



An
Bord
Pleanála

Inspector's Report

ABP-316419-23

Development

Point of detail regarding condition no. 3 of ABP-307889-20: Demolition of an existing residential unit and associated structures and the development of a residential development consisting of 25 apartments.

Location

Glenmalure, Castleknock Road, Castleknock, Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW20A/0058

An Bord Pleanála Reg Ref.

ABP-307889-20

Applicant(s)

Castleshore Investments Ltd

Referrer

Castleshore Investments Ltd

Date of Site Inspection

23rd May 2024

Inspector

Enda Duignan

1.0 Introduction

- 1.1. It has been submitted that agreement cannot be reached between Fingal County Council and Castleshore Investments Ltd in relation to Condition No. 3 of a decision made by An Bord Pleanála. The decision was to grant permission subject to conditions under case reference ABP-307889-20 on the 15th of December 2020. In default of agreement, the matter has been referred to the Board for determination by Armstrong Fenton Associates on behalf of Castleshore Investments Ltd.

2.0 Site Location and Description

- 2.1. The address of the appeal site is Glenmalure, Castleknock Road, Castleknock, Dublin 15 and the site is located within Castleknock Village. The site is positioned to the north of a mixed-use commercial development and to the east of Castleknock National School. A traditional two storey suburban residential estate, Castleknock Park, is located to the east of the site. There are a number of mature trees within the public open space area associated with Castleknock Park located adjacent to the eastern site boundary. The site currently comprises a 4 no. storey apartment development which is at an advanced stage of construction. Previously, the site contained a two-storey detached house and its attendant garden, which was accessed via a long avenue off Castleknock Road. The approved development has now the name of Kilbride Lodge.

3.0 Proposed Development

- 3.1. In summary, permission was granted by An Bord Pleanála under ABP-307889-20 for a residential development. The permitted development had a part three/part four storey height and comprised a total of 25 no. apartments, car parking, open space and all associated site works.

4.0 Relevant Planning History

- 4.1. **ABP-307889-20:** As previously outlined, the Board granted permission for the proposed development on 15th of December 2020, subject to 23 no. conditions. The condition of relevance to this determination is condition no. 3 as follows:
- Prior to commencement of development, the developer shall submit details

regarding boundary treatments to the planning authority for written agreement, including a method statement indicating how individual treatments shall be constructed/provided without significantly impacting on the root systems or integrity of existing trees outside the site.

Reason: In the interest of visual amenity and to protect residential amenity.

- 4.2. ABP-312431-22 (FW21A/0189):** Planning permission refused by the Planning Authority and granted by the Board for modifications to a permitted residential development under Refs FW20A/0058 & ABP-307889-20. Permission was sought to modify the existing apartment building, a three and part four storey residential building, accommodating 25 no. apartments, to a proposed four storey building, the effect of which will be the addition of 3 no. 2 bed apartments, bring the total no. of apartment units from 25 no. permitted apartments to 28 no. proposed apartments, with the overall mix consisting of 4 no. 1 bed apartments, 22 no. 2 bed apartments & 2 no. 3 bed apartments. Balconies associated with the 3 no. proposed apartments are also proposed on the western & northern elevations, at third floor level. The proposed development also includes for all associated site development works, roof plant & enlarged bicycle store on a site area measuring circa 0.35ha.
- 4.3. FW23A/0147:** Planning permission granted by the Planning Authority for modifications to part of a previously permitted residential development, located at "Glenmalure" in Castleknock Village Centre at Castleknock Road, Castleknock, Dublin 15, D15 PH3A. Permission was sought for the construction of a single storey services building (circa 62 sq. m.) to accommodate bin & bicycle storage and associated water tank, to be located in the north east corner of the development, reorganisation of permitted surface car parking and all associated site development works, on a site area measuring circa 0.35Ha. The effect of the proposed development will result in a modification to extant permissions FW20A/0058 (An Bord Pleanála Ref. ABP-307889-20) and FW21A/0189 (An Bord Pleanála Ref. ABP-312431-22).
- 4.4. ABP-319193-24 (FW23A/0378):** Planning permission refused by the Planning Authority for development comprising modifications to a permitted residential development, known as "Kilbride Lodge", under Refs FW20A/0058 / ABP-307889-20

