



An
Bord
Pleanála

Inspector's Report

ABP-318604-23

Development

Construction of 96 houses and all associated site works, within the curtilage of Hollywoodrath House (a protected structure).

Location

Within the curtilage of Hollywoodrath House (a protected structure) on lands at Ratoath Road and Gallanstown Road, Hollystown, Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW23A/0036

Applicant(s)

MCPS Investments Homes Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v. Decision

Appellant(s)

MCPS Investments Homes Limited

Observer(s)

DAA

Date of Site Inspection

27th June 2024 & 11th July 2024

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 4.24 ha and is located at the junction of Ratoath Road and Gallanstown Road, Hollystown, Dublin 15. The site forms part of the curtilage of Hollywoodrath House (a Protected Structure) which is located approx. 129 m to the east of the appeal site. The house is screened by mature trees and planting, with the roof and uppermost portion of the 1st floor only being visible in views along the southern boundary of the appeal site. The entrance and gate lodge to Hollywoodrath House are located to the south of the appeal site at Ratoath Road. A recently permitted residential scheme on the south-eastern side of the entrance was under construction at the time of the inspection.
- 1.2. The appeal site is greenfield in nature and was being used to graze horses at the time of the inspection. The northern and western boundaries to Gallanstown Road and Ratoath Road respectively are predominantly defined by mature coniferous trees. Mature trees also extend along the north-eastern site boundary, and intermittently, in an east-west direction across the centre of the site. An existing agricultural entrance is in place from Gallanstown Road. The southern and eastern site boundaries are defined by post and wire fencing, which segregates the site from the adjoining lands to the south and east within the curtilage of the Protected Structure. The site levels are somewhat undulating and generally increase towards the southern and southwestern boundaries. Two overhead power lines extend across the southern portion of the site.
- 1.3. A collection of agricultural buildings and stables adjoin the site boundary to the north-east. The Chapelwood residential estate is located on the opposite/northern side of Gallanstown Road, with further residential estates to the north at Alderwood and Hollystown Demesne. The lands on the western side of Ratoath Road on the southern approach to the appeal site are defined by a mix detached residential dwellings, the Redwood residential estate and a petrol service station. The wider lands to the north are generally agricultural in nature, with residential and commercial areas extending to the south at Tyrrelstown, Corduff and Ballycoolen. Blanchardstown Shopping Centre is located approx. 4km to the south-west of the appeal site. As such, the site is located at the edge of the built-up area in this part of

the outer suburbs, in an area which is increasingly characterised by modern residential developments.

2.0 Proposed Development

- 2.1. The development will consist of the construction of 96 no. dwellings (9 no. 2-bedroom, 2-storey terraced dwellings; 60 no. 3-bedroom, 2 and 2.5 storey, terraced and semi-detached dwellings; 27 no. 4-bedroom, 2-storey, semi-detached and detached dwellings) with 192 no. car parking spaces and 62 no. bicycle parking spaces. The proposed development will provide public open space; landscaping; trees and boundary treatments; public lighting; bin and cycle storage; ESB substation; foul drainage works along Ratoath Road together with all associated site infrastructure and engineering works necessary to facilitate the development. Vehicular and pedestrian access is provided via Gallanstown Road together with pedestrian access, including 2 no. new pedestrian crossings at Ratoath Road.
- 2.2. The scheme layout is generally suburban in character with the housing units arranged in a back-to-back configuration fronting onto the internal estate roads. Off-street parking is generally proposed to the front of the units. Public open space of 4,379 m² is proposed at the southern end of the site and a playground of 360 m². A cut drainage trench is proposed along the southern and eastern site boundaries.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued **Notification of the Decision to Refuse Permission** for the proposed development on 6th November 2023 for 2 no. reasons as follows:

(1) Having regard to the sensitivity of the application site which forms part of the curtilage of a Protected Structure and is located within a historic landscape, in its current layout and form, the proposed development would undermine and cause harm to the character of the historic landscape associated with Hollywoodrath House, would materially contravene Policy HCAP19 and Objective HCAO32 and DMSO189 of the Fingal Development Plan 2023-

2029 and would therefore be contrary to the proper planning and sustainable development of the area.

- (2) The proposed development, by virtue of its layout and design, including the inadequate quantum and distribution of public open space and integration of sustainable drainage systems into the development, would not provide an acceptable urban design response to the site context and would fail to provide an appropriate standard of architectural design and layout which would result in an unacceptable level of residential amenity for future residents, be seriously injurious to the visual amenities of the area, would be contrary to Policy SPQHP35 in respect of quality of design and layout of new residential developments, would contravene materially Objectives GINHO3 and GINHO15 in respect of sustainable drainage systems, Objective DMS063 in respect of the location of public open space and Objectives SPQHO34, DMSO52 and DMSO53 in respect of the quantum of public open space of the Fingal County Development Plan 2023-2029, would set an undesirable precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports (17th April 2023 and 6th November 2023)

- 3.2.2. Following an initial assessment of the planning application, Fingal County Council's Planning Officer recommended that **Further Information** be requested in relation to 19 no. items as summarised below:

- 3.2.3. **(1)** The applicant is requested to submit an evidence-based robust assessment which demonstrates compliance with Table 6.1 – Permitted Developments of the ERM report to demonstrate that the density proposed on the lands located within the Outer Safety Zone does not exceed 60 persons per half hectare.
- 3.2.4. **(2)** The design and layout of the proposed development is not considered acceptable have regard to map based local objective 33 of the Fingal County Development Plan 2023-2029, the historic landscape in which the site is located and the site context and character of the area. The design of individual house types does not respond to the layout and provide overlooking and passive surveillance to street and paths

within and adjoining the scheme. The applicant is requested to submit revised particulars, layout plan and house designs to address the following:

- (a)** The incorporation of a turning space for public buses,
- (b)** A Design Landscape Appraisal having regard to the historic nature of the site and particulars of the amendments made to the scheme layout arising from this appraisal. Consideration may need to be given to relocating the proposed open space to the south-eastern corner of the site.
- (c)** The principal character in any development of these lands should remain dominantly sylvan in character and amendments to the palette of materials and house types is required to achieve this. There should be consistency in the unit type descriptions noting that Unit Tye D1 is alternatively described as a 2-bedroom and a 3-bedroom house.
- (d)** Dual frontage units should be provided at junctions and where the unit adjoins public space. Blank, side gables should not address roadways or footpaths within or bounding the site.
- (e)** Details to demonstrate that the proposed layout offers a high level of passive surveillance for pedestrian users along the northern and western footpaths having regard to the quantum of tree planting proposed.
- (f)** Internal contextual elevations shall be provided for all streets proposed within the scheme.
- (g)** The proposed 1.8 m concrete post and timber panel fences between the rear private amenity spaces are not acceptable. The applicant is requested to submit revised proposals for a more robust boundary material.

- 3.2.5. **(3)** The applicant is requested to consider a revised approach to the surface water proposal in line with FCC SuDS Guidance Document – Green / Blue Infrastructure for Development, which could omit the need for the trench proposed along the south-east and north-eastern boundary of the site. In the event this is not achievable, the applicant is requested to clarify how it is proposed to provide access for machinery to maintain the ‘drainage run-off trench’ located along the south and east boundary. The proposed high steel bar railing along the southern boundary should be omitted and replaced with a more visually appropriate solution.

- 3.2.6. **(4)** The applicant is requested to submit a revised layout of the site clearly showing details of replacement trees and hedgerow planting in particular along the northern, western and eastern boundaries. The band of planting proposed behind units 74-87 should be continued to the south and located outside of the ownership of units 88-96. The proposed layout shall allow for this planting to be accessible for maintenance and not cause nuisance to adjoining properties in terms of overshadowing, etc.
- 3.2.7. **(5)** The applicant is requested to provide a Community and Social Infrastructure Audit.
- 3.2.8. **(6)** The applicant is requested to provide for a childcare facility on the section of the site outside of the Outer Public Safety Zone associated with Dublin Airport.
- 3.2.9. **(7)** The applicant is requested to submit an amended Landscape Plan which addresses the following:
- (a) Public open spaces to be designed in a form and layout which facilitates maintenance.
 - (b) Provide a grass margin and appropriate screen planting in front of railings at hammerhead adjacent house no. 96.
 - (c) Lamp standards to be located on hard surface/footpaths and not on grassed areas.
 - (d) A distance of 7 m to be maintained between lamp standards and proposed tree planting.
 - (e) Show all SuDS features with cross sections.
- 3.2.10. **(8)** The applicant is requested to submit revised play provision proposals to meet development plan requirements and in particular, the shortfall of play provision. The revised proposals shall include the following:
- (a) The railing around the playground shall be constructed in a hard surface and not on grass.
 - (b) The entire surface within the playground should be tiger mulch safety surfacing.

(c) Omit the proposed planting around the playground for clear visibility into the playground.

3.2.11. **(9)** A sightline drawing for the internal junctions and the main junction at Gallanstown Road and the Ratoath Road.

3.2.12. **(10)** The applicant shall provide for a verge with a minimum width of 2m along the Ratoath Road.

3.2.13. **(11)** Clarify the distance of the pedestrian crossing from the Redwood junction and provide a minimum distance of 20 m from the centreline of the junction to the pedestrian crossing.

3.2.14. **(12)** Revised proposals for the cycle parking for the mid-terrace units.

(a) Details in relation to access and the ongoing operational and maintenance requirements of the cycle storage facilities.

(b) A cycle parking allocation layout and design for long stay cycle parking for the terrace houses.

3.2.15. **(13)** A revised layout which illustrates the following:

(a) The number of EV spaces that will be operational on the completion of the development and demonstrate all ducting and services for the future provision of EV charging for all car parking spaces and public communal spaces.

(b) Proposals for motorbike parking.

(c) Proposals for accessible parking.

3.2.16. **(14)** The applicant to engage with the Transportation Planning Section in relation to the proposed quantum of car parking spaces.

3.2.17. **(15)** The applicant is requested to submit a Stage 1 and Stage 2 Road Safety Audit.

3.2.18. **(16)** The applicant to address the following issues in respect of water services:

(a) A letter of consent from the owner of the private pumping station which is proposed to serve the site.

