



An
Bord
Pleanála

Inspector's Report

ABP-318558-23

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|-------------------------------------|--|
| Development | Demolition of single-storey garage to rear of dwelling. Construction of a house and all associated site works. |
| Location | Lands to rear of 91 Dublin Road, Sutton, Dublin 13, D13 H970. |
| Planning Authority | Fingal County Council |
| Planning Authority Reg. Ref. | F23A/0553 |
| Applicant(s) | Gerard Keating |
| Type of Application | Permission |
| Planning Authority Decision | Refusal |
| Type of Appeal | First Party |
| Appellant(s) | Gerard Keating |
| Observer(s) | None |
| Date of Site Inspection | 4th of February 2024 |
| Inspector | Adrian Ormsby |

1.0 Site Location and Description

- 1.1. The site is located to the rear of No. 91 Dublin Road Sutton. No 91 is a two storey semi detached house with attic accommodation and vehicular entrance directly onto the R105 Dublin Road and overlooking Sutton Strand, North Bull island and Dublin Bay. No 91 is located generally in the middle of a row two storey houses all facing southwards.
- 1.2. These houses all have deep back gardens extending to an existing public road/laneway to the south of the Elphin Pub. This provides vehicular and pedestrian access to the rear of the site where a garage exists and is proposed for demolition. It also provides pedestrian connectivity to Binn Eadair View, a housing estate further east. The road/laneway runs to the south elevation of the Elphin pub and is accessed off the R809 connecting the Dublin Road to Baldoyle.
- 1.3. A four storey apartment development with provision for vehicular access and car parking is under construction and accessed from the same road/laneway serving the site.
- 1.4. The site has a stated site area of 0.0632 ha.

2.0 Proposed Development

- 2.1. The application is for permission comprising of-
 - demolition of existing single storey garage to rear of existing dwelling (38 sq.m)
 - Subdivision of the property comprising No. 91 Dublin Road, Sutton
 - construction of a detached, two storey with single storey return, 3 bedroom, flat roofed, contemporary style dwelling (164 sq.m)
 - one covered carport space
 - use of existing vehicular access (via the garage proposed for demolition).
 - new boundary treatments, SUDS drainage measures, landscaping and associated ancillary site works to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on the 1st of November 2023 for three reasons as follows-

- 1. The proposed development by reason of the design, scale, height and site layout would constitute an incongruous and discordant feature within the streetscape and would detract from the residential amenities of the adjoining properties. Furthermore, it is considered that in the absence of a coherent plan-led approach for the surrounding lands the development would constitute haphazard and piecemeal development. The proposed development would be contrary to Objective SPQHO42 and Objective DMSO32 of the Fingal Development Plan 2023-2029, each of which seek to ensure that infill development is considered in a sympathetic manner.*
- 2. The proposed development is in an area which is at risk of flooding. The applicant has not included a commensurate flood risk assessment and the proposed finished floor levels are not shown to ordnance datum. In the absence of such information an unacceptable flood residual flood risk remains and in this regard the development fails to accord the Planning System and Flood Risk Management Guidelines for Planning Authorities. The proposed development would be contrary to Objective IUO16 of the Fingal Development Plan 2023-2029.*
- 3. The existing laneway over which the proposed development is to be accessed comprises an important pedestrian route where traffic movements are minimal. The laneway would not be suitable as a shared surface. In the absence of the comprehensive approach to the redevelopment of the sites addressing the laneway to provide adequate access the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.*

4.0 Planning Authority Reports

4.1. Planning Reports

The Chief Executives' Order / Planning Report (01/11/23) generally reflects the decision of the Planning Authority. The following is noted from the report-

- The proposal would not by virtue of size and scale represent a development for the purpose of Part 10 under section 5 or fulfil criteria under Schedule 7 of the Planning Regulations 2001 (as amended) requiring an EIA.
- The proposal will not have a significant effect on any European Sites.

