



An
Bord
Pleanála

Inspector's Report ABP-315539-23

Development

6 no. single-storey, detached and semi-detached dwellings composed of 3 no. 2-beds and 3 no. 1-beds, and associated site and landscaping works. Proposed site works consist of 4 no. car parking spaces (2 no. accessible) plus 1 no. temporary set-down parking space with an electric vehicle charge point. A new vehicle entrance is proposed off the R130. Other associated site works include a landscaped communal green, with raised planters, and an external seating area. Site clearance works include the removal of the foundations of a former agricultural building.

Location

Garristown, Co. Dublin.

Planning Authority

Fingal County Council

Applicant(s)

Garristown Biodiversity Group
Norman Verso

Type of Application

EIAR screening determination under Article 120(3)(b) of the Planning and Development Regulations, 2001, as amended.

Date of Site Inspection

5th May, 2023

Inspector

Robert Speer

1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations, 2001, as amended, Garristown Biodiversity Group & Mr. Norman Verso are seeking a determination from An Bord Pleanála as to whether or not a proposed development comprising the construction of 6 No. dwelling houses and associated site development works on a site at Garristown, Co. Dublin, would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Fingal County Council is of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act, 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001, as amended.

2.0 Site Location and Description

- 2.1. The proposed development site is located within the settlement boundary for the well-established small rural village of Garristown, Co. Dublin, where it occupies a position along the southern side of the R130 Regional Road, approximately 300m east of the village centre and c. 110m northwest of Garristown GAA Club. It is situated on an approach road where the immediate surrounds are characterised by the gradual transition on travelling westwards between the wider rural hinterland and the built-up area of the village itself as evidenced by the linear-type development along the southern side of the carriageway and the more intermittent pattern of housing, outbuildings, and agricultural lands to the north.
- 2.2. The site itself has a stated site area of 0.19 hectares, is broadly rectangular in shape and generally comprises an overgrown plot of scrubland and mixed broadleaf woodland with several mature trees. Although there are no buildings present on site, a portion of the northern and southern boundaries are defined by stone walling while part of the northeastern roadside boundary comprises a concrete wall overgrown with scrub which would appear to have formed part of an earlier (now demolished) structure. The site topography rises over the public road with the highest point being the south-western corner and the lowest being the north-eastern corner. It is bounded by detached dwelling houses to the immediate east and west with the public road to the north and an open field to the south. The site boundaries are

generally defined by a combination of various fence types, walling and mature hedgerow.

3.0 Proposed Development

3.1. Overview:

- 3.1.1. The proposed development consists of the construction of a scheme of 6 No. single-storey, detached and semi-detached dwelling houses (3 No. two-bedroom and 3 No. one-bedroom units) set around a shared courtyard in a cluster-type layout with a communal green space and parking area. The overall design of the individual dwelling houses is based on a contemporary interpretation of the traditional vernacular form with a restrained architectural treatment employing external finishes that include rendered blockwork, brick, and slate effect roof tiles.
- 3.1.2. Access to the site will be obtained via a new vehicular entrance arrangement onto the R130 Regional Road while the roadside boundary will be set back to facilitate the achievement of adequate sightlines. Provision has been included for 4 No. car shared car parking spaces (2 No. accessible) plus 1 No. temporary set-down parking space with an electric vehicle charging point.
- 3.1.3. Other associated works include site clearance and excavations, the removal of the foundations of a former agricultural building, the provision of a landscaped communal green (with raised planters and an external seating area), and connection to the existing public water supply and drainage services. The proposals for surface water drainage include the installation of permeable paving and an on-site soakaway with a high-level overflow control device to the existing surface water sewer.
- 3.1.4. It is understood that the proposed scheme is to be developed by the North & East Housing Association in partnership with Fingal County Council.

3.2. The Part 8 Application:

- 3.2.1. The proposed development is the subject of a Part 8 process and the associated documentation includes:
 - Design Statement (Desiun Design Architecture)
 - Engineering Report (CORA Consulting Engineers) including a Flood Risk Assessment.

- Tree Survey (Cunnane Stratton Reynolds Land Planning & Design) including an Arboricultural Impact Assessment
- Appropriate Assessment Screening (Cunnane Stratton Reynolds Land Planning & Design)
- Environmental Impact Assessment Screening Report (Cunnane Stratton Reynolds Land Planning & Design)

3.2.2. In accordance with Article 81 and Article 120 of the Planning & Development Regulations, 2001, as amended, Fingal County Council has concluded from a preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

4.0 Request for Determination

4.1 Applicants' Requests

4.1.1. Two requests have been received from the Garristown Biodiversity Group and Mr. Norman Verso seeking a determination by the Board as to whether Environmental Impact Assessment would be required for the proposed development. These requests have raised similar issues and can be summarised as follows:

- The proposed development is considered to fall within Class 15 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.
- In the absence of a site biodiversity survey, the assessment by the Planning Authority is inadequate and does not support the conclusion of there being '*no significant impact*'.
- The mature trees give rise to the possibility that bats may be present on site (which are protected at both a national and European level).
- The existing trees / woodland represents a scarce resource within the landscape that also functions as a 'stepping stone' habitat within a network of hedgerows / ecological corridors.
- The removal of the existing trees would be contrary to the Fingal Biodiversity Action Plan as well as '*Forest of Fingal: A Tree Strategy for Fingal*'.