(b) Documentation demonstrating permission to discharge into the future foul gravity sewer, details of the delivery timeline associated with this sewer, including the date of switchover from the pumping station to the gravity sewer.

(c) A site layout plan which indicates the location of the works which are proposed to provide additional storage volume at the pumping station to achieve the required minimum 24 hr storage capacity. If necessary, the red line boundary shall be amended to include all works and consent from the relevant landowner shall be submitted; and

(d) The applicant to submit an engineering report on the capacity and condition of the pumping station, with reference to the current default standards.

3.2.19. **(17)** The applicant is requested to submit an Integrated Green Infrastructure Plan.

3.2.20. **(18)** The applicant is requested to submit an Archaeological Impact Assessment which includes for archaeological test excavation.

3.2.21. **(19)** The applicant is requested to submit a taking-in-charge drawing. Where permeable paving parking areas are adjacent roads and are to be taken in charge, construction details preventing the road edge being undermined by surface water should be provided.

3.2.22. The applicant submitted a **Response to the Request for Further Information** on 6th October 2023 which was deemed to contain significant additional information by the Planning Authority and the development was readvertised to the public. The main changes to the proposed development under the response includes a reduction in the number of residential units from 96 no. to 89 no. (9 no. 2-bedroom, 54 no. 3-bedroom and 26 no. 4-bedroom units) and the inclusion of a crèche facility on the north-western portion of the site adjacent to the entrance from Gallanstown Road. The response can be summarised as follows:

3.2.23. **Item No. 1:** An Aviation Public Safety Zone Assessment has been provided which concludes that the proposed layout and density fully complies with the Public Safety Zone requirements.

3.2.24. **Item No. 2 (a):** A bus turning space has been provided to the west of the site along Ratoath Road. The NTA has approved the layout of this space and will be responsible for its detailed design.

3.2.25. **Item No. 2 (b):** A Designed Landscape Appraisal has been prepared which has assessed the subject site, its relationship with the adjoining Protected Structure and the impact of the development on this structure and its designed landscape.

- 3.2.26. **Item No. 2 (c):** An updated landscape design approach for the scheme has been prepared with the amended layout being more sylvan in character, incorporating additional landscaping measures with additional tree canopy to protect the semi-rural location of the site. Improved boundary treatments and palette of materials are proposed with the addition of a new, smaller public open space adjacent to the bus turning space. Revised house designs have also been prepared which are considered more appropriate to the site context, with the lands noted to be suburban and not rural in nature based on the existing built context surrounding the site.
- 3.2.27. **Item No. 2 (d):** The proposed house designs have been updated to allow for dual frontage units at junctions and passive surveillance along the northern and western boundaries. Internal contextual elevation drawings have been provided.
- 3.2.28. **Item No. 2 (e):** All junctions and footpaths are now provided with sufficient passive surveillance, which is introduced by all relevant houses adjoining or addressing these spaces having active gables with windows overlooking the public realm. Tree planting does not prevent passive surveillance.
- 3.2.29. **Item No. 2 (f):** All internal streets are now included within the architect's contiguous elevations.
- 3.2.30. **Item No. 2 (g):** The boundary treatment at the rear of the private amenity space has been revised to comprise a 1.8 m high concrete post and infill panel boundary.
- 3.2.31. **Item No. 3:** The proposed trench along the boundary of the site will de-culvert the existing surface water ditch that traverses the site. Within the revised site layout, access points have been provided to the trench along the southern and eastern boundary. The applicant has also received a letter of consent from the adjoining landowner to the east which allows for maintenance access to the trench from outside the boundary. The southern boundary has also been amended to provide a more appropriate design as sought by the Planning Authority.
- 3.2.32. **Item No. 4:** A drawing has been prepared showing the extent of tree replacement throughout the site. The trees along the eastern boundary have been placed outside of the homeownership areas and a band of trees will be continued along the entire eastern boundary, which can be accessed for maintenance through the same access as the drainage ditch.

- 3.2.33. **Item No. 5:** A Community and Social Infrastructure Audit has been prepared. The report concludes that given the subject location within the evolving area of Hollystown/Tyrrelstown and its proximity to Blanchardstown, there is sufficient such infrastructure in the area.
- 3.2.34. **Item No. 6:** Fingal County Council childcare committee confirmed that no childcare facility was necessary as part of the proposal. However, a 360 m² facility (35 places) is now proposed in the north-western corner of the site, outside of the Public Safety Zone.
- 3.2.35. **Item No. 7 (a):** The 2 no. public open spaces have been designed to allow for maintenance works through the planting of only trees, grasses and bulbs, with a very small area of wildflower. The total area of open space will be 5,658 m² which equals 15.3% of the net site area and exceeds development plan requirements.
- 3.2.36. **Item No. 7(b):** A grass margin and full standard trees are being provided in front of the railings at the hammerhead adjacent to the previous house no. 96 (now no. 89).
- 3.2.37. **Item No. 7 (c):** All lamps are to be located on hard surfaces and footpaths and not grasslands.
- 3.2.38. **Item No. 7 (d):** A distance of 7 m will be maintained between lamp standards and proposed tree planting.
- 3.2.39. **Item No. 7 (e):** All SuDS features have been shown within the drainage and engineering drawings.
- 3.2.40. **Item No. 8 (a):** All proposed railings around the playground will be constructed on hard surface.
- 3.2.41. **Item No. 8 (b):** The entire surface within the playground will be tiger mulch safety surfacing.
- 3.2.42. **Item No. 8 (c):** The previously proposed tree planting around the playground has been omitted to provide clear visibility into the area.
- 3.2.43. **Item No. 9:** A sightline drawing for internal junctions and the main junction at Gallanstown Road and the Ratoath Road have been submitted.
- 3.2.44. **Item No. 10:** A verge with a minimum width of 2m has been provided along Ratoath Road.

- 3.2.45. **Item No. 11:** The proposed pedestrian crossing will be 20.6 m from the Redwood Junction.
- 3.2.46. **Item No. 12 (a), (b), (c):** A laneway has been provided to the rear of each terrace house within the revised site layout which will allow residents to store bicycles in their rear gardens. The laneways are short in length to prevent anti-social behaviour and can be taken in charge.
- 3.2.47. **Item No. 13 (a):** A total of 41 no. car parking spaces will have EV charging points, with the remainder ducted and serviced to accommodate any future charging points.
- 3.2.48. **Item No. 13 (b):** A total of 1 no. motorcycle parking space has been provided.
- 3.2.49. **Item No. 13 (c):** A total of 2 no. accessible parking spaces are proposed.
- 3.2.50. **Item No. 14:** The proposed development provides a total of 190 car parking spaces of which 9 no. will be visitor spaces. The level of parking is considered appropriate given the proximity of the site to the forthcoming BusConnects route and stop.
- 3.2.51. **Item No. 15:** A Stage 1 and Stage 2 Road Safety Audit has been submitted, with the comments received incorporated into the final design for the scheme.
- 3.2.52. **Item No. 16 (a):** A letter of consent to allow the applicant to connect to the pumping station has been provided.
- 3.2.53. **Item No. 16 (b):** A letter of consent allowing the applicant to discharge into the foul gravity sewer has been provided. Details of the delivery timeframe for the sewer are provided in the enclosed engineering letter.
- 3.2.54. **Item No. 16 (c):** A report for the existing pumping station has been provided which concluded that no additional storage is required to cater for the proposed development.
- 3.2.55. **Item No. 16 (d):** An engineering report on the condition and capacity of the pumping station has been prepared which confirms that it is functionally operating with little issues, along with confirmation that it can accept the additional discharge from the site.
- 3.2.56. **Item No. 17:** An Integrated Green Infrastructure Plan has been prepared.
- 3.2.57. **Item No. 18:** An Archaeological Impact Assessment has been prepared, with archaeological testing undertaken over 1 no. day. No features, finds or deposits of

archaeological interest were identified. As such, the proposed development will not have an impact on any subsurface archaeological features.

- 3.2.58. **Item No. 19:** A taking-in-charge drawing has been prepared. A drawing has been provided showing the build-up of the permeable parking spaces and confirms the road edge will not be undermined by surface water.
- 3.2.59. In assessing the submitted information, Fingal County Council's Planning Officer considered that the applicant had not given any consideration to the outcome of the Designed Landscape Appraisal in providing for a more appropriate scheme layout. In its current form, it was considered that the proposed development would undermine and cause harm to the character of the historic landscape associated with Hollywoodrath House. It was also considered that the architectural design and treatment for the proposed house types had not been revised to be more sensitive to the context. It was further considered that the layout would not provide an acceptable frontage to the Ratoath Road or an adequate level of residential amenity for future residents, particularly with reference to units 1, 7 and 15 with regard to the proximity of the open space to the Ratoath Road.
- 3.2.60. While the inclusion of a childcare facility was welcomed, concerns were expressed in relation to its design. Concerns were also noted that the SuDS areas had not been incorporated into the overall design of the estate and that the public open space provision did not meet development plan standards. Based on the foregoing, the Planning Officer recommended that planning permission be refused for the proposed development.
- 3.2.61. **Other Technical Reports**
- 3.2.62. **Water Services Department (23rd March 2023 and 19th October 2023):** Further Information requested in relation to foul drainage and the privately owned Hollystown pumping station. Documentary evidence to connect to pumping station required, a site layout drawing showing location of works to provide additional storage volume, an engineering report on its capacity and condition and evidence of permission to discharge into the future gravity sewer.
- 3.2.63. Following the applicant's Further Information submission, no objection arose to the proposed development subject to conditions.