4.2. Other Technical Reports

- Water Services- 09/10/23
 - The Board are advised the report on file is for an alternative site. I have accessed the correct report on the Councils online platform¹.
 - In terms of Surface Water further information is required.
 - The site is in an area of coastal flood risk. Concerns are raised by the absence of commensurate flood risk assessment and the Finished Floor Level not been shown to ordnance datum- 4.0 OD recommended. Objective IUO16 requires the applicant to carry out a stage 1 Flood Risk Analysis and if flooding is not screened out a SSFRA is required.
- Transportation- 25/10/13-
 - the proposed development is premature and should be refused on the grounds of a traffic hazard.

4.3. Prescribed Bodies

- Uisce Eireann-

¹ <https://planning.agileapplications.ie/fingal/application-details/95985>

- 09/10/23- Further Information required in relation to a pre-connection enquiry.

4.4. Third Party Observations

- None

5.0 Planning History

- This site-
 - ABP-306703-20, F19B/011, Extension to house, **grant** 09/06/2020
- To east of site and off same laneway-
 - ABP- 311823-21, F21A/0459, Dwelling in rear garden to the rear of 94 Dublin Road, **refused** 17/10/22 for following reason-

“The existing laneway over which the proposed development is to be accessed comprises an important local pedestrian route. The laneway is considered to be seriously deficient in width along its length and lacks sufficient capacity to safely accommodate the vehicle and pedestrian movements which the proposed development would generate combined with the existing and future pedestrian movements associated with the adjoining public house and the Binn Eadair housing estate. In the absence of any comprehensive proposals for the upgrade of this lane and the management of vehicle movements along its length, it is considered that the proposal would constitute an ad hoc piecemeal and uncoordinated development which would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”
- To immediate north of laneway and site
 - ABP-315139-23, F22A/0469 Revision of F20A/0715 to include 4 additional apartments at 4th floor. **Grant** 31/07/23

- The Boards Reasons and Considerations paragraph (g) specifically referred to *“the existing function of the access laneway”*
- One apartment was omitted, condition 3.
- ABP-309777-21, F20A/0715, Construction of construction of a three-storey building of 21 no. apartments, with 10 car parking spaces. **Grant** 10/03/21
 - The Boards Reasons and Considerations paragraph (g) specifically referred to *“the existing function of the access laneway”*.
 - It went on to state the proposal-

“would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience.”

6.0 Policy Context

6.1. Fingal County Development Plan 2023-2029

- 6.1.1. The site is zoned RS ‘Residential’ with an Objective to *“Provide for residential development and protect and improve residential amenity.”* Residential is detailed as ‘permitted in principle’ in this zoning.
- 6.1.2. The following Objectives are relevant-
- Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites
 - *“Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.”*
 - Objective DMSO32 – Infill Development on Corner / Side Garden Sites

Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.*
- Consistency with the character and form of development in the surrounding area.*
- Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.*
- Ability to safeguard the amenities of neighbouring residential units.*
- Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.*
- Provision of side/gable and rear access arrangements, including for maintenance.*
- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.*
- Impact on street trees in road-side verges and proposals to safeguard these features.*
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.*
- Provision of secure bin storage areas for both existing and proposed dwellings.*
- Objective IUO16 – OPW Flood Risk Management Guidelines
 - “Have regard to the OPW Flood Risk Management Guidelines 2009, as revised by Circular PL 2/2014, when assessing planning applications and in the preparation of statutory and non-statutory plans and to require site specific flood risk assessments are to be considered for all new developments within the County. All development must prepare a Stage 1 Flood Risk Analysis and if the flooding risk is not screened out,*

they must prepare a Site-Specific Flood Risk Assessment (SSFRA) for the development, where appropriate.

