 5th May 2021 The report may be summarised as follows:

Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description, proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views of Elected Representatives

(Blanchardstown/Mulhuddart/Castleknock, Onger Area Committee Meeting 1st April 2021).

Members expressed unanimous opposition to the proposed development and requested that the development be rejected. The following motion was passed at the meeting *“That this Committee calls for the rejection of the proposed Strategic Housing Development at the Old School House site, Porterstown Road, Clonsilla, Dublin 15 as it is contrary to the proper planning and development of the area.”*

The CE Report presents a summary of issues raised by individual Councillors. The main themes raised relate to:

- Impact on the Old School House and proposed inappropriate use for the building.
- Contravention of the commitment to prepare a Masterplan for the lands.
- Impact on local ecology (badgers, bats etc)
- Overlooking & overshadowing of residents of Peterstown and Lambourn.
- Issues regarding access into Lambourn.
- Impact on Royal Canal Greenway.
- Height, scale and bulk out of character with the surrounding area.
- Damaging effect on biodiversity.
- Damaging effect on residential amenity.
- No housing mix proposed, no affordable housing.
- Proposal is overdevelopment of the site.
- Loss of light to adjoining 2 storey units.
- Lack of open space.
- Green roofs not acceptable.
- Build to Rent undermines place making.
- SHD process is undemocratic.
- Proposal undermines the Development Plan process.
- Proximity to towpath.
- Too many 1 bed units.
- Developer lead proposal.
- Lack of development strategy for Clonsilla.
- No co-ordination of plans.
- FCC is hypocritical regarding biodiversity.
- The site should be in Council ownership and developed for tourism.

- Material Contravention of the Development Plan.
- 3 storeys for Clonsilla set out in the Development Plan.
- Negative impact on the green space serving Lambourn.
- Lack of privacy and overlooking from balconies.
- Development is out of context with its surrounding and Clonsilla village.
- Infrastructure and traffic cannot keep pace with development.
- Noise pollution during construction phase and afterwards.
- Old School House needs to be developed for community/tourism uses.
- Concern regarding cost of units.
- Inappropriate location for the proposal due to the impact on wildlife and biodiversity.
- Old School house is a heritage site in Dublin 15 which should be linked with the Royal Canal Greenway.
- Concerns regarding safety by providing an opening/link to Lambourn. Safety issue of opening up Lambourn to the canal.
- Lack of open space.
- Aldi/apartment development was refused by ABP due to dominance of car parking, substandard landscaping and deficiencies in open space.
- Limited car parking spaces which will result in residents parking in adjoining estates.
- Negative impact on the biodiversity of the Canal.
- Kissing gates could result in anti-social behaviour.
- Traffic and noise pollution.
- Built to Rent not conducive to building a community.
- Social housing is located in one block at the western end of the scheme.
- Parking does not comply with the Development Plan.
- Barn owl (red status)

8.3 Planning Assessment

Height & Density

With reference to section 3.2 of the Building Height Guidelines, the Planning Authority do not consider that a clear strategy for density and building height has been put forward in the documentation submitted. The proposed density of 85uph is not considered to be appropriate given the historic and environmental sensitivity of the site.

Built Heritage & Landscape (Masterplan MP 13.B):

The Masterplan (MP13.B) which is to be prepared for the lands is strongly linked to the restoration and use of the Old Schoolhouse. The Phasing plans submitted indicates that the redevelopment of the Old Schoolhouse will occur in phase 1 which is welcomed by the Planning Authority.

However, there are concerns with regard to the proposed use of the building. The masterplan sought to provide for a recreational/tourism hub at this location with tourism related uses, restaurants and craft shops. None of which are proposed, therefore the proposal is not considered to fulfil the vision for these lands as set out in the Master Plan

Concerns also raised regarding the scale of the buildings proposed, which would detract from the character and setting of the Old Schoolhouse which is currently a recognisable and dominant feature in this local landscape.

The Royal Canal is a protected structure. The setting of the Canal in this area is dominated by the mature trees and vegetation. The insertion into the lands of the proposed apartment buildings would radically alter this character, particularly given the proximity of the buildings to the Canal. There are also concerns regarding the potential construction impacts which could arise from the development on existing vegetation and the structural integrity of the slope.

Taking into account the scale and height of the proposed development, its location on the application site and the removal of existing vegetation, the proposal is considered to have a negative impact on the setting of the Protected Structures and would fail to reflect and reinforce the landscape character of the area which would be contrary to the objectives of the Fingal Development Plan.

Design

The Planning Authority consider that there is variety in terms of the design of the blocks which has been achieved through different materials and finishes and various roof heights and profiles. However, there are concerns regarding the impact of the proposal on the landscape and built heritage.

Unit Typologies & Mix.

It is considered that a great mix of units should be proposed in order to create a sustainable community in this area.

Road Layout & Connectivity

Access proposed off Porterstown Road with a possible future road connection via lands to the north zoned TC. These lands have been the subject of a refusal by FCC and ABP.

Car parking is provided in a mix of undercroft and surface spaces. The result is an excessive level of surface area given over to parking at the expense of open space provision.

Reference to a detailed report from Transportation Section outlining a number of significant concerns with the proposed development relating to a) substandard access point off Porterstown Road and a potential traffic hazard given the absence of speed survey to determine the ambient vehicle speeds on Porterstown Road and to demonstrate if available sightlines area acceptable, b) Given the preliminary design for the Royal Canal Greenway Route has been significantly progressed and taking into account the concerns of the Planning Department in relation to the proximity of the apartment blocks to the Royal Canal and the need to remove a vast amount of vegetation and trees from along this area of the site a significant redesign would be required to determine an adequate set-back of the development. And c) further consideration in relation to design co-ordination with the Dart +West Project Team in relation to the interface of the proposed development and the NTA FCC Royal Canal Greenway Team at this location would be required in order to ensure that the proposed Dart + West proposals are not prejudiced by the development and that the proposed development can be facilitated.

Open Space & Landscaping:

The proposed open space does not meet the requirements (0.84ha) for public open space provision as set out in the Fingal County Development Plan.

Reference to detailed report from Parks and Green Infrastructure Division which identifies a number of concerns, including inter alia: lack of amenity space, the development renders trees for retention unsafe or unsustainable due to the layout and inadequate tree protection measures, trees located along the southern boundary are outside the site boundary (red line) and growing on the main bank. The towpath is at a much lower level that the site therefore soil disturbance in the rooting zone that could damage these trees should be avoided, Removal of a category B tree (mature Beech tree) which contributes to the sylvan character of Porterstown Road and should be retained.

Trees and landscaping do not comply with objectives DMS77, NH27 and CH23 of the Development Plan.

It is also noted that the future road access between the application site and the site (Aldi) to the north would sever the central public open space area reducing the viability of this open space for future residents of the proposed scheme.

Royal Canal Greenway Route

FCC has identified the Greenway preferred Route as being along the southern boundary of the proposed development site, i.e along the top of the embankment overlooking the existing towpath. The proposal detailed in the application provides for a greenway long the northern boundary of the site merging with the Porterstown Road to the east and the existing towpath to the west is not considered acceptable. The Greenway should be relocated in line with the preferred route of the Royal Canal Urban Greenway as the current proposal has the potential for commuters to avoid the more circuitous route through the development and deviate along the substandard towpath, thus making the development greenway proposal redundant.

The built heritage on and adjoining the site, in the form of the Old School House building and the Royal Canal, both of which are Protected Structures are significant considerations in the design approach to this site. The Royal Canal has a highly attractive sylvan character along this stretch. The emerging preferred route for the Royal Canal Greenway is for a 4m wide shared surface route along the south of the application site. The Greenway will be a major commuter route, amenity for local residents and a tourist attraction. The quality of development directly adjoining it should reflect this and represent a suitable backdrop. The design approach for this site should be to build upon and propose an individual and distinctive response to these issues. This should involve designing around the sites characteristics rather than imposing an inappropriate design onto the site. Having regard to the foregoing, the Planning Authority considered that the proposed development has failed to design an appropriate development on this highly sensitive site.

Residential Amenity:

Proposed Units:

The proposed development has very little amenity open space proposed to serve future residents.

Separation distance between the blocks range from 19 to 55m which is considered sufficient in terms of reducing issues of overlooking between blocks.

With regard to daylight, sunlight and overshadowing within the development itself, the Daylight and Sunlight Report conclude that the ADF for all tested rooms comply with the BRE requirements, all windows to proposed living rooms pass the sunlight requirements for annual APSH and winter WPSH, all balconies receive some sunlight and 79% of tested amenity spaces received more than 2 hours of sunlight over 50% of their area on the 21st March.

Impact on the amenities of adjoining properties:

Impact on the amenities of adjoining developments has been considered in Assessment submitted with the application in terms of 1) Light from the sky – impact on neighbouring properties, 2) Sunlight into living spaces of adjacent properties, 3) shadow/sunlight – Gardens and Open Space.

The Planning Authority noted re:1) VSC for tested windows was greater than 27%, re:2) all tested windows were found to comply with BRE guidelines in relation to living rooms and Re: 3) that with the exception of No. 108 Lambourn Park where a portion of the garden did not achieve the 2 hour requirement for sunlight.

Two pedestrian access points (kissing gates) are shown on the northern boundary which link to area of open space serving Lambourn and The Village. Concerns raised in the submissions are noted. The Planning Authority noted that while permeability and accessibility are important elements in good urban design, such a proposal needs to be balanced with the need, safety and privacy of existing estates.

Reference to the Clonsilla Urban Centre Strategy and potential link through Opportunity Area No. 3 – The Village Centre. This would provide a more direct route to the Clonsilla Road. Any proposal to integrate and provide links through adjoining open spaces in relation to permeability would require public consultation in accordance with Objective DMS56 of the Fingal Development Plan.

Water Services & Flooding:

- SSFRA submitted, site is in Flood Zone C.
- Surface water proposals acceptable.
- Irish Water have indicated that a new connection to the foul sewer in Lambourn Park is feasible within network upgrade.
- Irish water has confirmed feasibility of a connection to the IW network subject to network extension and upgrades, at the expense of the developer.

Green Infrastructure, Biodiversity & Ecology:

Site is located within landscape Character 'River Valleys and Canal Character'

The site contains dry calcareous and neutral grasslands. It was an objective of the Fingal Biodiversity Action Plan 2010-2015 to manage this linear strip and restore it to a flower rich meadow. Documentation submitted refers to proposals to retain and transplant areas of the grasslands.

The Planning Authority has raised concerns with the documentation submitted and highlights a number of issues, including inter alia:

- The EclA includes a recommendation for a 5 year Landscape Management Plan is prepared to include measures to ensure the survival of the calcareous and neutral grasslands and that this should be implemented under the supervision of the ecologist yet there is no reference to the transplantation of grassland in the Landscape Report.

- And although the EclA recommend the retention of trees lines and hedgerows where possible, the impact of the almost total clearance of woody vegetation from within the site to facilitate the construction of the proposed greenway along the site's northern boundary are not assessment.
- Reference to comments from the NPWS rangers that most of the grassland present on the site has developed on the ant hills formed by the yellow meadow ant *Lasius flavus*, which because of the dine material they are composed of are unlikely to be transplantable.
- Given the sensitivity of the location of the site in relation to the Royal Canal pNHA, it would seem more appropriate that a detailed CEMP should have been submitted with the application. As some of the measures outlined in the draft CEMP may not be feasible given the narrow dimensions of the site.
- The assessment of lighting impacts on ecology does not address light arising from the residential units themselves.
- The bat surveys are not adequate due to the timing when they were carried out (mid/late September) and the NPWS noted signs of Badger activity on site which was not noted in the EclA.

Refence to the Departments report and conclusions reached regarding inadequate surveys and insufficient information submitted in relation to the possible impacts of the development on flora and fauna, the SHD proposal should be refused permission as it would potentially conflict with objectives of the current Fingal Cunty Development Plan in relation to Natural Heritage Areas and the delivery of new green infrastructure as appropriate.

Archaeology:

Archaeological Impact Assessment and an Architectural Heritage Impact Assessment submitted with the application are notes. The Planning Authority also note the recommendation from the Department that archaeological monitoring is required.

EIA and AA:

The Planning Authority defer to ABP as the Competent Authority on these matters.

Chief Executive Report Conclusion:

The Planning Authority highlighted a number of significant issues which were not addressed satisfactorily in the application ranging from:

- The vision set out for the Old School House Masterplan (MP 13.b) is to develop the site for recreational and tourism uses. The proposed uses for the Old School House fail to do this.

- Insufficient surveys and assessments have been undertaken and submitted in support of this application to allow a full and sufficient evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts 1976 to 2018, Daubenton's Bat and other bat species and otter, protected under the Habitats Directive (92/43/EEC).
- The development is considered likely to render trees for retention unsafe or unsustainable due to its layout and inadequate tree protection measures and is therefore not compliance with current Fingal County Development Plan.
- The proposed access point onto Porterstown Road would be considered substandard given that there has been no speed survey to determine the ambient vehicle speeds on Porterstown Road and to demonstrate if the available sightlines are acceptable. The access would be considered a potential traffic hazard.
- Given the preliminary design for the Royal Canal Urban Greenway Rote has been significantly progressed and taking into account the concerns in relation to the proximity of the apartment blocks to the Royal Canal and the need to remove a vast amount of vegetation and trees from along this area of the site a significant redesign would be required to determine an adequate set-back of the development.
- Further consultation in relation to design co-ordination with the Dart + West Project Team in relation to the interface of the proposed development and the NTA FCC Royal Canal Urban Greenway Team at this location would be required to ensure that the proposed Dart+West proposals are not prejudiced by the development and that the development can be facilitated.

The site has a unique setting within in the Blanchardstown area; retaining a sylvan nature along the Royal Canal, benefitting from mature planting around the site, varied biodiversity and the built heritage of the Royal Canal and the Old Schoolhouse, the latter representing a distinctive feature of the skyline and landscape in this area. Any potential development of the lands needs to recognise and re-enforce that this is a special place with a unique, distinctive character both within the site but also along the banks of the Royal Canal. It is considered that the development as proposed fails to respond in a satisfactory manner to this setting and falls short with placemaking and a quality urban design response for this site which would enhance the residential and visual environment within Blanchardstown.

In the opinion of the Planning Authority, it is not considered that the imposition of conditions could satisfactorily address these concerns given the extent of revision which would be required to the design and layout of the scheme. The proposed development is not considered to be in accordance with the proper planning and sustainable development of the area and permission should be refused.

In the event the Board grant permission the Planning Authority recommended 20 no. conditions. Conditions of note include:

Condition No. 2 a) relating to the relocation of the proposed Royal Canal Greenway and a planted buffer to the southern boundary, b) no residential unit to be sold/let pending the full reinstatement of the Old School House to the satisfaction of the Planning Authority, c) the height of Block H to be reduced by 2 storeys, d) revised proposals for the use of the Old School Building to comply with the vision set out in The Old School House Masterplan MP 13.B in the current Development Plan.

Condition No. 3 requirements pertaining to traffic and transportation including inter alia a) design and construction details of proposed access, b) location of pedestrian/cycle access points to adjoining lands, c) location, design and construction detail for proposed vehicular access to lands to the north, d) further engagement with the Dart+West project team, e) relation of the proposed greenway on line with the preferred route for the Royal Canal Urban Greenway and a revised set back to accommodate the 4m wide Royal Canal Urban Greenway, f) further traffic measures, g) cycle parking for the Old School House, h) intervisibility between pedestrian and vehicles, i) connectivity to the towpath and the Royal Canal Urban Greenway, k) footpaths, j& l) bicycle parking, m) Road Safety Audits, n) CMP, o) Travel Plan, p & q) EVC, r) TIC

Condition No. 3 relates to Trees & Hedgerows Tree Bond.

Condition No. 4 Landscaping.

Condition No. 5 Financial contribution for shortfall in public open space.

Condition No. 6 Archaeology.

Condition No. 9 Requirement that all bathroom/en-suite windows are fitted and permanently maintained with obscure glass.

Condition No. 17 requirement for a piece of public art/sculpture/architectural feature.

For the most part, I agree with the proposed conditions subject to modifications should the Board be minded to grant permission.

8.4 Summary of inter-Departmental Report

Conservation Officer Section (19th April 2021):

The Conservation Officer has serious highlighted a number of concerns. Point of note include:

Positioning:

The placement of the blocks on the southern side will require the removal of planting/vegetation within the site along this southern boundary. The result is that the edge of the development forms a stark, hard urban edge to its boundary, with excessively tall forms perched over the canal, fundamentally altering the character of the place.

The Conservation Officer also has concerns that the positioning of such tall buildings so close to the embankment could destabilise or compromise it (c.1m separation between edge of Block E and top of slope) and that an intrusive engineering intervention would be needed which again would greatly alter the setting and character of the place.

The Conservation Officer is of the opinion that the siting of the proposed blocks are not acceptable. Any new build on these lands should be located towards the northern side but also be considerate of existing residential developments.

The impact of substantial increased lighting levels at night from the proposed apartment units on habitats along the canal also has to be considered and comments from the Biodiversity Officer sought.

The scheme should be redesigned so that any proposed building is positioned back from the southern boundary with a decent planted buffer provided within the site between the Royal Canal and any buildings. Occasional views or links through can be provided to the canal but it is not appropriate for tall buildings to site directly onto a sloped bank over the towpath.

Scale:

The distinctive tall and narrow historic school building is a landmark structure along the Royal Canal. It is important that the landmark nature of this building is respected and that the new build element is not overly dominant in scale or density.

The scale of the scheme needs to be revised and reduced to be more sympathetic to the Protected Structures where it adjoins the Old Schoolhouse and along the interface with the Royal Canal. All intended plant or equipment should be depicted on roof plan drawings.

Impact on Trees/Planting:

A strong planted buffer must be retained/provided with the site along the southern boundary with the Royal Canal. This will enhance and preserve the distinctive green character along this section of the canal which is such an oasis and welcome contrast to the surrounding established suburban areas and newer high density.

Proposal for Old Schoolhouse:

The proposed repair, restoration and alterations to the Old School house are acceptable, as is the proposed change of use. The Architectural Heritage Impact Report includes details on the repair and restoration works which are acceptable.

Provision for potential Iarnrod Eireann Pedestrian & Cycle Overbridge:

Iarnród Éireann is in the process of investigating the electrification of the Maynooth Line to provide a DART service which necessitates the closure of existing level crossings and the provision of over or under bridges where necessary. The emerging preferred route has gone out for public consultation. The land take on the IE drawings is significantly greater than the provision indicated within the submitted drawings for the SHD. Consultation on Dart + west is ongoing, including with FCC, so the location and design of all the new bridges along the rail line in Final are still being discussed but there is potential for implications for the proposal for this site.

Conclusion:

The placement and scale of the proposed blocks on top of the embankment to the Royal Canal and the removal of a significant amount of the existing trees and vegetation so significantly alter the existing character of the Royal Canal and could potentially compromise the slope during construction that the Conservation Officer cannot support the overall scheme. Any potential development of the lands needs to recognise and re-enforce that this is a special place with a unique, distinctive character both within the site but also along the banks of the Royal Canal.

If the Board is minded to grant permission it is essential that:

- The position of the blocks be recessed further back from the top of the slope above the Royal Canal and a planted buffer be inserted/retained along the southern boundary. The new position may necessitate a reduced scale to the blocks in relation to adjoining properties.
- No residential or commercial unit shall be sold or let/occupied pending the full reinstatement of the Protected Structure of the Old Schoolhouse to the satisfaction of the Planning Authority.
- Reduce the height of Block H so that it is subservient to the Old Schoolhouse by the omission of a storey(s).

Transportation Planning (21st April 2021):

The report addressed issues relating inter alia a) connectivity to adjacent lands, b) access onto Porterstown Road, c) Traffic & Transport Assessment, d) Dart + West Electrification and Porterstown Road, e) internal layout, f) parking, g) old Schoolhouse/community centre, h) creche, i) Royal Canal Urban Greenway route, k) EC charging and e-bike charging, l) swept path analysis for service vehicles and emergency services, m) Residential Travel Plan, n) TIC, o) Road Safety Audit, p) Construction Management Plan.

The Transportation Planning report concluded:

The Section would have several significant concerns in relation to the proposed development as follows:

- The proposed access point onto Porterstown Road would be considered substandard given that there has been no speed survey to determine the ambient vehicle speeds on Porterstown Road and to demonstrate if the available sightlines are acceptable. The access would be considered a potential traffic hazard.
- Given the preliminary design for the Royal Canal Urban Greenway Route has been significantly progressed and taking into account the concerns of the Planning Department in relation to the proximity of the apartment blocks to the Royal Canal and the need to remove a vast amount of vegetation and trees from this area of the site a significant redesign would be required to determine an adequate set-back of the development.
- Further consultation in relation to design co-ordination with Dart+West Project Team in relation to the interface of the proposed development and the NTA FCC Royal Canal Urban Greenway Team at this location would be required in order to ensure that the proposed Dart +West proposal are not prejudiced by the development and that the proposed development can be facilitated.

