



An  
Bord  
Pleanála

## Inspector's Report ABP-318051-23

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<b>Development</b>	Retention of vehicular access.
<b>Location</b>	2 Lansdowne Gardens, Shelbourne Road, Dublin 4
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1553/23
<b>Applicant(s)</b>	Nicole & Cian Hughes
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Refuse retention
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Nicole & Cian Hughes
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> June 2024
<b>Inspector</b>	D. Aspell

## **1.0 Site Location and Description**

- 1.1. The site is No. 2 Lansdowne Gardens. It comprises a semi-detached dwelling with parking to the front and garden to the rear. It is at the corner of Shelbourne Road and Crampton Avenue.
- 1.2. There is a vehicular access from Shelbourne Road. The access is stated as being c.4.2m wide. The kerb here is dished/dropped. There is a vehicle parking and turning area in the front of the site. The front boundary comprises railings and planting.
- 1.3. There is also a vehicular access from Crampton Avenue. It comprises a concrete base between the footpath and site, and a c.3.2m wide sliding gate. The kerb here is not dished/dropped. This access is directly to the rear garden which is grassed.
- 1.4. The Shelbourne Road and Crampton Avenue T-junction is traffic light-controlled. The Shelbourne Road access is located at the traffic lights, c.3m from the stop line and opposite the continuous centre line. The footpath is c.2.8m wide at this point. Double yellow lines run the length of the site along Shelbourne Road and Crampton Avenue. There is an uncontrolled pedestrian crossing over Crampton Avenue adjacent the site. There is a controlled pedestrian crossing over Shelbourne Road at the far side of the junction. There are numerous vehicle accesses in the vicinity.

## **2.0 Proposed Development**

- 2.1. The proposal is for retention of the vehicle access to the front of the site. The description states this access was created temporarily during exempted renovation works. It states that if retention is granted, off-street parking will be provided.
- 2.2. I note the description states parking provision is conditional to the granting of retention for the vehicular access. However at the time of my site visit parking had already been constructed in the front of the site. I note too the development description does not reference the Crampton Avenue access.
- 2.3. Whilst not referenced in the development description, the application documents state the vehicle access would remain ramped and gates would be inserted. The application also references the retention of paving stones and drainage channels for surface water ingress. In the appeal, the appellant's consulting engineer also sets out what is described as potential improvement works to the adjacent public road.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority issued a notification to refuse retention permission (25<sup>th</sup> August 2023) for one reason as follows:

- *“The retention of the vehicular entrance would create a traffic hazard due to its proximity to a controlled traffic junction on a heavily trafficked road and would be a safety concern for pedestrians and road users. The development would therefore be contrary to the policy set out in Section 4.3.1 of Appendix 5 of the Dublin City Development Plan 2022-2028, which aims to protect the safety of all road users. The development would set an undesirable precedent for other similar developments in the area. The development would, therefore, be contrary to the proper planning and sustainable development of the area”.*

### 3.2. Planning Authority Reports

#### Planning report

3.2.1. The planning authority planning report is summarised as follows:

- Residential development including front garden alterations may be permitted;
- Applicant proposes retention of a 4.18m opening to the front boundary. A steel gate (c.1.6m in height) to match existing pedestrian gate provides access. The access will allow off-street parking for two vehicles;
- The report takes particular note of the serious concerns raised in the Transportation Division report, which recommends refusal. Given the recommendation, the proposal is not considered acceptable, would not be in accordance with the City Development Plan, and would therefore be contrary to the proper planning and sustainable development of the area;
- The report is not satisfied that retention of the access would not create a traffic hazard for passing traffic and would not create conflict with pedestrians. The retention of the entrance is considered contrary to the development plan standard due to safety concerns and impact on the existing controlled junction.