6.2. Ministerial and Other Guidance

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009
- Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

6.3. Natural Heritage Designations

- The following are all located in close proximity to the site
 - North Bull Island SPA (004006)
 - North Dublin Bay SAC (000206)
 - Baldoyle Bay SPA (004016)
 - Baldoyle Bay SAC (000199)

6.4. EIA Screening

6.4.1. See Appendix 1- Forms 1 and 2.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this first party appeal can be summarised as follows-

- In relation to refusal reason 1-
 - A 4 storey apartment development has been permitted and is under construction to the immediate north of the site (ABP-315139/22)

- A section image is provided through No. 91 Dublin Road, the proposed house and the apartment development. The impact of the proposal would be negligible. The scale and height sit comfortably in this context.
- The design is modern and in keeping with the aesthetic of the apartment building and similar developments in the Dublin area.
- In relation to a coherent plan led approach for the surrounding lands it is not possible to gain consensus with other landowners.
- There is no LAP for this area and no prohibition of development on zoned lands. A sequential approach is suggested with the proposed design setting the context for future building lines and design approach. This application can establish the criteria for development style and building lines for other properties to the rear of Dublin Road.
- In relation to refusal reason 2-
 - A Flood Risk Assessment is now submitted which details the proposal meets the requirements of the FRA Guidelines and is appropriate and a Justification Test is not required.
 - A revised finished floor level of 4.0 OD above the existing road is proposed.
- In relation to refusal reason 3-
 - The laneway serving the site has been approved for a development of 25 apartments and 42 car parking spaces². The application proposes 1 car parking space.
 - The upgrade will create a 6m wide shared vehicular and pedestrian laneway.

² This appears incorrect. 10 spaces are permitted under 309777 with no additional spaces proposed in 315139.

7.2. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows-

- The applicants did not undertake pre-planning specific to their site.
- Concerns regarding design, scale and mass could have been amended through design at preplanning.
- Raising the floor level as a result of FRA increase the height of the dwelling in an unacceptable manner.
- The adjacent apartment development is acknowledged, however concerns regarding also relate to the immediate context and how it would integrate within the rear gardens of dwellings that address Dublin Road.

7.3. Observations

- None

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and all other documentation on file. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the substantive issues for this appeal are as follows-

- Principle of Development
- Refusal Reason 1
- Refusal Reason 2
- Refusal Reason 3
- Appropriate Assessment

8.2. Principle of Development

- 8.2.1. The site is zoned RS 'Residential ' with an objective to *'Provide for residential development and protect and improve residential amenity*. The CDP details that residential uses are Permitted in Principle on 'RS' zoned lands.
- 8.2.2. The application proposes one house to the rear of an existing residential property on RS zoned lands. Subject to further assessment below and having regard to the above zoning objective, the proposed development of one house at this location is acceptable in principle.

8.3. Refusal Reason 1

- 8.3.1. The Planning Authority's first refusal reason considers the design, scale, height and site layout would constitute an incongruous and discordant feature within the streetscape and would detract from residential amenity of adjoining properties. They consider the absence of a coherent plan led approach for surrounding lands would render the proposal haphazard and piecemeal. They also consider it contrary to Objectives SPQHO42 and DMSO32.
- 8.3.2. The application proposes a contemporary style two storey house ranging from c. 6.75m-6.2m across its front elevation with a single storey rear return of c. 3.7m. It is located in the rear garden and c. 25.6m away from the rear elevation of the existing more traditional style two storey semi-detached house at No. 91 Dublin Road.
- 8.3.3. In their response to the appeal the applicants propose raising the finished floor level from 3.35m to 4.0m which is not considered significant in the context of its location and existing development in the area and under construction.
- 8.3.4. The application proposes a separation distance of 11.25m to its proposed rear boundary and 95 sq.m of private amenity space. This leaves a separation of 12.79m from the rear of No.91 to the new rear boundary and 105 sq.m of private amenity space. I acknowledge the first floor rear elevation will contribute an element of oblique overlooking to the rear of No 90 and 92 properties, I do not consider this so significant or unusual in settings like this to warrant refusing the proposal. The proposed house is located to the north end of the rear garden and will not contribute to a significant loss of daylight or sunlight to neighbouring properties. I am satisfied

the proposed development will not have a negative impact upon existing residential amenity in the area.