and F21A/0189 / ABP-3112431-22, on Castleknock Road, Castleknock, Dublin 15, D15 PH3A. Permission was sought to modify the permitted apartment building, from a four storey residential building, by adding in a penthouse apartment (setback from the permitted fourth storey below it), with associated private terrace, the effect of which will be the addition of 1 no. 3 bed penthouse apartment, bringing the total number of apartments units from 28 no. permitted apartments to 29 no. proposed apartments. The effect of the proposed development will result in a modification to extant permissions under Refs. FW20A/0058 / ABP-307889-20, FW21A/0189 / ABP-312431-22, and FW23A/0313.

5.0 Referrer's Case

- 5.1.** A referral made in accordance with Section 34(5) of the Planning and Development Act 2000, as amended (i.e. 'the Act'), was submitted by Armstrong Fenton Associates on behalf of Castleshore Investments Ltd. Condition No. 3 requires the Applicant to submit details regarding boundary treatments prior to the commencement of development. It is stated that the Applicant has made numerous compliance submissions. However, they have been unable to reach agreement with the Planning Authority to date on same.
- 5.2.** It is stated within the submission that the Applicant submitted a planning application for the construction of 25 apartments under Ref. FW20A/0058. As part of the application process (Ref. FW20A/0058), the Applicant engaged with Planning Authority's Park's Department and agreed the boundary treatment along the eastern boundary of the subject site (i.e. adjoining Castleknock Park public open space), in the form of a 2m high. 20mm diameter round bar railing. This particular boundary treatment was selected in order to protect the tree roots on the eastern boundary, which contains extensive tree networks owned by the Local Authority and the Applicant. This application was ultimately refused by the Planning Authority but approved by the Board (ABP-307889-20). Condition No. 3 was attached and related to boundary treatments. It is stated that matter of boundary treatments is dealt with in great length (Section 7.8, page 27) of the Inspector's report (ABP-307889-20). The Applicant refers to the commentary within section 7.8.6 of the Inspector's report, where they deal with the eastern boundary (abutting the 'Castleknock Park' public open

space). The following excerpt from the report is quoted:

- *'Proposed boundary treatments along the east, west and north boundaries are acceptable. In relation to the proposals for the east boundary, 2m high 20mm diameter round bars, this has been designed in order to preserve tree roots and is appropriate. I note that within the grounds of appeal, the applicant outlines that the matter of this boundary was discussed with the Planning Authority's Parks department prior to submission of the application. The Castleknock Park Residents Association seek a wall and railing arrangement, similar to that provided on the south-adjoining commercial lands, but I see no reason for such a requirement, where the proposals provide a barrier to access and would allow for retention of trees along the shared boundary.'*

Based on the foregoing, the Applicant contends that the Inspector specifically accepted the boundary treatment submitted by the Applicant for the east, west and northern boundaries.

- 5.3.** The submission notes that the subject site has 8 no. separate boundary treatments to be agreed in writing with the Planning Authority prior to commencement of development. It is stated that the Applicant has made 3 no. separate compliance submissions regarding same with the first being made on 21st June 2022 (Appendix 5 of submission) which was ultimately refused as being non-compliant on the 19th August 2022 (Appendix 6). In its decision, the PA sought a concrete wall along the north and western boundaries and additional information regarding the tree protection measures along the eastern boundary.
- 5.4.** A second informal submission to Planning Authority's Park's Department was submitted (Appendix 7) to address the concerns raised about the northern and western boundaries. The Applicant resubmitted an agreed boundary treatment to the northern and western boundaries i.e. a timber fence, as originally proposed, and a concrete fence along the boundary of Nos. 61 & 62 Castleknock Park. The Applicant also submitted a revised root protection measure report by the Applicant's consultant arborist (Appendix 8) which outlined that the agreed railing along the eastern boundary would provide the best protection for the root systems of all trees along the eastern boundary of the subject site. It is stated that the Applicant was informed via email from

Park's Department that the proposal was acceptable. The Park's Department further reiterated their acceptance of proposed boundaries (Appendix 7). It is stated that at no time was the eastern boundary (Boundary H) discussed as being anything other than a 2m high, 20mm round bar fence, as was always intended and as applied for.