If a grant of permission is forthcoming it is recommended that a set of conditions pertaining to a) access details, pedestrian/cycle access points to adjacent lands, c) location, design and construction of vehicular access to lands to the north, d) co-ordination with Dart +West project to ensure it is not prejudiced, e) relocation of greenway and set back, f) traffic calming measures, g) cycle parking for Old School House, h) intervisibility between pedestrian and vehicles, i) connectivity to towpath and Royal Canal Urban Greenway, k) footpath details, l) bicycle parking, m) road safety audit, n) Construction Management Plan, o) travel plan, p) EV charge points, q) TIC.

Heritage Officer (16th April 2021):

The Heritage Officer noted the submission of 'The Architectural Heritage Impact Report'. And given the scale of development and proximity to the industrial heritage of the Royal Canal the Heritage Office concurs with the approach of archaeological monitoring of groundworks, should this development be granted permission.

Environment Waste Section (25th March 2021): Recommendations set out in report.

Water Services Department (23rd April 2021): No objection subject to conditions.

8.5 Statement in accordance with section 8(5)(b)(ii)

Having regard to the location of the site on lands zoned 'RA' in the Fingal Development Plan 2017-2023 which seeks to *"Provide for new residential communities subject to the provision of the necessary social and physical infrastructure"*, the objectives of the Development Plan in respect of urban design, placemaking, residential development, natural and cultural heritage, the vision for the Old School House Masterplan lands, the National Planning Framework and relevant section 28 Guidelines; the proposed development would be substandard with regard to its lack of public open space amenity, access onto Porterstown Road, retention and protection of significant trees and hedgerows, provision of pedestrian/cycle routes including the Royal Canal Greenway, would seriously injure the visual amenities and landscape character of the area by virtue of its layout and impact on the Royal Canal and have a detrimental impact on the setting of protected structures, which would be contrary to the objectives of the Fingal Development Plan and be contrary to the proper planning and development of the area.

The Planning Authority recommends that permission is refused for the following reasons:

1. It is considered the proposed development by reason of scale and visual impact, deficiencies in green infrastructure including lack of open space and inadequate tree protection and failure to secure a high quality pedestrian and cycle connections to the Royal Canal and surrounding areas, would contravene the objectives of the Fingal County Development Plan, would adversely affect the amenities of adjoining development and future residents of the proposed development, would be contrary to section 28 Guidelines and would therefore be contrary to the proper planning and sustainable development of the area.
2. The substandard proposed access point onto the Porterstown Road which, in the absence of a speed survey to demonstrate that available sightlines area acceptable, would be considered a potential traffic hazard.
3. Having regard to the location of the proposed development, within a 'highly sensitive landscape' designated in the Fingal County Development Plan 2017-2023 and adjacent to the Royal Canal, a proposed Natural Heritage Area and a Protected Structure, it is considered that the scale and positioning of the blocks directly over the canal bank and the removal of a vast amount of vegetation and trees along this area of the site would radically and adversely alter the character of this location. The proposal would have a significantly negative impact on the Royal Canal which would be contrary to Objectives Clonsilla 3, Objective CH43, Objective 34 and Objectives NH36 of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

4. Based on the information submitted, there is insufficient surveys and assessments available to allow a full and sufficient evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular , the dry calcareous and neutral grasslands (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts 1976 to 2018, Daubenton's bat and other bat species, and otter, protected under the Habitats directive (92/43/EEC). The Planning Authority is not satisfied that the proposed development would not negatively impact upon the biodiversity of the area and that the proposed development would comply with Objectives NH09, NH10, NH16 and NH17 of the Fingal County Development Plan 2017-2023 with regards to the protection of habitats ad species and Natural Protection Area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

9.0 Prescribed Bodies

Under the 'Opinion' that issued (ABP 307464-20) the applicant was required to notify the following bodies of the making of the application:

1) Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation), 2) The Heritage Council, 3) Fáilte Ireland, 4) The Commission for Railway Regulation, 5) An Taisce, 6) Irish Water, 7) Transport Infrastructure Ireland, 8) National Transport Authority, 9) Fingal Childcare Committee, 10) Inland Fisheries Ireland, 11) Waterways Ireland .

The following is a summary of the reports from the above bodies that made a submission:

9.1 Development Applications Unit. Department of Tourism, Culture, Arts, Gaeltacht, sports and Media.

It is recommended that An Bord Pleanála refuses to grant permission for the proposed development for the Nature Conservation reasons outlined below:

Nature Conservation

- The site of the proposed development is immediately adjacent to the Royal Canal and stretches for circa 800 m west from the Porterstown Road towards Clonsilla village along the northern boundary of the canal. The Royal Canal in this area is cut into bedrock and is part of the section of the canal west of Blanchardstown referred to as 'the Deep Sinking'. At its eastern end, the site rises about 7.8 m above the neighbouring towpath which itself is a further 3.7m above the canal surface, declining at the west end of the site to a height

of circa 3.7 m above the towpath which runs approximately 2m above the water surface. It was probably built up with material excavated from canal cutting. The site is only about 30m wide and along its canal-side boundary and also at its east end overlaps with the Royal Canal proposed Natural Heritage Area (pNHA). The eastern section of the site within the pNHA includes an area encompassing the Old Clonsilla School House and extending from it to the Porterstown Road. It is not clear why this eastern part of the site is included in the pNHA, but the boundary hedgerow and the wooded slope below it constitute a well vegetated buffer corridor along the canal integral to the pNHA.

- The emerging preferred route for the proposed Royal Canal Greenway between Blanchardstown and the Kildare County boundary, as set out in a 2019 non-statutory consultation is through the length of the present site along and parallel to its canal-side boundary.
- The Ecological Impact Assessment (EclA) supporting this application, based on ground surveys of the site carried out on the 11th and 27th of September, 3rd of October and 11th of November 2019 and the 9th of February 2021 has classified the habitats present on the site after Fossitt's Guide to Habitats in Ireland. Apart from WL1Hedgerows along the southern and part of the northern site boundary, and WL2Treelines along the rest of the latter boundary and ED3 Buildings and artificial surfaces consisting mainly of the Old School House, it identifies the principal habitats on the site as GS1 Dry calcareous and neutral grassland, which it considers of high local ecological value, and WD1Scub. The scrub includes species such as bramble, dog rose, hawthorn, blackthorn and furze. Comparison of the present situation with that evident from a 1990 aerial photograph leads the EclA to conclude that considerable encroachment by scrub onto the grassland has occurred since that time, and that without human intervention the scrub will overgrow most of the surviving grassland in the near future.
- No breeding bird survey of the site was carried out, but of the 13 birds species recorded from the site all nest in trees or shrubs. It would be expected that they would be joined by summer migrant species.
- With regards to protected mammal species, the EclA states that no evidence was found of the presence of badgers on the site. However, a single hedgehog was noted heading towards the eastern section of the site across open space in the adjacent 'The Village' housing estate.
- Dusk bat emergence surveys of the site carried out on the 11th and 27th of September 2019 failed to identify any bat roosts on the site, either in the old

school or in trees , though a small number of the latter were considered to have low to medium potential as bat roosts. Only two soprano pipistrelle bats were observed foraging over the development site, but an estimated six Daubenton's bats were identified characteristically feeding low over the Royal Canal surface along the entire length of the site, and the potential of the lighting of the proposed development to detrimentally impact on this light sensitive bat species is noted.

- The EclA also mentions that the proposed development will involve construction of apartment buildings overlapping, or right on the boundary of, the Royal Canal pNHA but there is no evaluation of the effects of this encroachment on the pNHA. Similarly though the EclA recommends the retention of tree lines and hedgerows where possible, the impacts of the almost total clearance of woody vegetation from within the site to facilitate the construction of the proposed greenway along the site's northern boundary are not assessed.
- The EclA notes that at present 5,409 sqm of dry calcareous and neutral grassland occurs on the site and states that 2, 276 sqm of this grassland is to be retained and that 3,732 sqm of new grassland is to be created, either by the phased transplantation of some of the existing grassland within the site or the seeding of new grassland. It is recommended that a five year Landscape Management Plan is prepared to include measures to ensure the survival of the calcareous and neutral grassland and that this Plan should be implemented under the supervision of an ecologist. However, there appears to be no reference to the proposed transplantation of grassland in the Landscape Report supporting the development application. Also when a National Parks and Wildlife Service (NPWS) staff member visited the site on the 27th of February 2021 it was noted that most of the grassland present on the site has developed on the ant hills formed by the yellow meadow ant

Lasius flavus, which because of the fine material they are composed of are unlikely to be transplantable.

- The potential threat posed to the adjacent Royal Canal by dust or silt mobilised in runoff during the development of this site situated raised above the canal is recognised in the EclA, as is the danger of the pollution of the canal by spillages of fuel, oils or other chemicals during construction. Various mitigation measures to avoid such impacts are therefore proposed, including the installation of silt fences and dams on drains, these measures to be incorporated in a Construction Environment Management Plan (CEMP) to be agreed with the Fingal County Biodiversity Officer before the commencement of development on the site. However, given the narrow confines of the development site it is not clear how feasible it will be to implement some of the measures proposed, such as that the stockpiling of loose materials is to be carried out a minimum of 20m from the canal and drains, and that fuel, oil and chemical storage will be sited in bunded areas and will be at least 50 m from the canal, or as in addition stated, that fuel may be stored in Jeri cans in a drip tray not within 40 m of the canal. In any case, given the sensitivity of the location of the development site in relation to the Royal Canal pNHA, it would seem more appropriate that a detailed CEMP should have been submitted by the applicant in support of this application.
- With regards to the potential impacts of light from the proposed development detrimentally affecting Daubenton's bats foraging over the Royal Canal, an Outdoor Lighting Report supporting this application indicates that the lighting design proposed will restrict light spill over the canal from the development to less than the 1 lux level which Daubenton's bats avoid, and on the basis of the intended implementation of this regime the EclA concludes that the development will not have detrimental impacts on Daubenton's bats. But the Outdoor Lighting Report does not seem to have considered any contribution that the internal lighting of the apartment blocks to be built on the boundary of the Royal Canal pNHA, (and rising to 22 m to overtop the boundary embankment trees which are at most circa 10 m high, may make to light levels on the canal water surface.

- Daubenton's bat, otherwise known as the water bat, is largely confined to foraging over water bodies, and because of sensitivity to light, its usage of downstream sections of the Royal Canal leading into Dublin City is believed to have declined in recent years, because of the erection of new apartment blocks in the Pelletstown area and the construction of an illuminated greenway along the canal towpath from Ashtown to Blanchardstown. It is possible in fact that the Daubenton's bat has disappeared entirely from some of the downstream sections of the Royal Canal, and the NPWS is concerned therefore that there should be no decline of this species in the Porterstown-Clonsilla area. Like all bat species, Daubenton's bat is afforded a regime of strict protection under the Habitats Directive (92/43/EEC), and any effects on its roosts, which are usually located in trees, buildings or other structures near water, as a result of development would be particularly detrimental. In this context it is not considered that the emergence surveys carried out in September late in the season when bats are active, has securely excluded the potential usage of the Old School House on the development site as a bat roost as suggested by the EclA. Internal survey of this building and activity surveys undertaken earlier in the bat active period from May onwards would be required to fully rule out the use of the old school as a bat roost.
- During a visit to the development site on the 27th of March 2021, a NPWS staff member identified definite evidence of badger foraging on the development site in the form of feeding/nuzzle holes. Distinct trails and tunnels through the scrub vegetation on the site were also noted and it is strongly suspected a badger sett may be present in the east central section of the development site. Mammal trails leading up through embankment vegetation into the site from the canal were in addition observed and it is possible that otters may be using the development site to lie up in. A burrow which might be an otter holt or badger sett was found in the bank between the canal towpath and the development site parallel with the Old School House where it is proposed to install steps connecting site to towpath. Resolution of the possible impacts of the proposal development on badger setts, protected under the Wildlife Acts, 1976 to 2018, and otter breeding and resting places, afforded protection under the Habitats Directive, must therefore take place before the proposed development proceeds.

Recommendations:

The Department recommends that the present Strategic Housing Development (SHD) application for the Old School House site at Porterstown Road, Kellystown, should be refused by Bord Pleanála on the grounds that insufficient surveys and assessments have been undertaken and submitted in support of this application to allow a full and sufficient evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts, 1976 to 2018, Daubenton's bat and other bat species, and otter, protected under the Habitats Directive (92/43/EEC).

The Department considers that, given the insufficient information and assessment submitted by the applicant in relation to the possible impacts of the development proposed on flora and fauna, to grant planning permission for this SHD proposal would potentially conflict with the following objectives of the Fingal County Development Plan 2017-2023:

- Objective NH16 Protect the ecological integrity of proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, and Habitat Directive Annex I sites.
- Objective NH17 Ensure that development does not have a significant adverse impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Habitat Directive Annex I sites and Annex II species contained therein, and on rare and threatened species including those protected by law and their habitats.
- Objective NH09 Support the National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, in the maintenance and, as appropriate, the achievement of favourable conservation status for the habitats and species in Fingal to which the Habitats Directive applies.
- Objective NH10 Ensure that the Council takes full account of the requirements of the Habitats and Birds Directives, as they apply both within and without European Sites in the performance of its functions.

Accordingly, it is recommended that An Bord Pleanála refuses to grant permission for the proposed development.

Due to the location and nature of the proposed development, the Department also has archaeological concerns. If refusal of planning permission was not being recommended as above conditions pertaining to archaeological monitoring should be attached.

9.2 Iarnród Éireann (21st April 2021):

Iarnród Éireann is currently progressing designs for the DART+ West Project, which has a direct interface with this project at the entrance to the development site. DART+ West will permanently close the existing Porterstown Level Crossing and provide a new pedestrian and cyclist footbridge to maintain connectivity to lands north and south of the railway/canal corridor. The northern ramp and stairs for this bridge are proposed within the OSH Ventures Ltd. lands between the public road and the Old Schoolhouse.

Iarnród Éireann is not objecting to OSH Ventures Ltd intention to develop the Clonsilla SHD lands. Iarnród Éireann's only concern relates the interface area with DART+ West between the public road and the Old Schoolhouse.

Iarnród Éireann has previously engaged with OSH Ventures Ltd with an objective to develop a mutually acceptable entrance layout that provides the following:

1. DART+ West pedestrian and cyclist bridge ramp and stair landings;
2. Interface with the Royal Canal Greenway route; and
3. Vehicular access from the public road and around the Old Schoolhouse into the main development area of the SHD lands.

Iarnród Éireann's primary concern with the SHD application is the inconsistency with the DART+ West proposals which have been on public display since August 2020.

The SHD access arrangements from the public road are not consistent with the current DART+ West designs.

Iarnród Éireann respectfully submits that An Bord Pleanála should recommend that the SHD applicant engage in further discussions with the DART+ West design team to ensure a co-ordinated design is presented that meets the needs of the SHD application, DART+ West and the Royal Canal Greenway proposed in this area.

If the SHD application is approved as per current designs, the subsequent DART+ West Railway Order will seek amendments to the access arrangements. It is considered preferable that these access arrangement conflicts would be more beneficially resolved prior to consideration for approval by An Bord Pleanála.

9.3 National Transport Authority (8th April 2021):

The NTA is supportive in principle of infill development of lands at Clonsilla. The lands are located to the east of Clonsilla Station and west of Coolmine Station, providing a high-capacity rail link to Dublin city centre and intermediate destinations, which is in line with the principles of land use and transport integration set out in Chapter 7 of the Transport Strategy.

The following recommendations are set out:

- It is noted that the proposal includes for a reduced car parking provision which will result in future residents relying on sustainable modes of transport, in this context it is critical that efficient and direct access to Clonsilla Train Station and Clonsilla Road for bus services is provided.
- The proposed pedestrian (this should include bicycle) links from the site to connect with neighbouring developments is vital in order to allow future residents access to Clonsilla Train Station and Clonsilla Road bus services.
- The development should include pedestrian and cycle access to the towpath in order to provide a more direct means of access to Clonsilla Train Station.
- The proposed access points along the northern boundary are entirely essential in order to provide north-south connectivity to the train station, bus services on the Clonsilla Road as well as access to schools and services. All proposed access points should be pedestrian and cycle friendly and should not include kissing gates or other gates to impede the safe and efficient movement of pedestrians and cyclists (including those using mobility aids).
- The proposed development, in accordance with the objectives for MP 13.B should provide for direct connection to the canal towpath as part of the application. All proposed access points should be pedestrian and cycle friendly and should not include kissing gates or other gates to impede the safe and efficient movement of pedestrians and cyclists (including use those using mobility aids).
- The proposed development should not prejudice the provision of a pedestrian and cycle bridge which would join the Kellystown Masterplan lands at this location with Clonsilla Road to the north.
- All resident bicycle parking, should be enclosed and secure, the proposed bicycle storage compound does not appear to be suitable for residents bicycle parking and another solution may be required.

The NTA is supportive in principle of development at this location. However, the proposed development should not prejudice the wider future development of adjoining lands such as at Kellystown and village centre lands to the north of the site and the provision of future connections should be ensured. The proposed development must guarantee that in line with reduced car parking provision that appropriate connections are provided in order to make walking and cycling to public transport and services an attractive and efficient means of movement. I trust that the views of the NTA will be taken into account in the assessment of the above planning application.

9.4 Transport Infrastructure Ireland (25th March 2021):

Transport Infrastructure Ireland noted it had no observations to make.

9.5 Irish Water (6th April 2021):

In respect of water:

In order to accommodate a connection for water services the following is required; Approximately 25m of 150mm ID pipe has to be laid to connect the Site to the main. Any consents required to lay this pipe via private land(s) is the responsibility of the applicant and should be in place prior to progressing to connection application. Also, approximately 250m of new 150mm ID pipe to replace the existing 4" PVC main in Porterstown Road is required for the connection. Irish Water has no plans to carry out the upgrades in this area currently. The applicant will be required to fund this network upgrade and obtain any consents or permissions for works not in the public domain.

In respect of wastewater:

In order to accommodate a connection for wastewater services the following is required; New connection to the existing network is feasible without network upgrade. The connection should be made at existing 375mm uPVC gravity sewer in Lanbourn Park. The sewer along the Road will require to be cleaned, CCTV surveyed and repaired prior to any connection agreement with IW. Design Acceptance: The applicant has engaged with Irish Water in respect of design proposal and has been issued a Statement of Design Acceptance for the development.

Planning Recommendation: Irish Water respectfully requests the board condition(s) any grant as follows:

- The applicant must sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.
- All development is to be carried out in compliance with Irish Water Standards codes and practices.
- Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices must be achieved. (a) Where any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.

9.6 Department of Defence (1st April 2021):

Following consultations with our Air Corps colleagues at Casement Aerodrome, The Department of Defence has the following observations: Given the proximity to the N4, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use.

10.0 Preliminary Examination Screening for Environmental Impact Assessment (EIA)

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

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct 198 no. BTR residential units arranged in 8 No. blocks; refurbishment and change of Use of protected structure (Old School House) to offices and ancillary community uses for residents and a childcare facility on a c. 2.32 ha site), together with all related ancillary development and services including internal access roads, car parking, landscaping, greenway and site development works. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of c. 2.32ha and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is a long narrow strip of land

bounding the Royal Canal and partially within the Royal Canal pNHA in are identified as a highly sensitive landscape. The surrounding areas are generally low/medium density residential uses, with commercial uses located to the north of the site along Clonsilla Road. The area is one in transition and is part of the wider Blanchardstown area. The introduction of a residential development including residential will not have an adverse impact in environmental terms on surrounding land uses. While the site is partially located within the Royal Canal pNHA and include the Old School House (protected structure) and is an area of local importance. It does not lie within a Natura 2000 and the proposed development is not likely to have a significant effect on any European Site (as discussed below). The majority of the development would be in residential use with the proposed uses also comprising of a creche, management office and community use associated with the development. It would not give rise to waste, pollution or nuisances that differed from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Fingal County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for 'RS' under the provisions of the Fingal County Development Plan 2017 – 2023, and the results of the strategic environmental assessment of the Fingal County Development Plan 2017 – 2023, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 299C of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

The conclusion of this is assessment is as follows:

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to 'RA' *to provide for new residential communities subject to the provision of the necessary social and physical infrastructure* in the Fingal County Development Plan 2017-2023 and the results of the Strategic Environmental Assessment of the Plan;
- (c) the location and context of the site;
- (d) The existing use on the site and pattern of development in surrounding area;
- (e) The planning history relating to the site
- (f) The availability of mains water and wastewater services to serve the proposed development,
- (g) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP).

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Refer to Appendix 3 for EIA Screening Form

11.0 Appropriate Assessment (AA) Screening

11.1 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

11.2 Background on the Application

The applicant has submitted a screening report for Appropriate Assessment as part of the planning application, titled “Appropriate Assessment Screening Report for a proposed development at the Old School House site, Porterstown Road, Clonsilla, Dublin 15.” by Altamar Marine & Environmental Consultancy, final issue dated 10th February 2021.

- The applicant’s Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential impacts during construction and operation of the development are considered as well in combination impacts of neighbouring developments.
- The screening is supported by associated reports submitted with the application, including Ecological Survey and Impact Assessment, Arboricultural Report, Landscape and Visual Impact Assessment, Landscape Report, Engineering Services Report (which includes SSFRA), Outline Construction & Waste Management Plan, and Noise Impact Assessment.