- 8.3.5. I appreciate the Planning Authorities concerns in relation to a plan-led approach for the lands to the rear of the houses on Dublin Road fronting the laneway. The lands are zoned residential and there are objectives in the Development Plan pertaining to infill and backland development. There is no specific objective in the plan requiring a coherent approach for this site with adjoining lands. In my opinion it would be unreasonable to insist on same.
- 8.3.6. I do not consider the proposal to be contrary to Objective SPQHO42. This objective seeks to encourage and promote the development of underutilised infill backland sites in existing residential areas which the application proposes to do. It does not have any significant negative impacts on the character of the area nor does it impact the environment negatively.
- 8.3.7. I do not consider the proposal to be contrary to Objective DMSO32 which would appear to only apply to 'Infill Development on Corner / Side Garden Sites' and not backland which is the context here.
- 8.3.8. Having considered all of the above, I am satisfied the location of the proposed dwelling and its design strikes a reasonable balance in terms of protecting the residential amenity of existing properties in the area and providing appropriate infill and backland development of an underutilised yet residentially zoned site. The proposal would not contravene Objective SPQHO42 and DMSO32 and the first refusal reason should be set aside.

8.4. Refusal Reason 2

- 8.4.1. The Planning Authority's second refusal reason details the site in an area which is at risk of flooding and in the absence of a flood risk assessment and details of proposed finished floor levels an unacceptable flood residual flood risk remains and the development fails to accord the Planning System and Flood Risk Management Guidelines for Planning Authorities. The proposed development would be contrary to Objective IUO16 of the Fingal Development Plan 2023-2029.

- 8.4.2. The Fingal Development Plan mapping system³ indicates much of the site is located within Flood Zone A and B. This is further demonstrated in Flood Zone Map 25 of the Fingal Development Plan 2023-2029, Strategic Flood Risk Assessment- Appendix A Flood Zone Maps⁴.
- 8.4.3. The applicants have submitted a Flood Risk Assessment (FRA) with their appeal and have submitted drawings revising the proposed finished floor level to 4.0 OD. The FRA details the proposal is highly vulnerable use but with a FFL of 4.0 OD is 0.66m higher than the 1 in 1000 year tidal flood level. It details tidal flooding is not considered a source of flood risk and no further mitigation is proposed. Nor other type of flooding risk is identified. The FRA concludes the proposal does not lie within floodplain A or B. It states the site is within Flood Zone C and therefore the site is suitable for the proposed development.
- 8.4.4. The proposed development is located within the curtilage of No. 91 Dublin Road. This includes the back garden and an existing garage. In this context, I am satisfied the site is already developed brownfield site and the proposal is clearly an 'Infill'.
- 8.4.5. Section 5.28 of the 2009 Flooding Guidelines discusses the '*Application of the Justification Test in development management*'. The very last sentence in Box 5.1 states-

"Refer to section 5.28 in relation to minor and infill developments."

Section 5.28 states-

"Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk

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<https://fingalcoco.maps.arcgis.com/apps/webappviewer/index.html?id=b97f2adda903489cadb77378565df29b>

⁴ https://www.fingal.ie/sites/default/files/2023-04/Strategic%20Flood%20Risk%20Assessment%20SFRA_Appendix%20A.pdf

areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.”

- 8.4.6. Having considered the above, I am satisfied the proposed development which is clearly an infill development can be considered minor development in this context i.e. the site is zoned residential with an objective to provide for residential development, it is an already developed site and is unlikely therefore to obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. The applicants have now submitted a Flood Risk Assessment and revised the proposed finished floor level to 4.0 OD as suggested in the Water Services Report dated 09/10/23 and the GDSDS (Greater Dublin Strategic Drainage Study).
- 8.4.7. The proposal is not considered contrary to Objective IUO16 and the second refusal reason should be set aside.

8.5. Refusal Reason 3

- 8.5.1. The Planning Authority's third refusal identified the importance of the proposed access laneway as a pedestrian route and where traffic movements are minimal. They consider the laneway is not be suitable as a shared surface and in the absence of the comprehensive approach to the redevelopment of the sites addressing the laneway the proposal would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.
- 8.5.2. The Board are referred to their previous decision ABP- 311823-21 in which they refused development for a house on this laneway to the rear of No. 94 Dublin Road for a similar reason.
- 8.5.3. The Board are also referred to the Planning history ABP-309777-21 and ABP-315139-23 to the immediate north of the subject development site in which 24 apartments and 10 car parking spaces have been permitted in which in their reasons

and considerations the Board had specific regard to the existing function of the access laneway. These permissions include road improvement works and a footpath that would clearly benefit the proposed application.