- Part 4 (Section 4.9.4: 'Tree Removal') of the Fingal Tree Strategy states the following:

'Development requiring the loss of a protected tree or hedgerow (including trees and hedgerows in High Amenity Areas and SAAO; aged and veteran trees and trees classified as being of categories A or B in value and Townland boundaries) will only be permitted where:

- a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows;*
- b) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow.*

Where the loss of trees is accepted in these circumstances, developers will be required to provide at least equivalent replacement in terms of biomass. This should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere'.

- The development site comprises wooded land on the outskirts of the village which has 17 No. mature trees with the remaining scrub including a considerable amount of hawthorn, whitethorn and blackthorn bushes. The area has no footpath access and as such serves a haven for wildlife. There is an active rookery on site and the area is commonly used by mammals such as bats, hedgehogs, and foxes.
- Multiple bird species have been seen feeding and nesting on the site with its overgrown hedges and undisturbed wildness. Bats have also been observed feeding amongst the trees.
- From a review of the Arboricultural Report, it is apparent that most of the trees on site have been classified as Category 'B' with one Category 'A' specimen. In contrast to that report's recommendations for the removal of ivy, in biodiversity terms, it is submitted that the presence of ivy is an added habitat feature - especially for bats.
- There are multiple derelict sites in the centre of Garristown as well as plenty of greenfield sites nearby. Therefore, it should not be necessary to remove 17

No. mature trees and other natural habitats to accommodate the proposed development.

4.2. **Schedule 7A Information (EIA)**

- 4.2.1. Schedule 7A of the Planning and Development Regulations, 2001, as amended, relates to the information to be provided for the purposes of screening sub-threshold development for Environmental Impact Assessment. In this regard, the Planning Authority was requested in accordance with Article 120(3)(b) of the Regulations to submit the information set out in Schedule 7A of the Regulations and to make any submissions or observations it may have in relation to the matter.
- 4.2.2. In response to the request, the Planning Authority submitted information consistent with the criteria set out in Schedule 7 of the Regulations and also responded to the contents of the third-party requests. This response was accompanied by the following documentation:
- 'Ecological Impact Assessment (EclA) for a proposed residential development at Garristown, Fingal, Co. Dublin' (February, 2023) prepared by Altemar Ltd. Marine & Environmental Consultancy.

5.0 **Planning History**

- 5.1.1. With the exception of the abovementioned Part 8 application on the subject site, I am not aware of any recent relevant planning history on the site or in its immediate surrounds.

6.0 **Policy and Context**

6.1. **Fingal County Development Plan, 2023-2029:**

6.1.1. **Land Use Zoning:**

The proposed development site is located in an area zoned as '*RV: Rural Village*' with the stated land use zoning objective to '*Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure*'.

Objective Vision: Protect and promote established villages within the rural landscape where people can settle and have access to community services, including remote work hubs. The villages are areas within the rural landscape where housing needs can be satisfied with minimal harm to the countryside and surrounding environment. The villages will serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed through approved land use plans to ensure that a critical mass for local services is encouraged without providing for growth beyond local need and unsustainable commuting patterns.

6.1.2. Other Relevant Policies / Sections:

Chapter 2: Planning for Growth Core Strategy Settlement Strategy:

Section 2.4.2: Masterplans: New Masterplans:

*Table 2.18; Schedule of Masterplans to be Commenced over the Plan Period:
Garristown (MP 2.B)*

Policy CSP7: Masterplans:

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.

Policy CSP8: Implementation of Masterplans:

Implement Masterplans prepared in accordance with the Development Plan.

Section 2.7: Settlement Strategy:

Table 2.20: Fingal Settlement Hierarchy: Core Area: Garristown (Towns and Villages with local service and employment functions).

Section 2.7.2: Role of Each Settlement:

Fingal contains a significant number of towns and villages within the Metropolitan and Core areas of the County. These include Portrane, Coolquay, Kinsealy, Rivermeade, Rowlestown, Balrothery, Loughshinny, Ballyboghil, Naul, Balscadden, Oldtown, Garristown and Ballymadun.