The applicants AA Screening Report concluded that:

“The proposed development site is located 5km from the nearest Natura 2000 sites, across a suburban environment, with no direct connection to the conservation site. There is no direct pathway to any Natura 2000 sites within or beyond 15km.

There is an indirect pathway to Natura 2000 sites via Ringsend WWTP and a potential indirect pathway via the Royal Canal, in the absence of standard controls to comply with Water Pollution Acts. Foul water from the development will be processed in the Ringsend Treatment works. The Royal Canal is proximate to the site and is 11.6km from where it enters the river Liffey and 16km from the end of the Bull Wall where the Liffey enters the marine environment in Dublin Bay. However, in the unlikely event of a breach of Water Pollution Acts and impacts to the Royal Canal, this potential indirect pathway will not result in a significant impact on the Natura 2000 site. Significant mixing and settlement will occur within the substantial distance between the indirect pathways and Natura 2000 sites. No significant effect is foreseen from indirect pathways.

No Natura 2000 sites are within the zone of influence of this development. Having taking into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff via indirect pathways, it is concluded that this development that would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

There is no possibility of significant impacts on Natura 2000 sites, features of interest or site specific conservation objectives. A Natura Impact Statement is not required.

Accordingly, having carried out the Stage 1 Appropriate Assessment Screening, the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of objective scientific information following screening under this Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on any European site.”

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.3 Screening for Appropriate Assessment

Test of likely significant effects

- The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

11.4 Brief Description of the Development

The applicant provides a description of the project on page 7 of the AA screening report. I refer the Board to section 3 of this report.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation
 - Habitat disturbance /species disturbance
 - Construction related
- uncontrolled surface water/silt/ construction related pollution European Sites

The AA Screening submitted with the application identified the potential ZOI of the construction phase of the project was deemed to be the site within the site outline with potential impacts for noise and lighting beyond the site outline including the Royal Canal which is proximate to the site. However, using the precautionary principle possible effects on Natura 2000 sites within a direct pathway and those within 15km of the development were investigated. No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, there is potential of an indirect pathway via the Royal Canal (surface water runoff) and Ringsend WWTP (foul connection).

The development site is not located in or immediately adjacent to a European site. The nearest European site to the proposed development is Rye Water Valley/Cartron SAC, c.5km to the west. Using the source-pathway-receptor model, surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located c.15km east of the proposed development site, and therefore may indirectly have an impact. Dublin Bay contains the following European sites: North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA. I am including the following sites not referenced in the applicant's AA screening as they are within Dublin Bay: Rockabill to Dalkey Island SAC, Dalkey Island SPA, Howth Head Coast SPA and Howth Head SAC.

A summary of the European Sites that occur within 15km of the site of the proposed development is set out below:

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>Rye Water Valley/Carton SAC (001398)</p> <p>[7220*] Petrifying springs with tufa formation (Cratoneurion) [1014] Narrowmouthed Whorl Snail Vertigo angustior [1016] Desmoulin's Whorl Snail Vertigo moulinsiana NPWS (2018)</p> <p>Conservation objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>c.5 km west of the proposed development site</p>
<p>South Dublin Bay SAC (000210)</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes NPWS (2013b)</p> <p>Conservation Objectives: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets: • The permanent habitat area is stable or increasing, subject to natural processes.²⁵ • Maintain the extent of the Zostera –dominated community, subject to natural processes. • Conserve the high quality of the Zostera –dominated community, subject to natural processes • Conserve the following community type in a natural condition: Fine sands with Angulus tenuis community complex.</p>	<p>c.11.9km east of the proposed development site</p>

<p>North Dublin Bay SAC (000206)</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1395] Petalwort <i>Petalophyllum ralfsii</i> [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [2110] Embryonic shifting dunes [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2190] Humid dune slacks NPWS (2013a)</p> <p>Conservation Objectives: The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>c.15km east of the proposed development site</p>
<p>Glenasmole Valley SAC (00012069)</p> <p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)* * denotes a priority habitat. Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	

<p>Howth Head SAC (000202)</p> <p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts [4030] European dry heaths NPWS (2016)</p> <p>Conservation Objectives: The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>c.20km east of the proposed development site</p>
<p>Rockabill to Dalkey Island SAC (003000)</p> <p>[1170] Reefs [1351] Harbour porpoise Phocoena phocaena NPWS (2013)</p> <p>Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>c.21 km east of the proposed development site Conservation</p>

<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A179] Blackheaded Gull <i>Croicocephalus ridibundus</i> [A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i> [A999] Wetland and Waterbirds NPWS (2015b)</p> <p>Conservation Objectives: The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level</p>	<p>c.11.9km east of the proposed development site</p>
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<p>North Bull Island SPA (004006)</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna</i> [A052] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A056] Shoveler <i>Anas clypeata</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A160] Curlew <i>Numenius arquata</i> [A162] Redshank <i>Tringa totanus</i> [A169] Turnstone <i>Arenaria interpres</i> [A179] Black-headed Gull <i>Croicocephalus ridibundus</i> [A999] Wetlands & Waterbirds NPWS (2015a)</p> <p>Conservation Objectives: The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>c.15km east of the proposed development site</p>
<p>Howth Head Coast SPA (004113)</p> <p>[A188] Kittiwake <i>Rissa tridactyla</i> NPWS (2018)</p> <p>Conservation objectives: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>. c.23km east of the proposed development site</p>
<p>Dalkey Islands SPA (004172)</p> <p>[A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i> NPWS (2018)</p> <p>Conservation objectives: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>c.23km south-east of the proposed development site</p>

The site is located 5km from the nearest Natura 2000 sites, across a suburban environment, with no direct connection to the conservation site. There is no direct pathway to any Natura 2000 sites within or beyond 15km.

11.5 Identification of Likely Effects

With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation.

There is no direct pathway to Natura 2000 sites and the nearest Natura 2000 site is 5km from the proposed development.

The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European site(s).

The applicant has noted that an Ecological Impact Assessment (EclA) supports this AA Screening. Site flora and fauna assessments were carried out and included a survey of the site for bat presence and a bat emergent survey was carried out. In summary, no terrestrial mammals or signs of mammals of conservation importance were noted on site. No protected flora were noted on site. However, Dry Calcareous and Neutral Grassland is a habitat of importance and present on site. It is currently suffering from scrub encroachment across the site and is restricted to an ever-narrowing central linear portion of the site as well as at the eastern end of the site. No invasive species were noted on site. The site is proximate and parallel to the Royal Canal.

11.6 In Combination Effects

The site is located in a suburban environment. Construction on this site will create localised light, dust and noise disturbance with potential for downstream impacts. There is therefore no potential for any in combination effects to occur.

With regard to hydrological links, surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network. The Engineering Services Report that accompanies the application notes *"It is proposed to connect to the existing foul sewer located at the end of Lambourn Park Road (Lands under Local Authority ownership we assume). The capacity of the existing 375mm dia. foul sewer pipe is 91.138 l/sec assuming a gradient of 1 in 375. The proposed development would have a maximum outflow of 7.164 l/sec which is approx. 7.8% of the total capacity and the principal of the design has been accepted by Irish Water."*

Foul waters from the proposed development will be discharged to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay. The Engineering Services Report that accompanies the application notes *“It is proposed to connect to the existing foul sewer located at the end of Lambourn Park Road (Lands under Local Authority ownership we assume). The capacity of the existing 375mm dia. foul sewer pipe is 91.138 l/sec assuming a gradient of 1 in 375. The proposed development would have a maximum outflow of 7.164 l/sec which is approx. 7.8% of the total capacity and the principal of the design has been accepted by Irish Water.”*

The Zone of Influence (Zoi) therefore of potential effects on water quality from the proposed development could extend to Dublin Bay. Having regard to surface water run-off, having regard to the following factors, it is considered that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of surface water run-off or discharges:

- The scale and location of the proposed development relative to the receiving surface water network;
- The relatively low volume of any surface water run-off or discharge events from the proposed development site relative to the receiving surface water and marine environments; and,
- The level of mixing, dilution and dispersion of any surface water runoff/discharges from the proposed development site in the receiving watercourses, Dublin Bay and the Irish Sea.

Having regard to foul water, the Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status. The Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. There are plans in place to improve the pollutant content of discharges to Dublin Bay, as set out in the submitted Screening Report. Dublin Bay is currently unpolluted and the proposed development will not result in any measurable effect on water quality in Dublin Bay. It is considered that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

Having regard to ground water, the Rye Water/ Carton Valley SAC is designated for groundwater dependent habitats and is within the same groundwater body as the proposed development however, the proposed development site is considered to be outside of the zone of influence of the Rye Water/ Carton Valley SAC for the following reasons:

- The SAC is approximately 5km from the proposed development site and is buffered from the development by significant infrastructure including the Maynooth-Dublin railway line, regional roads and residential developments;
- The Dublin groundwater body flows east towards the Irish Sea. The Rye Water/ Carton Valley SAC is therefore located upstream of the proposed development in the Dublin groundwater body flow. Therefore there will be no groundwater impacts on European sites as a result of the proposed development and no in-combination issues arise.

Potential disturbance and displacement impacts during construction and operation are considered.

No European sites within the disturbance Zol have been identified. The nearest European site is c. 5km from the site. There are no habitat areas within the disturbance Zol of the proposed development that support populations of qualifying/special conservation interest species of any European site. No in-combination issues arise.

11.7 Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

11.8 Conclusion

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 001398 (Rye Water Valley/Carton SAC), 000210 (South Dublin Bay SAC), 00012069 (Glenmole SAC), 000206 (North Dublin Bay SAC), 000202 (Howth Head SAC), 003000 (Rockabill to Dalkey Island), 004024 (South Dublin Bay and River Tolka Estuary SPA), 004006 (North Bull Island SPA), 004113 (Howth Head Coast SPA), 004172 (Dalkey Islands SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

12.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment considers the relevant section 28 guidelines.

I have had regard to all the documentation before me, including, inter alia, the report of the Planning Authority; the submissions received; the provisions of the Fingal County Development Plan 2017-2023; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; together with the planning history of the site. I have visited the site and its environs. I consider the main issues to be addressed are as follows:

- Principle, Quantum & Density of Development
- Design Strategy
- Residential Amenity
- Built and Natural Heritage & Archaeology
- Ecology/Biodiversity
- Trees
- Traffic and Transportation
- Site Services & Drainage
- Other Matters
- Material Contravention
- Chief Executive Report

12.1 Principle, Quantum & Density of development

12.1.1 Principle of Development

Having regard to the nature and scale of development proposed, namely an application for 198 Build to Rent residential units located on lands for which residential development is anticipated to be the predominant use under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

The subject site falls within the Blanchardstown Metropolitan Consolidation Area as set out in the core strategy and is governed by the Fingal Development Plan 2017-2023 (as varied).

The site is zoned 'RA' with the objective to *'Provide for new residential communities in accordance with approved local area plans and subject to provision of the necessary social and physical infrastructure'*, The vision for this zoning is to 'ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'.

The principle of residential development on this zoned land is acceptable, subject to detailed considerations in relation to layout, design, amenity, traffic and other considerations discussed hereunder in this report.

The site is located on land which have been identified as Old School House Masterplan (MO 13.B). Master Plan (MP 13.B) for the Old School house site includes *'Provide for a recreation/tourism hub at this location facilitating a linear public park in addition to tourism related uses, restaurants and craft shops to be scaled and designed in a sensitive manner to reflect the sensitive environment'*. The application before the Board is for a residential development of BTR apartments, childcare and the restoration and change of use of the Old School House building to Management Office and community uses for residents. This Planning Authority noted that this is not in line with the vision set out for the site in the current Fingal County Development Plan. I note a number of third parties consider the proposed use to be contrary to the Masterplan vision, however, as above, I am satisfied that there is no material contravention in this regard.

12.1.2 Density

A significant number of representations, including those of elected members, have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level for the location given the established low-density character of the area. Submissions state that the density is excessive and represents overdevelopment of the site, without supporting public transport infrastructure and social infrastructure.

The Core Strategy as set out in the Fingal County Development Plan 2017-2023 and associated Variation No. 2 of the development plan. Table 2.4 sets out the total residential capacity under the Fingal Plan 2017 – 2023 updated as of September 2019 under Variation 2, where Blanchardstown has a land supply of 260 Hectares capable of delivering 9,306 no. residential units for the plan period.

Based on a simple calculation of number of houses/ha would equate to 35/8 ha; however, this fails to have regard to headroom and lands not coming on stream for ownership/technical reasons. Fingal in their consideration of s.34 applications would not appear to apply such definitive densities, and it is not stipulated in the plan. It is further noted within the plan that Objective PM41 applies, and as such a simple calculation of the density as above would run contrary to this and I am therefore satisfied that this would not be an appropriate methodology regarding calculation of density or core strategy compliance.

Having regard to the quantum of housing still to be provided to achieve the core strategy target and the limited nature of the proposed development, there is no material contravention in respect of core strategy or density.

There is no specific residential density standard prescribed by the Fingal County Development Plan. Objective PM 41 seeks to: “Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.” The Development Plan refers to the assessment of planning applications having regard to the Sustainable Residential Development in Urban Areas Guidelines (2009) and its companion document Urban Design Manual. And objective MT05 states ‘*Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors*’.

The issue of material contravention was not raised in the Chief Executive Report received from Fingal County Council.

Policy at national, regional and local level seeks to encourage higher densities in key locations. It is Government and regional policy to increase compact growth within specified areas and increase residential density. The RSES requires that all future development within the metropolitan area be planned in a manner that facilitates

sustainable transport patterns and is focused on increasing modal share of active and public transport modes. The MASP identifies strategic residential and employment corridors along key public transport corridors existing and planned, with the Maynooth/Dunboyne Commuter line being one such corridor, which is south of the application site. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), Sustainable Urban Housing: Design Standards for New Apartments (2020) and the Urban Development and Building Heights (2018) provide for increased residential density along public transport corridors. The Sustainable Residential Development in Urban Areas Guidelines in particular support consolidated higher density developments within existing or planned public transport corridors (within 500m walking distance of a bus stop and 1km of a light rail stop/station), where higher densities with minimum net densities of 50 dwellings per hectare are supported, subject to appropriate design and amenity standards, in order to maximise the return on public transport investment.

A number of third parties in the observations raise concerns that the density proposed is too high and the number of one bed units is excessive considering the number of one bed units permitted in other SHDs in the area. It is also contended that the provision of all Part V housing in one block is not conducive to building a sustainable community.

The current proposal is for 198 units on a site with a stated area of c.2.32 hectares results in a density of 85 unit per hectare. I note that ABP 308695-20 for a SHD to the south at Kellystown had a proposed density of 64 units per hectare and the density was not considered to be a material contravention of the Development Plan. The application in question was not refused on material contravention grounds. ABP 309126-21 SHD at Balroy House, Carpenterstown Road, Castleknock has a permitted density of c.108 units per hectare and I note that at the time Fingal County Council did not consider density as a material contravention in this application.

Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

Chapter 2 of the Design Standards for New Apartments Guidelines 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The Apartment guidelines identify accessible urban locations as sites

within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas.

The subject site is located approximately c.430m east of Clonsilla Railway Station which lies on the Dublin Connolly to Maynooth and the Dublin Docklands to M3 Parkway lines. The area is also served by a number of Dublin bus Routes, including the 39, the 39a and the 239 which operate from Blanchardstown Shopping Centre.

Rail services along the Dublin-Maynooth line, which are currently high frequency, are planned to undergo a substantial upgrade in the coming years as part of the NTA's plan for electrification of the line known as the DART + West project, which is supported in the RSES (I note the NTA's website that the design stage is progressing and a second round of public consultation is due) and at present proposes to close the existing level crossing on the Old Portsterstown Road and provide for a pedestrian/cycle bridge over).

Also of note are Design Standards for New Apartments Guidelines for Planning Authorities (2020) which defines the types of location in cities and towns that may be suitable for increased densities. The current site falls within the category of an 'Intermediate Urban Location', given its location within 1km of the Clonsilla Railway Station. The guidelines noted that such locations are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (this will also vary, but broadly greater than 45 dwellings per hectare net). The guidelines also note that the scale and extent of development should increase in relation to proximity to public transport as well as shopping and employment locations.

The site is also approximately a 5 minute walk (c.480m) from Clonsilla train station, c.20 minutes walk to Coolmine railway station (c.2.1km), and less than a 10 minute walk to the no.37 bus stop serving this area and linking it to the city centre. The surrounding local centres and employment opportunities (including Blanchardstown Shopping Centre and Retail Park, Blanchardstown Hospital, Blanchardstown IT, National Sports Campus, Coolmine Industrial Park, Snugborough Road industrial parks, etc) that characterise the Blanchardstown Metropolitan Area and easily accessed on by bike or by bus from the site location. As such, I consider that the site having regard to access to public transport (rail and bus) and close to urban services/employment, as defined under the Apartment Guidelines and can sustainably support the increased density level proposed.

It is my view that, given the site's location relatively close to Clonsilla Station, and Dublin Bus stop, as well as a third level institute and extensive employment opportunities, the density is not excessive. I do not consider that a density of 35-50 dwellings per hectare, as suggested by third party submissions, is appropriate in this instance, given the need to deliver sufficient housing units within the MASP, the need to ensure efficient use of land and the need to ensure maximum use of existing and future transport infrastructure.

I note the concerns raised in the Chief Executive's Report that 'proposed density of 85uph is not considered to be appropriate given the historic and environmental sensitivity of the site, this is by reference to the Building Height Guidelines and not the County Development Plan. Furthermore I draw to the Board attention to the fact that the issue of material contravention was not raised in the Chief Executives Report received by An Bord Pleanála on the 4th May 2021.

I note the concerns raised by third parties relating to potential material contravention of the Development Plan, I am of the opinion that the wording set out in section current County Development Plan offers flexibility and does not prescribe densities for this site. On balance given the permitted densities in the general area I am satisfied that the issue of material contravention does not arise.

I consider given the land use zoning attached to the site and its location in an intermediate urban location, allowing the proposed development at more sustainable densities, would have a greater benefit in terms of sustainability, facilitating the 'more efficient and sustainable use of the city's transport infrastructure'. I am satisfied that the density accords with relevant national and regional policy and guidance and that it is appropriate for this location, although note that the acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

Having considered the applicant's submission, observers submissions and those of the Planning Authority, as well as local, regional and national policy, the site is within the MASP, close to public transport and in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density of development is appropriate in this instance having regard to national policy, the relatively recent permissions in the vicinity, the area's changing context, the site's size and proximity to public transport and is not contrary to the provisions of the development plan in respect of density or quantum.

12.1.3 Build to Rent

The attention of the Board is drawn to the fact that this is a Build to Rent Scheme. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on Build-to-Rent (BTR) and Shared Accommodation sectors. The guidelines define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A Site Specific BTR Apartment Management Plan and a draft covenant have been submitted with the application. Having regard to the location of the site close to employment centres and beside excellent public transport facilities, I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

I refer the Board to the provisions of SPPR 7 which provides that:

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

The public notices refer to the scheme as 'Build-to-Rent' and a draft deed of covenant indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as BTR accommodation, that no individual residential unit within the development be disposed of to any third party for a period of 15 years only from the date of grant of permission. I consider that the matter of the covenant be dealt with by means of condition.

SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable, notwithstanding the concerns raised in relation to the percentage of 1 bed units proposed.

12.2 Design Strategy

12.2.1 Height

The site is a long linear site ranging in width from 23.5 to 30m. There are 8 no. apartment blocks proposed along the southern portion of the site immediately bounding the Royal Canal towpath. The Royal Canal in this area is cut into bedrock and is part of the section of the canal west of Blanchardstown referred to as 'the Deep Sinking'. At its eastern end the site rises c.7.8 m above the towpath which itself is c. 3.7 m above the canal surface, declining at the west end of the site to a height of circa 3.7 m above the towpath which runs ac. 2 m above the water surface. Block A (4 to 5 storeys), Block B (5 storeys), Block C (6 storeys), Block D (7 storeys), Block E (7 storeys), Block F (6 storeys), Block G (5 to 6 storeys) and Block H (4 to 5 storeys). Heights range from c.16m for the eastern and western blocks and c. 22m for the central blocks. A central area open space is proposed. Each block is c. 15.5m wide and c.36.5m long.

A common thread throughout the submission is that the overall scale and height of the blocks and their positioning on the site is completely inappropriate for the area given its context and location within a sensitive landscape and that the proposed height materially contravenes the Development Plan which set a height of 3 storeys for Clonsilla.

Observer submissions raised concerns in relation to the proposed building height and contravention of the heights set out in the Fingal County Development Plan. The applicant has submitted a Material Contravention Statement in relation to this matter (among others) and the PA has also considered the issue in detail.

Concerns have been raised that the site has significant constraints, given its location and the receiving environment and requires an appropriate design solution to accommodate these sensitivities. I consider that the proposed height and scale is generally considered acceptable. I note the locational context of the site, in an area

to be one which is transitional in area moving from a low density, two-storey suburban area to a more urban area with a mix of heights and densities. I am cognisant of the presence of the Old School House (protected structure) on the site and its location proximate to the Royal Canal (protected structure). I am satisfied that the site has capacity to absorb a development of the nature and scale proposed.