## Other technical reports

### Transportation Planning:

3.2.2. The report is summarised as follows:

- Retention is sought for an existing construction vehicular entrance. The existing construction entrance is shown as c.4.18m wide. The location is c.2.0m from a controlled signalised junction on a heavily trafficked road. There are double yellow lines to the front of the site.
- A second construction access was created from Crampton Avenue. Crampton Avenue is not taken in charge. This second temporary access does not form part of the application and should be removed on completion of construction;
- The retention of the entrance would cause a traffic hazard as it is in close proximity to a controlled junction on heavily trafficked road with operational bus routes and would be a safety concern for pedestrians, cyclists and road users. Safe access and egress has not been demonstrated;
- Retention of a 4.18m construction access exceeds the development plan policy and is therefore not acceptable;
- Retention of the entrance is considered contrary to development plan standards due to safety concerns and impacts on the junction.

### Drainage:

3.2.3. A report from the Engineering Department does not state an objection and sets out two requirements. These are for compliance with the Greater Dublin Regional Code of Practice for Drainage Works, and that any new paving of driveways or other grassed areas be carried out in a sustainable manner so there is no increase in surface water run-off to the drainage network.

## **3.3. Prescribed Bodies**

3.3.1. None received.

## **3.4. Third Party Observations**

3.4.1. Two third-party observations were received by the planning authority, as follows:

#### 3.4.2. Coleesa Egan:

- Applicant seeks retention for destruction of front garden. The house originally had a pedestrian gate and path, lawn and railings, with no vehicular access;
- The front garden has been paved. Applicant seeks to install a 4m wide gate to allow access for 2 no. vehicles into the front area;
- Access onto the road at a pedestrian crossing on a busy road would cause significant danger and traffic disruption. This end of Shelbourne Road will be a BusConnects route and is a high-density commercial area;
- The front railings were removed without permission, and this fundamentally changed the streetscape architectural coherence and heritage;
- There is alternative temporary access from Crampton Avenue. There is a long garden and another access could be arranged. If trees had to be removed replacements could be planted in the garden to ensure no loss of biodiversity;
- The proposal would solve a parking problem for the applicant but at the expense of the safety of the public;
- With the benefit of reflection on the common good the planning authority should seek alternatives to the proposal by the residents.

#### 3.4.3. Jane Lanigan & Garry Clarke:

- Observers live adjacent the applicant and write in support of the development;
- Delighted with improvements to the building and site condition;
- No. 2 Lansdowne Gardens always had off-street access for parking several cars until the side of the front and back garden was sliced off to form part of the private roadway of Crampton Avenue;
- Off-street parking is required for the residents as there are no resident parking spaces on Shelbourne Road. Local paid parking is frequently blocked by Gardai when there is an event in the Aviva. Even on a normal day this is an extremely busy road with very limited on-street parking;
- The front garden layout is attractive and in keeping with the area;
- Fully supports application so site can again be a family home.

## 4.0 Planning History

### Subject site:

4.1.1. A number of applications are recorded on the available public record, as follows:

- Ref. 4679/08 (PL29S.232156): Planning permission refused by the Board in 2009 for proposed works to existing semi-detached dwelling at 2, Lansdowne Gardens, Shelbourne Road, Ballsbridge, Dublin 4 (*the application ran concurrent to Ref. 4678/08, below*).

The application included provision of a new vehicular access from Shelbourne Road to facilitate off-street car parking to the front of the dwelling. The planning authority recommended a Grant of permission and attached a condition (Condition 4) which limited the number of parking spaces to one. The Board refused the development for two reasons, neither of which related to access arrangements or parking.

- Ref. 4678/08: Planning application to construct 1 no. 3-bed 3-storey over basement detached dwelling to rear of No. 2, Lansdowne Gardens, Shelbourne Road, Ballsbridge, Dublin 4 (*The application was withdrawn*).

### Neighbouring sites:

4.1.2. A number of applications are recorded on the available public record, as follows:

- Ref. 1727/05: Planning permission granted by Dublin City Council in 2005 at No. 1 Lansdowne Gardens for erection of a new single storey extension to the rear, internal alterations and general upgrading of the existing rooms;
- Ref. 2585/90: Planning permission granted by the planning authority in 1991 for a mixed-use development comprising of 3 new office buildings, 1 non-office commercial building; 84 apartments, and 7 dwellings. Development involves demolition of residential properties including Nos. 3/4 Lansdowne Gardens. Vehicular access to be via a new junction on the site of Nos. 3/4 Lansdowne Gardens and the mews will have access from Shelbourne Ave.