There is considerable variation across the settlements in this level of the Hierarchy, ranging from small towns and larger rural villages, in terms of scale, character, context and infrastructure. However, all have potential for appropriate levels of growth and consolidation. In order to realise consolidation within these towns and villages, development will be encouraged to be delivered in a sustainable, sequential manner, with the focus on consolidated growth of the centres, the identification of sites appropriate for renewal and a focus on enhancement of town centre public realms.

Many act as important local drivers, providing a range of functions for their resident population and their surrounding catchments including housing, employment, services and retail and leisure opportunities. Town Centre First: A Policy Approach for Irish Towns has been adopted in the Plan and aims to increase levels of economic activity and overall vibrancy levels. A number of these settlements have experienced varying levels of commuter focused residential expansion and require consolidation and targeted 'catch up' investment in services, infrastructure, suitable transport options, amenities and local employment, whilst balancing housing delivery and focusing on consolidation to become more sustaining.

Development in these centres is to be managed in line with the ability of local services and infrastructure to accommodate expansion, having regard to the recommendations for small towns included in the Ministerial Guidelines on Sustainable Residential Development in Urban Areas and RSES.

Policy CSP40: Sustainable Expansion and Development:

Promote sustainable expansion and development at a level appropriate to and integrated with the existing town or village, meeting the socio-economic and civic aspirations of the community, whilst preserving the settlements distinctive character, heritage, amenity and local identity.

Obj. CSO67: LAPs, Masterplans and Framework Plans for Towns and Villages:

As set out in Tables 2.15, 2.16, 2.17, 2.18 and 2.19:

- Implement existing Local Area Plans and Masterplans within the Towns and Villages.
- Prepare and implement Local Area Plans for identified areas.
- Prepare and implement Masterplans for identified areas.
- Prepare and implement Frameworks for identified areas.

Obj. CSO68: Rural Villages:

Manage the development of Rural Villages within the RV boundaries and strengthen and consolidate their built form providing a suitable range of housing as an alternative to housing in the open countryside.

Obj. CSO69: Scale of New Housing Developments in Towns and Villages:

Ensure that the scale of new housing developments within Towns and Villages both individually and cumulatively, shall generally be in proportion to the pattern and grain of existing development.

Obj. CSO72: Compact, Organic and Sequential Development of Towns and Villages:

The scale of new residential schemes within Towns and Villages shall be in proportion to the pattern and grain of existing development with a focus on delivering compact growth and providing for the organic and sequential development of the settlement. Infill and brownfield development shall have regard to the existing town or village character and create or strengthen a sense of identity and distinctiveness for the settlement.

Chapter 3: Sustainable Placemaking and Quality Homes:

Policy SPQHP1: Healthy Placemaking:

The Council will support the development and creation throughout Fingal of successful and sustainable settlements which endorse the principles of healthy placemaking and which

through a multi-faceted approach to planning, design and management continue to ensure the development of attractive high-quality places to live, work, recreate, visit and invest in, served by a range of local services, provision of quality public realms, diverse and accessible community facilities for all genders, non-binary or none and open spaces for the benefit of the community.

Obj. SPQHO1: Sustainable Communities:

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

Section 3.5.3: Core Strategy and Housing Growth:

Policy SPQHP9: Core Strategy and Housing Growth:

Implement the adopted Fingal County Council Housing Strategy, which includes the Housing Need and Demand Assessment 2023–2029 (and any superseding Housing Strategy agreed by the Members of Fingal County Council). A review of the Housing Strategy will be carried out as part of the two-year review of the Development Plan.

Policy SPQHP10: Support Compact Growth:

Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in RSES.

Obj. SPQHO9: Consolidated Residential Development:

Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.

Obj. SPQHO10: New Residential Development:

Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport corridors and active travel infrastructure in a phased manner, alongside the delivery of appropriate physical and social infrastructure. Active travel options should also be considered while liaising with the National Transport Authority and Transport Infrastructure Ireland to ensure public transport options to and from new developments to local amenities such as shops and libraries.

Obj. SPQHO11: Housing Need:

Ensure that adequate and appropriate housing is available to meet the needs of people of all incomes and needs including marginalised groups within our communities, including but not limited to, Traveller households, older persons, people with disabilities, and the homeless, through an appropriate mix of unit types, typologies and tenures provided in appropriate locations and in a manner appropriate to specific needs.

Obj. SPQHO12: Fingal Settlement Strategy:

Ensure that all proposals for residential development accord with the Fingal Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

Section 3.5.5: Local Area Plans, Masterplans, Framework Plans:

Section 3.5.6: Social Inclusion: Older People

Section 3.5.7.1: *Housing for Older People*

Section 3.5.11: *Quality of Residential Development:*

Policy SPQHP35: Quality of Residential Development:

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

Section 3.5.13: *Compact Growth, Consolidation and Regeneration:*

Policy SPQHP38: Compact Growth, Consolidation and Regeneration:

Promote compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that:

- Encourage infill/brownfield development
- Focus growth on the County's designated strategic development areas identified in the Metropolitan Area Strategic Plan
- Promote increased densities along public transport corridors.