The height does not accord with the objectives set out in the current Development Plan and exceeds the prescribed height limit of 3 storeys for the Clonsilla, the site is also highlighted as a 'highly sensitive landscape area'. I am cognisant of national policy in relation to height, in particular the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). I consider this to be a suburban area where excellent transport links are evident, and it is my opinion that the height and scale such as that proposed is to be welcomed at such locations.

I note the development that has been permitted within the wider area, including recent SHD applications. The proposed development will be visible from the wider public areas when view in the context of the extant permission on site. However I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The site is on serviced zoned lands and I am of the opinion that the appropriate re-development of these lands would be an appropriate intervention at this location.

The CGIs of the proposed development illustrate the transition in heights between the proposed development and a selection of permitted development immediately adjoining the site. I consider that the proposal would not be visually dominant when viewed from the surrounding area, and that where visible this does not result in an adverse or negative impact.

The site is well served by public transport, with a high capacity rail line proximate to the site and also access to bus routes, with the proximate to a cycle/pedestrian path along Diswellstown Road and existing Kellystown Link Road, which connects into a wider cycle/pedestrian network to the north and east. There are plans to continually upgrade and improve all these sustainable modes of transport in the area, including the DART + West programme, bus connects, GDA cycle plan, and plan for canal path greenway by FCC, NTA and Waterways Ireland. The site is an appropriate location for consolidated urban growth and buildings of height.

While I consider the site of sufficient scale to establish its own character, this is restricted by the presence of the Old School House on the site (protected structure) and The Royal Canal (protected structure) to the south. Notwithstanding, given the scale and location of the site I do not consider it appropriate or necessary that this application imitate the height and scale of developments in the wider area.

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison.

Section 3 of the Building Height Guidelines sets out principles and criteria for Planning Authorities and the Board to apply when considering individual applications. The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant, the analysis provided in the planning authority submission and observers' comments:

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The development site is located in an established residential area c.1km from the centre of Clonsilla village, which is designated as a local centre under the County settlement hierarchy with a limited number of retail and commercial activities. The site is however within c.2km of Blanchardstown and the surrounding local centres and employment opportunities (including Blanchardstown Shopping Centre and Retail Park, Blanchardstown Hospital, Blanchardstown IT, National Sports Campus, Coolmine Industrial Park, Snugborough Road industrial parks, etc) that characterise the Blanchardstown Metropolitan Area and easily accessed on by bike or by bus from the site location

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

The CDP provides for a height limit of 3 storeys in Clonsilla. The proposed development exceeds these parameters and therefore does not comply with the Fingal County Development Plan. The Development Plan Building Height objectives predate the Building Height Guidelines.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

The Fingal County Development Plan pre-dates the Building Height Guidelines. It is considered that they generally consistent with and support the policies and objectives of the NPF.

Furthermore SPPR 3 and 4 and the Development Management Criteria under section 3.2 of these section 28 Guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

SPPR 3 states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant Development Plan or Local Area Plan may indicate otherwise. In this case, the County Development Plan sets out maximum 3 storeys for Clonsilla while the proposed development has a height 4 to 7 storeys.

I have addressed the material contravention in section 12.10 and below I provide further assessment against the criteria in section 3.2 here

At the scale of the relevant city/town:

The site is located in a highly accessible location in Clonsilla. I consider the proposed quantum of residential development, residential density and housing mix acceptable in the context of the location of the site in an area that is undergoing redevelopment, is an area in transition that is c.2km from Blanchardstown, c. 480m from Clonsilla Train station and proximate to bus stops served by Dublin Bus and is considered to be in accordance with relevant national policies.

At the scale of district/neighbourhood/street:

This relates to the character of the area in which the development is located. The site is located in the grounds of the Old School house, a protected structure and adjoins The Royal Canal (protected structure). The Architectural Heritage Protection Guidelines have informed my assessment of the application. The site is not in an Architectural Conservation Area but contains the Old School House (protected structure) and is designated as a Highly Sensitive Landscape Area in the County Development Plan.

A number of SHD development have been permitted along The Royal Canal and its towpath in the DCC area. The site is located in an area which has been the subject the subject of a number of SHD applications, I note that the most recent application (ABP 308695-20) on the southern side of the Royal Canal and rail line did not include height as a reason for refusal.—Traditional 2 storey suburban housing in the wider area is giving way to the higher density developments and apartment blocks. The Clonsilla/Blanchardstown area is characterised by a mixture of heights and scale and is an area undergoing redevelopment and transition. While the proposed

development represents a change in scale, height across the site is stepped to have regard to existing and permitted heights and the proximity to protected structures.

The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs and 3D imagery of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height and massing of the apartment blocks appropriate for the location.

However, I have serious concerns arising from the degree of vegetation removal required and the level of engineering interventions that may be required along the boundary with the Royal Canal given the level differences and the siting of the blocks. I am not satisfied that this potential impact has been adequately addressed in the application submitted, and it could if not appropriately considered and adequately mitigated have an irreparable impact on the character and setting of the Royal Canal,

At the scale of the site/building:

The proposal includes new public realm, active frontages and fenestration that will passively survey the access road and pedestrian linkages. The addition of apartment units will contribute to the dwelling mix of the location. Residential Amenities are addressed in section 12.3 Sunlight and daylight consideration are addressed in section 12.3.3 Flood Risk Assessment has been carried out and this is addressed in section 12.8.4.

The Planning Authority do not consider, with reference to section 3.2 of the Building Height Guidelines, that a clear strategy for density and building height has been put forward in the documentation submitted, and consider the proposed density of 85uph to be inappropriate/unacceptable given the historic and environmental sensitivity of the site.

Having regard to the considerations above, I consider that the proposal in principle for 4 to 7 storey buildings at this location and the density of 85uph to be acceptable. I am of the view that having regard to national guidance, the context of the site in an accessible location which is undergoing significant redevelopment, a grant of permission for the proposed development could be considered by the Board despite its height exceeding that prescribed in the County Development Plan is justified in this instance.

I have inspected the site and surrounding area and I agree that due to the level differences in the immediate vicinity and the removal of trees, of varying quality, the blocks will be visible to residents of the properties bounding the site. However, given the levels of the site, the proposed set back from the boundaries, the orientation of the blocks I am satisfied given the context of the site which is contained within its setting would not result in an overbearing or visually dominate development when viewed from The Village and Lambourn housing estates.

In terms of the proposed apartment blocks I am satisfied that the proposed development will not have a significant adverse impact on the visual amenities of sensitive receptors in the area, such as existing residential dwellings and adjoining Old School House. I do however share the concerns raised by FCC Conservation Officer in relation to the engineering interventions required and the removal of vegetation and the potential impact that this could have on the character and setting of the Royal Canal.

Conclusion:

I am satisfied that setbacks from the nearest residential properties are adequate to address any potential concerns regarding visual dominance or overbearance. The range in heights takes account of the surrounding context of development including constructed development on adjacent sites and recently permitted development in the wider area. Overall the proposed development has been designed to minimise impacts on existing residential development to the north.

I consider the height proposed to be in keeping with national policy in this regard. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations.

I have serious concerns arising from the degree of vegetation removal required and the level of engineering interventions that may be required along the boundary with the Royal Canal given the level differences and the siting of the blocks and that such interventions could have a significant impact on the character and setting of the Royal Canal. This matter would arise for the development of blocks along the southern boundary regardless of their height. The extent of the potential impact can

not be fully ascertained as there is a lack of information in respect of the engineering works, and an absence of consideration in respect of mitigation along the Canal which would be required to facilitate the proposed development.

12.2.2 Design & Materials

The proposed development consists of eight blocks, varying in height from 4 to 7 storeys on an long narrow site. The arrangement of the blocks reflects the gradation in height across the site and the relationship with the Old School House.

The apartment blocks are set back between c.8.9m and 15.5m from the northern boundary with The Village, Lambourn, 'Aldi' site and adjoining plot and c. 1.8m to 2.7m from the southern boundary with The Royal Canal. Block F and D are set back c. 4.9m and 8.8m respectively from the towpath. Extensive removal of vegetation and trees from along this boundary is proposed.

The development has been designed to be respectful of the character of the area and provides a high quality, modern development that is respectful of its surroundings through appropriate heights, reducing massing and scale through the inclusion of a series of smaller buildings carefully sited to avoid overlooking of adjoining development whilst maintaining views to the protected structure.

A detailed Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides a Landscape Report and Building Lifecycle Report, these should be read in tandem as they set out external building materials and landscape external materials. In my view, the use of high-quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location. While I recognise that the proposal would have a visual impact when viewed from the surrounding area it is reflective of the evolving built environment in general area and I consider it to be a positive one which enhances the architectural grain of the area.

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

The site is challenging due to its constrained nature, setting and the presence of Protected Structures. The applicant has attempted to address the sensitivities and constraints of the site through the use of a contemporary design solution. There is a clear distinction between the old and the new.

On balance, I support the case for a modern intervention that contributes to and adds to the narrative of the area, in this instance I consider that the overall design strategy is appropriate and does not result in a development that unduly detracts from the character of the area which is one in transition and subject to a vast array of architectural styles, scales reflective of the eclectic character of the area.

12.2.3 Layout

The long narrow linear nature of the site poses difficulties for development due to the restricted width. An access road is placed along the northern side of the site while the blocks are on the southern side, directly on top of the sloped bank over the Royal Canal towpath. The placement of the block on the southern side will require the removal of planting/vegetation within the site along it so that the edge of the development forms a stark, hard urban edge to its boundary fundamentally altering the character of the place. FCC Conservation Officer has raised concerns that the positioning of tall buildings so close to the embankment could destabilise or compromise it (c.1m separation between edge of Block E and top of slope) and that an intrusive engineering intervention would be needed which would greatly alter the setting and character of the place. Based on the information on file I am not satisfied that the applicant has demonstrated that this matter can be addressed in a manner that would not unduly detract from the character and setting of the Royal Canal.

The proposed site layout provides for interconnected spaces. Soft and hard landscape features create a sense of place within the scheme. The design, internal layout and orientation facilitate dual aspect units and this is considered acceptable. I consider the overall design and layout of the buildings, for the most part, is well thought out given the constraints of the site.

Indicative links/connections are showing in the drawings submitted. I note that the proposal include a pedestrian link which conflicts with the DART + West project which IE have outlined is not acceptable. The proposed route of the greenway through the site is not in line with the preferred route for the Royal Canal Urban Greenway which is currently on public display, these matters are addressed in more detail in the relevant sections of this report.

Observers have raised concerns regarding the links top adjoining residential estates (Lambourn and The Village) and access to the open space serving these estates. The Plans submitted show future potential pedestrian, cycle and vehicular links with Lambourn, The Village and the 'Aldi' site to allow for future connectivity. I consider, if the Board is of a mind to grant permission that links should be shown up to the site boundaries to facilitate their future provision subject to the appropriate consents. Provision of these links will greatly improve accessibility and linkages in the area, increase their usage and by association security through active usage.

12.2.4 Open Space

The Open Space provision is stated to be as follows: Public open space (c.3554 sq.m, i.e. 15% of the site). This includes a central area and a greenway including pedestrian and cycleway along the northern boundary.

Section 5.3 of this report set out the objectives contained in the current Fingal County Development Plan pertaining to open space provision.

Under the criteria set out in Objective PM52 an open space requirement of 0.8375 hectares (36% of the overall site area) would be required. The applicant has submitted that 15% public open space is sufficient for the proposed development complies with Objective DMS57A and DMS57B. However as the proposed open space is below the Development Plan requirements the applicant has addressed this matter in the Statement of Material Contravention submitted.

The Planning Authority notes that the open space does not meet Fingal County Council's standards for public Open Space Provision and raised concerns that the open space provide is limited and further restricted by the presence of dry calcareous and neutral grassland. In addition the main area of open space (located centrally in the scheme) would be severed by the provision of a future vehicular link to lands to the north further reducing the level of amenity available to residents.

While the minimum public open space provision of 2.5 hectares per 1,000 population ratio is not being met by the proposed development (as required under Objectives PM52 and DMS57), the provision of over 10% of public open space meets the Development Plan's minimum requirement for public open space provision (as required under Objectives DMS57A and DMS57B) – this in addition to the discretion of the Council to accept a financial contribution in lieu of the remaining open space requirement (as provided under Objective DMS57B). I note that the development is for BTR apartments and while the percentage of open space provided complies in principle with the minimum 10%, some of the areas are restricted by the presence of dry calcareous and neutral grassland and it is one of the few sites in Fingal where this flora is found. Notwithstanding, I am of the view that in the main the open space provided easily accessible to all future residents and passively supervised being overlooked by the various apartment blocks. Third party submissions have raised concerns as to lack of open space and the use of open space in adjoining estates. The application does not propose that adjoining open spaces in adjoining housing estates serve the apartments. In relation to public open space I acknowledge that the main area of public open space may be compromised in the future if the indicative future link to lands to the north is provided.

However, given the location of the site and the proximity of public open space areas I am satisfied that a development contribution in lieu of open space provision may be considered if the Board is of a mind to grant permission. Given the discretion set out in the Development to accept a development contribution were a shortfall in open space provision arises I am satisfied that material contravention does not arise. issue of material contravention arises While it was noted that the development did not comply with the open space provision, the issue of material contravention was not raised in the Chief Executive Report received from Fingal County Council.

I am satisfied that adequate open space has been provided to serve the future residents on site given the extensive levels of public open space within walking distance of the site, including Royal Canal, Porterstown Park, etc. and that these areas/public open spaces have the capacity to meet the needs of the future residents. The CE report refers to a report from the Parks & Green Infrastructure Division. This Report is not included with the CE report received by An Bord Pleanála on the 4th May 2021.

The character of area, especially when experienced from the Royal Canal is highly sensitive. The eastern section of the site is within the Royal Canal pNHA which encompasses the Old Clonsilla School House and extends from it to the Porterstown Road. The boundary hedgerow and the wooded slope below it constitutes a well vegetated buffer corridor along the canal integral to the pNHA.

All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces.

External communal amenity spaces are provided in the form of communal roof terraces for each block (total roof terrace area of 409sq.m) there is c. 1723sq.m of external communal space provided in-between buildings.

Given the context of the site it is my view that the proposed development in terms of provision and location of public communal and private amenity space is broadly acceptable.

12.3 Residential Amenity

12.3.1 The development site is bounded to the immediate north by open space associated with The Village housing estate, the undeveloped 'Aldi' site, a Church and Open space associated with Lambourn. To the south by the Royal Canal and towpath, to the west by undeveloped lands and to the east by Porterstown Road, where a single two storey house adjoins the site. Many of third party submissions received raised concerns in relation to the impact on surrounding residential amenity. Elected Members have also raised concern in relation to same. Potential impacts on residential amenity relate to overlooking and overshadowing. Issues or potential impacts as a result of traffic, or lack of social or physical infrastructure are dealt with under separate specific headings dealing with these issues. This section considers overlooking and overshadowing/loss of skylight.

Concerns regarding impacts on residential amenity have been raised in the third party submissions received and these are noted.

12.3.2 Overlooking

Overlooking of Neighbouring Properties

The proposed blocks are sited along the southern portion of the site and set back between c. 8.9 and 15.5m from the northern boundary where for the most part it is bounded by the areas of open space serving the adjoining residential estates (Lambourn and The Village).

Observers have raised overlooking as an issue between the proposed apartment blocks and houses to the north of the site in Lambourn, The Village and along Porterstown Road. The adjoining 2 storey house access off Porterstown Road is the only house which is immediately bounding the application site. No.108.Lambourn is the next closest house, located adjacent to the site's north western boundary.

Overlooking of houses in The Village and Lambourn which face the site for the most part does not arise given the separation distances between them and the proposed blocks, both estates have area of open space bounding the sites northern boundary. The required separation distances are generally provided.

Overlooking of the adjoining house along Porterstown Road does not arise given the proposed layout of the scheme (ie orientation of proposed windows relative to existing windows) and the nearest structure is the Old School House where no residential uses are proposed. Furthermore, given the set back of this building for the rear boundary of the adjoining house to the northeast overlooking is not an issue.

There are no residential properties bounding the site to the west, the site is bounded by the Royal Canal to the south and Porterstown Road to the east.

I consider that the setback from the properties to the east along Porterstown Road, the closest of which is the Old School Building, in conjunction with existing and proposed boundary tree planting that properties will not be duly overlooked.

To this end, I am satisfied that overlooking to all properties contiguous to the subject site has been minimised and/or mitigated through design, siting, and screen planting and having regard to siting and orientation of existing houses. Overlooking does not occur such as would warrant a refusal or further mitigation (over and above that proposed).

Overlooking within the scheme

Separation distances between the proposed blocks range from c.19 to 55m. Given the orientation of the blocks, the inter relationships between the blocks I am satisfied that overlooking within the scheme between block does not arise.

12.3.3 Loss of Daylight/Sunlight/Overshadowing

The Fingal County Development Plan 2017-2023 contains Objective DMS30 *Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.*

A common thread raised in observer submissions relates to the impact of the proposed development on the residential amenities of adjoining and nearby properties. The Planning Authority has noted the assessment submitted and has raised no concerns relating to overshadowing or access to sunlight/daylight from any of the residential properties or land which immediately adjoin the application site.

A 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours & Development Performance)' prepared by Chris Shackleton Consulting is submitted with the application. The report examined the impact the proposed Development will have on neighbours in terms of daylight, sunlight & shadow. It also examined how the proposed development performs in terms of light. The analysis has been carried out in accordance with the recommendations of "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (BRE 2011) and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting.

A 3D model of the proposed development and the surrounding neighbouring properties was provided by the Architect and informed the analysis that was carried out. These had been modelled from survey information and drawings provided in plan, elevation and section formats. The model was geo-referenced to its correct location and an accurate solar daylight system was introduced.

The scope of the Report submitted with the application includes:

Impact on Existing Neighbours.

The document assesses the potential impact of the proposed development on the neighbouring residential houses.

Test carried out for the following in relation to impact:

- Existing facing windows for:
 - o Impact/Change for Skylight – Vertical Sky Component - VSC
 - o Impact/Change for Probable Sunlight Hours – Annual APSH and Winter WPSH
- Existing amenity spaces for impact/change on Sunlight/Shadow

Development Performance:

For the proposed development the assessment examined the performance of the development under the following headings:

- Light distribution Average Daylight Factor – ADF – All habitable rooms
- Sunlight availability - Living room spaces APSH/WPSH.
- Shadow performance proposed shared and private (balcony) amenity spaces

Applicant's Assessment Conclusion:

Change/Impact to existing buildings in the adjoining residential areas:

- Skylight- VSC– All tested windows pass the relevant VSC checks.
- Sunlight APSH & WPSH – All tested windows pass both the relevant Annual APSH and Winter WPSH checks.
- Shadow – All tested amenity spaces pass the 2-hour test requirements for the 21st March.

Performance of the proposed design:

- Light Distribution ADF - ADF (average daylight factors) for all tested rooms comply with requirements.
 - o The development shows excellent ADF results.
 - o Average high ADFs for all tested living rooms is 2.2% and for bedrooms 1.7%
- Sunlight to Living rooms: All windows to proposed living rooms pass the sunlight requirements for Annual APSH and Winter WPSH

- Shadow: All balconies receive some sunlight.
 - o 79% of tested amenity spaces receive > 2hrs of sunlight over 50% of their area on the 21st of March which is consistent with the 80% noted in the guidelines as “careful layout design”.

The Report concluded that the application complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings and Part 2: Code of Practice for Daylighting.

The author of the Assessment has submitted that this development has been designed to maximise the occupant’s access to light and reduce the impact on existing buildings. As such the design has used the guidelines in the spirit they have been written and balanced the requirements of this report with other constraints to arrive at this design.

I have reviewed the information submitted and I am satisfied that there is adequate information in the submitted ‘Sunlight, Daylight & Shadow Assessment (Impact Neighbours & Development Performance)’ to assess the impact of the proposed development.

I have carried out a site inspection, considered the submissions received, that have expressed concern in respect of potential impact on their houses and properties as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings relating to the properties to the north.

I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). Both documents are referenced in the current Fingal Development Plan (DMS30), in addition to reference to same in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines and the Fingal Development Plan.

In respect of considering the potential impact on existing dwellings, two considerations apply – firstly, excessive loss of daylight/light from the sky into the existing houses through the main windows to living/kitchen/bedrooms; and secondly excessive overshadowing of the private amenity space associated with existing houses (typically the rear garden).

The report and scope/methodology for analysis is based on BRE 209. The assessment concluded that there will be no impact on the dwellings to the north of the site. I am satisfied that having reviewed the report submitted and carried out a site inspection that the methodology and conclusions are reasonable.

