



An
Bord
Pleanála

Inspector's Report ABP-320358-24

Development	Construction of 21 dwellings with all associated site works.
Location	Lands to the west of Chapel Lane, Garristown, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0801
Applicant(s)	Cabot Land Holdings Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant permission w. Conditions
Type of Appeal	Third Party
Appellant(s)	Joe and Ann McGloughlin Garristown Community Council
Observer(s)	Eamonn Deegan
Date of Site Inspection	26 th February 2025
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site is located along Chapel Lane, Garristown, Dublin. The site comprises a field with hedgerows around the site boundary. Chapel Lane and the topography of the area generally slope downward north-west to south-east.
- 1.2. Chapel Lane is to the east, with four dwellings (3 dormer and 1 bungalow) facing the site from across the Lane. There is a dwelling (part 2-storey part-dormer) with a long rear garden to the north. There are 4 no. dwellings (2-storey) to the south which back onto the site. There is a field to the west / south-west.
- 1.3. Chapel Lane is c.4.5m wide adjacent the site. The Lane at this point is not fully capable of accommodating two cars passing at once. There is a section of footpath across the road and one adjacent the site to the south. There is another section of footpath c.50m to the north at the junction of Chapel Lane and Garristown Orchard the Lane. To the south of the site the Lane narrows in parts to a single width and is what I would characterise as a rural lane.
- 1.4. There are a mix of dwelling types in the area, however the immediate area is comprised predominantly of dormer and 2-storey dwellings. I note one bungalow across the road.
- 1.5. Garristown GAA Club is c.25m to the south along Chapel Lane.
- 1.6. I note there is a feature referred to locally as the 'spout' located along the site boundary at the north-eastern corner adjacent the road. From my observations it comprises a low wall through which surface water flows.

2.0 Proposed Development

- 2.1. The application was for 21 no. detached and semi-detached 2- and 2.5-storey houses, as well as widening of Chapel Lane, new vehicular access, internal road, public open space and associated works. At further information stage the number of dwellings proposed was increased to 22 no. dwellings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council issued a notification to grant permission, subject to 29 no. conditions, of which I note the following in particular:

- Conditions 7 & 8: agreement of finishes;
- Condition 9: agreement of construction details of works to Chapel Lane;
- Condition 10: special contribution for the provision of footpaths;
- Conditions 11, 22 & 26 related to construction management;
- Condition 12: Stage 3 / 4 Road Safety Audits and related matters;
- Condition 13: surface waters design details;
- Condition 15: contribution in lieu of open space;
- Conditions 16, 17 & 18: landscaping, boundaries, trees, & taking in charge;
- Condition 20: agreement of public lighting details;
- Condition 21: archaeological monitoring;
- Conditions 27, 28 & 29 related to contributions.

3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority report in response to clarification of further information recommended permission be granted and made the following points:

- Zoning: Proposal is acceptable in principle;
- Density: Proposed net density is 22upha. National guidelines require development in rural villages is tailored to scale, form and character of the settlement. Given the established pattern of development this is acceptable;
- Transportation: Proposal will widen Chapel Ln. to 5m. A 2m wide footpath & verge are proposed. No connectivity to the north is proposed as lands are outside applicant's control. This is a short distance and there is a verge wide enough for a future footpath. A contribution for provision of a footpath to the

north to Garristown Orchard is required. Applicant is amenable to such a contribution. Revised layout and road safety audit are acceptable.

Construction details of Chapel Road works are required. Whilst concerns were raised by third parties there is no objection subject to conditions;

- Public lighting: Conditions are required to deal with details;
- Flood risk: Proposal is in flood zone c and is considered acceptable;
- AA: Proposal will not have significant effects on European Sites;
- Resident amenity: Proposal including design, mix, materials & separation distances generally accord with development plan;
- Visual & residential amenities: Appropriate separation distances are proposed. Proposal will not result in undue overshadowing or overlooking;
- Public open space: There is a shortfall of open space of 809sqm which can be dealt with by a contribution in lieu;
- Landscaping: Landscaping proposals are acceptable, including in relation to trees & hedgerows, subject to conditions regarding pollinator friendly planting;
- Boundaries: A section of hedgerow on the eastern boundary is proposed to be removed. New hedgerows are proposed to compensate;
- Archaeology: Heritage Officer recommended permission be granted subject to condition. Site is in notification zone of DU003-011. An archaeology report is submitted. Proposal is acceptable subject to conditions;
- Taking in charge: Acceptable subject to conditions for detailed design of layout;
- Third parties: Concerns from third parties in relation to transport, access, drainage and amenities have been addressed.