- 3.2.64. **Archaeology (29th March 2023):** Notes that an Archaeological Impact Assessment should be undertaken to inform the planning process.
- 3.2.65. **Transportation Planning (30th March 2023 and 24th October 2023):** Recommends that Further Information be requested in relation to: (1) accessible parking and motorbike parking, (2) car parking quantum, (3) sightline drawing for the internal junctions and Gallanstown Road and Ratoath Road junction, (4) cycle parking for the 20 mid-terrace units, (5) cycle parking allocation layout and design for long-stay cycle parking for the terrace houses, (6) passive surveillance of pedestrians using the northern and western footpaths along the boundaries of the development, (7) surface water drainage and gullies on Gallanstown Road, (8) min. verge width on the Ratoath Road, (9) the provision of a turning space for buses, (10) the distance of the pedestrian crossing from the Redwood junction, (11) a revised layout showing the number of EV spaces, (12) a Stage 1/2 Road Safety Audit, (13) a taking-in-charge drawing, (14) permeable paving parking areas.
- 3.2.66. Following the applicant's Further Information submission, no objections arose to the proposed development subject to conditions.
- 3.2.67. **Conservation Officer (31st March 2023 and 26th October 2023):** Notes that the proposed development would negatively impact on the designed landscape setting of the Protected Structure. The following Further Information is requested: (1) A Designed Landscape Appraisal, (2) the total removal of existing trees and hedgerows along Gallanstown Road and Ratoath Road to be reconsidered, (3) proposed boundary to external roads to the site to be reconsidered, (4) supplemental planting to screen the proposed development should be provided along all boundaries, (5) site layout and design should take direction from historic forms and layouts for subservient or ancillary buildings within demesnes or country house estates, (6) views required of the proposed/revised scheme from the south-west façade of the historic house, from several points on the main avenue and from main roads.
- 3.2.68. Notes that the proposed design and materials of the houses are suburban in character and do not respond to the historic landscape setting.
- 3.2.69. Following the applicant's Further Information submission, the Conservation Officer noted that no significant changes had been made to the design of the scheme to

respond to its setting. Concerns remained that the suburban character of the scheme layout is not appropriate in this sensitive location. The Conservation Officer was not satisfied that the proposed scheme responds sensitively to the setting of the Protected Structure. As such, it was considered that the applicant had not satisfactorily responded to the requested Further Information or Objective HCA032, Policy HCAP18 or Policy HCAP19 of the Fingal Development Plan 2023-2029.

3.2.70. Parks and Green Infrastructure (4th April 2023 and 1st November 2023):

Requests Further Information in relation to: (1) proposed SuDS and other underground services to be shown clearly on the Landscape Plan, (2) revised play proposals to meet development plan requirements, (3) a revised Landscape Plan.

3.2.71. Following the applicant's Further Information submission, it was noted that there was a shortfall of public open space provided within the site. Concerns were also noted in relation to the drainage run-off trenches located along the southern and eastern site boundaries. It was also considered that the interface between Hollywoodrath House and the development had not been adequately addressed in terms of relocated public open space and additional screen tree planting. It was also noted that the sightline requirements and tree and hedgerow proposals along Gallanstown Road appear to conflict with each other.

3.3. Prescribed Bodies

3.3.1. **DAA (9th March 2023):** Requests that a condition be attached requiring appropriate noise insulation given the location of the site in Noise Zone B and that regard be had to the ERM Report on Public Safety Zones (2005).

3.3.2. **IAA (13th March 2023):** Requests that the applicant be conditioned to engage with DAA/Dublin Airport to ensure that appropriate wildlife hazard reduction techniques and management is employed during construction.

3.3.3. **Uisce Éireann (24th March 2023 and 6th October 2023):** No objection to the proposed development subject to condition.

3.3.4. Following the applicant's Further Information submission, no objections arose to the proposed development subject to conditions.

- 3.3.5. **NTA (28th March 2023):** Concern expressed that no turnaround facility for public buses has been provided as required under Local Objective 44 of the Draft Fingal Development Plan 2023-2029. Requests a revised site layout which can accommodate this facility.
- 3.3.6. **Dept. of Housing, Local Government and Heritage (29th March 2023 and 23rd October 2023):** Notes that the site is located in an area of high archaeological potential and requests that an Archaeological Impact Assessment be submitted by way of Further Information.
- 3.3.7. Following the applicant's Further Information submission, no further archaeological requirements were identified.
- 3.3.8. **Fáilte Ireland:** None received.
- 3.3.9. **An Chomhairle Ealaíon:** None received.

3.4. **Third Party Observations**

- 3.4.1. A total of 4 no. third party observations were made on the application by: (1) John Callaghan, 10 The Cloisters, Oldcastle Road, Kells, Co. Meath, (2) Nathan Higgins, Chapelwood Drive, Hollystown, Dublin 15, (3) Sandra Clarke, Spicklestown, The Ward, County Dublin, and (4) Stephanie O'Grady, 15 Chapelwood Green, Hollystown, Dublin 15.
- 3.4.2. The issues raised can be summarised as follows: (1) sustainability of building materials must be considered, (2) chimneys are unnecessary, (3) dates of ecological surveys to be noted, (4) excessive tree and hedgerow removal along Ballymacarney Road and Ratoath Road, (5) loss of semi-rural character, (6) impact on local environment, (7) lack of local facilities.
- 3.4.3. One further submission is on file in relation to the applicant's Further Information submission from: (1) Jakub Wojcik, 5 Alderwood, Hollystown, Dublin 15.
- 3.4.4. The issues which are raised can be summarised as follows: (1) inaccuracies in arboricultural report, (2) impact on character of local area, (3) tree loss.

4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. F08A/0913:** Planning permission refused for 96 no. 2 and 3-storey residential units for 6 no. reasons including: (1) the proposed housing would be visually obtrusive, physically imposing and is of a suburban character that would materially contravene the objective of the RV1 zoning of the Fingal Development Plan 2005-2011 and the Hollystown Local Area Plan 2003 for village type development, (2) detrimental impact on the setting of Hollywoodrath House, (3) part of the development is located on Class 1 open space, (4) substandard access arrangements to the Class 1 open space, (5) the natural features of the site have not been incorporated into the layout of the proposed development to maximise their full potential, (6) insufficient information has been submitted in relation to foul drainage and surface water drainage.
- 4.2. **Planning Authority Reg. Ref. F06A/1472:** Planning permission refused for 95 no. dwellings in the curtilage of Hollywoodrath House for 9 no. reasons including: (1) the proposed housing would be visually intrusive and physically imposing on the adjacent village scale locality, (2) detrimental impact on the setting of Hollywoodrath House, (3) the proposal fails to address the future comprehensive development of Class 1 Open Space and its design does not provide for adequate use by the public, (4) the segregation of the proposed Class 1 Open Space from the avenue of Hollywoodrath House and the vehicular access to the area through the development does not provide for easy movement within the area, (5) the location of attenuation tanks within the Class 1 open space would greatly limit the use and future development of this area of open space, (6) the proposed development does not comply with Objective RO9 of the Fingal County Development Plan 2005-2011, (7) the proposed development would constitute a traffic hazard due to inadequate sightlines, the location of a junction immediately inside the site, the presence of long straights within the scheme and inadequate footpath widths on Ratoath Road, (8) insufficient information has been submitted in relation to foul drainage and surface water drainage, (9) the proposal would seriously compromise the retention of significant trees and hedgerows on site, which should be retained.

- **Related Planning History**

- 4.2.1. **Planning Authority Reg. Ref. FW21A/0003; ABP Ref. 309833-21:** Planning permission granted by the Board on 26th January 2022 for a residential development on a 1.7 ha site consisting of 52 no. residential units, refurbishment of existing former barracks building on site, car and bicycle spaces and all associated site works on a 1.7 ha site located adjacent and to the rear of the gate lodge and avenue to Hollywood Rath House.
- 4.2.2. This site is located within the grounds of Hollywoodrath House and is situated adjacent to and on the eastern site of the existing gate lodge and the internal avenue to the Protected Structure. In deciding to grant planning permission for the proposed development the Board considered, inter alia, that it would not seriously injure the setting and character of Hollywoodrath House and its associated buildings. This scheme was under construction at the time of my inspection.

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “RS – Residential” which has the objective to “provide for residential development and protect and improve residential amenity”.
- 5.2.2. Residential development and childcare facilities are permitted in principle under this zoning objective.

5.3. Dublin Airport

- 5.3.1. The majority of the site (excluding a small portion towards the northern corner) is located within Dublin Airport Noise Zone B, while the southern half of the site is located within the Outer Public Safety Zone of Dublin Airport.
- 5.3.2. **Objective DAO11 – Requirement for Noise Insulation:** Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the

Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

5.3.3. **Objective DAO18 – Safety:** Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

5.3.4. **Objective DAO24 – Housing Development and Dublin Airport Noise Zones:** Restrict housing development in order to minimise the potential for future conflict between Airport operations and the environmental conditions for residents, in accordance with the Dublin Airport Noise Zones 2019.

5.4. **Map Based Local Objectives**

5.4.1. Map-based Local Objective no. 55 applies to the site which is to facilitate the provision of a turning space for public buses. Local objective no. 54 is to facilitate traffic calming and a pedestrian crossing on the Ratoath Road at Hollystown.

5.5. **Residential Development**

5.5.1. **Objective SPQHO1 – Sustainable Communities:** Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).

5.5.2. **Objective SPQHO10 – New Residential Development:** Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport corridors and active travel infrastructure in a phased manner, alongside the delivery of appropriate physical and social infrastructure. Active travel options should also be considered while liaising with the National Transport Authority and Transport

Infrastructure Ireland to ensure public transport options to and from new developments to local amenities such as shops and libraries.

5.5.3. **Policy SPQHP35 – Quality of Residential Development:** Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

5.5.4. **Objective SPQHO31 – Variety of Housing Types:** Encourage the creation of attractive, mixed use and sustainable residential communities which contain a wide variety of housing and apartment types, sizes, tenures and typologies in accordance with the Fingal Housing Strategy, the HNDA with supporting community facilities, amenities and services.

5.5.5. **Objective SPQHO34 – Integration of Residential Development:** Encourage higher residential densities where appropriate ensuring proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area with a target minimum amount of 15% (except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) amount of green space, tree coverage and public space associated with every residential area.

5.6. Built Heritage

5.6.1. Hollywoodrath House, which is located to the east of the appeal site, is a Protected Structure (RPS Ref. 665) and is described as a late 18th or early 19th century seven-bay, two-storey house plus gate lodge, gates and gate piers and outbuildings.

5.6.2. **Policy HCAP8 – Protection of Architectural Heritage:** Ensure the conservation, management, protection and enhancement of the architectural heritage of Fingal

through the designation of Protected Structures and Architectural Conservation Areas, the safeguarding of designed landscapes and historic gardens, and the recognition of structures and elements with no specific statutory designation that contribute positively to the vernacular, industrial, maritime or 20th century heritage of the County.