- 5.5. The revised compliance submission was then formally submitted to address all 8 no. boundary treatments as informally agreed. It was subsequently refused (Appendix 10) with the reason for refusal stating '... for the (visual) amenity of adjoining occupier of Castleknock Park estate the Applicant is requested to submit a revised boundary treatment plan showing the continuation of the existing Lidl boundary along the section of the boundary treatment showing as 'Boundary Treatment H.'
- 5.6. The submission goes on to note that an online meeting was held between the Planning Authority, the Park's Department and the Applicant to discuss the compliance submission in an effort to reach agreement. The Planning Authority stated that the rationale for the proposed wall was for continuity of design from the Castleknock Park estate side and for the residents of Castleknock Park to be protected from potential noise from the apartments. It is stated that this change of opinion on the eastern boundary came subsequent to the Planning Authority holding a meeting with representative(s) of Castleknock Park Residents Association and a local councillor(s). The appeal submission contends that a 3.2m high concrete block wall is contrary to the policy of the current County Development Plan
- 5.7. Having regard to the foregoing, the Board is requested to determine what the boundary treatment along the eastern boundary of the subject site ought to be. It is contended that the 2m high, 20mm round bar railing treatment is the appropriate treatment, as this is what was originally applied and what was deemed to be an appropriate treatment. It is stated that this is supported by the Applicant's consultant arborist. It is the Applicant's intention to commence construction imminently in order to deliver much needed housing and has engaged with all of the significant conditions that require agreement prior to commencement of development. It is indicated that the Applicant has endeavoured to agree details of compliance with the parent permission but now finds themselves in a stalemate position with the Planning Authority, hence the

rationale for this referral. The Board is requested to issue a determination as to the specific details of the boundary treatment along the eastern boundary, such that the details of compliance with same can be submitted to the Planning Authority and the permitted development can be carried out in its entirety.

6.0 Planning Authority's Response

- 6.1. The Planning Authority referred to the information provided in respect of the compliance submissions that have been made in relation to the conditions which detail the assessment of the submissions. It goes on to note that the Planning Authority has no further comment to add.

7.0 Policy Context

7.1. Fingal County Development Plan, 2017-2023

- 7.1.1. At the time of the decision to grant permission and impose Condition No. 3, the operative plan for the area was the Fingal Development Plan 2017-2023. The appeal site was located on lands zoned 'TC' (Town and District Centre), the objective of which seeks to 'Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities'. The lands to the north and west of the site were zoned 'CI' (Community Infrastructure) with the lands to the east of the site within the Castleknock Park estate being zoned 'RS' (Residential) and 'OS' (Open Space). The site was also partially located within the boundary of the Castleknock Architectural Conservation Area (ACA).
- 7.1.2. Objective DMS39 of the Plan seeks to ensure that new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- 7.1.3. In terms of the Plan's policy on trees, it is stated that trees provide both valuable amenity and wildlife habitat. Visually they add to an area, softening the impact of physical development on the landscape while also fulfilling an important role in the improvement of air quality in urban areas and providing wildlife habitats. Relevant objectives of the Plan include:

- Objective DMS77: Protect, preserve and ensure the effective management of trees and groups of trees.
- Objective DMS78: Ensure during the course of development, trees and hedgerows that are conditioned for retention are fully protected in accordance with 'BS5837 (2012) Trees in relation to the Design, Demolition and Construction – Recommendations' or as may be updated.
- Objective DMS79: Require the use of native planting where appropriate in new developments in consultation with the Council.
- Objective DMS81: Consider in tree selection the available rooting area and proximity to dwellings or business premises particularly regarding shading of buildings and gardens.