Obj. SPQHO37: Residential Consolidation and Sustainable Intensification:

Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

Section 3.5.15.1: *Rural Villages:*

Policy SPQHP51: Protection of Rural Villages:

Support and protect Fingal's Rural Villages by ensuring their appropriate sustainable development to preserve the character and viability of villages and support local services.

Policy SPQHP52: Growth of Rural Villages:

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

Obj. SPQHO56: Rural Villages:

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

- i. The scale of new residential development shall be in proportion to the pattern and grain of the existing settlement and shall be located within the defined development boundary.
- ii. Encourage and promote compact growth within Rural Villages including infill, brownfield development together with redevelopment of derelict/underutilised properties.
- iii. All development shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.

- iv. New commercial development should be centrally located within the village and contribute positively to the streetscape and public realm.
- v. Encourage new community and social facilities in conjunction with residential development.

Chapter 9: Green Infrastructure and Natural Heritage:

Section 9.6: Natural Heritage:

Section 9.6.14: Landscape Character Assessment

The High Lying Character Type is categorised as having a high value, its importance highlighted by the High Amenity zoning covering substantial parts of the area. This is an area of upland, rising to a high point of 176 metres at Hillfort Mound, to the southeast of the Naul. These hills afford panoramic views of the Mourne Mountains to the north, the coastline to the east and the Wicklow Mountains to the south. There are a number of important visual ridges on these uplands, that can be seen from wide areas of Fingal and Meath. Almost the whole County can be viewed from the more elevated roads. It also has an important ecological value with strong hedgerows and the presence of the 'Bog of the Ring' proposed Natural Heritage Area here. There is little obtrusive or inappropriate development in the area and there is a pronounced absence of any substantial coniferous woodland.

(The proposed development site is located within the *High Lying Agricultural Landscape Character Area* which is detailed in Table 9.3 of the Plan as being of a '*High Landscape Value*' and a '*High Landscape Sensitivity*').

Chapter 14: Development Management Standards:

Section 14.4: Sustainable Placemaking and Quality Homes

Section 14.5: Consolidation of the Built Form: Design Parameters

Section 14.6: Design Criteria for Residential Development in Fingal

Section 14.8: Housing Development/Standards

Section 14.9: Residential Development – General Requirements

Section 14.11.2: Age Friendly Housing

6.2. Natural Heritage Designations

6.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Cromwell's Bush Fen Proposed Natural Heritage Area (Site Code: 001576), approximately 6.4km northeast of the site.
- The Bog of the Ring Proposed Natural Heritage Area (Site Code: 001204), approximately 9.4km east of the site.
- The Balrath Woods Proposed Natural Heritage Area (Site Code: 001579), approximately 10km northwest of the site.
- The Duleek Commons Proposed Natural Heritage Area (Site Code: 001587), approximately 10.8km north-northwest of the site.
- The Thomastown Bog Proposed Natural Heritage Area (Site Code: 001593), approximately 11.4km northwest of the site.
- The Knock Lake Proposed Natural Heritage Area (Site Code: 001203), approximately 11.7km east of the site.
- The River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), approximately 13.9km northeast of the site.
- The Laytown Dunes / Nanny Estuary Proposed Natural Heritage Area (Site Code: 000554), approximately 14km northeast of the site.
- The Rogerstown Estuary Special Area of Conservation (Site Code: 000208), approximately 14.4km southeast of the site.
- The Rogerstown Estuary Proposed Natural Heritage Area (Site Code: 000208), approximately 14.4km southeast of the site.
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232), approximately 14.6km north-northwest of the site.
- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), approximately 14.6km north-northwest of the site.

- The Rossnaree Riverbank Proposed Natural Heritage Area (Site Code: 001589), approximately 15km northwest of the site.

7.0 Legislation and Guidelines

7.1. Planning and Development Act, 2000, as amended:

- 7.1.1. **Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.
- 7.1.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

7.2. Planning and Development Regulations, 2001, as amended:

- 7.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.
- 7.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
- 7.2.3. **Schedule 5** sets out the classes of development where EIA is required.
- Part 1: Sets out the development classes which are subject to mandatory EIA.
 - Part 2: Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

7.2.4. **Schedule 7** sets out the criteria for determining whether a development would, or would not, be likely to have significant effects on the environment, under three headings:

1. Characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristics of potential impacts.

7.2.5. **Schedule 7A** relates to information to be provided by the applicant or developer for the purposes of screening of sub-threshold development for EIA.