In respect of Shadow/Sunlight of adjoining gardens-open spaces the applicant's Assessment concluded that most amenity spaces are rear gardens which sit behind their associated houses and thus shadow from this distant proposal will not impact on the rear gardens of these properties. 108 Lambourn Park, is the house closest to the proposed development (c.15m) with a rear garden orientated south and towards the application site and a single storey shed located in the south-eastern corner of its garden bounding the application site. The Assessment submitted with the application conclude that all tested neighbouring amenity spaces pass the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st of March > 50% or not breaching the 0.8 times its former value limit. The change ratio for the tested amenity space (for 108 Lambourn Park) show that it is practically unchanged at 0.99 The proposed development has only nominal impact re shadow/loss of sunlight on these areas and complies with the requirements of the BRE guidelines.

The BRE minimum requirement for open spaces within any new development is for 50% of the area to receive two hours or more of sunlight on this date (21st March). The analysis indicates that the amenity spaces near/serving the proposed development will receive at least two hours or more of sunlight on over 50% of their areas, exceeding the BRE recommendations. While only one of the applicable considerations in respect of amenity space, I am satisfied in respect of sunlight, the proposed development meets the relevant standards and will provide adequate amenity to future residents.

I note the concerns raised by residents of properties in The Village and Lambourn estates respectively. I am satisfied that overshadowing is minimal and given urban location within acceptable limits, and as such would not warrant a refusal or further mitigation.

Having regard to the recommended standards and guidance material laid out in the referenced daylighting standards (BRE 209 and BS 2008), I am satisfied that the applicants have carried out sufficient analysis in respect of those properties where a potential impact may arise by reason of obstruction of sunlight or overshadowing, and that these tests demonstrate that these existing dwellings are unlikely to be significantly affected as a result of the proposed development. I am therefore satisfied that there will be no or negligible impact on the surrounding residential properties by reason of overshadowing.

12.3.4 Light from the Sky

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.

Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the MASP, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

Test were carried out to establish the quantity and quality of skylight (daylight) available to a room's windows (neighbouring properties). Locations tested are based on guideline recommendations for the closest facades which have windows with potential for impact. The Assessment submitted with the application concluded that when tested with the new development in place, the VSC for all tested windows was greater than 27%, or not breaching the 0.8 times its former value limit for habitable rooms.

A number of third parties have raised concerns regarding the impacts on the neighbouring residential properties. The Assessment submitted with the application identified 4 groups of sensitive receptors: Group A, B, C & D refers to houses in Lambourn estates and Group E, F, G & H refers to houses in The Village estate,

both estates are located to the north of the site. With all houses, bar No. 108 Lambourn Park separated from the site by areas of public open space which serve each estate respectively.

The analysis of the sensitive receptors concluded that the VSC for 100% (46 windows) of the points tested have a proposed VSC of at least 27% or not less than 0.8 times their former value (that of the existing situation), and therefore exceed the BRE recommendations. At present the application site contains numerous mature trees along its boundaries. In accordance with BRE guidelines these trees were not modelled, but they would very likely minimise the visual and daylighting impact of the proposed building on the neighbouring school. The assessment indicates that good compliance with BRE guidance is achieved.

12.3.5 Daylight/Sunlight within the proposed development:

The Daylight, Sunlight and Overshadow Study (dated 15/10/2020) submitted with the application considers *inter alia* potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment is read as before in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.

In respect of new dwellings, the standards and guidelines recommend that for the main living spaces/living rooms a minimum average daylight factor of 1.5% is achieved, for bedrooms 1% and kitchens 2% (including 2% for shared kitchen/living spaces). Given the nature of the apartments in terms of design and layout, i.e. accepting that these rooms primarily function as living/dining rather than kitchens, I am satisfied that this is an acceptable approach and level. The BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. Taking into consideration the separation distances between blocks, the provision of balconies and the aspect and view from the proposed units. I am satisfied that the applicant has endeavoured to maximise the sunlight and daylight to the buildings.

In accordance with BRE 209 & BS 8206-2 computations are based on the standard CIE (Commission Internationale de l'Eclairage) overcast sky model. With the exclusion of direct and reflected sunlight from the computation of room average daylight factor it may be considered as worst-case scenario.

Light distribution was computed by modelling the internal configuration of rooms and windows placed within the existing topography and the adjacent buildings and then

running a radiance analysis on the same. This analysis was based on a standard working plane for residential of 0.850m and results are provided in terms of Average Daylight Factor for selected rooms.

The applicant's Assessment has used the minimum values of 1.0% for bedrooms and 1.5% for the Living room spaces as it has been submitted that for apartment developments the majority of councils in Ireland and the UK accept the lower value of 1.5% assigned to living rooms to also include those with a small food preparation area (kitchen) as part of this space. The higher kitchen figure of 2.0% is more appropriate to a traditional house layout and room usage. The author of the Assessment submits that the use of a reduced value accepted by Local Authorities is still compliant within the terms of the guidelines.

When examining the internal performance of the development it is noted that the layout and rooms follow similar design principles floor-to-floor and block-to-block. When testing the blocks performance, following were chosen to provide a good representative indication of the overall building performance.

- Block C – Ground Floor
- Block C – 1st Floor
- Block F – 1st Floor

With regard to amenity (daylight) available to future residents within the proposed scheme. The study concluded that 100% of the rooms studied achieve the minimum Average Daylight Factors (ADF) in the context of the BRE guidance, ADF for all living rooms exceeded the recommended minimum values 1.5% and bedrooms greater than 1.0%. 35 rooms were included in the assessment. The Assessment submitted concluded that the average ADF for the tested living rooms is 2.2% and for bedrooms 1.7%. I note that of the 8 living rooms assessed, 4 had below 2% ADF with values of 1.5, 1.9, 1.8 & 1.7% respectively. Given that the rooms tested represent a selection of worse case scenario, I am satisfied overall a higher percentage of units within the development would exceed the BRE targets and that while a small number propose a lower target (ie >1.5% for living/kitchen), that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

The Assessment also examined Sunlight Annual & Winter and concluded that all Living rooms meet the BRE Annual APSH and Winter WPSH requirements. These results should be considered in conjunction with the high daylight ADF results achieved throughout. I am satisfied that the proposed target ADF for the new residential units and minimum sunlight exposure for the open spaces are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. To this end, an analysis of the sunlight exposure levels for the private amenity areas (balconies) in the proposed scheme was carried out and submitted. Glass front balconies were excluded from the analysis. This analysis indicated that the proposed private amenity areas met or exceeded the minimum 2 hours of sunlight recommended.

79% of new provided shared and public amenity spaces pass the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st of March > 50%, which is consistent with the 80% noted in the guidelines as “careful layout design”. All balconies receive some sunlight.

Based on the assessment submitted, and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet and in fact exceed sunlight standards.

12.3.6 Loss of Daylight/Sunlight/Overshadowing Conclusion

Having regard to the Assessment submitted regarding the sun path, and shadow analysis, I am satisfied that the proposed development should not give rise to any undue impact on the existing surrounding residential properties and that while some properties may experience some additional overshadowing that this is minimal/ slight and not such as would warrant a refusal of the development, in particular given the need for such housing in zoned and serviced urban areas within the Dublin MASP.

In respect of loss of light from the sky, I am satisfied, based on my assessment, given the setbacks proposed (in particular along the northern boundary), the separation distances between the proposed development and existing development, the proposed development would not give rise to a significant or unacceptable impact on the surrounding residential developments. While I note the impact to a small section of the rear garden of No. 108 Lambourn Park. I do not consider this loss to be so significant such as to cause an unacceptable impact on the residential amenity or daylighting of these houses, or an increase from that currently experienced and it would not constitute such an impact as would warrant a refusal or require further mitigation of the development, in particular given the need for such housing in zoned and serviced urban areas within the Dublin MASP.

I am satisfied that any loss of sky/day light to the surrounding properties would be minimal/within acceptable levels and not such as to warrant a refusal or require further mitigation.

12.3.7 Construction Impacts on Residential Amenities

Third parties have raised concerns that the amenities of local residents and the adjoining school would be impacted by noise and dust during the construction phase of the proposed development. The Construction Management Plan would address how it is proposed to manage noise, dust, vibration and other impacts arising at the construction phase to ensure the construction is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

12.3.8 Residential Standards for future occupiers

The development is for 198 BTR apartments and as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with.

In terms of amenities for future occupants the development is of a high standard. It complies with the requirements of the 2020 Apartment Guidelines. The proposal complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core).

Appendix 1 of the Apartment Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

Overall I consider the design and internal layouts of the development are generally satisfactory with regard to national guidance for residential development and that there will be a reasonable standard of residential accommodation for future residents of the scheme.

The apartments are provided with balcony spaces, all to an acceptable standard. Units are uniformly distributed throughout the site and are provided with adequately sized public or semi-private open space and play areas which comply with the standards set out in the appendix to the Guidelines. A high standard of landscape is proposed throughout the scheme which provides future occupiers with good quality amenities.

c.493.5sq.m of internal communal space is provided in total with space provided in each block and the Old School House building.

Overall, I consider that the development provides an acceptable standard of residential accommodation for future occupants and is generally satisfactory with regard to national and development plan guidance for residential development.

12.3.9 Acoustic

Given the location of the site adjacent to the Maynooth Dublin train line, Bóthar Chluain Saileach and Clonsilla road an acoustic report (A Planning Stage Acoustic Design Statement dated February 2021) is submitted with the application assessing the noise intrusion from road and rail line noise on the proposed development has been submitted with the application. This report details the acoustic assessment of the site based on traffic noise levels measured at the site and predicted noise levels based on future traffic growth.

Covid 19 restrictions and the effects of the lower traffic volumes on the traffic noise during the logger deployment were taken into consideration as part of the assessment. The internal noise criteria for the development have been based on the requirements of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development May 2017 and Fingal County Council Noise Action Plan 2018 to 2023. The Planning Stage Acoustic Design Statement concluded that the interior noise levels for the whole development are predicted to comply with recommended interior sound levels from BS 8233 and ProPG 2017 provided that the construction requirements detailed in Section 6 are implemented. External balconies have been assessed and are predicted to comply with recommended 'desirable external noise levels' as set out in ProPG 2017.

I also note **Objective DMS31** *Require that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards and evidence will need to be provided by a qualified sound engineer that these levels have been met.* The applicant has set out that all dwellings are designed to prevent sound transmission by appropriate acoustic insulation. I note the Planning Authority have not raised concerns on this matter. I am of the view that if the Board of a mind to grant permission that this matter can be addressed by condition. Detailed technical Specification and working drawings are normally the next step in the process for developing a site and the difference in the level of detail between 'planning drawings' and 'working drawings' is substantial.

12.3.10 Conclusion

I am satisfied that the proposed development will not unduly adversely impact on adjacent residences by reason of overshadowing or impact on access to daylight/sunlight to such an extent to warrant a reason for refusal.

I consider that the development provides an acceptable standard of residential accommodation for future occupants and is generally-satisfactory with regard to national and development plan guidance for residential development.

I consider the impacts on the residential amenity of the area are acceptable and that the proposal would not detract from this amenity to any significant degree. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity.

12.4 Built & Natural Heritage and Archaeology

12.4.1 The site contains the Old School House (RPS No. 700) and adjoins The Royal Canal (RPS No.944a). The DAU did not raise Built heritage in the report submitted.

12.4.2 Old School House

The Old School House is a prominent feature on the landscape, located on the eastern portion of the site it is a narrow, three storey building (which is stated to be vacant for c.50 years) and in a serious state of disrepair. The structure is currently fenced off and unsafe and I was unable to access the interior on the day I inspected the site. The structure has been the subject of extensive vandalism with few interior features remaining.

The current proposal proposed extensive renovations to the interior and alterations to the exterior. It is proposed to use the structure as a management office with some ancillary community use for residents.

The Planning Authority has no objection to the works proposed to the School House, the main concerns relate to the proposed uses not complying with the Masterplan vision for this site and the scale of the apartment blocks proposed would detract from the character and setting of the Old School House which is a recognisable and prominent feature on the local landscape.

An Architectural Heritage Impact Report is submitted with the application. This noted that given the extremely poor condition of the building, the immediate conservation priority is to prevent any further deterioration of the building and any further loss of original historic features. The Architectural Heritage Impact Report includes details on the repair and restoration works which are acceptable.

12.4.3 Impact on Royal Canal

The Royal Canal is a protected structure. The setting of the Canal in this area is dominated by the mature trees and vegetation. The insertion into the lands of the proposed apartment buildings would radically alter this character, particularly given the proximity of the buildings to the Canal. The Planning Authority has raised concerns regarding the potential construction impacts which could arise from the development on existing vegetation and the structural integrity of the slope.

Objective Clonsilla 3 requires that new development in the village optimises the Royal Canal, where appropriate and possible, as a local heritage resource and public amenity, while protecting its character and biodiversity as a waterway.

The scale and siting of the blocks on the southern portions of the site, directly over the Canal bank will radically alter its character and setting at this location. The site is located in an identified in the Fingal County Development Plan as a 'highly sensitive landscape'. The positioning of the proposed apartment blocks so close to the embankment could potentially destabilise or compromise it (c.1m separation between edge of Block E and top of slope) and that an intrusive engineering intervention would be needed which would greatly alter the setting and character of the place.

Overall the Planning Authority are of the view, taking into account the scale and height of the proposed development, its location on the application site and the removal of existing vegetation, the proposal is considered to have a negative impact on the setting of the Protected Structures and would fail to reflect and reinforce the landscape character of the area which would be contrary to the objectives of the Fingal Development Plan.

The Royal Canal is also a pNHA, part of which includes some of the application site. I shall address this matter in section 12.5.2 below.

12.4.4 Royal Canal Urban Greenway

FCC has identified the Greenway preferred Route as being along the southern boundary of the proposed development site, i.e along the top of the embankment overlooking the existing towpath. The proposal detailed in the application provides for a greenway long the northern boundary of the site merging with the Porterstown Road to the east and the existing towpath to the west is not considered acceptable. The Greenway should be relocated in line with the preferred route of the Royal Canal Urban Greenway as the current proposal has the potential for commuters to avoid the more circuitous route through the development and deviate along the substandard towpath, thus making the development greenway proposal redundant.

12.4.5 Heritage Conclusion:

The built heritage on and adjoining the site, in the form of the Old School House building and the Royal Canal, both of which are Protected Structures are significant considerations in the design approach to this site. The Royal Canal has a highly attractive sylvan character along this stretch. The emerging preferred route for the Royal Canal Greenway is for a 4m wide shared surface route along the south of the application site. The Greenway will be a major commuter route, amenity for local residents and a tourist attraction. The quality of development directly adjoining it should reflect this and represent a suitable backdrop.

The Design Statement sets out that the development has been designed with careful consideration for its relationship with the Protected Structures. While the development will undoubtedly change the setting of the Old School House, these impacts must also be considered in the context of the evolving nature of this urban area. The impacts are considered acceptable with regard to national and regional planning policy objectives to achieve high density residential development in urban areas. I consider that the development will be visible in the wider area and that it will not have any particular adverse impact on the settings of the Old School House.

However, having regard to the location of the proposed development, within a 'highly sensitive landscape' and adjacent to the Royal Canal, a pNHA and a Protected Structure, I have concerns that the application has not addressed the level of engineering intervention to the southern boundary of the site which may be required to stabilise the bank arising from the significant removal of vegetation and trees along this area and could adversely and significantly alter the character of this location.

12.4.6 Archaeology:

A desktop Archaeological Assessment submitted with the application and the information contained therein is noted.

The DAU agree with the archaeological mitigation suggested in the Archaeological Assessment submitted. And recommend that a condition should be attached to any grant of permission pertaining to archaeological monitoring. This matter could be adequately dealt with by means of condition.

12.5 Ecology/Biodiversity

12.5.1 The applicant has submitted an Ecological Impact Assessment (EclA) dated 10th February 2020 (date on control sheet however refers to 10th February 2021), together with an AA Screening Report dated 10th February 2021. Both of which were prepared by Altemar Marine & Environmental Consultancy. The EclA highlights impacts and outlines mitigation measures. It was noted that site flora and fauna assessments were carried out. And terrestrial mammals or signs of protected mammals of conservation importance were noted on site. No protected flora were noted on site. However, the site is of local importance as it forms one of the few sites in Fingal that retains Dry Calcareous and Neutral Grassland, albeit under pressure from scrub encroachment. No evidence of bats utilising the structures and trees on site was noted. Significant bat activity was noted on the Royal Canal proximate to the site, with some additional use of the site by bats for foraging. No invasive species were noted on site.

A field survey, including a Bat survey of the buildings on site, the site itself and over the Royal Canal was undertaken on the 11th September 2019. An additional site visit was carried out in the 27th September in relation to species assessments and additional bat fauna assessment. Additional site visits were carried out on the 3rd October 2019 and 11th November 2019 in relation to mammals and birds. A site visit was carried out on the 5th February 2021 in relation to mammals and wintering birds. Data of rare and threatened species were provided by NPWS within 5km of the proposed development and the information from these data is included in the EclA.

Two third party observations include a 'Desktop and Overview Field Survey of lands at Old School House' prepared by NatureCubsIreland (includes Bat & Badger surveys carried out on 18th and 21st March 2021, Ecologist walk over on 21st March 2021). This was commissioned by Mark Hiliard and The Lambourn Residents Association and b) A copy of the NatureCubsIreland Desktop and overview Field survey of lands at the Old School House also accompanied the submission by Ian & Sinead Reid. Other submissions have referred to a link to this study or referenced it in their submission.

12.5.2 Royal Canal pNHA

The site is c. 30m wide and along its canal-side boundary at its east end overlaps with the Royal Canal proposed Natural Heritage Area (pNHA). The eastern section of the site within the pNHA includes an area encompassing the Old Clonsilla School House and extending from it to the Porterstown Road. The DAU in their submission note that it is not clear why this eastern part of the site is included in the pNHA, but the boundary hedgerow and the wooded slope below it constitute a well vegetated buffer corridor along the canal integral to the pNHA.

The proposed development will involve construction of buildings overlapping, or on the boundary of, the Royal Canal pNHA. The application documentation does not include an evaluation of the effects of this encroachment on the pNHA. The DAU has highlighted the potential threat posed to the adjacent Royal Canal by dust or silt mobilised in runoff during the development of this site situated above the canal. The EclA submitted with the application proposes various mitigation measures to avoid such impacts, including the installation of silt fences and dams on drains, these measures to be incorporated in a Construction Environment Management Plan (CEMP). However, given the narrow confines of the site it is not clear how feasible it will be to implement some of the measures proposed, such as that the stockpiling of loose materials is to be carried out a minimum of 20m from the canal and drains, and that fuel, oil and chemical storage will be sited in bunded areas and will be at least 50 m from the canal.

12.5.3 Dry Calcareous and Neutral Grasslands:

Of particular relevance to the design, construction methodology and possible impact of the proposed development on biodiversity is the presence of the Dry Calcareous Grassland and the construction phasing of the project to optimise the retention of the grassland and the measures that will be put in place to minimise the impact of the proposed development.

The EclA submitted by the Applicant notes that the proposed project has taken the presence of the Dry Calcareous and Neutral Grassland into account and has developed a site specific phasing plan to allow for the construction to take place, while retaining existing grasslands in situ where possible, and simultaneously transplanting grassland within the site where it will be impacted by the proposed development. The uppermost section of the phasing plan shows the existing distribution of the grassland on site. Additional planting of grassland is proposed. The phasing plan commences with works on the eastern portion of the site marking out and protecting grassland to be retained while transplanting viable grassland that is within the footprint of proposed works, westwards as the project progresses. The Landscape Report submitted with the application noted that the existing area of grassland is 5,409 sqm and the total proposed total area of grassland: 6,008 sqm, which will be under a long term sustainable management regime. This includes 2,276 sqm of retained grassland and 3,732 sqm proposed grassland.

The DAU notes that the Dry Calcareous and Neutral Grassland is similar to Annex I grassland habitats but the site was not deemed to correspond fully with the Annex I classifications. However, it is a habitat that is rare within Fingal and would therefore be deemed to be locally important. The hedgerows and treelines, in addition to the more dense scrub areas would be biodiversity value to nesting birds, while the treelines and hedgerows in addition to the canal would form important foraging areas for bat species and light spill should comply with bat lighting guidance and should not be brighter than 1 lux over the canal.

The Study submitted by the Observers noted that the Fingal County Biodiversity Plan (2010) contained Action no. 36 specifies that the Dry Calcareous Neutral Grassland found along the slope of the northern boundary of the Royal Canal at Clonsilla is to be managed for biodiversity. This section of calcareous grassland is immediately below the proposed residential site. It would likely be adversely affected by construction activity at the site due to run-off of debris and soil down from the housing site and down onto this grassland slope. The hard surface which would replace the natural soil and vegetation surface at present would not allow for sufficient water absorption thus potentially lead to run-off down this important grassland slope, once the site has been built

The DAU(NPWS) noted that it is recommended that a five year Landscape Management Plan is prepared to include measures to ensure the survival of the calcareous and neutral grassland and that this Plan should be implemented under the supervision of an ecologist. However, there appears to be no reference to the proposed transplantation of grassland in the Landscape Report supporting the development application. The DAU highlighted that NPWS staff observed at the time of site inspection that most of the grassland present on the site has developed on the ant hills formed by the yellow meadow ant *Lasius flavus*, which because of the fine material they are composed of are unlikely to be transplantable. I have examined the information on file, the Landscape Management Plan submitted and the observations by the NPWS officer. I note that further investigation would be required to assess the viability of the transplantation of the grasslands which would not be appropriate to address by condition.