7.2. Fingal County Development Plan, 2023-2029

- 7.2.1. Under the current Plan, the appeal site is also zoned 'TC' (Town and District Centre), the objective of which seeks to 'Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities'. The lands to the north and west of the site are zoned 'CI' (Community Infrastructure) with the lands to the east of the site within the Castleknock Park estate being zoned 'RS' (Residential) and 'OS' (Open Space). The site also remains partially within the boundary of the Castleknock Architectural Conservation Area (ACA).
- 7.2.2. Section 14.7.7 (Communal Amenity Space) of the current Plan notes that 'Where ground floor balconies/terraces front areas of communal spaces, the design of the interface area between the two should be carefully considered with regard to privacy and security for the individual units. A considered approach to landscaping and boundary treatment in this area will be required.'
- 7.2.3. Section 14.18.1 of the Plan provides policy on trees where it is noted that trees provide both valuable amenity and wildlife habitat. Visually they add to an area, softening the impact of physical development on the landscape while also fulfilling an important role in the improvement of air quality in urban areas and providing wildlife habitats. The Forest of Fingal – A Tree Strategy for Fingal sets out the Council's policies for trees which are the responsibility of the Council including street tree planting, management

and maintenance. Objectives of note include:

- Objective DMSO125: Management of Trees and Hedgerows Protect, preserve and ensure the effective management of trees and groups of trees and hedgerows.
- Objective DMSO126: Protection of Trees and Hedgerows during Development Ensure during the course of development, trees and hedgerows that are conditioned for retention are fully protected in accordance with BS5837 2012 Trees in relation to the Design, Demolition and Construction – Recommendations or as may be updated and are monitored by the appointed arboriculture consultant.
- Objective DMSO127: Use of Native Species in New Developments Require the use of native species where appropriate in new developments in consultation with the Council.
- Objective DMSO128: Demarcation of Townland Boundaries Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.
- Objective DMSO129: Tree Selection Consider in tree selection the available rooting area and proximity to dwellings or business premises particularly regarding shading of buildings and gardens.
- Objective DMSO130: Planting of Large Canopy Trees Promote the planting of large canopy trees on public open space and where necessary provide for constructed tree pits as part of the landscape specification.
- Objective DMSO134: Site Summary of Specimen Removal, Retention and Planting Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following: " tree and hedgerow removal; " tree and hedgerow retention; and " new tree and hedgerow planting. This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time.
- Objective DMSO137: Replacement of Removed Trees Ensure trees removed from residential areas are replaced, where appropriate, within the first planting season following substantial completion of construction works.

8.0 Legislative Context

8.1. Section 34(5) of the Planning and Development Act, 2000 (as amended)

8.1.1. The relevant section of the Act states:

The conditions under subsection (1) may provide that points of detail relating to a grant of permission may be agreed between the planning authority and the person carrying out the development and, accordingly –

(a) where for that purpose that person has submitted to the planning authority concerned such points of detail, then that authority shall, within 8 weeks of those points being so submitted, or such longer period as may be agreed between them in writing, either—

(i) reach agreement with that person on those points, or

(ii) where that authority and that person cannot so agree on those points, that authority may—

(I) advise that person accordingly in writing, or

(II) refer the matter to the Board for its determination,

and, where clause (I) applies, that person may, within 4 weeks of being so advised, refer the matter to the Board for its determination,

or

(b) where none of the events referred to in subparagraph (i) or in clause (I) or (II) of subparagraph (ii) occur within those 8 weeks or such longer period as may have been so agreed, then that authority shall be deemed to have agreed to the points of detail as so submitted.

9.0 Assessment

9.1. Having regard to the foregoing and all the correspondence and submissions on file, I consider that the main issues for assessment in this case are as follows:

- Approved Development and Intent of Condition No. 3, and,
- Suitability of Boundary Treatments Proposed.