- 5.6.3. **Policy HCAP18 – Designed Landscape Features, Settings and Views:** Protect the setting, significant views, and built features of historic designed landscapes and promote the conservation of their essential character, both built and natural.
- 5.6.4. **Policy HCAP 19 – Development and Historic Demesnes:** Resist proposals or developments that would lead to the loss, or cause harm to the character, principal components or setting of historic designed landscapes and demesnes of significance in the County.
- 5.6.5. **Objective HCAO32 – Designed Landscape Appraisal:** Require that proposals for development within historic designed landscapes include a Designed Landscape Appraisal (including an ecological assessment) as part of the planning documentation to fully consider the potential impacts of the proposal. The appraisal should be carried out prior to the initial design of any development, in order that this evaluation to inform the design which must be sensitive to and respect the built heritage elements and green space values of the site.
- 5.6.6. **DMSO189 – Designed Landscape Appraisal:** This objective identifies the information to be contained within such an appraisal.

5.7. **Green Infrastructure**

- 5.7.1. **Objective GINHO3 – Biodiversity in Open Space:** Make provision for biodiversity within public open space and include water sensitive design and management measures (including SuDS) as part of a sustainable approach to open space design and management.
- 5.7.2. **Objective GINHO15 – SuDS:** Limit surface water run-off from new developments through the use of appropriate Sustainable Urban Drainage Systems (SuDS) using nature-based solutions and ensure that SuDS is integrated into all new development in the County.

- 5.7.3. **Policy GINHP3 – Greening of Developments:** Encourage measures for the ‘greening’ of new developments including the use of green roofs, brown roofs, green walls and water harvesting. Where feasible require new developments to incorporate greening elements such as green roofs, brown roofs, green walls, green car parking and SuDs (e.g. clean water ponds fed by rainwater via downpipes).
- 5.7.4. **Policy GINHP21 – Protection of Trees and Hedgerows:** Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/ or contribute to landscape character and ensure that proper provision is made for their protection and management in line with the adopted Forest of Fingal-A Tree Strategy for Fingal.
- 5.7.5. **Objective GINHO46 – Tree Removal:** Ensure adequate justification for tree removal in new developments and open space management and require documentation and recording of the reasons where tree felling is proposed and avoid removal of trees without justification.

5.8. Development Management

- 5.8.1. Development management standards are set out in Chapter 14 of the development plan. Those which are most relevant to this appeal case relate to residential development (Sections 14.6 and 14.8), open space and play facilities (Section 14.13) and community infrastructure (Section 14.14). Regard has been had to all relevant standards in the adjudication of this appeal case.
- 5.8.2. The following policies and objectives are cited in the Planning Authority’s refusal reason:
- 5.8.3. **Objective DMSO52 – Public Open Space:** Public open space shall be provided in accordance with Table 14.12 (overall standard of 2.5 ha per 1,000 population and 12-15% of the site area for new residential development on greenfield sites).
- 5.8.4. **Objective DMSO53 – Financial Contribution in Lieu of Public Open Space:** Require minimum open space, as outlined in Table 14.12 for a proposed development site area (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of the remaining open space

requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

5.8.5. **Objective DMSO63 – Location of Open Space:** Ensure open spaces are not located to the side or the rear of housing units.

5.9. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)**

5.10. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

5.11. For urban extensions on greenfield lands at the edge of the existing built-up footprint that are zoned for residential development, it is a policy and objective of these Guidelines that residential densities in the range of 40 dph to 80 dph (net) shall generally be applied.

5.12. Development standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16 m above ground floor level), SPPR 2 in relation to private open space (2-bed 30 m²; 3-bed 40 m²; 4+bed 50 m²), SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and SPPR 4 in relation to cycle parking and storage.

5.13. Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

5.14. Childcare Facilities Guidelines for Planning Authorities, 2001

- 5.14.1. These Guidelines identify that for new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

5.15. Architectural Heritage Protection Guidelines for Planning Authorities, 2011

- 5.16. Guidance in relation to development within the curtilage of a Protected Structure is set out in Section 13.5. New development should be carefully scrutinised as inappropriate development may be detrimental to the character of the structure. Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. New works should not adversely impact on views of the principal elevations of the protected structure.

5.17. National Planning Framework (NPF)

- 5.17.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to 2040. A number of key National Policy Objectives (NPOs) are relevant to this appeal case as follows:
- 5.17.2. **NPO 3b:** Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- 5.17.3. **NPO 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.18. Regional Spatial and Economic Strategy for the Eastern & Midland Region 2019-2031

- 5.18.1. The RSES supports the implementation of the NPF by providing a long-term strategic planning and economic framework for the region up to 2031.
- 5.18.2. **Regional Policy Objective 3.2:** Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

5.19. Natural Heritage Designations

5.19.1. None.

5.20. EIA Screening

5.20.1. The planning application documentation does not include an EIA Screening Assessment. Fingal County Council's Planning Officer concluded that the undertaking of an EIA was not required in this instance.

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

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

5.20.3. This planning application seeks permission to construct 96 no. residential units on a site area of 4.24 ha. As such, the total number of units is significantly below the 500-unit threshold noted above. The proposed development is urban in nature and is located on a site which can be categorised as semi-rural in character, and as such, is well below the applicable threshold of 20 ha.

5.20.4. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Éireann and Fingal County Council, upon which its effects would be marginal.

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against the Planning Authority's decision has been lodged by Downey on behalf of the applicant. The applicant has proposed changes to the proposed development under the appeal submission including, inter alia, reduction/reconfiguration of a number of the dwellings resulting in a total of 86 no. units, an increased area of public open space from 616 m² to 745 m², the relocation of private open space from the rear and side of housing units and the reconfiguration of the playground to provide a minimum separation distance of 25 m to the nearest dwelling.

6.1.2. The grounds of appeal can be summarised as follows:

- The objectives listed in reason nos. 1 and 2 of the Planning Authority's decision are objectives that request information to be submitted within an application. The relevant information has been provided and acknowledged by the Planning Authority.
- The wording of many of the objectives are not so specific and could be considered general objectives. As such, the development could not be seen to materially contravene them and S. 37(2)(b) of the Planning and Development Act, 2000 (as amended) would not apply.
- The context of the subject site within the curtilage of a Protected Structure was a key consideration of the design of the development in terms of layout and design and to ensure there was no impact on Hollywoodrath House. A conservation report prepared as part of the application concluded there was no impact on the Protected Structure.
- The Designed Landscape Appraisal confirms that the dense planted cordon surrounding Hollywoodrath House and its immediate gardens means that there are no views into or from the subject site. This, along with the proposed row of tree planting on the eastern side of the site confirms that the proposed development will not have any negative impact on the Protected Structure.

- Fingal County Council's Conservation Officer accepted that the proposed development will not negatively impact on the views from the Protected Structure. It is contradictory therefore for this to be given as a refusal reason. Photomontages have been prepared which confirm that the proposed development cannot be seen from Hollywoodrath House, with a limited view only from its avenue.
- The proposed development fully complies with Policy HCAP19, Objective HCAO32 and Objective DMSO189 of the Fingal Development Plan 2023-2029.
- There is no need for the open space to be relocated to the south-eastern corner of the proposed development. The open space has remained centralised, with housing units to the north, east and west to ensure proper passive surveillance.
- Should the Board consider that the open space should be relocated, the applicant is willing to accept a planning condition in relation to this matter.
- The proposed development includes necessary road upgrade works, which has increased the site area to 4.24 ha. The net site area is 3.69 ha, which is the correct figure to calculate the public open space requirements. The proposed open space accounts for 15.3% of the site area, which accords with development plan standards.
- Objective DMSO52 also requires an overall standard of 2.5 ha of public open space per 1,000 population (0.73 ha as part of the application). While this has not been achieved, Fingal County Council accepted a contribution in lieu of same during their initial assessment of the application. The applicant is willing to provide this contribution.
- Due to the slight reconfiguration of the proposed development, a total of 5,790 m² of open space is now proposed, which equates to 15.7% of the site area.
- The SuDS strategy has evolved in consultation with Fingal County Council's Drainage team in preparing the Further Information Response. The proposal remains to provide filter drains and swales across the site, raingarden planters in each private garden, permeable paving across the site at car parking

spaces and an underground stone tank with grassed depression 200 mm deep to store the surplus run-off within the open space area.

- The Water Services Department had no objection to the proposed development at Further Information stage and were happy to grant permission subject to conditions. The proposed development provides an acceptable level of integration of sustainable drainage systems into the development.
- The proposed development complies with Policy SPQHP35, Objective GINHO3, GINHO15, Objective DMSO63, Objective SPQHO34, DMSO52 and DMSO53 of the Fingal Development Plan 2023-2029 and table 14.11: Public Open Space and Play Space Hierarchy and Accessibility Standards.
- The proposed development provides a high-quality layout and design of houses, a sufficient quantum of public open spaces with ample passive surveillance, sufficient integration of SuDS measures, an acceptable urban design within the site context of the evolving Hollystown area and an acceptable level of residential amenity for future residents.
- A precedent case exists for a similar development on a site to the rear of the gate lodge of Hollywoodrath House (ABP Ref. 309833-21) whereby the Planning Authority's decision to refuse permission for the development was overturned by the Board. The development proposed under that application is more within the curtilage of the Protected Structure than the current appeal site, being immediately adjacent to the border with the avenue and the gate lodge. The site which is the subject of this appeal is further removed from the boundaries of the Protected Structure.
- The subject site remains one of the last undeveloped, zoned sites in Hollystown and given the current housing crisis, the delivery of 86 no. units is vital to ensure the demand for new residential units is met. It is also vital to ensure the NTA can deliver their extension to the existing bus routes, offering sustainable transport options for existing and future residents.

6.1.3. The appeal submission includes a copy of the Planning Authority's decision, photomontages, a Landscape Architectural Report and revised architectural drawings which illustrate the changes proposed to the development at appeal stage.

6.2. Planning Authority Response

- 6.2.1. A response to the appeal was received from the Planning Authority on 9th January 2024. The Planning Authority requests that the Board uphold the decision to refuse permission. In the event permission is granted, it is requested that a condition be attached requiring a S. 48 development contribution.