12.5.4 Bats

The EclA submitted with the application noted that a bat emergent survey was carried out in the vicinity of the Old School House and a small outbuilding and no bats were observed emerging from buildings on site. However, a single Soprano Pipistrelle (*Pipistrellus pygmaeus*) was noted circumnavigating the building. No species of conservation importance were noted in the vicinity of the buildings and artificial surfaces.

The applicant's survey concluded no roosts or bats emerging onsite from trees or buildings were observed. The hedgerows on site have few features that would act as potential roosting areas with the exception of larger ash trees in the treeline. The development would not result in a loss of foraging habitat as the majority of the treelines and hedgerows would be retained. There is potential for lighting to impact the foraging activity in the vicinity of the canal. It is recommended that these areas are not lit and comply with bat lighting guidelines. On the north of the site lighting is proposed along the cycleway. Lighting in this area should also comply with bat lighting guidelines.

The study commission by Observers noted that Bats were recorded on site in March, 2021. Bat surveys were conducted on two occasions: on the night of March 18th, 2021 and an Emergence Survey on the night of March 21st, 2021. A few bats were observed flying around the apex of the roof of the Old School building.

The Observer's Study concluded that from a 2011 study, showing high probability of usage of this site by Brown Long Eared Bat, Common Pipistrelle Bats and Leislers' Bats and , coupled with the 2004 survey identifying the Old School House as a potential bat roost field survey and this Ecologist's bat survey in March 2021 identifying Common Pipistrelle bats and possibly Brown Long Eared Bat at the Old School House Building Roof Apex Area, this is potentially a significant location as a roost site for these Habitats Directive Protected Species. I note the significant time lag from 2004 and 2011 between surveys and therefore should not be relied upon, and that the 2021 Study carried out on behalf of the observers did not find evidence of the use of the buildings (ie no bats were found emerging from the buildings, notwithstanding the numerous study dates). However, as per the comments of DAU the use of the building by bats can not be excluded.

An Outdoor Lighting Report submitted with the application indicates that the lighting design proposed will restrict light spill over the canal from the development to less than the 1 lux level which Daubenton's bats avoid, and on the basis of the intended implementation of this regime the EclA concludes that the development will not have detrimental impacts on Daubenton's bats

The main concern raised by the DAU relates to the internal lighting of the apartment blocks to be built on the boundary of the Royal Canal pNHA and the potential impacts of light from the proposed development detrimentally effecting Daubenton's bats foraging over the Royal Canal. In this context the DAU do not consider that the emergence surveys carried out in September late in the season when bats are active, has securely excluded the potential usage of the Old School House on the development site as a bat roost as suggested by the EclA. Internal survey of this building and activity surveys undertaken earlier in the bat active period from May onwards would be required to fully rule out the use of the old school as a bat roost.

I note the concerns raised by the DAU and FCC regarding the potential impact on Daubenton Bat, in particular the potential impacts arising from internal lighting within a development. Given the low level of bats recorded on site and the location of the site in an urban area where bats would be used to an urban lighting environment, this may not be a significant as the potential impacts arising from light and noise are most critical for roosting and breeding rather than foraging. However, given the uncertainty regarding the use of the Old School Housing for roosting, this potential impact cannot be excluded and at minimum requires further consideration. It is acknowledged that avoidance of some disturbance to the bats is not achievable if the site is to be developed. In the absence of avoidance being viable, mitigation and enhancement measures, I am of the view that this matter could be addressed by the use of appropriate mitigation measures were the Board satisfied that the use of the Old School House for bat roosting could be ruled out.

12.5.6 Terrestrial Mammals

The Applicant's EclA stated that no badgers or badger activity was noted on site. Badgers have been noted 100m to the south of the Royal Canal by NBDC data. Hedgehogs (*Erinaceus erinaceus*) have been recorded by NPWS within the 10km square. No hedgehogs were seen on site during the site visit. Other terrestrial mammals recorded by NPWS within the 10 km square include the otter (*Lutra lutra*) (on the Royal Canal proximate to the site), Irish stoat (*Mustela erminea* subsp. *Hibernica*). It would be expected that otter would be present on the Royal Canal adjacent to the site and would be sensitive to water quality, disturbance and lighting impacts. No evidence of deer was noted on site. No rare or threatened faunal species were recorded in the vicinity of the proposed site based on NBDC records.

The Observer's Study included a badger survey that was conducted briefly on the evening of March 18th and also during the day on March 21st. A number of notable badger tracks were identified, all leading into a single area of bramble and long grass overgrowth. And a number of badger snuffle holes were identified along the track. The presence of a number of these tracks leading into a large area of overgrowth and the presence of badger snuffle holes would indicate the presence of a badger sett at this location.

A NPWS (DAU) staff member also identified during a visit to the development site on the 27th of March 2021 definite evidence of badger foraging on the development site in the form of feeding/nuzzle holes. Distinct trails and tunnels through the scrub vegetation on the site were also noted and it is strongly suspected a badger sett may be present in the east central section of the development site. Mammal trails leading up through embankment vegetation into the site from the canal were in addition observed and it is possible that otters may be using the development site to lie up in. A burrow which might be an otter holt or badger sett was found in the bank between the canal towpath and the development site parallel with the Old School House where it is proposed to install steps connecting site to towpath. The DAU concluded that a resolution of the possible impacts of the proposal development on badger setts, protected under the Wildlife Acts, 1976 to 2018, and otter breeding and resting places, afforded protection under the Habitats Directive, must therefore take place before the proposed development proceeds.

I note the concerns raised by the DAU and FCC regarding the potential impact on Badgers, relating to the potential impacts on potential badger setts which could be present on site.

I am of the view that this matter could be addressed by the use of appropriate mitigation measures. Furthermore, I note that in the event an active badger sett is found on site, works close to any sett can only be conducted under the supervision of the NPWS and under licence. To address the concerns raised by FCC and the DAU further Badger survey would be required, this could be addressed by condition if the Board is of a mind to grant permission. required by condition and the DAU recommend condition be attached to any grant of permission.

Based on the information on file and the observations by the NPWS officer I consider further surveys are required also required to ascertain if there are potential otter breeding and resting places within the site.

12.5.7 Birds

No rare or bird species of conservation value were noted during the field assessment carried out by the applicant. The site is not seen as an important wintering bird site due to the overgrown nature of the site (long unmaintained grassland and scrub) which is narrow and surrounded by treelines and hedgerows. No wintering birds were observed on site.

The Observer's study refers to possible sighting by a local person of an Barn Owl using the Old School House as a nesting location in the past, the widow (entrance location) has since been boarded up

The DAU submission noted that no breeding bird survey of the site was carried out, but of the 13 birds species recorded from the site all nest in trees or shrubs. It would be expected that they would be joined by summer migrant species.

12.5.8 Conclusion

The EclA submitted with the application concluded based on the successful implementation of the mitigation measures outlined above, particularly in relation to the protection and transplantation of Dry Calcareous and Neutral Grassland areas, protection and replanting of hedgerows and treelines, surface runoff and dust mitigation and the development of a CEMP and 5 year landscape management plan prior to construction commencing, it is likely that there will be no significant ecological impact arising from construction and the day to day operation of the proposed development. I have no objection in principle to the transplantation of the Dry Calcareous and Neutral Grassland areas, however the feasibility of such a transplantation has not been adequately addressed in the documentation on file.

The DAU and FCC have recommended that permission be refused on the grounds that insufficient surveys and assessments have been undertaken and submitted in support of this application to allow a full and sufficient evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts, 1976 to 2018, Daubenton's bat and other bat species, and otter, protected under the Habitats Directive (92/43/EEC).

I note the concerns raised by the DAU and FCC regarding the potential impact on the Daubenton Bat, in particular the potential impacts arising from internal lighting within a development. And given the observation by NPWS Officers when visiting the site the potential that there could be Badger Setts and Otter breeding and resting places on the site. I also recognise that the proposed development is on zoned serviced lands in an urban area. Avoidance of some disturbance to the species, if present on site, is not achievable if the site is to be developed. In the absence of avoidance being viable, mitigation and enhancement are appropriate measure available. I am of the view that this matter could be addressed by further surveys and the use of appropriate mitigation measures.

12.6 Trees

Observers have raised concerns regarding the level of tree removal. The Planning Authority notes the concerns raised by the Parks and Green Infrastructure Division that the development is considered to render the trees for retention unsafe or unsustainable due to its layout and inadequate tree protection measure. In addition, the trees along the southern boundary area outside the red boundary line and growing on the main bank. As the towpath is at a much lower level than the site most of the trees fibrous roots will have grown towards the open ground within the site and it any soil disturbance in the rooting zones would damage these trees.

There is no objective to protect trees and preserve woodlands. There are no TPO attached to the site. I do note, however objectives DMS77, NH27 and CH23 of the current Fingal County Development Plan relating to trees and landscaping.

The development proposed requires the removal of 30, nine groups of trees and scrub and the part removal/cutting back of six groups of trees and scrub. Of the 45 survey entities proposed to be removed or part removed/cut back, 4 trees are Category B, 38 trees and groups of trees are Category C and 3 are Category U.

The fundamental issue raised in the submissions relate to site clearance and the removal of trees and the impact this would have on the character of the area and the loss of outlook for adjoining residential properties, protected structures and the loss of natural habitats. The issue remains that in order to facilitate the development of the site, substantial site clearance and tree removal is required.

The site is zoned for residential development and the clearing of trees from the site to accommodate the development of the site is inevitable. There is no doubt that any site clearance will have an irreversible impact on the character of the site.

In this instance based on the absence of information submitted pertaining to surveys and assessments I am not satisfied the applicant has demonstrated that the removal of trees will not have a significant adverse impact on the ecology of the site as set out in section 12.5 above.

12.7 Traffic & Transportation

12.7.1 Access

It is proposed to access the development off Porterstown Road to the north of an existing bridge over the Canal. The applicant has submitted two options for access arrangements one with the level crossing remaining open and one where it is closed.

The access road will extend through the site running along the south of the Old School House and then along the northern boundary of the site from the remainder. A future road connection is shown on the drawings to connect to Clonsilla Road via the lands to the north zoned TC, known as the 'Aldi' site.

Concerns have been raised by Observers regarding the proposed access and traffic movements into and out of the site together with potential traffic hazard on the existing road network in the immediate area due to the interaction of traffic generated by the development with existing pedestrian, vehicular cycle and school traffic at this location, also concerns stated about potential over spoil of parking into adjoining residential estates due to insufficient parking provided within the development.

The Planning Authority notes that the site is an inner suburban/infill site on a public transport corridor with part of the site in the ownership of FCC (letter of consent submitted). However, they recommend that permission be refused on the grounds of a substandard proposed access point onto the Porterstown Road which, in the absence of a speed survey to demonstrate that available sightlines are acceptable, would be considered a potential traffic hazard. The site is a serviced zoned site and this matter should be addressed in a future application. I do not however consider that the absence of a speed survey warrants a reason for refusal.

12.7.2 Traffic

Most observers are concerned about the existing traffic situation in the area. Concerns centre around the capacity of the existing road infrastructure and the likely negative impact from the increase in traffic from new developments. Porterstown Road is a narrow minor off Clonsilla Road. In the main the roads in the immediate area of the site are typical suburban roads.

A Traffic and Transport Assessment (TTA) is required as the proposed development is at the threshold for residential development and exceeds 10% of the traffic flow on the adjoining road. The applicant has submitted a Traffic and Transport Assessment (TTA) dated January 2021. The TTA is accompanied by a Travel Plan (TP) which outlines the mobility management plans for the development which will be implemented to achieve the sustainable travel targets which will be identified within the TP.

The TTA submitted has considered proposed transportation improvements in the area, travel characteristics, trip distribution, forecast traffic flows, road and junction assessments, public transport assessment, servicing & Emergency vehicle access, parking, and road safety

The applicant is satisfied that the development can proceed without any requirements for mitigation to be provided for traffic impacts.

The Planning Authority note that the trip generation rates are assessed using 'flats' category from the TRICS database and suggest that a revised assessment should be provided for clarity using the 'house' category from the TRICS database for a robust assessment. It is however noted that the results will still most likely be below 2.5%. The increase in traffic is not considered significant.

The NTA is supportive in principle of development at this location. However note in their submission that the proposed development should not prejudice the wider future development of adjoining lands such as at Kellystown and village centre lands to the north of the site and the provision of future connections should be ensured. The proposed development must guarantee that in line with reduced car parking provision that appropriate connections are provided in order to make walking and cycling to public transport and services an attractive and efficient means of movement.

I am satisfied, in particular having regard to the TTA that the proposed development will not unduly impact on the carrying capacity of the surrounding road network and junctions, and that subject to conditions, the development is acceptable from a traffic/roads perspective. Furthermore, the site is on serviced zoned lands in an area where good public transport links exist within comfortable walking distances, future residents will be well served by public transport and encourages a modal shift away from the private car.

12.7.3 Parking

The applicant has proposed a development that will provide 100 no. car parking spaces, consisting of 96 no. spaces serving the proposed apartments, (32 no. standard spaces at undercroft level at Blocks B to H, 58 no. standard spaces at surface level at Blocks A, C, D, E, F and G and 6 no. disabled spaces at undercroft level at Blocks B, D and F), 3 no. spaces for the staff of the proposed childcare facility at undercroft level at Block G and 1 car-share space at surface level at the Old Schoolhouse.

Fingal Development Plan standards required a total of 286 car parking spaces. The applicant is proposed parking at a rate of 0.48 spaces per residential unit. The Planning Authority notes that developments where reduced parking has been permitted has resulted in overspill parking and ad-hoc on street parking which cause problem for emergency services.

The Planning Authority has expressed concerns regarding the level of surface parking at the expense of open space provision. I note that the basis for justification of higher density at this site is the density guidance in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) for central and/or accessible urban locations. There is an expectation within the guidelines that development of this density would be provided in sustainable locations, and that very low provisions of parking would be justified at these locations. Given the location of the site and its good public transport connections the quantum and design of car parking is appropriate for the scale and density of development. The proposed car parking provision is considered acceptable with regard to this policy guidance.

The development provides 392 no. cycle parking spaces (312 at undercroft and 80 no. space at surface level) A total of 394 no. cycle parking spaces are required to comply with FCC requirements based on demand. The proposed cycle parking provision is acceptable.

On balance I consider that the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance vehicular and pedestrian permeability with the wider area.

Parking for the creche and Old School House are include in the provision. These are on the lower side however as they propose to serve residents of the development I consider this acceptable and further encourages modal shift away from the private car.

12.7.4 Dart + West Project

Iarnród Éireann is in the process of investigating the electrification of the Maynooth Line to provide a DART service which necessitates the closure of existing level crossings and the provision of over or under bridges where necessary. The emerging preferred route has gone out for public consultation. The land take on the Iarnród Éireann drawings is significantly greater than the provision indicated within the submitted drawings for current proposal. The Chief Executive Report highlights that consultation on Dart + West is ongoing, including with FCC, as such the location and design of all the new bridges along the rail line in Final are still being discussed but there is potential for implications for the proposal for this site.

Iarnród Éireann in their submission on files noted that it is currently progressing designs for the DART+ West Project, which has a direct interface with the proposed development at the entrance to the development site. DART+ West will permanently close the existing Porterstown Level Crossing and provide a new pedestrian and cyclist footbridge to maintain connectivity to lands north and south of the railway/canal corridor. The northern ramp and stairs for this bridge are proposed within the OSH Ventures Ltd. lands between the public road and the Old Schoolhouse.

Iarnród Éireann noted that it is not objecting to the applicant's intention to develop the Clonsilla SHD lands. Its primary concern with the SHD application is the inconsistency with the DART+ West proposals which have been on public display since August 2020.

Iarnród Éireann has previously engaged with the applicant with an objective to develop a mutually acceptable entrance layout that provides: 1) DART+ West pedestrian and cyclist bridge ramp and stair landings, 2) Interface with the Royal Canal Greenway route and 3) Vehicular access from the public road and around the Old Schoolhouse into the main development area of the SHD lands.

I note the issues raised by the Planning Authority and Iarnród Éireann. The Dart + West Project is at consultation stage. The SHD access arrangements from the public road are not consistent with the current DART+ West designs. I note from the dartplus website that further public consultation was scheduled for Spring 2021.

12.7.5 The Royal Canal Urban Greenway

Fingal County Council is in the process of developing plans for the Royal Canal Urban Greenway, a proposed high quality, peaceful and safe Greenway route which will serve Castleknock, Blanchardstown, Clonsilla, Coolmine and the wider Dublin 15 area. The Chief Executive Report has highlighted that further consultation with the NTA FCC Royal Canal Urban Greenway Team at this location would be required to ensure that the proposed Greenway proposals are not prejudiced by the development and that the development can be facilitated.

The documentation on file does not fully address the potential impact on the Royal Canal Urban Greenway. The application includes proposals for a greenway within the site, running along the northern boundary. This is not in line with the FCC NTA preferred route along the southern boundary which is currently on public display (25th May to 7th July 2021). Third parties have raised concerns relating to the proposed section of the greenway through the site, it is seen as unusable and defeating the purpose of a greenway along the Royal Canal if it will traverse an apartment block complex.

I note the issues raised by the Planning Authority and given the preliminary design for the Royal Canal Urban Greenway Route has been significantly progressed and taking into account the concerns in relation to the proximity of the apartment blocks to the Royal Canal and the need to remove a vast amount of vegetation and trees from along this area of the site a significant redesign would be required to determine an adequate set-back of the development.

12.7.6 Conclusion:

The NTA while supportive in principle of development at this location. Highlighted in their submission that the proposed development should not prejudice the wider future development of adjoining lands such as at Kellystown and village centre lands to the north of the site and the provision of future connections should be ensured. The proposed development must guarantee that in line with reduced car parking provision that appropriate connections are provided in order to make walking and cycling to public transport and services an attractive and efficient means of movement.

The Planning Authority has raised concerns based on the absence of speed survey to determine the ambient vehicle speeds on Porterstown Road and if available sightlines are acceptable potential traffic hazard at the access point off Porterstown Road. Given the location of the serviced site in an area where good public transport links exist within comfortable walking distances, future residents will be well served by public transport and encourages a modal shift away from the private car. I do not consider that the absence of speed surveys to determine if available sightlines are adequate warrants a reason for refusal.

Given the preliminary design for the Royal Canal Urban Greenway Route and taking into account concerns raised relating to the proximity of blocks to the southern boundary and the removal of vast amount of vegetation and trees along this area would require a significant redesign to determine an adequate set back of the development. Further consultation is also required in relation to design co-ordination with the Dart + West Project Team to ensure that the proposed Dart +West proposal are not prejudiced by the development and that the proposed development can be facilitated.

12.8 Site Services & Drainage

12.8.1 Foul:

It is proposed that the foul water discharge from the site will drain by gravity to the existing foul water network located in Lambourn Park.

A pre-connection enquiry was submitted to Irish Water and the proposed new connection to the existing foul network is feasible without network upgrade. As requested the existing sewer along the Lambourn Road has been cleaned and a CCTV survey completed.

The full report including the defects identified in the CCTV report is included in Appendix VIII of The Engineering Services Report that accompanies this application. Remedial works to the existing sewer lines are required and will be agreed in conjunction with Irish Water and the Local Authority. A Design Acceptance Statement has been issued by Irish Water for the wastewater design and is included in Appendix VI along with the confirmation of feasibility letter.

Irish Water in their submission noted that a new connection to the existing network is feasible without network upgrade. The connection should be made at existing 375mm uPVC gravity sewer in Lambourn Park. The sewer along the Road will require to be cleaned, CCTV surveyed and repaired prior to any connection agreement with IW.

12.8.2 Water:

It is proposed to extend the existing 150mm watermain in The Village Road to supply this proposed development. All watermain materials and details will be in accordance with FCC and Irish Water requirements.

A pre-connection enquiry was submitted to Irish Water and the proposed new connection to the existing watermain network is deemed feasible subject to the extension of the 150mm \varnothing watermain from the Village Road to the site and replace the existing 100mm watermain in the Porterstown Road with a 150mm pipe. Irish Water has advised these works will be carried out by Irish Waters appointed contractors and the cost of the works will be included in the letter of offer. A Design Acceptance Statement has been issued by Irish Water for the water design.

As Irish Water cannot guarantee that the flow rates and residual pressures will meet fire flow requirements an in-situ flow and pressure test will be carried out on the connection once the network extension and upgrades have been completed. Engineering Services Report sets out if the fire flow requirements are not achieved at this stage a fire fighting storage tanks will be provided within the development to satisfy Irish Water's and the Fire Authority's requirements.

Irish Water in their submission noted that c. 25m of 150mm ID pipe has to be laid to connect the site to the main. Any consents required to lay this pipe via private land(s) is the responsibility of the applicant and should be in place prior to progressing to connection application. Also, approximately 250m of new 150mm ID pipe to replace the existing 4" PVC main in Porterstown Road is required for the connection. Irish Water has no plans to carry out the upgrades in this area currently. The applicant will be required to fund this network upgrade and obtain any consents or permissions for works not in the public domain.