9.2. Approved Development and Intent of Condition No. 3

9.2.1. As detailed in Section 5 of this report, the Applicant has indicated that they have been unable to reach an agreement with the Planning Authority regarding the proposed boundary treatments for the appeal site. The specific boundary treatment in question

is a section of the eastern boundary, where the site has a direct abuttal with the public open space area associated with the Castleknock Park residential estate. The Board is now requested to issue a determination as to the specific details of the boundary treatment along the eastern boundary, such that the details of compliance with same can be submitted to the Planning Authority for written approval and the permitted development can be carried out in its entirety.

9.2.2. Planning permission was granted by the Board under ABP-307889-20 for the construction of a residential development on the subject site. As noted, Condition No. 3 of the permission required the Applicant to submit details of boundary treatments to the Planning Authority prior to the commencement of development. The condition also included a requirement for the submission of a method statement, indicating how individual treatments are to be constructed/provided without significantly impacting on the root systems or integrity of existing trees outside the site. Having examined the Inspector's Report associated with the file, it is evident that the issue of boundary treatments was a critical aspect of the development and was given due consideration. The Planning Inspector noted within their report that amended proposals had been submitted as part of the appeal for the boundary treatments around the site access. These were submitted to address concerns raised by the Planning Authority and were ultimately deemed to be adequate. The boundary treatments along the east, west and northern boundaries were also considered to be acceptable by the Planning Inspector. The Inspector goes on to discuss the 2m high 20mm railings proposed for the eastern boundary, which they note that had been designed in order to preserve tree roots and was therefore deemed to an appropriate response for the site. It was also noted within the Inspector's Report that the residents within Castleknock Park Resident's Association (Observer to appeal) sought a wall and railing arrangement to form the boundary at this location, similar to what had been provided on the adjoining commercial lands which also has an abuttal with the open space area. However, it was considered that there was no reason for such a requirement and the use of railings would allow for the retention of the trees along the shared boundary.

9.2.3. Having examined the plans and particulars associated with ABP-307889-20 (FW20A/0058), it was evident that the eastern boundary treatment (2m high 20mm

railings) had been clearly identified. However, it would appear that no elevations or specific details of the railings had been submitted with the application or appeal. Therefore, it is reasonable for the condition to require the specific detail of the railings to be submitted prior to the commencement of development (i.e. design, colour, finish). In addition, it was clear from reviewing the Applicant's Tree Survey for the site and the associated documentation, that no information had been submitted regarding trees on the adjoining sites that were located proximate to the common boundaries. Given the omission of this information and the proximity of the site to neighbouring trees, it is therefore appropriate and necessary for this information to be submitted (i.e. Method Statement) prior to the commencement of development so to ensure their ongoing viability is not impacted.

- 9.2.4. Having regard to the foregoing, it is my view that the various boundary treatments as proposed at application and appeal stage were deemed to be acceptable by the Board. The condition requires the Applicant to submit the specific detail of the boundary treatments. Typically, this would include elevations/photos showing the design, colour and finish of the boundary and a corresponding boundary treatment plan. However, I acknowledge that the Applicant may have been required to provide an alternative boundary treatment, in the event that there is a potential impact on the integrity of an existing tree and its root system. Therefore, having regard to the totality of the documentation on file, the Planning Inspector's report and the relevant Board Order, it is my view that there is no obligation on the Applicant to provide an alternative boundary treatment at this location.