6.3. Observations

- 6.3.1. An observation was made on the appeal by DAA which refers to the submission made to Fingal County Council on 9th March 2023. DAA requests the Board to take the contents of this submission relating to the airport noise zones and public safety zones into consideration when assessing this application.

7.0 Assessment

- 7.1. The applicant's appeal submission proposes changes to the development to address the Planning Authority's decision. The key amendments as described by the applicant are as follows:

- On the north-western side of the site, house nos. 1 and 7 (terraced and semi-detached respectively) have been replaced with house nos. 1 and 6, comprising 3-storey, 4-bedroom detached houses fronting onto Ratoath Road.
- It is proposed to provide house nos. 13-16 (2 no. detached and 2 no. semi-detached houses) in place of previously proposed house nos. 15-19 adjacent to the proposed bus turning area at Ratoath Road. This has increased the public open space in this area from 616 m² to 748 m².
- No open spaces are proposed to the rear or side of the housing units.
- The playground area has been reconfigured to provide a 25 m separation distance to the nearest residential units. The size of the play area continues to exceed the minimum requirement.
- The amended development now includes 86 no. units (9 no. 2-bedroom, 50 no. 3-bedroom and 27 no. 4-bedroom units) and 1 no. childcare facility.

- 7.2. In my opinion, the changes which are proposed are material, and in the event the Board considers granting permission in this instance, they may wish to readvertise the development to the public. My assessment considers the application as amended at Further Information stage of the planning application process and as further amended under the appeal submission.
- 7.3. Having considered the contents of the planning application and appeal, the submissions on file, having regard to relevant national, regional and local planning policy, and having undertaken an inspection of the subject site and surrounding area, I consider that the key issues arising for assessment in this case include:
- Impact on Historic Landscape of Hollywoodrath House
 - Standard of Architectural Design and Layout
 - Dublin Airport Designations
 - Site Access Arrangements
 - Water / Wastewater Infrastructure
 - Appropriate Assessment

7.4. Each of these issues is considered in turn below.

7.5. Impact on Historic Landscape of Hollywoodrath House

- 7.5.1. Refusal reason no. 1 of the Planning Authority's decision was based on the sensitivity of the site, which forms part of the curtilage of a Protected Structure and is located within an historic landscape. It was considered that the layout and form of the proposed development would cause harm to the character of the historic landscape associated with Hollywoodrath House and would materially contravene Policy HCAP19 and Objectives HCAO32 and DMSO189 of the development plan.
- 7.5.2. In addressing this refusal reason, the applicant submits that their conservation report concluded that the proposed development would have no impact on the Protected Structure. It is also submitted that the Designed Landscape Appraisal confirms that the dense planted cordon surrounding Hollywoodrath House and its immediate gardens restricts views into and from the subject site. It is considered that the existing planting, along with the proposed row of tree planting on the eastern side of the site, will not result in any negative impact on the Protected Structure. The

applicant also refers to the photomontages which accompany the appeal, which illustrate that the proposed development cannot be seen from Hollywoodrath House, with a limited view only from its avenue.

- 7.5.3. In considering whether the proposed development would materially contravene the stated policies and objectives, I note in the first instance that Objective HCAO32 requires the submission of a Designed Landscape Appraisal for applications relating to development within historic designed landscapes. Objective DMSO189 sets out the information to be contained within such an appraisal. Given that this information was provided by the applicant during the course of the planning application, I consider that the Planning Authority's assessment that a material contravention of the development plan arises in this instance is incorrect.
- 7.5.4. The applicant submitted an Historic Landscape Assessment of the Land and Environs of Hollywoodrath Demesne and an Historic Landscape Impact Assessment in response to Fingal County Council's Request for Further Information. The impact statement notes that as the proposed boundary planting to the development matures, it will give privacy to the demesne lands and effectively screen views from the approach drive to the house. It is also noted that planting along the drive to Hollywoodrath House in the latter part of the 20th century had already focussed attention along the drive and served to limit views out to the parkland it crossed. The existing dense planted cordon surrounding the house and its immediate gardens means there are no views into or from the appeal site. Figure 8.4 of the Historic Landscape Assessment shows a south-westerly view from the principal room on the 1st floor of Hollywoodrath House, with only the tops of the 20th century boundary planting on the Ratoath Road being visible. The proposed development will not affect any views to or from the house and its immediate lawns and gardens.
- 7.5.5. The assessment also notes that the original design of the demesne landscape was limited in scale and ambition and most features of the design have long since been lost or compromised. The appeal site was part of the lands that were added to the demesne in c. 1870 and at the time, this area was not subject to any designed integration into the demesne landscape. Boundary planting was introduced some 80 years later. The assessment concludes that the proposed development will neither impact on the architecture and setting of the house and the immediate gardens in their present form, nor upon the setting of the entrance gates, gate lodge and

planting, with these areas being the most significant surviving elements. The views out from the approach avenue will be affected by the development to a very limited extent, which will diminish over time as the proposed planting matures.

- 7.5.6. In assessing the submitted information, Fingal County Council's Conservation Officer concluded that the Designed Landscape Appraisal had not been used to inform any significant changes to the scheme layout or to improve the architectural design, treatment and materials for the proposed house types so that the proposed development would respond more sensitively to its context. The Planning Officer considered that the submitted landscape appraisal accorded with the requirements of DMSO189 of the development plan (report of 6th November 2023 refers). This statement contradicts refusal reason no. 1 of the Planning Authority's decision which states, inter alia, that the proposed development would materially contravene this objective. The Planning Officer also accepted that the proposed development would not impact negatively on views to and from the Protected Structure. However, it was considered that the form of the proposed development would undermine and cause harm to the historic landscape associated with Hollywoodrath House. It was also considered that the historical context of the site should provide the design impetus for the development rather than the existing residential schemes in the locality.
- 7.5.7. In considering this issue, I acknowledge that the proposed development will alter part of the historic landscape associated with Hollywoodrath House. However, I note the applicant's findings that the development will not impact on the most significant surviving elements of the demesne. Given the separation distance arising between the appeal site and the main house and the limited extent of the existing views between the two as confirmed during my site inspection, I concur with the findings of the applicant's assessments.
- 7.5.8. Concerns were raised during the planning application process regarding the loss of the boundary trees along Ratoath Road and Gallanstown Road and the resulting impact on the character of the area. A Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement accompany the planning application. The proposed development involves the removal of 6 trees and 3 tree groups of low quality (Category C) and 7 trees of poor quality (category U). The tree loss along the western and northern boundaries will have an initial visual impact on the local area. Although the trees are prominently located, they are of low quality

only and the main species (Leyland cypress and Spruce) are not considered suitable for a new residential development.

- 7.5.9. It is submitted that the proposed development provides a good opportunity to remove these trees and enhance the landscape within the site with more appropriate trees and hedgerows. The removal of the lime and beech trees (poor and low quality) along the eastern boundary will have a negligible impact on the local area. Mitigation measures are identified in relation to the retention of a mature ash tree at the southern end of the Ratoath Road site boundary. Details of the proposed replacement planting are identified on the landscaping drawings which accompanied the applicant's Further Information response. In my opinion, the tree removal and replacement strategy is acceptable. The Parks and Green Infrastructure Department of Fingal County expressed concerns that the sightline requirements and hedgerow proposals along the Gallanstown Road were in conflict (report of 1st November 2023 refers). This matter can be addressed by condition should the Board grant permission for the proposed development (condition no. 10 of the Transportation Planning Section report of 24th October 2023 refers).
- 7.5.10. The proposed development will be accessed from Gallanstown Road and will be screened by tree planting along its southern and eastern boundaries, which will limit views of the new development from the internal avenue of the main house. In my opinion, the applicant has made a reasonable effort to limit the visual impact of the development from the remaining demesne landscape. I consider that the location of the main area of public open space within the development will buffer views of the new development from the southern end of the avenue to Hollywoodrath House, from where there is an existing view of the site. Given that the proposed development will largely be self-contained in terms of its context to the main house, I consider that the design and materials would not have a significant negative impact on the character of the existing structures or the landscape. As such, I do not agree with the Planning Authority's assessment that the proposed development would materially contravene Policy HCAP 19 of the development plan.
- 7.5.11. In my opinion, the Planning Authority's assessment fails to consider the recently permitted residential development of 51 no. units (mix of 2-3 storey houses and apartments/duplexes in 3 storey blocks) within the curtilage of Hollywoodrath House (ABP Ref. 309833-21 refers). This development is located on the eastern side of the

internal avenue to the main house, adjoining the gate lodge and is closer to the more significant surviving elements of the demesne. This development was under construction at the time of my inspection and is clearly visible in views from the main avenue of the Protected Structure. This permitted development sets a precedent for residential development within the historic landscape of Hollywoodrath House and as such, I consider it would be unreasonable to refuse permission for the current proposal on this basis.

7.5.12. In the event the Board disagrees with my assessment and considers that the proposed development would materially contravene the stated policy and objectives of the development plan, I note the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended). This section of the Act states that, where a Planning Authority has decided to refuse planning permission for a development on the grounds that it materially contravenes the development plan, the Board can only grant permission where it considers that:

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or,
- (iii) permission should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directive under section 29, the statutory obligations under any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or,
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.5.13. In my opinion, permission could be granted for the proposed development under Section 37(2)(b)(iii) of the Act having regard to National Policy Objective 3b of the National Planning Framework, which seeks to deliver at least 50% of all new homes in the cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints. I further note the guidance contained in the recently published Compact Settlements and Sustainable Residential Development Guidelines, 2024 which prioritise the development of compact settlements rather than continued urban sprawl. In this regard I note that the development is proposed

on zoned residential land in the outer suburbs of Dublin City and within the emerging residential neighbourhood of Hollystown which is increasingly characterised by modern residential estates.

- **Amended Development**

7.5.14. For the avoidance of doubt, I note that the changes which are proposed to the development under the appeal submission, largely relate to revised unit types. My assessment of the impact of the amended development on the historic landscape of Hollywoodrath House remains unchanged in this context.

7.6. Standard of Architectural Design and Layout

7.6.1. Refusal reason no. 2 of the Planning Authority's decision related to the layout and design of the development, the inadequate quantum and distribution of public open space and integration of sustainable drainage systems. It was considered that the proposed development would be contrary to Policy SPQH35 (quality of design and layout of new residential developments), would materially contravene Objectives GINHO3 and GINHO15 (sustainable drainage systems), Objective DMSO63 (location of public open space), and Objectives SPQHO34, DMSO52 and DMSO53 (quantum of public open space) of the development plan.