8.0 **Assessment**

8.1. **Introduction:**

8.1.1. The proposed development consists of the construction of a scheme of 6 No. dwelling houses and associated site development works on a 0.91 hectare site at Garristown, Co. Dublin. It comprises an infill development on zoned lands within the settlement boundary of the rural village of Garristown and will avail of connection to existing mains services. The immediate site surrounds are characterised by the gradual transition between the wider rural hinterland and the built-up area of the village with the site itself bounded by detached dwellings to the east and west, the public road to the north, and an open field to the south.

8.1.2. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out. In this regard, I have reviewed the documentation submitted by the Planning Authority and that provided for consultation on the consult.fingal portal.

8.1.3. The EIA Screening Report compiled by Cunnane Stratton Reynolds on behalf of the North & East Housing Association (in partnership with Fingal County Council) has determined that the proposed development falls outside of the requirement for mandatory EIA by virtue of the limited size of the development site, its developed context, and the proposed activity typology. Moreover, it has concluded that the proposed development will have no likely significant effect, indirect or direct, on the receiving environment, either on its own or cumulatively with other development, and that an EIAR is not required in respect of the proposed development.

8.1.4. The following matters are considered relevant in the assessment of whether the submission of an EIAR is required:

- Assessment of project type/class of development under Schedule 5 of the Planning and Development Regulations, 2001, as amended, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Regulations.
- Assessment of proposed development under the criteria set out Schedule 7 of the Regulations.

8.2. Relevant Project Types / Class of Development:

8.2.1. Within each of the requests seeking a determination, both applicants have indicated that they consider the proposed development to fall within Class 15 of Schedule 5 of the Planning and Development Regulations, 2001, as amended. Given that Class 15 of Part 1 of Schedule 5 of the Regulations is clearly not applicable in this instance (with that class referring to “dams and the installations for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres”), it would be reasonable to assume that the applicants are referring to Class 15 of Part 2 of Schedule 5 as follows:

“Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7”.

8.2.2. Having reviewed the available information and the applicable legislative provisions, it is apparent that the proposed development amounts to an ‘infrastructure project’ on the basis that it involves the construction of dwelling units and may also comprise urban development due to the site location in a built-up area on zoned lands within the identified development boundary of Garristown as set out in the Fingal Development Plan, 2023-2029.

8.2.3. Therefore, the relevant classes of development applicable to the proposed development are as follows:

- Class 10(b)(i) of Part 2 of Schedule 5 of the Regulations (Construction of dwelling units)
- Class 10(b)(iv) of Part 2 of Schedule 5 of the Regulations (Urban development)
- Class 15 of Part 2 of Schedule 5 of the Regulations (any listed project which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7)

8.3. **Assessment of Relevant Thresholds under Part 2 of Schedule 5 of the Regulations:**

- 8.3.1. The threshold cited under Class 10(b)(i) in the Regulations is the *'construction of more than 500 dwellings'*, however, the proposed development involves the construction of 6 No. dwelling units. Therefore, while the proposed development is of a Class listed in Part 2 of Schedule 5, it is sub-threshold for the purposes of mandatory EIA as it comprises fewer than 500 dwellings.
- 8.3.2. With respect to Class 10(b)(iv) of the Regulations, this refers to *'Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'*. Given that an 'urban' area is defined by the Central Statistics Office (CSO) as a settlement of more than 1,500 people and as this definition has been included in the National Planning Framework, and noting that Garristown was recorded in the CSO Census 2016 as having a population of 798 No. persons and is estimated to have a 2023 population of 830 No. persons (as per Table 2.14: *'Core Strategy'* of the Fingal Development Plan, 2023-2029), the site location within the identified development boundary of the rural village of Garristown would seem to equate to a 'rural' (as opposed to an 'urban') area. By extension, the proposed development would not constitute a prescribed 'infrastructure project' as it would not amount to 'urban development' as per Class 10(b)(iv) of Regulations. In the event the Board does not concur with this conclusion, it should be noted that the proposed development extends to a site of 0.19 hectares and, while of a Class listed in Part 2, it would be substantially sub-threshold for mandatory EIA.

8.3.3. At this point, an assessment must be made as to whether the sub-threshold proposed development should be subject to EIA by reference to Class 15 of Part 2 having regard to the criteria set out Schedule 7 of the Regulations as set out below.

8.4. Assessment of the Proposed Development under the Criteria set out in Schedule 7 of the Regulations:

8.4.1. Schedule 7 of the Planning and Development Regulations, 2001, as amended, lists the criteria for determining whether a development should be subject to environmental impact assessment under the following headings:

1. Characteristics of proposed development
2. Location of proposed development
3. Types and characteristics of potential impacts

Each of these criteria is assessed below.