4.1.3. I note reference on the Board's records to ABP-318050-23 is an error.

## 5.0 Policy Context

### 5.1. Development Plan

#### Land use zoning

5.1.1. The site is zoned Z1 where the land use zoning objective is “*To protect, provide and improve residential amenities*”. I note the following development plan provisions:

- Policies QHSN16 Accessible Built Environment, QHSN17 Sustainable Neighbourhoods, QHSN25 Housing for People with Disabilities, QHSN26 Dublin City Council’s Strategic Plan and CCUV38 High Quality Streets & Spaces;
- Sections 8.5.4 Accessibility for All and 8.5.7 Car Parking. Policies SMT11 Pedestrian Network, SMT18 The Pedestrian Environment, and SMT29 Expansion of the EV Charging Network. Table 2 Maximum Car Parking Standards;
- Policies SI21 Managing Surface Water Flood Risk, SI22 Sustainable Drainage Systems, and SI24 Control of Paving of Private Driveways / Vehicular Entrances / Grassed Areas;
- Sections 15.4.4 Inclusivity & Accessibility, 15.4.5 Safe & Secure Design, and 15.6.2 Surface Water Management & SuDS;
- Appendix 5 Transport & Mobility Technical Requirements, incl. Sections 2.0 Development Management, 4.0 Car Parking Standards (incl. 4.3.1 Dimensions and Surfacing) 5.0 Electric Vehicles, and 8.0 Design & Construction Standards & Processes for Roads & Footpaths;
- Appendices 12 Technical Summary of Sustainable Drainage Design & Evaluation Guide and 13 Surface Water Management Guidance;

5.1.2. This stretch of Shelbourne Road is to accommodate *BusConnects* route No. 36 as is an ‘other city-bound’ route running north only. The area is in parking Zone 2 of Map J of the development plan.

## **5.2. National Guidelines**

- 5.2.1. Universal Design Guidelines for Homes in Ireland 2015, National Disability Authority.
- 5.2.2. Design Manual for Urban Roads and Streets 2013, Department of Transport.
- 5.2.3. Building for Everyone Universal Design Approach 2012, National Disability Authority.

## **5.3. Natural Heritage Designations**

- 5.3.1. South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC are c.1.2km west. North Bull Island SPA is c.4.5km north-east. The River Dodder is c.110m to the south-east and joins the River Liffey at Dublin Harbour near Dublin Bay.

## **5.4. Environmental Impact Assessment**

- 5.4.1. The development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements (See Form 1 Appendix 1).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The appeal comprises detailed letters from the appellant's town planning consultants and consulting engineers, of which the key points are summarised as follows:
  - Refusal does not consider the safety & traffic hazard implications of the appellant being forced to disembark her car unprotected in traffic on the public road. As a wheelchair user she needs on-site parking to alight safely with her baby.
  - Refusal means she has no independent means of driving/parking near home. The development plan seeks that Dublin be socially inclusive, which the refusal contravenes. The rights of persons with disabilities must be upheld. Refusal is contrary to EU Charter of Fundamental Rights, UN Convention on the Rights of Persons with Disabilities, European Disability Strategy 2021-2030 and EU law;



- The planning authority misinterpret the previous Board decision. Previously the planning authority & transport division deemed a Shelbourne Road access was acceptable. Site conditions have not changed. The Board Inspector recommended a grant. The Inspector stated no objection to the Shelbourne Road access and that parking & turning arrangements posed no public safety threat. The Board recommended refusal in relation to the extension and did not disagree in respect of the entrance. The current decision conflicts with this;
- The location does not give rise to traffic hazard / safety issues. Reliance on the location being proximate traffic lights is unsound. This is only an issue where adequate sightlines & other safety performance criteria are not satisfied. All development plan safety performance criteria are satisfied;
- The 4m access is wider than the required 3m to facilitate the appellant's needs. The appellant will work to 3m;
- Appellant has a right of way to Crampton Avenue but has no right to lower the kerb. Without this, that entrance cannot meet her mobility needs. That entrance is exempt as it does not front a public road;
- The original dwelling had front vehicular access & parking, demonstrated by the dished footpath, as do all dwellings on the road (affidavit enclosed);