12.8.3 Surface water:

It is proposed that the surface water run-off from the proposed development will be managed using infiltration where practicable, with a restricted outflow from the site in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy. Details of this surface water design.

Site investigations completed onsite confirmed infiltration is available onsite and for this reason, infiltration will be prioritised as the method of controlling surface water runoff from the proposed development site.

It is proposed to use Green Roof construction for the roof areas of the apartment blocks. Green Roofs hold on to rainwater in the short term and when the water begins to be slowly released, a large proportion will be retained with the plants and soil layers. The additional surface water run-off from these roof areas will discharge initially to the rain gardens, where possible, where overflows will be provided to the infiltration trench. Conveyance swales are proposed to be used, where practical, to collect and convey the run-off from the rain water outlets to the rain gardens. Where it is not feasible to discharge directly to a rain garden or swale the run-off will discharge directly to the infiltration trench. The runoff from the existing Old School House building will discharge to a soakaway designed to accommodate a 1 in 100-year return period. The access road and parking spaces of the proposed development is to be constructed using permeable paving. The permeable paving has been split into three sub-catchments, the first along front of Block A to D, second along front of Block E to H and the third from the entrance to Block H. As subcatchments 2 and 3 are on slopes check dams will be included at regular intervals, which will allow 50% of the storage volume available to be utilised.

It is proposed to provide a connection to the existing 900mm Storm Sewer located within the Lambourn Residential Estate. The capacity of the existing 900mm dia. pipe is 658.2l/sec assuming a gradient of 1 in 900.

Fingal Water Services Department have raised no objections subject to conditions. Irish Water have issued a Statement of Design Acceptance for the development.

12.8.4 Flood Risk

A Site Specific Flood Risk Assessment (SSFRA) dated 11th December 2020 was submitted with the application (appendix in The Engineering Services Report). The information contained within these documents appears reasonable and robust. The SSFRA noted the site is located in Flood Zone C. There is no record of pluvial, tidal or fluvial flooding on the application site.

The report of the Water Services Department of the Planning Authority, as contained in the Chief Executive Report, raised no objection on the grounds of flood risk to the proposal, subject to proposed conditions.

12.8.5 Conclusion

The site can be facilitated by water services infrastructure and the Planning Authority and Irish Water have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition. I note the requirements of Irish Water and the Council's Water Services Department which can be addressed by condition if the Board considers granting permission.

Based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of drainage and flood risk.

12.9 Other Matters

12.9.1 Childcare

The development includes proposals for a childcare facility comprising 331sq.m internal area plus 105sq.m. . It is estimated that this childcare facility could cater for a minimum of 53 no. children having regard to an accepted industry average of c. 3 to 4 sq.m gross floor space per child depending on the type of childcare offered by the end user.

It is stated that the proposed creche will serve residents of the subject development as well as residents of the surrounding area. It is envisaged that parents will drop-off children on their way to work within the town or on-route to the bus stop/metro stop.

I consider the scale and location of the proposed childcare facility acceptable.

12.9.2 Part V

The applicant proposes to transfer 22 apartments) at the site to Fingal County Council in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended).

Concerns have been raised by observers regarding the provision of all the Part V units on one block. The Planning Authority have not raised this as an issue.

I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

12.9.3 Public Participation & SHD

Observers raised issue with public participation and access to information during restrictions associated with the Covid 19 pandemic . The application was available on the website assigned to this application during this period (www.clonsillashd.ie) and was available for viewing in the planning authority offices and ABP. Viewing of which is considered under 'essential travel' during periods of tighter restrictions. Furthermore, the Board allow for on-line submissions to be made in respect of SHD to facilitate those not wishing to travel.

The Government's orders extending time limits on planning matters provided that the period of time beginning on 29 March 2020 and expiring 23 May 2020 is to be disregarded for the purposes of calculating various time limits under the Planning and Development and other related Acts. As the Government has not made a further order extending the time freeze beyond the 23 May 2020 the normal time limits as set out in the relevant legislation apply with effect from 24 May 2020.

I note concerns raised by Observers pertaining to the SHD process in general and constitutionality of the process.

12.9.4 Statutory Notices

Observers have raised the issue that site notices were not erected at conspicuous location and that the newspaper notice was put in a paper that is not widely read in the area. I note this issue raised and the statutory requirements placed on the application in relation to the erection of site notices and the placing of the newspaper notice in a paper that is circulated in the area.

I note the level of third party observations on file and I am satisfied that the level of participation by third parties leads me to conclude that the development had been appropriately advertised and that interested parties were aware that an application had been lodge for a SHD application.

12.9.4 Legal

The issue of landownership has been raised by observers and the redline boundary includes lands outside the applicant's ownership without the relevant consents.

The applicants in Q.7 of The Strategic Housing Development Application Form have stated that they, Osh Ventures Ltd, are the site owners and that Fingal County Council own parts of the site. The application site has been outlined in red in the documentation submitted with the application for SHD before the Board. I note that a letter of Consent from Fingal County Council is submitted with the application. In relation to other lands that are referred to by observers I have no further details on file.

I note the information set out above and I further note that it is not for the planning system to resolve matters relating to landownership.

Section 5.13 of The Development Management, Guidelines for Planning Authorities (2007) refer to Issues relating to title of land. This section states that *the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the Courts. In this regard, it should be noted that, as section 34 (13) of the Planning Act states, a person is not entitled to solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision.*

The Guidelines also set out that permission may be granted even if doubt remains. However, such a grant of permission is subject to the provision of section 34(13) of the Act. In other words the developer must be certain under civil law that he/she has all the rights in the land to execute a grant of permission.

I am of the view that it would be unreasonable to refuse permission in relation to this matter. The question of ownership of land is a legal matter and outside the scope of a planning permission.

12.10 Material Contravention

12.10.1 The proposed development materially contravenes the Fingal County Development Plan 2017-2023 in terms of objective Clonsilla 2 (Height).

I note that the applicant has submitted a material contravention statement in relation to the matters outlined above, in all instances the justification or reasons put forward relate to the relevant section 28 guidelines, regional guidelines or national frameworks. The applicant has advertised that a material contravention statement is submitted as part of the application has as required under legislation.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

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

The current application has been lodged under the Strategic Housing legislation and the proposal is considered to be of strategic importance. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed. National Policy Objective 35 of the NPF refers to such sites. I consider this to be one such site. Ultimately higher densities, result in greater numbers of people living at the right location, as well as taller buildings that should be delivered with greater unit mix and higher quality accommodation.

I have addressed all of these points in the body of my report.

12.10.2 Height

The building heights range from 4 to 7 storeys, the site is located within the development boundaries of Clonsilla. It exceeds the recommended heights in objective Clonsilla 2. I consider the exceedance in terms of storeys proposed to be material.

The 2018 Guidelines on Urban Development and Building Heights seek building heights of at least 3 to 4 storeys in suburban areas. The current proposal has apartment buildings that range in height from 4 to 7 storeys. I consider the exceedance in terms of storeys proposed to be material.

The 2018 Building Height Guidelines provide that permission may be granted for taller buildings where the development management criteria in the guidelines are met, even where specific objectives of the relevant Development Plan or Local Area Plan indicate otherwise. In my opinion the proposed development meets the development management criteria set out in 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4). I have addressed compliance with section 3.2 in section 12.2.1 of this report.

Conclusion

I am of the opinion that given its 'RE' zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. The proposed development meets or exceeds to requirements set out in the Urban Development and Building Height Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments and the Sustainable Residential Development in Urban Areas Guidelines.

I am of the view that material contravention is justified in this instance and permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 27, 33 and 35), the 'Dublin Metropolitan Area Strategic Plan', the 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' in 2020) and the 'Guidelines for Sustainable Residential Developments in Urban Areas.

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act (as amended), I consider that if the Board considers granting permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (i) and (iii) of the Act. I refer to Board to the recommended Draft Board Order for their deliberation.

12.11 Chief Executive Report

The Planning Authority highlighted a number of significant issues which were not addressed satisfactorily in the application ranging from:

- The vision set out for the Old School House Masterplan (MP 13.b) is to develop the site for recreational and tourism uses. The proposed uses for the Old School House fail to do this.
- Insufficient surveys and assessments have been undertaken and submitted in support of this application to allow a full and sufficient evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts 1976 to 2018, Daubenton's Bat and other bat species and otter, protected under the Habitats Directive (92/43/EEC).
- The development is considered likely to render trees for retention unsafe or unsustainable due to its layout and inadequate tree protection measures and is therefore not compliance with current Fingal County Development Plan.
- The proposed access point onto Porterstown Road would be considered substandard given that there has been no speed survey to determine the ambient vehicle speeds on Porterstown Road and to demonstrate if the available sightlines are acceptable. The access would be considered a potential traffic hazard.
- Given the preliminary design for the Royal Canal Urban Greenway Rote has been significantly progressed and taking into account the concerns in relation to the proximity of the apartment blocks to the Royal Canal and the need to remove a vast amount of vegetation and trees from along this area of the site a significant redesign would be required to determine an adequate set-back of the development.
- Further consultation in relation to design co-ordination with the Dart + West Project Team in relation to the interface of the proposed development and the NTA FCC Royal Canal Urban Greenway Team at this location would be required to ensure that the proposed Dart+West proposals are no prejudiced by the development and that the development can be facilitated.

The site has a unique setting within in the Blanchardstown area; retaining a sylvan nature along the Royal Canal, benefitting from mature planting around the site, varied biodiversity and the built heritage of the Royal Canal and the Old Schoolhouse, the latter representing a distinctive feature of the skyline and landscape in this area. Any potential development of the lands needs to recognise and re-enforce that this is a special place with a unique, distinctive character both within the site but also along the banks of the Royal Canal. It is considered that the development as proposed fails to respond in a satisfactory manner to this setting and falls short with placemaking and a quality urban design response for this site which would enhance the residential and visual environment within Blanchardstown.

In the opinion of the Planning Authority, it is not considered that the imposition of conditions could satisfactory address these concerns given the extent of revision which would be required to the design and layout of the scheme. The proposed development is not considered to be in accordance with the proper planning and sustainable development of the area and permission should be refused.

I have addressed the Planning Authority's concerns and recommended reasons for refusal in my assessment.

The Planning Authority included in Appendix 3 of the Chief Executive Report 20 recommended conditions in the event the Board decides to grant permission.

I have examined the conditions, they are mostly standard conditions. Conditions of note include:

Condition No. 2 a) relating to the relocation of the proposed Royal Canal Greenway and a planted buffer to the southern boundary, b) no residential unit to be sold/let pending the full reinstatement of the Old School House to the satisfaction of the Planning Authority, c) the height of Block H to be reduced by 2 storeys, d) revised proposals for the use of the Old School Building to comply with the vision set out in The Old School House Masterplan MP 13.B in the current Development Plan.

Condition No. 3 requirements pertaining to traffic and transportation including inter alia a) design and construction details of proposed access, b) location of pedestrian/cycle access points to adjoining lands, c) location, design and construction detail for proposed vehicular access to lands to the north, d) further engagement with the Dart+West project team, e) relation of the proposed greenway on line with the preferred route for the Royal Canal Urban Greenway and a revised set back to accommodate the 4m wide Royal Canal Urban Greenway, f) further traffic measures, g) cycle parking for the Old School House, h) intervisibility between pedestrian and vehicles, i) connectivity to the towpath and the Royal Canal Urban Greenway, k) footpaths, j& l) bicycle parking, m) Road Safety Audits, n) CMP, o) Travel Plan, p & q) EVC, r) TIC

Condition No. 3 relates to Trees & Hedgerows Tree Bond.

Condition No. 4 Landscaping.

Condition No. 5 Financial contribution for shortfall in public open space.

Condition No. 6 Archaeology.

Condition No. 9 Requirement that all bathroom/en-suite windows are fitted and permanently maintained with obscure glass.

Condition No. 17 requirement for a piece of public art/sculpture/architectural feature.

For the most part, I agree with the proposed conditions subject to modifications should the Board be minded to grant permission.

13.0 Recommendation

Having regard to the above assessment, I recommend that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

14.0 Reasons and Considerations

1. Having regard to the location of the proposed development, within a 'highly sensitive landscape' designated in the Fingal County Development Plan 2017-2023 and adjacent to the Royal Canal, a proposed Natural Heritage Area and a Protected Structure, it is considered that the scale and positioning of the blocks directly over the canal bank and the removal of a significant amount of vegetation and trees along this area of the site would adversely alter the character of this location. The proposal would have a significantly negative impact on the Royal Canal which would be contrary to Objectives Clonsilla 3, Objective CH43, Objective NH34 and Objectives NH36 of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The granting of permission for the proposed development would be premature pending completion of further ecological assessments to allow a comprehensive evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts 1976 to 2018, Daubenton's

Bat and other bat species and otter, protected under the Habitats Directive (92/43/EEC).

15.0 Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 8th March 2021 by Osh Ventures Limited.

Proposed Development

Permission is sought for a Strategic Housing Development, which will be accessed from Porterstown Road, will consist of the following:

- (i) The construction of a residential development of 198 no. Build to Rent apartment units (120 no. one beds, 59 no. two beds and 19 no. three beds) in 8 no. blocks (ranging in height from four/five to seven storeys in height) as follows:
- Block A containing a total of 22 no. apartments (16 no. 1 bed units, 5 no. 2 bed units and 1 no. three bed units) measuring 4 to 5 storeys in height with all apartments provided with private balconies/terraces.
 - Block B containing a total of 21 no. apartments (11 no. 1 bed units, 6 no. 2 bed units and 4 no. three bed units) measuring 5 storeys in height with all apartments provided with private balconies/terraces.
 - Block C containing a total of 27 no. apartments (15 no. 1 bed units, 8 no. 2 bed units and 4 no. three bed units) measuring 6 storeys in height with all apartments provided with private balconies/terraces.
 - Block D containing a total of 31 no. apartments (15 no. 1 bed units, 10 no. 2 bed units and 6 no. three bed units) measuring 7 storeys in height with all apartments provided with private balconies/terraces.
 - Block E containing a total of 37 no. apartments comprising (27 no. 1 bed units and 10 no. 2 bed units) measuring 7 storeys in height with all apartments provided with private balconies/terraces.
 - Block F containing a total of 31 no. apartments comprising (23 no. 1 bed units and 8 no. 2 bed units) being 6 storeys in height with all apartments provided with private balconies/terraces.

- Block G containing a total of 11 no. apartments comprising (3 no. 1 bed units and 8 no. 2 bed units) measuring 5 to 6 storeys in height with all apartments provided with private balconies/terraces.
 - Block H containing a total of 18 no. apartments comprising (10 no. 1 bed units, 4 no. 2 bed units and 4 no. three bed units) measuring 4 to 5 storeys in height with all apartments provided with private balconies/terraces and
- (ii) internal/external refurbishment and alterations to the existing 3 storey Protected Structure (Former Clonsilla School - RPS No. 700) to allow for its change of use and conversion to provide a management office with ancillary community use for residents and
- (iii) the construction of 1 no. childcare facility located within the ground and first floor levels of Block G.

A total of 100 no. car parking spaces are proposed including 96 no. spaces serving the proposed apartments, (32 no. standard spaces at undercroft level at Blocks B to H, 58 no. standard spaces at surface level at Blocks A, C, D, E, F and G and 6 no. disabled spaces at undercroft level at Blocks B, D and F), 3 no. spaces for the staff of the proposed childcare facility at undercroft level at Block G and 1 car-share space at surface level at the Old Schoolhouse.

A total of 392 no. bicycle parking spaces are proposed, including 312 no. spaces at undercroft levels and 80 no. spaces at surface level.

Planning permission is also sought for landscaping and infrastructural works, foul and surface water drainage, bin storage, ESB substation, open space areas including playground, boundary treatments, internal roads and footpaths (including a Greenway Cycle Path), upgrade to existing access from Porterstown Road and all associated site works to facilitate the development.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

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

1. Having regard to the location of the proposed development, within a 'highly sensitive landscape' designated in the Fingal County Development Plan 2017-2023 and adjacent to the Royal Canal, a proposed Natural Heritage Area and a Protected Structure, it is considered that the scale and positioning of the blocks directly over the canal bank and the removal of a significant amount of vegetation and trees along this area of the site would adversely alter the character of this location. The proposal would have a significantly negative impact on the Royal Canal which would be contrary to Objectives Clonsilla 3, Objective CH43, Objective NH34 and Objectives NH36 of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The granting of permission for the proposed development would be premature pending completion of further ecological assessments to allow a comprehensive evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal pNHA, badger, protected under the Wildlife Acts 1976 to 2018, Daubenton's Bat and other bat species and otter, protected under the Habitats Directive (92/43/EEC).

Dáire McDevitt
Planning Inspector

16th June 2021

Appendix 1 List of Documentation Submitted.
Appendix 2 Summary of Observer Submissions.
Appendix 3 EIA Screening

Appendix 1. Documentation submitted with the application

In addition to application forms, stator notice, the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- Draft Legal Agreement
- Statement of Consistency & Planning Report.
- Statement of Material Contravention
- Statement of Response to Pre-Planning Consultation
- Part V letter form Fingal County Council
- Copies of letters to prescribed bodies and planning authority.
- Letter of consent form Fingal County Council
- Aldi Letter of support.
- Design Statement
- Housing Quality Assessment
- Waste Calculation
- Photomontage – view verification
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Building Life Cycle Report
- Sunlight, Daylight & Shadow Assessment (Impact Neighbours & Development Performance)
- Property Management Strategy Report

- Archaeology Impact Assessment
- Architectural Heritage Impact Assessment
- Traffic & Transport Assessment
- Road Safety Audit Report
- Residential Travel Plan
- Go Car Letter
- Engineering Services Report
- Outline Construction & Waste Management Plan
- Arboricultural Report
- Tree Survey Plan
- Tree removals Plan
- Tree Protection Plan
- Outdoor Lighting Report
- Topographical surveys
- Landscape Report and drawings
- Pedestrian Vehicular Route
- Grassland Plan
- Site and Local Area Open Space Plan
- Landscape & Visual Impact Assessment
- Acoustic Design Statement

Appendix 2. Summary of Third Party Observations

Policy:

- The development is contrary to national policy.
- It does not comply with the Building Height Guidelines.

Fingal County Development Plan:

- Material contravention of the development Plan as it relates to height/density and provision of public open space.
- Lack of Masterplan is a material contravention.
- Build to rent and segregation of social housing is a material contravention.
- The proposal does not comply with the development of this site which is guided by Master Plan
- Contrary to Objective Blanchardstown 18 which requires a Masterplan for the Old School House site.
- Development of this site is premature pending the preparation of a Masterplan for the site.
- Open Space provision does not comply with the 34% requirement set out in the Development Plan.
- Objective Clonsilla 2 states that new development should not exceed 3 storeys.
- Parking provision does not comply with the Development Plan standards.
- Lack of children play areas.
- Housing mix contravenes the RA zoning and Objective PM40
- Does not comply with the Clonsilla Urban Centre Strategy 2008.
- The development of the site, identified as potential open space adjacent to the Royal Canal which would contravene objective Clonsilla 5 in the County Development Plan.
- Does not comply with the Fingal Heritage Plan and Biodiversity Plan.

2008 Clonsilla Strategy

- The area alongside and adjacent to the Royal Canal represents one of the few remaining amenities in the Clonsilla Village area, for local residents to enjoy. This was recognised by Fingal Council in its Urban Development Plan 2008. The Old Schoolhouse, which is a protected structure, was identified as a building of great historical importance to the community as was the site which is the subject of this planning application.
- The proposed development is at total variance with the stated objectives of the 2008 Urban Development Plan. In this Plan, the area immediately adjacent to the Old Schoolhouse was zoned residential (RS), while the remainder of the site was classified as 'Open Space'. The 'RS Residential' zoning does not permit this type of development.

- The 2008 Development Plan recommended that the any development should be sympathetic to the surrounding area and should be of 'cottage style', while the remainder of the site should be used to compliment the Royal Canal Greenway, perhaps as a linear park.
- This planning application represents an unacceptable deviation from Fingal Council's stated development objectives for the area and must be viewed as a cynical attempt by the developer to exploit the Strategic Housing Development (SHD) legislation for maximum financial gain. For this reason alone, the application should be rejected.
- The Clonsilla Development Plan 2008 envisages that the Old Schoolhouse and adjoining land be used for amenity purposes, complimenting the proposed Royal Canal Greenway. This 'Greenway' proposal will provide a much-needed and long-overdue social amenity for the wider Clonsilla/Castleknock community. As a listed structure, the Old Schoolhouse should be restored, with the provision of much-needed public vehicular parking, to facilitate access to the Canal. At present, there are no parking facilities along this stretch of the Royal Canal, which diminishes the accessibility to this valuable natural amenity.
- The proposed development conflicts with the Clonsilla Development Plan 2008 and will remove the prospect of providing much-needed access to and amenity parking for the Royal Canal Greenway.