8.5. Characteristics of Proposed Development:

8.5.1. *The size and design of the whole of the proposed development:*

The proposal is for the construction of a scheme of 6 No. single-storey, detached and semi-detached dwelling houses (3 No. two-bedroom and 3 No. one-bedroom units) with associated works on a site of 0.19 hectares. It comprises an infill development on a vacant plot situated on zoned lands within the development boundary for the village of Garristown as identified in the Fingal Development Plan, 2023-2029. It will be directly accessible from the public road and will avail of connections to existing mains infrastructure, including the public water supply and sewerage / drainage services. The wider area is characterised by the gradual transition between the rural hinterland and the built-up extent of the village itself while the immediate site surrounds include an assortment of residential development which takes in a variety of piecemeal dwelling houses, a pattern of linear-type development, and a small housing scheme with the development site bounded by existing houses to the immediate east and west.

Given the site context, it is considered that the application site has the capacity to accommodate the development proposed and that the overall nature, scale and design of the proposal would not be significantly at variance with the established pattern of development.

8.5.2. Potential for cumulative impacts with other existing and/or approved projects:

The development site is located in a built-up area characterised by established residential development and comprises an infill site in a village setting.

Having conducted a site inspection and following a review of the planning history of the surrounding area (including the list of planning applications set out in Table 6 of the Ecological Impact Assessment submitted with the Planning Authority's response to the request by the Board to submit the information set out in Schedule 7A of the Regulations), I am satisfied that there are no existing / proposed developments in the immediate vicinity of the site that are likely to act in combination with the proposed development so as to generate cumulative effects.

8.5.3. The nature of any associated demolition works:

Other than the removal of existing boundary walls and the foundations of a former agricultural building on site (the extent of which makes up a fraction of the limited site area as shown in Figure 14 of the Ecological Impact Assessment), there are no demolition works associated with the proposed development.

8.5.4. The use of natural resources, in particular land, soil, water and biodiversity:

Given the nature and scale of the development, which comprises a small-scale residential infill scheme, it will not result in any significant use of natural resources. While the construction phase will require some use of natural resources, including stone, gravel, aggregates and water, having regard to the limited size and scale of the proposed development, any such usage will not be significant and would not be expected to exceed that normally associated with the construction of a development of the scale proposed.

Although the works will result in the loss of some non-renewable elements of the natural environment, including assorted vegetation and planting, having regard to the limited ecological value of the application site as per the Ecological Impact Assessment, the nature and scale of the works proposed, the small footprint of the development and the limited landtake involved, and the implementation of normal best practice construction management measures, I am satisfied that the significance of this impact will be minor.

The Local Authority has also sought to emphasise that the majority of the trees proposed for removal on site are Ash trees which are prone to Ash-dieback disease and that this disease is windborne and spreading rapidly since first detected in Ireland in 2012. It has been further estimated that at least 80% of Ash trees are likely to die over the coming years due to the spread of the disease.

Operational demands on natural resources, such as would be required for energy generation and water supply, will be commensurate with normal domestic use and will not be significant.

8.5.5. The production of waste:

The proposed development will not generate any demolition waste save for that associated with the removal of the existing boundary walls and the foundations of a former agricultural building (the extent of which amounts to a fraction of the site area). Although some waste is likely to arise during the construction process as a result of earthworks and general construction processes, these waste streams will be managed by way of a Construction and Demolition Waste Management Plan (as referenced in the EIA Screening Report prepared for the Part 8 application) while the volume generated is not likely to be significant.

Domestic waste generated during the subsequent occupation of the housing will also be small in scale and proportionate to the scale of the 1 & 2-bedroom units proposed. An operational waste management plan is to be implemented as part of the proposal.

I would not consider the levels of waste production likely attributable to the construction and occupation of the proposed development to be of such significance as to warrant EIA.

8.5.6. Pollution and nuisances:

The construction phase of the proposed development will give rise to noise, dust, vibration and traffic related impacts with the potential to cause nuisance or detract from the amenities of nearby dwellings. However, given the limited scale of the development proposed, and as any constructional impacts will be of a short-term interim nature, the likelihood is that such matters can be satisfactorily mitigated by way of planning condition, including the implementation of a Construction Management Plan.

It is proposed to connect to the existing public water supply and mains sewerage network. Foul sewage generated by the development will drain by gravity via new pipework to connect to the public foul sewer running along the road to the north of the site. It is anticipated that the proposed housing will generate 4,050 litres / day of foul water with the calculated flow rate within the capacity of the proposed 150mm diameter connection to the public mains sewer. It is understood that the wastewater treatment plant serving Garristown was upgraded in 2007 thereby increasing its capacity to cater for a maximum Population Equivalent (PE) of 1,500 and thus it has sufficient capacity to accommodate the additional loadings consequent on the proposed development.