The appeal includes a letter from the appellant's engineer, summarised as follows:

- Development plan Appendix 5 Section 4.3.1 does not preclude entrances proximate to junctions but requires they be assessed on merit. There is no requirement in DMURS precluding the arrangement;
- The entrance has good visual communication with road users. Standard car drivers have good sight lines of the junction & traffic signals;
- There is ample space to turn on-site, enter/exit in a forward gear, and safely await an opening in traffic without causing obstruction;
- The traffic lights restrict and slow traffic to provide space for egressing. The proposal would create only c.2 movements in & out per day;
- Nearby public parking offers worse sight lines. There is no refuge area around disabled parking spaces on Shelbourne Road;

- There are no wheelchair friendly public EV spaces in Dublin. The proposed parking is to facilitate specially adapted EV charging facilities.

The letter include potential improvement works adjacent the site that could benefit other road users. I note points 6, 7 and 14 and the submitted drawing in particular.

## **6.2. Planning Authority Response**

- 6.2.1. A standardised response received from the City Council Planning & Property Development Department requested the Board uphold the Council's decision.

## **6.3. Observations**

- 6.3.1. None received.

## **7.0 Assessment**

- 7.1. Having regard to the foregoing; having examined the application and appeal; having visited the site; and having regard to relevant policies, guidance and statutory instruments, I consider the main issues in this appeal are:

- Principle of development
- Impact on road safety as set out in the reason for refusal;
- Related matters raised in the course of the appeal.

### Principle of development

- 7.2. Regarding the principle of development, having regard to the land use zoning objective for the area I consider retention of the access is acceptable in principle.
- 7.3. Regarding the appellant's rationale, the appellant states they require disabled vehicular access to their home as there is no dedicated and safe disabled parking at or near the dwelling and that the intervening footpath is unsafe. I consider this to be reasonable in principle.
- 7.4. In this regard however, there are two vehicular accesses to the site, from Shelbourne Road and Crampton Avenue. The appellant states both were originally constructed under exempted development regulations to facilitate renovation works to the dwelling. Both accesses have since been finished to a high standard. Disabled

parking and charging provision has been constructed to the front of the dwelling off the Shelbourne Road access. The Crampton Avenue access is directly to the rear garden only, which is finished in grass, and has no vehicular parking provision inside. Noting the planning authority reason for refusal, this raises the question of whether the Crampton Avenue access could or should be used to meet the appellant's needs. Considering this access is at a mid-point along the rear garden, it is not immediately obvious that such parking would be acceptable. In addition, having regard to Crampton Road not being taken in charge, it is not clear the appellant would have the necessary rights to undertake any required works. In any event, regardless of whether alternative arrangements are feasible or possible, the question before the Board is whether the proposed development is reasonable, and whether permission should have been refused, which I consider below.

#### Road safety

- 7.5. I consider the primary issue in this appeal is the proximity of the vehicle access to the junction, and its impact on the safety and efficient operation of the road network. Whilst I consider the appellant's rationale is reasonable, this must be balanced against the needs of all road users. I note the provisions of Development plan Appendix 5 in particular. I also note the assessments provided by the appellant's consulting engineers and by the planning authority transportation division.
- 7.6. Regarding safety, the site is in a 50kmh zone. The footpath is reasonably wide. Both Shelbourne Road and Crampton Avenue are single lane carriageways and of a good width. There are no pedestrian crossings, planting or street furniture outside the access which reduce visibility or manoeuvrability. The closest on-street parking is c.22m to the north. The junction is traffic light-controlled, which regularly slows traffic to a stop outside the site. I consider the site boundary provides reasonable visibility into and out of the site. I also consider there to be reasonable visibility of the road and footpath from 2m within the site to enable a vehicle to egress safely.
- 7.7. Having regard to the points made by the transport division and the appellant's engineer I am satisfied there is sufficient space and visibility for vehicles, cyclists and pedestrians to safely negotiate the existing arrangement, and that an access here does not pose an undue traffic hazard or risk to road safety, subject to conditions.