Ecology:

- Lack of regard to the importance of the site and the Royal Canal to flora and fauna.
- Loss of important ecosystems.
- The Royal Canal is a pNHA and is potentially a site of European importance.
- The site is located in an area of 'deep sinking' on the canal which is ideal spot for bryophytes,
- The development would not only prematurely destroy species and habitats but would also have a permanent negative impact on resting area and commuting corridors for foraging and breeding.
- Application documentation does not adequately address the protection of bats.
- The increased level of human movement, pollution and light, post development would negatively impact many species and water quality, particularly all bat species in the area.
- The proposed development does not adequately deal with the protection of the ecological integrity of European and national designated sites.
- The lack of boundary treatment to the southern boundary of the site will lead to the Canal bank being subsumed into the development leading the erosion of the banks and reducing any screening currently provided.

- The Kellystown Road Route Options Report identified several potentially protected and threatened plant and animal species in the area.
- The site at present has native trees/hedgerow, EU protected bat species, indications of a badger sett, many species of birds, rare plants, barn owls, foxes and hedgehogs.
- Developing this site will result in irreversible loss of biodiversity.
- EclA submitted with the application is inadequate.
- Independent Ecology Report submitted with submissions dispute findings/consultation presented in the EclA submitted with the application.
- Lighting arising from the proposed development will have an unduly negative impact upon flora and fauna along the bank of the canal.
- Potential for damage to the environment from loss of aquatic flora and fauna. Fish in the Canal will be in peril from run-off due to proximity of the proposed development.
- The EclA submitted does not adequately address the ecological importance of hedgerow and scrub habitat in the area and the importance of the towpath as a nesting and wintering habitat for birds.
- Removal of trees/hedgerows will reduce air quality.
- A buffer/set back of c.50m from the proposed development to the boundary of the pNHA should be provided. An EclA should accompany any proposal for development within 50m of the pNHA boundary (reference to the ABP decision on Balgaddy- Clonburriss SDZ)
- This location of the Royal Canal is a National Heritage Area which is given Statutory Protection under the wildlife Amendment Act 2000.
- This development will no doubt have a harmful effect on the habitats and species of this canal including otters, woodland, hedgerow, flora, badgers, bats, birds & foxes.

Royal Canal Greenway

- The route of the greenway through private development is for developer gain.
- The route of the green way does not correspond with the route that has been the subject of public consultation.
- The provision of the greenway along the western side would result in noise and negative impact on existing adjoining residents and future residents, also presents health and safety concern.
- Potential white elephant.
- The route shown in the application, through the proposed development, is in conflict with the intentions and objectives of Greenways and the National Physical Activity Plan.
- The diversion of the greenway through the proposed development will force cyclist to dismount and numerous points and will make a nonsense of the original concept of the Royal Canal Greenway.

- The proposed access through the 'Aldi' site cuts through the proposed greenway.

Old School House:

- The proposed works to the Old School House does not ensure the full preservation and conservation of the building.
- It is a valuable piece of local architecture which is threatened by the proposed development.
- Objective Blanchardstown 18 required that 'no residential or commercial unit shall be sold or occupied pending the full reinstatement of the Protected Structure to the satisfaction of the Planning Authority'
- The Old School house should be used for community purposes and should be the centre piece of the development.
- The proposed use (offices) does not comply with the Development Plans vision for this building.
- Consultation should take place with local groups/community for the appropriate use of the building.
- The proposal will impact on a cluster of three immediate protected structures, this has not been recognised/acknowledged in the application or design.
- The proposed development is contrary to the Fingal Development Plan objectives set out for the 'Old Schoolhouse Masterplan' as it does not 'provide a recreation/tourism hub at this location' and does not 'protect the character of the surrounding area'
- The Development Plan sets out that the Old School house should be 'preserved as a community/historical/ecological amenity'
- The development is premature pending the preparation of an Urban Framework Plan for Clonsilla and a Masterplan for the Old School site.
- Concerns raised that the greenway will not be completed if permission for this development is not granted.
- This historic space should be preserved to open up links with the canal and other historic places close to the Old Schoolhouse (St. Mary's Church, Old Signal Box).
- This section of the greenway would be an eyesore of the development goes ahead.
- The cycle path for the greenway would need to go through the development on the north side, away from the canal with various dismount areas which defeats the purpose of the greenway.
- Queries regarding the construction of the section of the greenway as it runs through the site.
- Proposed access routes to the greenway have not been agreed with the relevant third parties.
- A more appropriate use of the site/Old school House would be as a wildlife and historic interpretive centre/café.

- Suitable location for picnic area/bike hire/nature trail, etc as part of the Greenway.

Connections to adjoining lands.

- Strong opposition to the provision of connections to adjoining estates is a common theme throughout the majority of the submissions.
- Purpose of provision links to Lambourn and The Village estates is not clear.
- Connection to Lambourn and The Village appear to included to address the lack of open space provision and parking in the proposed development.
- Child safety concerns,
- Result in potential anti-social behaviour, reason previous openings/access were removed.
- Unsupervised access to the Canal raised health and safety concerns for parents.
- Access to Clonsilla Road will be within 50m via the 'Aldi' site (which has a history of refusal of permission)
- No connectivity with Clonsilla or Clonsilla Train Station provided.

Design Strategy (height/ layout/open space):

- Over developemt of the site.
- The height of the blocks and their proximity to the canal will have a sever impact on the character of the canal and be contrary to Objective CH43 (protection and enhancement of the heritage of the Royal Canal) of the FCDP 2017-2023.
- The height and density of the development will destroy the sense of village in Clonsilla and is at odds with the Clonsilla Urban Strategy.
- The development is inappropriate in terms of density, scale, bulk, height, mass, visual impact, proximity to boundaries, deficiency in open space and parking.
- The scale and nature of the developemt is out of character with the area which is characterised by two storey houses.
- The scale and massing are excessive and will have a significant negative direct impact on local biodiversity.
- Quality, quantity and location of the open space is poor. It is arranged along the access road within the site and dissected in parts by this road.
- Housing Mix (too many 1 bed units, lack of family units)
- Social housing is not evenly distributed.
- BTR will result in short erm rentals and transient population.
- No provision made for open space areas or play area. It seems to me that because of this the developers have no choice but to install a kissing gate in the green area of 'The Village' where the children of "The Village' safely play.
- The installation of kissing gate going into an already existing residential estate and will cause multiple issues mainly impacting the safety of our

children once again. Some issue will also including : Anti-social behaviour, Will allow people to park cars in 'The Village' and walk through, Having to put a pathway also through the greenspace. Children being able to get through the gate to the new development

- The immense lack of green space and recreational areas for such a large development will inevitably lead to new residents being forced to use the current local estates' green areas, as well as Canal Banks themselves becoming crowded, littered and overused. The developer is obliged to provide this area (36% of this development) within the land on which they are now developing. The development provides only 15% of the overall site area.
- A totally unacceptable design, with no consideration for the impact of this blatant profiteering which the surrounding areas and residents will end up suffering the consequences of. The possible road connection to the 'Aldi site' would even further reduce their green space allocation and have considerable negative effects on the residents of Castlefield Woods, not only during the possible years of construction, but also the subsequent increase in traffic and footfall directly into our now peaceful estate.
- The scale and height of the proposed development (up to 7 storeys) will have an intrusive impact on the adjoining 'low-level' mature residential estates (Lambourn and The Village).
- It will also be visually intrusive to those availing of the proposed Royal Canal Greenway and adversely affect the rural nature and objective of this much needed and well-publicised amenity.
- The canal and towpath are at a level of approximately 5 metres below the development site. The proposed development will rise to up to 7 storeys and at a close-proximity (3-4 metres max) to the towpath, resulting in very intrusive vista for those who use the towpath for exercise and leisure purposes.
- This will be at total variance to the Clonsilla Urban Development Plan 2008 and the objectives of the Royal Canal Greenway, which is currently under construction as a much needed community amenity.
- The close proximity, scale and height of the 8 proposed apartment blocks will further impact negatively on the abundant wildlife and unique eco-system along the Royal Canal, which itself is a protected structure. The area in question is habitat for many species of animal and birds, some of which are protected species. These include bats, hedgehogs, swans, otters, foxes, nesting birds etc.
- The planned removal of trees and hedgerows along this stretch of land will also have a negative impact on diminishing wildlife habitats along and immediately adjacent to this stretch of the Royal Canal, as will the hugely increased artificial light from street lighting and the high rise apartment blocks and intrusive noise from heavy traffic flow adjacent to the canal.

Residential Amenities:

- Overshadowing of adjoining residential properties.
- Overshadowing of adjoining open space serving Lambourn.
- Overlooking of adjacent residential properties.
- Overlooking and access to adjoining areas of open space.
- Overbearing impact when viewed from adjoining estates.
- Loss of vistas/outlook.
- Loss of light.
- Detrimental impact on visual amenities.
- Impact on mental health of adjoining residents.
- Devaluation of property in the area.
- Build to Rent, transient nature of tenants means they will not integrate with the community.
- Light pollution
- Noise pollution
- Connection give rise to safety concerns.
- Lack of amenity for residents.
- Poor environment for future occupiers.
- Negative impact during construction (noise, traffic, dust, etc)
- Lack of privacy between balconies within the scheme.
- The developemt will make children feel unsafe and contravene the UN Convention on the Right of the Child.
- Access to open space in adjoining estates mean these will not be available as play areas for children.
- Mental, physical and social problems will occur as a result of a high rise development here.
- Apartments are inadequate in size and quality.
- BTR does not solve housing shortage for those who wish to buy family homes and set down roots in the area.

Traffic & Transportation:

- Development does not comply with DMURS.
- Traffic congestion in the area will be further exacerbated by the additional demand as a result of the development.
- Changing surfaces within the scheme lead to a disjoining feel about feel to the spaces.
- The proposal is premature pending the completion of the design consultation process or the footbridge crossing the Canal and railway at the Porterstown railway crossing, the resolution of the northern linkage through the 'Aldi' site and the completion of the Masterplan as required in the Development Plan/LAP.

- The Traffic Assessment submitted with the application is uniformed and unworkable. It does not appear to recognise that the Porterstown Road (only access to the site) is very busy.
- Traffic congestion, especially at school times.
- Complaints by local residents that due to the congestion at school times they have to walk their children to school instead of driving them (no matter what the weather is)
- Traffic congestion leads to air pollution and toxic fumes which kids breathe in on their way to school.
- No permeability study has been carried out.
- Lack of capacity in public transport serving the area to cater for the additional demand.
- The TIA methodology raises concerns regard the accuracy of the trip generation figures.
- Separate walkways and cycle ways should be provided from the development to public transport, rather than using the Royal Canal.
- It is unclear if the implementation of the Travel Plan submitted would be successful, no evidence submitted on the successful implementation of similar plans in other places.
- Footpaths on both Clonsilla and Porterstown Road are narrow, these will be even more congested if the development goes ahead.
- The preferred layout for the proposed railway footbridge differs from the shown on the application drawings.
- The proposal is premature pending the resolution of the Dart+West plan at Porterstown.
- Development does not address Objectives PM69, MT05 or MT37 relating to traffic and transportation.
- Presence of 'pay as you go' parking spaces further reduce parking for residents.
- Noise/dirt/pollution and safety issues regarding construction phase.
- No evidence that the proposal complies with fire safety requirements.
- The issue of traffic and congestion is already a problem. At school times, the traffic is horrendous, we have cars parked on footpaths (where the children are meant to be walking) and also parked in "The Village" itself, therefore residents of 'The Village' cannot get in or out of our own estate.
- Additional traffic arising from the development will result in a potential dangerous and hazardous situation.
- With the closing of the Porterstown Level Crossing, all of the traffic from these apartments would end up being routed through the existing Porterstown Road, which already has extremely severe traffic issues each morning and afternoon due to the volume of children attending St. Mochtas and other schools in the area.

- There is an adjacent site, located between Dr.Troy Bridge and the Porterstown Road, which is also zoned for residential use that would use the Porterstown Road as its primary entrance. To have not one, but two additional residential complexes, so close to school routes and existing housing estates, would show a real lack of planning and consideration for all residents in the surrounding areas. Lastly, the level of disruption that would occur during the construction of 8 apartment blocks, through one entrance on what is essentially an old, narrow, country road would have a devastating effect on all local community residents in terms of construction vehicles, cranes and heavy goods vehicles etc, also in terms of the level of the building noise, dirt, dust and debris coming through what is currently a very quiet and peaceful area.
- The current designed access would be extremely detrimental to the neighbouring area, as the Clonsilla road accommodates an increasing amount of daily traffic, especially during peak hours and school runs. An increased volume of traffic in the area would be chaotic to say the least, for the neighbouring estates like Castlefield Woods and Castlefield Park, Lambourn, Limelawn and Weavers Row.
- Will also impact pedestrians such as the hundreds of kids travelling to and from school, as the paths are not very wide often forcing passing pedestrians onto the road. This puts the safety of all pedestrians and cyclists at a higher risk. Antisocial behaviour will most likely increase affecting the already struggling community greatly. The Porterstown road access could end up being too small for a fire engine or emergency services to access through, and in case of fire or emergency in the SHD, this would be a major health and safety concern.
- Inadequate parking proposed will result in a spillage of cars over into the neighbouring estates, which already have many additional cars parking in the area.
- The developer has obtained permission from the owners of adjoining 'Aldi' site for an access road from Clonsilla Road, should the Aldi site be developed. If this was to happen, then the afore-mentioned 'green space' would be further reduced as proposed road would intersect same.
- While the proposed development comprises 198 apartments, the car parking spaces included in the draft plan represent less than half this number. This is totally insufficient for the scale of the development proposed and will inevitably result in an overflow into Lambourn Park (should proposed connecting 'kissing gate' access be permitted) and The Village.
- Currently, Lambourn Road is used by train commuters (non-resident to Lambourn) for parking, to avoid parking charges closer to Clonsilla Train Station. Any additional 'non-resident' parking will impact greatly and adversely on Lambourn residents.

- If, as stated, a new access road through the Aldi site is planned, there is no need for pedestrian access through Lambourn Park. It can only be assumed that this access is considered necessary to address the shortcomings in both 'green space' and car parking.
- Access to the proposed development is from the Porterstown Road. This is a country road and will soon be closed off at the nearby railway crossing to facilitate the up-grading of the Dublin-Maynooth railway line. This will necessitate all traffic from the development to access the Clonsilla Road at the St. Mochta's School junction. This road and junction are most unsuitable for the increased volume of traffic from this very large development. On weekdays, this area around the school is very congested at present and additional vehicular traffic will only exacerbate the problem.
- While the developer has indicated that an access road through the adjacent Aldi site may be possible in the future, there is no guarantee that this (Aldi) site will receive planning permission.
- This traffic congestion problem will be further negatively impacted by the planned residential development of a second site on the Porterstown Road, which is already the subject of a planning application.
- Parking does not comply with the Development Plan standards.
- No accessible parking provided for the creche.
- Parking is a major problem in the area and the lack of parking will leading to car parked in adjoining estates.
- Bicycle parking is unsafe and ugly.
- Having regard to the Urban Design Manual – Best Practice Guide (DoEHLG 2009), which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout and public realm and having regard to the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013, as updated), this proposed development should be rejected on the grounds of insufficient access, poorly defined and overlooked low-rise residential areas and inadequate open spaces, which would result in a substandard form of development and would be seriously injurious of the residential amenity of future occupants.

Water services infrastructure/drainage:

- Proposed development would put undue pressure on existing water and sewerage services.
- There are problems with sewerage in the Lambourn estate and it would not be a good idea to connect the proposed development to the existing sewer in Lambourn.
- Measures required to prevent contaminated surface water run off and dust onto adjacent habitats.

- Surface water/flooding measures are directed towards Lambourne Park in order to protect the Canal. Similar measures should be in place to protect Lambourn.
- The developer envisages that the sewage needs of the development will be met by connecting across the green space in Lambourn Park, accessing the existing sewage system in Lambourn estate. For many years, there has been a problem with sewage on the Kellystown side of the Clonsilla Road and this has impacted negatively, with problems in the Lambourn estate, specifically at the junction of Lambourn Road and Lambourn Park, which is the closest access point to the proposed development.
- The proposal to add another 198 dwellings to the existing sewage system in Lambourn will adversely impact on the already over-burdened system.
- The surface water from the proposed development will discharge into the Royal Canal, which in turn, will impact negatively on this unique eco-system and wildlife habitat.

Social Infrastructure:

- Shortage of community amenities in the area.
- The development will not contribute to the shortfall of community facilities in the area.
- The proposed creche does not appear to offer places to existing residences.
- The application has not considered the impact on healthcare provision in the area and does not deliver on objectives PM87 and PM88 (provision of healthcare facilities)
- GPs and Dentists in the area are not taking on new patients.
- Local Primary and Secondary schools in the area are already greatly over-subscribed. There is clearly no plan or thought gone into accommodating any of the families and children within such a large development into the local schools.

Construction Phase:

- Access to the site during proposed construction will necessitate heavy vehicular use of the Porterstown Road, which is ill-equipped to take this. This will further add to the existing heavy traffic entering/exiting St. Mochta's NS. This could also have safety implications for the 950 approx. children attending the school and their parents (school drop-off and pick-up) etc.
- The site for development runs adjacent to the Royal Canal in an area known locally as the 'Deep Sinking'. This area is so called because it is solid bedrock, which necessitated major excavation work during the construction of the canal. It is likely therefore that any development will require significant excavation (including possible blasting), which would impact adversely on the adjoining residential estates.

SHD Legislation/process:

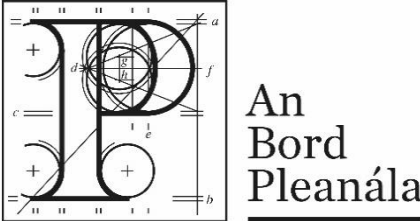
- SHD legislation is not fit for purpose. It is not achieving the goals it was set up to deliver.
- SHD bypasses local planning laws and is developer led.
- Development is premature as the constitutionality of SHDs is currently being challenged.
- Not enough time or opportunities to oppose the proposal due to covid restrictions.
- Volume of material submitted with the application and the limited time period available to review it along with the nature of the operation of the SHD process infringes upon the rights of the party making the submission to fair procedure and effective remedy under the Constitution and Article 13 of the European Convention on Human Rights.
- Details of any pre-application consultation with the applicants have not been provided to members of the public.
- The fast-tracking of large residential developments (such as this development) under the strategic housing provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016 may be unconstitutional. [The recent High Court order quashing An Bord Pleanála permission for residential units on the former RTE site refers.] This represents a legal precedent, which must be acknowledged and recognised by An Bord Pleanála going forward.
The afore-mentioned High Court challenge also calls into question whether some sections of the strategic housing provisions of the 2016 Housing and Tenancies Act may conflict with the rights of residents under the Constitution and European Convention on Human Rights. This issue needs to be fully explored before future developments of this scale, density and design are sanctioned.

Other:

- Works to improve conditions for long term neighbours and residents of St. Brigid's Lawn (traveller accommodation) should be completed before any approval to go on this site so that the Build to Rent can be fully assessed.
- Site notices were not erected in conspicuous locations.
- Newspaper where the ad was placed is not widely read in the area.
- Site boundaries (red) are incorrect.
- The proposed development encroached on lands outside the applicant ownership and control to the north and south which are in the ownership of FCC and Waterways Ireland.
- The development will only put more pressure on facilities that are already to their limit. Two main services are ambulance and fire brigade and DFB in Coolmine do not have the appropriate equipment for the height of these apartments.

Provision of all Social Housing in one individual apartment block which is unacceptable.

Appendix 3 EIA Screening Form



EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-309622-21
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Development Summary		198 BTR apartments, creche and restoration and change of Use of Old School House (protected structure) to management offices and ancillary residential community
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	AA screening Report and an Ecological Impact Assessment
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Fingal County Development Plan 2017-2023 subject to SEA and SFRA.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?
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1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider area.
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. 5 Year Management Plan for Calcareous & Neutral Grasslands.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to watercourse.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted SSFRA.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Development of this site as proposed will result in an increase in residential units within the MASP area. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p style="padding-left: 40px;">1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>Yes</p>	<p>Potential for significant effects on Natura 2000 sites has been screened out.</p> <p>Part of the site is located within the Royal Canal pNHA.</p>	<p>No</p>

<p>2. NHA/ pNHA</p> <p>3. Designated Nature Reserve</p> <p>4. Designated refuge for flora or fauna</p> <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>Dry Calcareous and Neutral Grasslands on site. Presence of Daubenton Bats noted. Potential for badger and otter presence on site</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>Old School House (protected structure) on site, portion of the site is within the Royal Canal pNHA and the site directly bounds the Royal Canal (protected structure)</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no open watercourses on site. The development will implement SUDS measures to control surface water run-off.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>Uncertain</p>	<p>Potential engineering intervention required along the boundary of the site with the Royal Canal towpath</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>Residential / community and social land uses. No significant impacts are envisaged.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS
Having regard to: -

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands zoned to 'RA' *to provide for new residential communities subject to the provision of the necessary social and physical infrastructure* in the Fingal County Development Plan 2017-2023 and the results of the Strategic Environmental Assessment of the Plan;
- c) the location and context of the site;
- d) The existing use on the site and pattern of development in surrounding area;
- e) The planning history relating to the site
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP).

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Daire McDevitt

Planning Inspector

16^h June 2021