Other Technical Reports

Transport Planning: No objection subject to conditions.

Parks: No objection, subject to conditions.

Archaeology: No objection subject to conditions;

Water Services: No objection, subject to conditions in relation to surface water.

Public Lighting: Report identifies issues which it states can be resolved by condition.

Housing: No objection, subject to standard conditions.

3.3. Third Party Observations

- 3.3.1. During the planning application stage 15 no. submissions and observations were made to the planning authority. The issues raised related to: road access / Chapel Lane, drainage, water quality, wastewater, ecology, heritage, landscape, boundaries, layout, land use zoning, dwelling mix, overlooking, and density.

3.4. Prescribed Bodies

- 3.4.1. Uisce Eireann: Two submissions received. Both state water & wastewater connections are feasible with upgrade. No objection subject to standard conditions.

4.0 Planning History

4.1. Subject site

- 4.1.1. None.

4.2. Nearby sites:

- 4.2.1. Adjacent the site to the south:

Reg. Ref.: F19A/0514: Permission granted by the planning authority in 2020 for 3 no. 4 bed two storey detached dwellings on a site area of 0.18 Ha, new boundary walls, 3 no. vehicular entrances, surface car parking, footpath, hard and soft landscaping.

Ref. F22A/0065: Permission granted by the planning authority in 2022 for change of house type previously granted (Ref. F19/0514) and revised location of dwellings, boundaries and associated works to include connections to new & existing services.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. In the 2023-2029 Fingal Development Plan the site is zoned 'RV Rural Village' where the land use zoning objective is to: "Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure"

Area plans

Section 2.4.1 'Local Area Plans' including Table 2.15 'Operational LAPs' and Table 2.16 'Schedule of Local Area Plans to be commenced over the Plan Period'.

Section 2.4.2 'Masterplans' incl. Table 2.18: 'Schedule of Masterplans to be Commenced over the Plan Period'.

Section 2.4.3 'Framework Plans' incl. Table 2.19 'List of Proposed Framework Plans'.

Residential development

Policy SPQHP35 'Quality of Residential Development' and Objective SPQHO31 'Variety of Housing Types',

Rural development

Section 3.5.15.1 'Rural Villages', incl. Section 3.5.11.3 'Density'.

Section 3.5.15.7 'Layout and Design for Housing in Rural Fingal'.

Objective SPQHO56 'Rural Villages;

Objective SPQHO57 'Village Framework Plans': "*Prepare Village Framework Plans to guide and inform development within Rural Villages as prescribed*".

Objective SPQHO59 'Cultural Heritage' features: "*Preserve, protect and enhance the natural, built and cultural heritage features of Rural Villages*".

Objective SPQHO84 'Compliance with Development Management Standards in Rural Areas'

Public open space

Objective SPQHO36 'Public open Space'

Section 13.8.5 'Public Open Space' including. Objective CISO38 'Public Open Space Provision'

Design criteria

Chapter 14 Development Management Standards, incl. Section 14.6 'Design Criteria for Residential Development in Fingal' and Section 14.12 'Rural Fingal'.

Section 14.12.1 'Design Criteria for Rural Villages and Rural Clusters' states: "*Village development shall be guided by adopted Local Area Plans and Village Development Framework Plans where in place and by future Framework Plans where identified*" and that "*Sensitive layout and design of new houses within the Rural Clusters will ensure that they contribute positively to the rural character of the area. The layout and design of new housing within the Rural Clusters should be consistent with Design Criteria for Housing in the Countryside*".

Section 14.2.2 'Design Criteria for Housing in the Countryside' and Section 14.12.3 'Design Guidelines for Rural Dwellings';

Objectives DMSO51 'Minimum Public Open Space Provision' and DMSO52 'Public Open Space Provision'

Section 14.20.2 'Rural Housing – Wastewater Treatment'

Garristown Local Area Plan 2010: The Garristown Local Area Plan (LAP) was adopted in 2010. In 2015 the life of the LAP was extended for a period of not more than 5 years (to 2020). The subject site was in the LAP area.

Garristown East Urban Design Framework 2005: This document was prepared in response to a requirement for an urban design plan in the 2003 Garristown LAP, and is on the County Council website. Part of the subject site was in the framework area.

5.2. National guidelines and strategies

Sustainable Residential Development & Compact Settlements 2024.

Design Manual for Urban Roads & Streets (DMURS) 2019.