7.6.2. In response, the applicant submits that the proposed development provides a high-quality layout and design, a sufficient quantum of public open space with ample passive surveillance, sufficient integration of SuDS measures, an acceptable urban design within the site context of the evolving Hollystown area and an acceptable level of residential amenity for future residents.

- **Design and Layout**

7.6.3. In reviewing the design and layout of the proposed development as amended at Further Information stage, the Planning Officer considered that the scheme represents a standard modern housing estate layout of roads, blocks of houses and bland material finishes. It was considered that the change from gable-fronted bays to alternating gable-fronted bays and flat roofed bays on house types A1, A2, B1, B2, C3 and D1 did not improve the front elevations of the relevant units, but rather created a level of visual imbalance to a row of dwellings.

- 7.6.4. The Planning Officer also had significant concerns in relation to the layout of the private amenity space serving unit nos. 1 and 7. The inclusion of blank boundary walls to the rear of these spaces fronting onto Ratoath Road, was considered an inappropriate interface with the road. It was considered that the entire side elevation of these units should be finished in brick, with the pitched roof projection finished in render.
- 7.6.5. The Planning Officer also had concerns regarding the projections on the side elevation of the turn-the-corner dwelling units on foot of the different roof profiles and the use of the same features on the front and side elevations. It was considered that these elevations should be reconsidered so that most of the elevation is treated with brick and the two projections are both finished in render with the same roof profiling. This comment applied to all such corner units.
- 7.6.6. The proposed development as proposed at Further Information stage included 13 no. unit types comprising a mix of detached, semi-detached and terraced units. I acknowledge that the layout of the units is suburban in character, but I have no particular objection in this regard given the recent pattern of housing development to the north of Gallanstown Road (Chapelwood and Alderwood estates refer) and the separation distance arising to Hollywoodrath House. I also have no particular concern in relation to the proposed alternating gable-fronted and flat-roof bays on some of the unit types as identified by the Planning Officer. I note that the majority of the site is located within Dublin Airport Noise Zone B and as such, a condition should be attached requiring appropriate noise insulation for the development in the event the Board grants permission.
- 7.6.7. All the units have generous rear garden spaces, with acceptable separation distances between back-to-back units. Off-street parking (2 no. spaces) is proposed to the front of the residential units, apart from those in the north-eastern and north-western corners of the site (nos. 1, 2 and 67), where the spaces are provided within the adjacent hammerhead.
- 7.6.8. The childcare facility is proposed adjacent to the site entrance at Gallanstown Road which will facilitate convenient drop-off and collection for those travelling from outside the site. A total of 11 no. visitor parking spaces, including 2 no. universal access spaces are proposed to the front and side of the facility which I consider to

be acceptable. I recommend that the hours of operation of the facility should be restricted by condition to ensure the protection of the residential amenity of the neighbouring dwellings.

- 7.6.9. The proposed materials comprise a mixture of render and selected brick to all the residential units and the childcare facility, which reflects the materials used in the neighbouring estates. In the event the Board grants permission for the proposed development, I consider that final details in relation to materials and finishes should be agreed with the Planning Authority prior to the commencement of development. This matter can be addressed by planning condition.
- 7.6.10. I agree with the Planning Officer's concerns in relation to the inclusion of blank boundary walls to the rear amenity spaces of unit nos. 1 and 7 fronting onto the Ratoath Road given their proximity to the public road. However, I consider that the inclusion of additional planting in the verge adjacent to these walls would address this issue. This matter could also be agreed by condition with the Planning Authority.

- **Amended Development**

- 7.6.11. The applicant has proposed changes to the scheme layout under the appeal submission. On the north-western side of the site, house nos. 1 and 7 (terraced and semi-detached respectively) have been replaced with houses no. 1 and 6, comprising 3-storey, 4-bedroom detached houses fronting onto Ratoath Road. The remaining units adjacent to unit no. 1 comprise 2 pairs of semi-detached units (unit nos. 2-5), while 3 pairs of semi-detached units remain beside unit no. 6 (nos. 7-12).
- 7.6.12. It is also proposed to provide house nos. 13 -16 (2 no. detached and 2 no. semi-detached houses) in place of previously proposed house nos. 15-19 adjacent to the proposed bus turning area at Ratoath Road. The layout of the remaining units within the development is unchanged.
- 7.6.13. In my opinion, the amended layout is preferable to that proposed at Further Information stage due to the improved landscape buffer between the public road and unit nos. 1 and 6 and the reconfigured open space beside unit no. 13 which reduces the extent of encroachment on the rear private amenity space of this unit. This issue is discussed further below.

- **Public Open Space**

- 7.6.14. In assessing the proposed public open space in the first instance, Fingal County Council noted that a shortfall of 3,621 m² arose (report of 17th April 2023 refers). In the event planning permission was granted, the Planning Officer considered that this shortfall could be made up by a financial contribution in lieu, to be applied towards the continued upgrade of local Class 1 open space facilities.
- 7.6.15. Item No. 2(b) of the Planning Authority's Further Information Request required the applicant to consider relocating the open space to the south-eastern site corner i.e. closest to Hollywoodrath House. In retaining the open space in its original location, the Planning Officer considered that the applicant had failed to provide a rationale for this approach. The Planning Officer also had concerns regarding the proximity of the public open space at the bus turning area to the private amenity space of unit no. 15 and the lack of defensible space between these areas.
- 7.6.16. In considering the required quantum of public open space in the first instance, I note that the proposed development would generate a population of 318 persons based on the occupancy standards outlined in the development plan (3.5 persons for 3+bedroom dwellings and 1.5 persons for dwellings with 2 or less bedrooms). This in turn would generate a total public open space requirement of 8,000 m² based on a standard of 2.4 ha per 1,000 population.
- 7.6.17. The primary area of public open space proposed at Further Information stage comprises a rectangular parcel of 5,042 m² located at the southern end of the site. A band of tree planting is proposed immediately adjacent to the site boundary, while a playground of 470 m² is also proposed in this area. A smaller pocket park of 616 m² is proposed at the western site boundary adjacent to the bus turning area and the side of unit no. 15. The total open space provision is 5,658 m² which amounts to 13.3% of the gross site area (4.24 ha) or 15.3% of the net site area (3.69 ha) excluding the childcare facility, the bus turning area and the new footpath along Ratoath Road. The development plan specifies a target minimum amount of public open space of 15%. The more recently published Compact Settlement Guidelines require not less than 10% of the net site area and not more than 15%, save in exceptional circumstances.

- 7.6.18. In my opinion, the overall quantum of public open space within the site is acceptable and accords with development plan standards and the Compact Settlement Guidelines. I also consider that a contribution in lieu of the deficit of public open space arising (based on a standard of 2.5 ha per 1,0000 population) could be provided for by condition as per Objective DMSO53 of the development plan. Having regard to the foregoing, I consider that the Planning Authority's statement within refusal reason no. 2 that the proposed development would materially contravene Objectives SPQHO34, DMSO52 and DMSO53 in respect of the quantum of public open space is inaccurate.
- 7.6.19. I also consider that the location of the main parcel of public open space is acceptable. I do not agree with the Planning Authority's assessment that this space should be relocated to the south-eastern corner of the site given the limited views to/from Hollywoodrath House at this location. While the space is not centrally located within the scheme, the overall development is relatively small in scale and as such, the space is easily accessible from all areas of the estate and would be overlooked by the neighbouring residential units at the southern end of the site. The Planning Authority requires that play facilities be located a minimum of 25 m from the nearest residential dwelling. While this has not been achieved on the site layout, a revised proposal to achieve this standard could be agreed by condition.
- 7.6.20. In considering the layout of the smaller pocket park adjacent to the western site boundary, I share the Planning Officer's concerns regarding its proximity to the rear garden of unit no. 15. The public open space partially extends across the side building line of this property and encroaches into its rear amenity space. Objective DMSO63 of the development plan seeks to ensure that open spaces are not located to the side or rear of housing units. However, I consider that the alignment of the public open space could be reconfigured by way of condition to provide greater defensible space to the adjoining dwelling. While this amendment would reduce the amount of public open space provided in this location, I consider that the overall provision would still achieve a minimum of 10% of the net site area as required under the Compact Settlement Guidelines.
- 7.6.21. As such, I consider that it would be unreasonable to refuse permission for the proposed development based on the quantum and distribution of public open space.

- **Amended Development**

- 7.6.22. No changes are proposed to the primary area of public open space under the appeal submission. While the applicant submits that the playground area has been reconfigured to provide a 25 m separation distance to the nearest residential units, this is not reflected in the submitted Site Layout Plan (Drawing No. 003), with the playground remaining in the same location as proposed at Further Information Stage. I note that this standard was achieved on the initial Site Layout Plan submitted to the Planning Authority, and as such, I consider that this matter can be resolved by condition should the Board decide to grant permission for the proposed development.
- 7.6.23. The pocket park adjacent to the western site boundary has been increased in size from 616 m² to 748 m² on foot of the revised house types at this location. Unit no. 13 is now located directly adjacent to this space, the rear garden layout of which has been regularised so that the public open space no longer encroaches across its side building line. The entrance to unit no. 13 (house type A4) is located along its western elevation fronting this space, and as such, I consider that the open space can reasonably be described as not being located to the side or rear of this unit as required under Objective DMSO63 of the development plan. This open space is also overlooked by unit no. 17, unit nos. 6 – 8 and the bus turning area. An improved landscape buffer is also proposed along the Ratoath Road boundary to the northwest of the site adjacent to the revised unit types (nos. 1 and 6) at this location.
- 7.6.24. In my opinion, the proposed public open space as amended at appeal stage represents an improved layout compared with that proposed at Further Information stage. For the avoidance of doubt, I note that the number of units within the development has been reduced while the quantum of public open space has been increased. As such, I remain satisfied that the proposed quantum of public open space as provided under the amended scheme is acceptable.