- 8.5.4. No. 91 Already benefits from a rear vehicular access via the existing garage that is proposed to be demolished. The proposed development provides for one car parking space only. In their appeal the applicants propose setting the front elevation of the house 6.7m back from the application boundary and the entrance gate c. 2m back from the laneway edge. This provides for a potential road widening of 6.6m. Subject to a suitable condition to keep this area free from all works and to provide for one car parking space only, I am satisfied the proposal would not compromise the appropriate redevelopment of adjoining sites on the southern side of the laneway.
- 8.5.5. Having regard to the above, the works to be completed as part of ABP-309777-21 and ABP-315139-23 and the existing function of the access laneway, I do not consider the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The third refusal reason should be set aside.

8.6. Appropriate Assessment

- 8.6.1. Having regard to the nature and scale of the proposed development within a fully serviced urban area and its location relative to Natura 2000 sites, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend that permission is granted subject to the following conditions-

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Fingal County Development Plan 2023-2029, the pattern of development in the area, the infill nature of the application site and the nature and scale of the proposed development, it is considered that, subject to

compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 28th day of November 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - a. The two metre setback from the boundary with the laneway as shown on Drawing No. 2111-P-102 submitted on the 28th day of November 2023, shall be reserved free from all development (including entrance splay and road visibility mirror) to facilitate the comprehensive redevelopment of lands adjoining the laneway unless otherwise agreed with the Planning Authority.
 - b. The site entrance, access driveway and roadside boundary treatment serving the proposed development including its threshold with the laneway shall comply with the detailed requirements of the planning authority for such works.

- c. Only one car/motorised vehicle parking space is permitted by this permission.

Proposals showing the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety, proper planning and sustainable development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the

planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Adrian Ormsby
Planning Inspector

05th of February 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

| | | | |
|---|---|---|---|
| An Bord Pleanála Case Reference | | ABP-318558-23 | |
| Proposed Development Summary | | One house, Demolition of garage | |
| Development Address | | To rear of No. 91, Dublin Road, Sutton, Dublin 13 | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | | Yes |
| 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? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | x | | Proceed to Q.3 |
| 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]? | | | |
| | | Threshold | Comment (if relevant) |
| No | | N/A | Conclusion |
| | | | No EIAR or Preliminary Examination required |
| Yes | x | Class 10 Infrastructure (b) (i)- Threshold- 500 dwelling units (d) Threshold- Urban Development- 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 | 1 house Site area- 0.0632 ha. |
| 4. Has Schedule 7A information been submitted? | | | |
| No | x | Preliminary Examination required | |
| Yes | | Screening Determination required | |

Form 2- EIA Preliminary Examination

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|---|---|--|
| An Bord Pleanála Case Reference | ABP-318558-23 | |
| Proposed Development Summary | One house | |
| Development Address | No. 91, Dublin Road, Sutton, Dublin 13. | |
| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. | | |
| | Examination | Yes/No/ Uncertain |
| Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants? | One house in urban area connecting to public waste and water services. SUDs measures to address surface water drainage. | No No |
| Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects? | | No No |
| Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? | The site is located in close proximity to North Bull Island SPA (004006), North Dublin Bay SAC (000206), Baldoyle Bay SPA (004016) and Baldoyle Bay SAC (000199). A proposal for one house at this location in a built up urban area does not have the potential to impact significantly upon such sites. | No |

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|---|---|---|
| Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? | No | No |
| Conclusion | | |
| There is no real likelihood of significant effects on the environment. EIA not required. | There is significant and realistic doubt regarding the likelihood of significant effects on the environment. N/A. | There is a real likelihood of significant effects on the environment. N/A |

Inspector: _____

Date: _____