The proposals for surface water drainage include for the installation of permeable paving while additional runoff will be collected and drained through a series of interceptors to an on-site soakaway for disposal to ground. The proposed surface water drainage system has been designed in accordance with the Greater Dublin Strategic Drainage Study using sustainable drainage systems (SUDS) with all surface water runoff to be disposed of on-site (although the design includes for a high-level overflow control device to the existing surface water sewer).

In my opinion, the nature and scale of the infill development proposed has such limited potential for significant effects the generation of pollution and nuisance as not to warrant EIA.

8.5.7. The risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge:

Having regard to the location, nature, scale and characteristics of the small-scale residential development proposed and its associated infrastructure, it is considered that there is negligible risk of a major accident and/or disaster.

8.5.8. Risks to human health (for example, due to water contamination or air pollution):

There are no significant risks to human health associated with the proposed development and its connection to mains services. The risk to human health arising from water contamination, air pollution, noise etc. is considered to be negligible and not of a magnitude to generate a requirement for EIA.

8.6. Location of Proposed Development:

8.6.1. *The existing and approved land use:*

The site is presently undeveloped but is zoned as 'RV: Rural Village' in the Development Plan. It is enclosed by existing trees and hedging while the site surrounds include an assortment of residential development which takes in a variety of piecemeal dwelling houses, a pattern of linear-type development, and a small housing scheme. The proposed residential development would complement and consolidate the established pattern of development in the area and not result in any significant adverse impacts on land use.

8.6.2. *The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground:*

In its existing state as an undeveloped area within the built environment, the site serves as a resource that offers potential habitat for flora and fauna as has been identified in the requests for a determination. The Ecological Impact Assessment states that the site primarily comprises mixed broadleaved woodland containing Ash, Elder, Hawthorn, and Sycamore with a dense ground flora of ivy and cow parsley. No habitats of conservation significance were noted and no rare or threatened flora or fauna were recorded on site (although there was an approximately 2m² infestation of Japanese Knotweed) while a search of records in the National Biodiversity Data Centre has indicated that there are no endangered habitats or species in the locality. There are no buildings on site which could provide roosting opportunities for bats, however, it is acknowledged that several of the existing trees have low to moderate bat roosting potential with those specimens heavily clad in ivy possibly offering roosting opportunities for individual bats. The existing vegetation on site also offers foraging and nesting opportunities for birds.

There will be a loss of vegetation consequent on the proposed development with an associated loss of habitat and the potential disturbance / displacement of any wildlife currently using the site. These impacts will be mitigated in part by a variety of measures including pre-construction inspections for terrestrial mammals, protected flora, and bat species, the avoidance of clearance works during the bird nesting

season, the inclusion of open space within the housing development itself, and the proposed landscaping scheme.

Given the limited size of the site in the context of surrounding land uses and noting that it is of a low ecological value with no indication that it serves as a habitat for any protected or rare species, it is unlikely that the site forms an important habitat of the type or scale that would warrant EIA.

The nature of the proposed development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site for residential purposes. There is no potential for significant effects.

8.6.3. The absorption capacity of the natural environment:

The site is located within the development envelope of the small rural village of Garristown in an area characterised by a variety of residential development with dwelling houses to the immediate east and west. The existing habitats within the site primarily comprise mixed woodland, scrub, and hedgerow, however, there is no indication that the site is a habitat for any protected or rare species of flora or fauna.

The proposal has been screened for the purposes of appropriate assessment (as set out in more detail in the Appropriate Assessment Screening prepared as part of the process required under Part XI of the Planning and Development Act 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001, as amended) which identified 4 No. European Sites within 15km of the proposed development, with all sites falling in excess of 13km from the proposed development. It has been noted that there is an indirect hydrological connection to downstream marine-based designated conservation sites via foul and surface water drainage.

Foul water from the proposed development will be discharged to the existing public sewerage network before being pumped to the wastewater treatment plant where it will be treated under licence prior to discharge into the marine environment. The indirect hydrological connection between the subject site and any European site via this connection to the wastewater treatment plant has been excluded due to the distance between the development site and the WWTP, the proposal to utilise available capacity in the WWTP, and the degree of dilution involved which would occur from any accidental discharge.

While a tributary of the River Delvin is located c. 38m from the site which ultimately outfalls to the marine environment at Gormanstown Beach (south of the River Nanny Estuary and Shore SPA), construction of the proposed development is to be undertaken in accordance with standard best practice methods (that is, standard good practice construction methods that would be employed regardless of potential risk to a European Site e.g. bunding of fuels, use of drip trays and spill kits and best practice concrete management). Any surface water run-off generated during the construction phase will readily be contained within the footprint of the proposed site. The proposed development will also observe SUDS principles with no intensification in surface water discharge arising while any overflow to the public surface water sewer (which discharges to a tributary of the River Delvin) will be diluted to such an extent as not to impact on the marine environment.