- 7.8. Regarding the general operation of the junction, Shelbourne Road is a main route between the City Centre / Grand Canal Dock and Ballsbridge. Crampton Avenue is the only vehicular access serving a large higher density development. On my site visit (midday, mid-week) I observed traffic at the junction to be constant but freely moving. I observed between 2-4 cars stopped at the lights at each turn and queuing past the subject access. There was however a relatively high rate of traffic light changes such that traffic returned to movement relatively quickly.
- 7.9. Regarding public transport, the transportation division report stated bus services operate on Shelbourne Road. I am not aware of such services, however *BusConnects* services are intended for this part of Shelbourne Road. These will not be core services but will comprise a supporting route running north only past the site. Considering the volume and frequency of movements in and out of the site, and the nature of bus services envisaged, I do not consider the access will have a significant detrimental impact in this regard.
- 7.10. Regarding parking, I am satisfied sufficient space is provided to park and manoeuvre fully within the site, including for disabled parking. Charging facilities are provided. I note related development plan provisions. Appendix 5 Section 4.0 states there is a predisposition to consider residential off-street carparking subject to design and safety criteria. Noting the rationale for the development, the absence of suitable on-street parking adjacent the site, and the location of the site, I am satisfied the proposed parking is acceptable.
- 7.11. However, I consider that aspects of the current design require attention:
- Regarding the access width, this does not meet development plan standards. I note the appellant's commentary in this regard. A condition should be attached to any permission requiring the access to be reduced to 3m in width at maximum. This is to moderate the speed and alignment of vehicles approaching the access, and to enhance safety. I note the public footpath is partly dropped at this point. I also consider that a condition requiring the revised access to align with the dropped footpath should be attached to any grant of permission.
  - Regarding gates, whilst not in the development description, the appellant states gates will be inserted. I note the planning authority report stated the Shelbourne Road access was gated, however this was not the case at the time of my site

visit. Due to the proximity of the access to the junction, I have some concern regarding the impact gates may have on the operation of the junction. This includes the potential for cars stopping on the footpath to manually open/close gates or idling in or near the junction whilst waiting for automatic gates to open. I consider a condition should be attached to any grant of permission that no gates be erected at the access. I consider the access is well overlooked and that significant site-specific security issues are not likely to arise.

- 7.12. Overall however, the access is for a single dwelling, and this would be expected to amount to a low number of movements per day. I am satisfied the existing arrangement does not pose an undue risk to road safety or significantly impair the operation of the junction, subject to conditions. Due to the proximity of the access to the junction I consider vehicles turning right in and out of the site may, whilst awaiting an opening in traffic, momentarily delay traffic moving through the junction. However, as the junction is traffic light-controlled, and noting again the expected low number of movements, I am satisfied the impact in this regard will be acceptably low.
- 7.13. I note the appellant's engineer put forward potential improvements to the position of the existing stop line and the footpath width. Whilst such changes may improve the existing arrangement, I consider these works are not required to facilitate the subject proposal, have not been assessed by the planning authority, and in any event could be progressed by the roads authority independently if deemed necessary.
- 7.14. Regarding precedent, there are numerous examples in the City of accesses in similar proximity to junctions, including on Shelbourne Road. Due to this and the specifics of the appeal I am satisfied this case would not set a precedent.
- 7.15. Considering the speed of traffic in the area, and the arrangement of the junction and access, and having regard to the points made by the transport division and the appellant's consulting engineer, I am satisfied that refusal of retention is not warranted in this instance, subject to conditions. I consider the appeal demonstrates that retention of the entrance would not create an undue traffic hazard or present an undue safety concern for road users in the City. I am also satisfied that retention of the development, subject to conditions, is consistent with the development plan and would not set an undesirable precedent.