- **Sustainable Urban Drainage Systems**

- 7.6.25. While the Planning Officer acknowledged that the proposed SuDS strategy was technically feasible, concerns remained that the SuDS areas were not incorporated into the overall design of the estate and would create attractive areas for dumping garden material from the dwellings. It was preferable that the proposed trench along the southern and eastern boundaries be incorporated into the proposed open space, with side slopes greatly reduced to eliminate the requirement for fencing. The same concerns were raised by the Parks Division. Refusal reason no. 2 of the Planning Authority's decision states that the proposed development would materially contravene Objectives GINHO3 and GINHO15 in respect of sustainable urban drainage systems.
- 7.6.26. The SuDS strategy as proposed at application stage is outlined in the applicant's Engineering Planning Report (section 4.1 refers). It includes permeable paving, raingarden planters, swales and filter drains. It is proposed to drain the surface water run-off from sections of the roads into an infiltration trench and swale system located along the main area of open space and at the parking bays to the northwest of the site. The infiltration trench has been designed to store the 1:100-year storm event +20% allowance for climate change, with a 150 mm diameter overflow pipe connecting back into the main 225 mm diameter surface water network. A 700 mm deep underground attenuation tank to store the 1 in 30-year storm event plus 20% for climate change and a grassed depression to store the surplus volume to cater for the 1:100-year storm event is also proposed within the open space.
- 7.6.27. It is proposed to construct a new 225 mm diameter surface water network flowing towards the southern site boundary, out falling into the underground attenuation system. An existing 450 mm diameter surface water culvert crosses the site and outfalls into an existing stream culvert at the southern site boundary. The applicant has consulted the Water Services Department of Fingal County Council to agree a strategy to divert this culvert. Surface water from the Gallanstown Road flow will be diverted into an open channel which runs around the eastern and southern site boundaries. The Planning Authority's concerns related to the inclusion of this open channel as part of the SuDS strategy.

- 7.6.28. Item No. 3 of the Planning Authority's Request for Further Information required the applicant to consider an alternative approach to the surface water proposals which would omit the need for this trench. In the event this was not possible, the applicant was requested to clarify how access for machinery to maintain the drainage runoff trench would be provided. In consultation with the Drainage Team of Fingal County Council, the applicant proposed a more naturalised drainage corridor. Access points to the trench were provided from the southern and eastern boundaries within the site. A letter of consent was also provided from the adjoining landowner to allow maintenance access to the trench from outside the site boundary.
- 7.6.29. In my opinion, the proposed development has made adequate provision for SuDS measures as part of a sustainable approach to open space management as required under Objective GINHO3 of the development plan. While I acknowledge the concerns regarding the dumping of garden material into the trench along the southern and eastern boundaries, I consider this to be a management issue and I note that this area is proposed to be taken-in-charge by the Local Authority. I also consider it evident that the proposed development complies with Objective GINHO15 of the development plan, which seeks to limit surface water run-off from new developments through the use of appropriate sustainable urban drainage systems using nature-based solutions and to ensure that SuDS is integrated into all new development in the County. As described in the applicant's Engineering Report, SuDS measures have been incorporated into the surface water drainage strategy for the site. I also note that the Water Services Department of Fingal County Council had no objection to the proposed drainage arrangements.
- 7.6.30. Having regard to the foregoing, I consider that the proposed development does not materially contravene the stated objectives of the development plan and that to refuse planning permission on this basis would be unreasonable.

7.7. Dublin Airport Designations

- 7.7.1. Most of the site is located within Dublin Airport Noise Zone B, while the southern half is located within the Outer Public Safety Zone. The planning application documentation includes a Planning Stage Acoustic Design Statement which has assessed the noise impact from road traffic and forecast aircraft traffic at the subject site. The assessment concludes that interior noise levels for the whole development are predicted to comply with interior sound levels from BS 8233: 2014 “Guidance on Sound Insulations and Noise Reducing of Buildings” and ProPG: “Planning and Noise – New Residential Development”, (2017) provided that the identified construction requirements/mitigation measures are complied with in full. The compliance of the development with these measures can be required by condition should the Board decide to grant permission in this instance.
- 7.7.2. The applicant submitted an Aviation Public Safety Assessment in response to Item No. 1 of the Planning Authority’s Request for Further Information which noted that the residential density on lands located within the Outer Public Safety Zone shall not exceed 60 persons per half hectare. The assessment confirms the schemes’ compliance with this requirement.
- 7.7.3. I note that the Irish Aviation Authority has recommended that the applicant engage with DAA/Dublin Airport to ensure that appropriate wildlife hazard reduction techniques and management be employed during the construction phase of the development (report of 13th March 2023 refers). This matter can also be addressed by planning condition.

7.8. Site Access Arrangements

- 7.8.1. The vehicular entrance into the site is proposed via the Gallanstown Road boundary. Pedestrian connections are proposed along the Gallanstown Road and Ratoath Road boundaries. A bus turning circle is proposed along Ratoath Road, the layout of which is supported by the National Transport Authority. Speed cushion traffic calming and two pedestrian crossings are proposed along Ratoath Road, with the southernmost crossing being signalised. Two further pedestrian crossings are proposed on either side of the site entrance, with a further crossing at the junction of Gallanstown Road and Ratoath Road.

7.8.2. Following the applicant's Further Information Response, the Transportation Planning Section of Fingal County Council had no objection to the proposed development subject to the agreement of certain matters in advance with the Planning Authority. I am satisfied that these requirements can be addressed by condition if the Board decides to grant permission for the proposed development.

7.9. Water / Wastewater Infrastructure

- 7.9.1. Water supply to serve the development will be via a new connection to the existing 150 mm watermain services to the Chapelwood estate or as directed by Uisce Éireann. A Confirmation of Feasibility Statement from Uisce Éireann is appended to the applicant's Engineering Planning Report and I note that the developer will be required to enter into a connection agreement prior to the commencement of development. This matter can be addressed by condition.
- 7.9.2. The applicant proposes to connect to the existing 225 mm diameter wastewater system located to the north of the site via a gravity connection. The existing wastewater network flows westwards through the old Hollystown golf course lands into a private pumping station which is under the control of Glenveagh Properties. This pumping station will be decommissioned as part of a granted planning permission (F21A/0042) and will connect to the existing 750 mm wastewater sewer at Powerstown Road. It was noted that there may be capacity issues with the pumping station and the applicant proposed to add separate temporary storage tanks with 24-hour storage capacity to address this issue.
- 7.9.3. The Water Services Department of Fingal County Council requested that further information be requested in relation to these arrangements, including a letter of consent from the owner of the private pumping station, documentary evidence of permission to connect into the future foul gravity sewer and the timeframe for delivery of same, a site layout plan indicating the location of works for the additional storage volume, and an engineering report on the condition and capacity of the pumping station.
- 7.9.4. In response, the applicant submitted letters of consent as requested and information on the timeframe for the delivery of the future foul sewer. It was also confirmed that no additional storage is required for the existing pumping station. Appendix D of the response prepared by Poga Consulting Engineers states that the current

infrastructure has the capacity to take on the proposed development, with no additional infrastructure required for operation. Upgrade works to bring the pumping station up to Uisce Éireann standards are identified.

- 7.9.5. In assessing the submitted information, the Water Services Department had no objection to the foul drainage arrangements subject to the developer completing all necessary upgrade works to the existing pumping station prior to the connection of any units to the foul network. In my opinion, given that the pumping station is located on third party lands, it would be ultra vires to attach a condition in relation to this matter. The applicant has confirmed that the current infrastructure can accommodate the wastewater flows from the development and I note that Uisce Éireann had no objection to the proposed development following the applicant's Further Information submission. As such, I am satisfied that the wastewater flows from the proposed development can be adequately catered for.

7.10. Conclusion

- 7.10.1. In my opinion, the proposed development would be appropriate at this location. The site is located in the outer suburbs of Dublin city and is zoned for residential purposes. While the site is located within the curtilage of a Protected Structure, I consider that the proposed development would not have any undue negative impact, visual or otherwise, on the existing structure and the more significant surviving elements of the demesne. A precedent has already been established for residential development within the curtilage of Hollywoodrath House under ABP Ref. 309833-21 and this permission was being implemented on the site at the time of the site inspection.
- 7.10.2. I further consider that the overall design and layout of the proposed development is acceptable and would provide a satisfactory standard of residential amenity for any future occupants. The applicant has proposed some changes to the scheme layout by way of the appeal submission. In my opinion, the proposed amendments serve to improve the layout as proposed at Further Information stage. As such, in the event the Board considers granting permission for the proposed development, I consider that the layout proposed at appeal stage would be most appropriate on the site.

8.0 Appropriate Assessment (AA) Screening

8.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

8.2. This conclusion is based on:

- Objective information presented in the Screening Report.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites, and
- Impacts predicted would not affect the conservation objectives.

8.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion (see Appendix 3 of this report for further details).