The development site lies within the '*High Lying Agricultural Landscape Character Area*' which is detailed in Table 9.3 of the Development Plan as being of a '*High Landscape Value*' and a '*High Landscape Sensitivity*', however, given the site location on lands zoned for development within the built-up area of Garristown village, I would suggest that the site has the capacity to absorb the proposed development without detracting from the wider character of the surrounding landscape. .

There are no further designated landscapes or identified sites of historical, cultural or archaeological significance either on site or proximate to same.

I consider that the site and its immediate environment is not particularly sensitive from an environmental perspective and that it has the capacity to absorb the proposed development without generating significant effects on the environment and the requirement for EIA.

8.7. Types and Characteristics of Potential Impacts:

8.7.1. The nature, magnitude and spatial extent of the impact:

The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Garristown where the development will be located. The construction stage will result in impacts on the local population arising from dust, noise, vibration and traffic generation. These will be of a

short duration and are capable of effective mitigation through normal good construction and best practice methodologies.

From a biodiversity perspective, the proposed development will result in the loss / disruption of habitats existing on site and the disturbance / displacement of species using the site. These habitats comprise mixed woodland (including scrub, hedgerows & trees), stones walls & other stonework, and buildings & artificial structures. There is no indication that the site is a habitat for any protected or rare species and while it has been accepted that several of the trees proposed for removal have a low to moderate bat roosting potential, any impacts on bat species are to be mitigated by way of pre-construction inspections and good construction practice. The residual impacts arising are not considered to be significant having regard to the relatively low ecological value of the existing habitats.

The proposed development will result in limited impacts on land and soil which will be negligible having regard to the limited size of the site and there is no significant risk to ground or surface water quality during the construction phase.

The site is within a built-up area in the village of Garristown and is removed from any protected structures and the Garristown ACA. There are no known archaeological monuments proximate to the site. No potential significant impacts on cultural heritage have been identified.

The visual impact on the proposal on the wider 'High Lying Agricultural Landscape Character Area' (a landscape deemed to be of 'High Landscape Sensitivity') will be mitigated by the site location within the built-area of the village and the various landscaping proposals.

Given the scale of the proposal, it is not considered that the proposed development would have a significant impact on material assets in the locality.

Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, it is not considered that construction of the proposed development would have significant impacts on the environment.

8.7.2. *Probability, intensity and complexity of impacts:*

The proposed development will result in the loss of a small area of habitat primarily composed of woodland with trees, scrub and hedgerow. Temporary noise, dust, vibration and traffic impacts are likely to arise during the construction works.

Having regard to the limited scale of the proposal, the nature of the operational impacts arising are not particularly complex or intense.

8.7.3. *Transboundary nature of the impact:*

There will be no transboundary impacts associated with the proposed development.

8.7.4. *Expected onset, duration, frequency and reversibility of the impact:*

Having regard to the residential nature of the development, it is expected that the impacts will be on-going, long term and only reversible if the housing scheme is removed and the site is reinstated to its pre-development state. Construction phase impacts will be of short duration and limited frequency.

8.7.5. *Cumulation of impact:*

The site is zoned as 'RV: Rural Village' in the recently adopted Fingal Development Plan, 2023-2029 which was subjected to Strategic Environmental Assessment that concluded that the adopted development scenario was the optimal solution having regard to environmental and planning effects.

I am not aware of any existing/permitted projects in the vicinity of the site that would act in-combination with the proposed development to generate cumulative impact.

8.7.6. *Possibility of effectively reducing impact:*

Implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts.

9.0 **Recommendation**

- 9.1. Having regard to the above assessment, I consider that the proposed development of 6 No. dwellings and all associated site development works on a site at Garristown, Co. Dublin, would not be likely to have significant effects on the environment. I therefore recommend that Fingal County Council be advised that the preparation and

submission of an environmental impact assessment report is not required in respect of the proposed development.

10.0 Reasons and Considerations

10.1. Having regard to the following:

- a) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended,
- b) the nature and scale of the proposed development which is significantly under the threshold in respect of Class 10(b)(i) (Infrastructure – Dwelling Units) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands that are zoned as ‘RV: Rural Village’ under the provisions of the Fingal County Development Plan, 2023-2029 and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- d) the limited scale of the proposed development on an infill site served by public infrastructure,
- e) the pattern of development in the vicinity,
- f) the submissions made by the applicants requesting a determination and by the local authority, and
- g) the report and recommendation of the Inspector,

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

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

Robert Speer
Planning Inspector

12th May, 2023