9.3. Suitability of Boundary Treatments Proposed.

- 9.3.1. As part of the initial compliance submission, the Applicant submitted a Boundary Treatment Plan (Drawing No. 100) which outlined the proposed individual boundary treatments. In addition, the Applicant submitted a report which provided the tree protection measures (Tree Protection Strategy) that were to be utilised in respect of protecting root zones. I note that this document was similar to the one submitted as part of the original application. The compliance submission was ultimately refused by the Planning Authority. The correspondence on file from the Planning Authority indicated that the Applicant should clarify what the boundary treatment exists to the

rear of houses 60 & 61 Castleknock Park (i.e. north of public open space area). In addition, it was stated that no mitigation measures had been included in the Tree Protection Strategy for the trees located outside of the site on the open space in Castleknock Park (i.e. along eastern boundary). It was stated that these trees are located directly outside the boundary of the site and may be affected by the development with potential direct and indirect impacts including root severance due to ground level changes within the development site and root death due to soil compaction. The Applicant was therefore advised to submit an Arboricultural Method Statement, Arboricultural Report including an Arboricultural Impact Statement & Tree Protection Plan to include all trees on the site and on the adjoining lands.

9.3.2. Appendix 7 of the Applicant's current submission provides email correspondence between the Applicant's representative and the Planning Authority's Parks & Green Infrastructure Division. The submission notes that this demonstrates that an agreement in principle had been reached on the proposed boundary treatments and enclosed with the correspondence was the documentation that the Applicant intended to submit. This included a document labelled 'Arboricultural Commentary' and a specification for the new railing which would form this section of the eastern boundary. The formal compliance was submitted by the Applicant and the submission was ultimately refused (Appendix 9). The Planning Authority's decision refers to an internal report from the Parks & Green Infrastructure Division which stated that for the (visual) amenity of the adjoining occupiers of the Castleknock Park estate, the Applicant is requested to submit a revised boundary treatment plan showing the continuation of the existing Lidl boundary along the section of boundary treatment showing as "Boundary Treatment H". The Planning Authority then refer to Condition No. 12 of the Board's decision in relation to the neighbouring Lidl Scheme (i.e. site to the south) and it was stated that the Local Authority will expect the same tree protection measures to be carried out in relation to this application. The Applicant was also advised that a revised Arboricultural method statement would be required.

9.3.3. As detailed in Section 5 of this report, the referrer's submission notes that in the intervening period, an online meeting was held between the Planning Authority, the Parks & Green Infrastructure Division and the Applicant to discuss the compliance

submission in an effort to reach agreement. However, this was unsuccessful, and it is the Applicant's contention that the construction of a 3.2m high concrete block wall at this location is contrary to the policy of the current County Development Plan. As noted, there is a stand of mature poplar trees located within the open space area associated with Castleknock Park. The 'Arboricultural Commentary' submitted by the Applicant indicates that poplar trees are understood to have extensive root systems which are often visible at the ground surface. It is stated within the document that the creation of holes to accept the fence posts on the boundary will be undertaken with a hand-held auger which eliminates any potential soil compaction from machinery. Panels can be lifted into position using a teleporter or similar machine with a long reach to avoid soil compaction. Therefore, it is concluded that the erection of the boundary fence is not considered likely to impact on the poplar trees within Castleknock Park. Given the proximity of the stand of existing trees within Castleknock Park to the shared boundary, it is my view that the use of railings is an entirely suitable boundary treatment at this location. Whilst I accept that the railings should be of a high quality (i.e. not a palisade type fence similar to the current arrangement), the provision of a railing along this section of the boundary will provide adequate security, an enhancement of the existing boundary and importantly, will ensure that the ongoing viability of the existing trees are not impacted or compromised by the proposed development. I also note that currently, the existing trees largely obscure the appeal site and the existing boundary from the adjoining open space area. The existing boundary treatment to the south of the site (i.e. adjacent the commercial development) comprises a concrete block wall with railings above. In my view, the wall detracts from the overall visual amenity of the area, particularly given the fact that it has not been rendered. However, I am conscious that a more robust boundary treatment is likely to be required at that location due to the commercial nature of the adjoining site. This is not the case with the appeal site, and I therefore have no concerns regarding the use of railings along this section of the boundary.