#### Surface water drainage

- 7.16. The applicant states the existing boundary treatment and planting support sustainable drainage, and that retention of existing paving with surrounding drainage channels ensures a sufficient permeable surface to facilitate surface water ingress.
- 7.17. The planning authority drainage division stated no objection subject to conditions.
- 7.18. Limited surface water drainage details are submitted. The parking area is finished in paving brick however it is not clear if the area is permeable. The referenced drainage channels are not evident. I consider the parking area may drain largely to the public road. From aerial photography the area appears to have previously been grassed.
- 7.19. I am not satisfied the parking area to be retained meets development plan requirements. It is unclear if sufficient and appropriate SuDS measures have been incorporated and surface water discharges appropriately managed. I consider that a condition should be attached requiring the inclusion of appropriate SuDS measures to be agreed with the planning authority, with any remediative measures also providing for universal accessibility.

#### Related matters

- 7.20. Further regarding the Crompton Avenue access, the transportation division report recommended this access be removed if permission is granted. The access is to the rear garden but there is no parking provision in the garden, which is finished in grass. The appellant states the Avenue is a private road and the transportation division report states the Avenue is not taken in charge. Despite being constructed this access no longer appears to be a functioning vehicular access, and proposals for its retention or otherwise do not form part of the application. I note the transportation division recommendation in this regard, however I do not see the purpose or benefit of requiring this access to be removed.
- 7.21. Regarding impact on the character and visual amenities of the area, the appellant states the works to be retained are acceptable in this regard. I consider however that the extent of removal of plinth and railings along Shelbourne Road has had a detrimental impact in this regard. I consider that the narrowing of the access as set out above should be achieved by the reinstatement of railings and plinth to match the existing at the front of the site and that of the neighbouring dwelling. This is to mitigate the loss of historic fabric and the detrimental impact on the character and visual amenities of the area.

## 8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The proposed development is located within an urban area and comprises retention of vehicular access. No nature conservation concerns were raised as part of the planning appeal or during consideration of the application. Having considered the nature, scale and location of the development I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is the nature and location of the development in a serviced urban area, the distance to any European Sites and the urban nature of intervening habitats. I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any European Site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

## 9.0 Recommendation

- 9.1. I recommend that permission for retention be **Granted**, subject to conditions, for the reasons and considerations below.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the 'Z1' zoning objective for the area, and to Policy QHSN25, Section 8.5.7 and Appendix 5 of the development plan, it is considered that, subject to compliance with the conditions set out below, the refusal of retention permission is not warranted. It is considered that, having regard to the low number of turning movements envisaged, the low traffic speeds in the area, the junction and access arrangement, and the pattern of development in the area, that retention of the vehicular access would not give rise to undue traffic hazard or safety concern for road users, or set an undesirable precedent, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be completed and retained in accordance with the plans and particulars lodged with the appeal on the 14<sup>th</sup> day of September 2023, except as may otherwise be required in order to comply with the following conditions. For the avoidance of doubt, this permission does not approve any other development, including development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The development shall be amended, and thereafter maintained, as follows:</p> <p>(a) The vehicular access from Shelbourne Road shall be reduced in width to no more than 3 metres and aligned with the existing dropped kerb. This shall be achieved by the reinstatement of a plinth and railing to match the existing plinth and railing along the front boundary with Shelbourne Road;</p> <p>(b) No gates shall be erected at the vehicular access from Shelbourne Road;</p> <p>(c) The parking area serving the development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works. Details of appropriate sustainable urban drainage measures for the parking area which enable universal access shall be agreed in writing with the planning authority. The cost of related remedial works in this regard shall be borne by the Applicant; Revised drawings in the above regards shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interests of sustainable drainage and road safety.</p>

*-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.-*

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D. Aspell  
Inspector

21<sup>st</sup> June 2023



# APPENDIX 1

## Form 1

### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>		318051-23	
<b>Proposed Development Summary</b>		Retention of vehicular access.	
<b>Development Address</b>		2 Lansdowne Gardens, Shelbourne Road	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X		Preliminary Examination required
<b>Yes</b>			Screening Determination required

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

Date: \_\_30<sup>th</sup> May 2024\_\_