9.0 Recommendation

9.1. I recommend that planning permission be granted for the proposed development based on the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

10.1. Having regard to the “RS” zoning objective which applies to the site under the Fingal Development Plan 2023-2029, under which residential development is permissible, and the recent pattern of residential development in the vicinity of the site, including within the grounds of Hollywoodrath House (a Protected Structure), it is considered that, subject to compliance with the conditions set out below, the proposed

development would be an appropriate form of development at this location, which would not seriously injure the character, setting and associated landscape of Hollywoodrath House and its associated buildings and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 6th day of October 2023, as further amended by the plans and particulars received by An Bord Pleanála on 4th day of December 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings and the childcare facility shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Proposals for an estate name, house numbering scheme and associated signage, including for the proposed childcare facility, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features,</p>

	<p>or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
4.	<p>The following requirements of the Transportation Planning Section of the Planning Authority shall be complied with:</p> <p>(a) The detailed design and construction of the bus turning area, bus stop and bus shelter shall be agreed in writing with both the NTA and the Planning Authority prior to the commencement of construction. All works shall be carried out by the developer to the satisfaction of the Planning Authority.</p> <p>(b) The upgrade of both the Gallanstown Road and Kilbride/Ratoath Road and bus turning area shall be completed prior to the occupation of the development.</p> <p>(c) The following details shall be agreed prior to the commencement of construction:</p> <p>(i) The detailed design and construction details for the Gallanstown Road and the Kilbride/Ratoath Road upgrade works.</p> <p>(ii) The detailed design and specification, location of equipment and all necessary signing and lining for the pedestrian crossing and speed cushions.</p> <p>(iii) A revised taking in charge drawing and EV ducting details for on-street parking.</p> <p>(iv) The design of the dished crossing points on Gallanstown Road and the junction of Gallanstown Road.</p> <p>(v) The extent of junction tables.</p>

	<p>(vi) A comprehensive construction phasing plan for the development and the upgrade works to both Gallanstown Road and the Kilbride/Ratoath Road.</p> <p>(vii) A final Construction Management Plan and Traffic Management Plan in line with the agreed construction phasing plan for the development.</p> <p>(e) A Stage 3 and Stage 4 Road Safety Audit shall be completed and submitted by the applicant to the satisfaction of the Planning Authority in compliance with the TII publication "Road Safety Audit GE-STY-01024".</p> <p>(f) Speed cushions shall be located within 5 metres of public lighting.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
5.	<p>(a) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy & Specifications. The material finishes and design and construction details shall be agreed in writing with the Planning Authority prior to the commencement of construction. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the Planning Authority.</p> <p>(b) Access lanes to rear gardens shall not be taken in charge and shall remain private.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
6.	<p>(a) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p>

	<p>(b) The developer shall engage with DAA/Dublin Airport to ensure that appropriate wildlife hazard reduction techniques and management is employed during the construction of the proposed development.</p> <p>Reason: In the interest of environmental protection.</p>
7.	<p>The disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the Planning Authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
8.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the Planning Authority as required in (b) shall be subject to receipt by the Planning and Housing Authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the Planning Authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement</p>

	<p>has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
9.	<p>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 on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the Planning Authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>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 for the area.</p>
10.	<p>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 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.</p>

	<p>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.</p>
11.	<p>The developer shall pay to the Planning Authority a financial contribution in lieu of public open space provision in accordance with Objective DMSO53 of the Fingal Development Plan 2023-2039 and the Fingal County Council Development Contribution Scheme 2021-2025 in respect of public open space, recreational and community facilities, amenities and landscaping works 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 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.</p> <p>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.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the Local Authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.</p>

	<p>The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
13.	<p>(a) All entrance doors in the external envelope shall be tightly fitting and self-closing.</p> <p>(b) All windows and rooflights shall be double glazed and tightly fitting.</p> <p>(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.</p> <p>Details indicating the proposed methods of compliance with the above requirements, and compliance with the recommended mitigation measures in the Acoustic Design Statement submitted to the Planning Authority on 23rd day of February 2022, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: To protect residential amenity.</p>
14.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes, through open spaces and shall take account of trees within the Landscape Masterplan (Drawing No. 01) submitted to the Planning Authority on 6th October 2023.</p> <p>Reason: In the interest of amenity and public safety.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of development. All existing</p>

	<p>over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
16.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
17.	<p>The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.</p> <p>Reason: In the interest of residential amenity.</p>
18.	<p>Not more than 75% of the residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the Planning Authority that a childcare facility is not needed at this time.</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
19.	<p>No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 mmm, which would interfere with or obstruct, or could obstruct over time, the required visibility envelopes.</p> <p>Reason: In the interest of traffic safety.</p>
20.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

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

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.

Louise Treacy
Senior Planning Inspector

24th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318604-23			
Proposed Development Summary	Construction of 96 houses and all associated site works.			
Development Address	Within the curtilage of Hollywoodrath House (a protected structure) on lands at Ratoath Road and Gallanstown Road, Hollystown, Dublin 15.			
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	X	
		No		
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)	Conclusion
No				
Yes		Class 10 (b)(i) and (iv)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318604-23	
Proposed Development Summary	Construction of 96 houses and all associated site works.	
Development Address	Within the curtilage of Hollywoodrath House (a protected structure) on lands at Ratoath Road and Gallanstown Road, Hollystown, Dublin 15.	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The subject site located within an area which is increasingly is characterised by modern residential estates. A recently permitted residential scheme is currently under construction within the grounds of Hollywoodrath House to the south-east of the appeal site.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The removal of topsoil and C&D waste can be managed through an agreed Construction and Environmental Management Plan. Localised construction impacts will be temporary.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development would increase the development density of the site and would reflect more recent housing developments within the settlement. The size of the development would not be exceptional in the context of the existing environment and would reflect the more recent housing developments in the Hollystown area.</p>	No
<p>Are there significant cumulative</p>		No

considerations having regard to other existing and/or permitted projects?	There are no significant permitted developments in the immediate vicinity of the site.	
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? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No - An AA screening exercise has been undertaken which has concluded that the proposed development does not have the potential to have significant impacts on any European sites. No	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. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination

Template 2: Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed residential development of 96 no. houses and all associated site works within the curtilage of Hollywoodrath House (a Protected Structure) in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in Hollystown, Dublin 15. The nearest European sites with a possible ecological connection or impact pathway are **South Dublin Bay and River Tolka Estuary SPA** (site code: 004024) which is located c. 12.5 km to the south-east, **Malahide Estuary SAC** (site code: 000205) and **Malahide Estuary SPA** (site code: 004025) which are located c. 11.7 km to the north-east, **North Bull Island SPA** (site code: 004006) and **North Dublin Bay SAC** (site code: 000206) which are located c. 15 km to the south-east and **North-West Irish Sea SPA** (site code: 004236) which is located c. 16km to the east.

I note the applicant included additional European sites in their initial screening consideration. There is no ecological justification for this, and I have only included those sites with any possible ecological connection or impact pathway in this screening determination.

I have provided a detailed description of the development in Section 2.0 of my report and detailed specifications of the proposal are provided in the AA screening report and other planning documents provided by the applicant.

In summary, the proposed development comprises the construction of 96 no. dwellings, 192 no. car parking spaces and 62 no. bicycle parking spaces. It will include open space, landscaping, trees and boundary treatments, public lighting, bin and bicycle storage, an ESB substation and all site infrastructure and engineering works required to facilitate the development including, inter alia, SuDS measures and the diversion of an existing 450mm diameter surface water culvert which crosses the site into an open channel around the southern and eastern site boundaries. Water supply and wastewater drainage connections will be made in agreement with Uisce Éireann (Irish Water).

Step 2: Potential impact mechanisms from the project

The subject site is not located within or directly adjacent to any European site and it is not an ex-situ site for any qualifying interest of any European site and therefore there is no potential for direct impacts to occur.

There is the potential for indirect impacts to occur as follows:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Dust and noise impacts on foot of construction works.

Step 3: European Sites at risk

The site is hydrologically connected via the Irish Sea to **North Dublin Bay SAC** (site code: 000206), **North Bull Island SPA** (site code: 004006), **Malahide Estuary SAC** (site code: 000205) and **Malahide Estuary SPA** (site code: 004025) and **North-West Irish Sea SPA** (site code: 004236). Given the separation distance arising to these European sites and the dilution factor of the Irish Sea, these sites can be screened out from further assessment.

The Hollywood stream is located adjacent to the south-western site boundary. This watercourse flows c. 1.7km before merging with the Mooretown stream, which flows in a south-west direction for c. 590 m before joining the Powerstown stream. The Powerstown stream flows in a southerly direction for c. 3.4 km before joining the Tolka River which discharges into the **South Dublin Bay and River Tolka Estuary SPA** (site code: 004024). As such, there is a hydrological connection to this European site.

The South Dublin Bay and River Tolka Estuary SPA includes the intertidal area between the River Liffey and Dun Laoghaire, the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. The site is a SPA under the EU Birds Directive of special conservation interest for the following species: Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern and Arctic Tern. The site and its associated waterbirds are of Special Conservation Interest for Wetland & Waterbirds.

I have reviewed the Conservation Objectives for South Dublin Bay and River Tolka Estuary SPA which are available on the NPWS website, and which seek to maintain the favourable conservation condition of each of the identified qualifying interests.

Table 1 European Sites at risk from impacts of the proposed project [example]

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of water quality, siltation via surface water, construction-related pollutants	Hydrological connection via Hollywood stream adjacent to site boundary, Powerstown stream and Tolka River	South Dublin Bay and River Tolka Estuary SPA	Wetlands and Waterbirds
Noise impacts during construction works	Air	South Dublin Bay and River Tolka Estuary SPA	All wetland birds sensitive to noise

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
South Dublin Bay and River Tolka SPA		Siltation	Water Pollution	Dust and Noise	
Light-bellied brent goose		N	N	N	
Oystercatcher		N	N	N	
Ringed Plover		N	N	N	
Grey Plover		N	N	N	
Knot		N	N	N	
Sanderling		N	N	N	
Dunlin		N	N	N	
Bar-tailed Godwit		N	N	N	
Redshank		N	N	N	
Black-headed Gull		N	N	N	
Roseate Tern		N	N	N	
Common Tern		N	N	N	
Artic Tern		N	N	N	
Wetland and Waterbirds		N	N	N	

Protected species would not be adversely impacted by noise and dust impacts arising during the construction phase of the proposed development having regard to the separation distances arising and the transient nature of the impacts.

The risk of the proposed development impacting on the water quality of the SPA is low given the extent of the hydrological distance (more than 20 km). Stormwater (runoff from roofs and paved areas) will be collected via the drainage network, discharging to the Hollywood stream. Discharge will be restricted to a greenfield runoff rate by a hydro-brake flow control device. An attenuation pond is also proposed as part of the drainage system. Wastewater will be discharged to the municipal sewer line.

In the event suspended solids become entrained in surface water runoff, they would be retained on site as runoff percolates to ground or within the drainage system. The risk of water quality deterioration as a result of uncured concrete will be reduced though the use of precast concrete, with the surplus returned to the batching plant.

The existing culverted watercourse will be moved, and a new channel will be constructed as part of the development. Decommissioning of the existing culvert will only be fully undertaken once the new open channel for this watercourse has been completed.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of South Dublin Bay and River Tolka SPA. Further AA screening in-combination with other plans and projects is required.

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

I have considered the issue of likely significant effects on European sites in combination with other plans and projects, including the Fingal Development Plan 2023-2029, the permitted projects set out in Section 6.4 of the applicant's screening report, and the development which is under construction within the grounds of Hollywoodrath House (ABP Ref. 309833-21).

Given that the proposed development would have no likely significant effects alone, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site. No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.