Conclusion

- 9.3.4. Having regard to the foregoing, it is my view that the use of a 2m high, 20mm diameter round bar railing as originally proposed and permitted under ABP-307889-20 (FW20A/0058) is a suitable boundary treatment for the portion of the site which has

an abuttal with the public open space area associated with Castleknock Park (i.e. eastern boundary). The use of a boundary treatment on this nature shall ensure that the ongoing viability of the existing trees is maintained and is acceptable treatment having regard to the visual amenity of site and surrounds. I note that the Applicant is required to submit the specific details of this boundary treatment in order to fully satisfy Condition No. 3 of ABP-307889-20 as outlined in the foregoing report (including Method Statement as previously submitted). This shall include definitive details of the railing's design, colour and finish.

10.0 Recommendation

10.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS by Order dated the 15th of December 2020, An Bord Pleanála, under application reference number ABP-307889-20, granted subject to conditions a permission to Castleshore Investments Ltd., for development comprising the demolition of an existing residential unit and associated structures on the application site, and the development of a three and part four storey, residential development, consisting of 25 apartments. The apartments will consist of 4 one bed units, 19 two bed units and 2 three bed units. The wider development includes parking for 27 cars and 1 accessible parking bay and bin storage unit; secure cycle storage building; boundary treatment and landscaping; and all underground drainage and service infrastructure. It is proposed to widen the access point onto the Castleknock Road and regrade the driveway. The development includes all associated site development works:

AND WHEREAS Condition No. 3 of An Bord Pleanála decision under ABP-307889-20 required that prior to the commencement of development the developer shall '*submit details regarding boundary treatments to the planning authority for written agreement, including a method statement indicating how individual treatments shall be constructed/provided without significantly impacting on the root systems or integrity of existing trees outside the site*'.

AND WHEREAS the developer and the Planning Authority failed to agree on the

boundary treatment for the portion of the eastern site boundary that has an abuttal with the public open space area associated with the Castleknock Park residential estate:

AND WHEREAS the matter was referred by the developer to An Bord Pleanála on the 24th of April 2023 for determination:

AND WHEREAS the Board is satisfied that the matter at issue is to determine the appropriate boundary treatment for the portion of the eastern site boundary that has an abuttal with the public open space area associated with the Castleknock Park residential estate:

AND WHEREAS the Board had particular regard to the provisions of Section 34(5) of the Planning and Development Act 2000, as amended; the Fingal County Development Plan 2017-2023; the Fingal County Development Plan 2023-2029; and the documentation submitted by the referrer and the Planning Authority:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the use of a 2m high, 20mm diameter round bar railing as originally proposed and permitted under ABP-307889-20 (FW20A/0058) is a suitable boundary treatment for the portion of the site which has an abuttal with the public open space area associated with Castleknock Park (i.e. eastern boundary). The Applicant shall be required to submit the specific details of this boundary treatment in order to fully satisfy Condition No. 3 of ABP-307889-20 which shall include a Method Statement (as previously submitted) and definitive details of the railing's design, colour and finish.

Reasons and Considerations

Having regard to:

- a) Section 34(5) of the Planning and Development Act 2000, as amended,
- b) The provisions of the Fingal County Development Plan 2017-2023,

- c) The provisions of the Fingal County Development Plan 2023-2029,
- d) The submissions on file, and the planning history of the site, and,
- e) Having inspected the site and surrounding area.

The Board considered that, in the absence of agreement from the Local Authority, and having regard to the quality and design of the proposed boundary treatment and its location relative to an existing stand of trees on the adjoining site, that the use of a 2m high, 20mm diameter round bar railing as originally proposed and permitted under ABP-307889-20 (FW20A/0058) is a suitable boundary treatment for the portion of the site which has an abuttal with the public open space area associated with Castleknock Park (i.e. eastern boundary). The Applicant shall be required to submit the specific details of this boundary treatment in order to fully satisfy Condition No. 3 of ABP-307889-20 which shall include a Method Statement (as previously submitted) and definitive details of the railing's design, colour and finish.

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.

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.

Enda Duignan
Planning Inspector
30th May 2024