Planning System & Flood Risk Management Guidelines 2009.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and Urban Design Manual – A Best Practice Guide.

5.3. Natural Heritage Designations

- 5.3.1. To the south-east Rogerstown Estuary SAC is approximately 14.3km and Rogerstown Estuary SPA is approximately 14.9km away. To the east North-West Irish Sea SPA is c.13.6km away.

5.4. Environmental Impact Assessment screening

- 5.4.1. Having regard to the nature and scale of the proposed development of a 22 no. dwelling residential development, the location in a partially serviced area, and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Form 1 & 2 Appendix 1).

6.0 The Appeal

6.1. Grounds of Third-Party Appeal

- 6.1.1. Two third party appeals were received, which are summarised as follows:

Eileen Neylon, Garristown Community Council:

- LAP/masterplan: A LAP or masterplan should be adopted before any development is considered. This is a requirement of the Act and development plan. A previous Garristown LAP Design Framework Plan 2009 envisaged this land would be developed with community facilities and accesses including to Main Street. Therefore the application is premature;
- Access: Chapel Lane is substandard. It carries considerable car, pedestrian, and cycle traffic when the GAA pitch is in use, and is used by farm traffic. There is no footpath to the village. The Lane should be widened as per the new section. The junction from Chapel Lane to the R130 to the north is a blind junction;
- Transport: The road network in Garristown is substandard. The development plan seeks to avoid commuter developments, which this scheme would be as there is no employment in the area and public transport is inadequate;

- Flood risk: There is a drain along the western boundary. There is a history of flooding in the area. The drainage system in the area requires upgrading;
- Heritage: The historic waterspout feature and its character should be retained. It is a supply of water during shortages;
- Residential amenity: Proposed houses will overlook existing houses on the eastern side of Chapel Lane. Proposed houses along Chapel Lane should be bungalows to fit in with the rural streetscape.

Ann & Joe McGloughlin

- LAP: The LAP was not extended beyond 2020 but has not been replaced. It indicated access should be from Priests Lane. This would allow the 'spout' to be repaired and retained; allow trees & hedgerows to be retained; alleviate flooding on Chapel Lane; Priests Lane has been widened but Chapel Lane cannot be; the proposed SUDS can be piped to the stream on-site. No application should be considered unless it accords with the existing or a future LAP;
- Zoning: Site is zoned 'RV1' Rural Village. It is not urban or suburban;
- Residential amenity: The proposed dwellings are 2.5 storeys and too tall and will overlook neighbouring dwellings. No houses on Chapel Lane are more than 1.5 storeys. One of the proposed dwellings (Site No. 1) would interfere with appellants solar panels. The dwelling should be reorientated south to lessen overlooking, improve visual amenity, and to improve solar gain;
- Design/Character: Proposed dwellings do not harmonise with the area;
- Surface water: There is no public surface water sewer in Garristown. Natural streams in the village collect most runoff, of which one stream passes the along the northern boundary of the site. It flows partly overground and partly underground and flows east via aquifers and culverts;
- The 'spout': This is a stone wall at the north-east corner of the site with an aperture which constrains flow of a stream flowing past the site. It is to be removed. It is of historical, architectural and culture value. It sometimes causes flooding along Chapel Lane during heavy rainfall;

- Surface Water connection: The appellant will not allow the proposal to connect to a manhole (MH2) at the appellant's entrance gate. However appeal notes this area is not their property;
- Access: It is not possible to extend the footpath northward. This will be a risk to pedestrians;
- Archaeology: A medieval chapel and graveyard are located on Chapel Lane;
- Taking in charge: Additional parts of the site should be taken in charge;
- Conditions: Significant design elements remain to be addressed without public scrutiny, and as such the proposal is premature;

6.1.2. Appeal includes detailed points about the response to further information.

6.2. First-Party Response to Third-Party Appeal

6.2.1. A first-party response to the third-party appeal was received. A summary of the main points is set out below:

- Land Use: Proposal aligns with the zoning and meets all relevant development plan requirements. Whilst community facilities are permissible in this zone, Garristown benefits from a range of such facilities. The neighbouring GAA grounds also received permission to be upgraded;
- SuDS: The proposed drainage strategy was deemed appropriate by the planning authority. Runoff will discharge to the public network. No proposed stormwater works will take place within the ownership of the appellant. Whilst appellant states they will not permit connection to the public surface water manhole, this manhole is actually within the ownership of Fingal County Council (map and folio reference attached);
- The 'spout': Response sets out revised proposal to realign the proposed footpath to avoid and retain this feature;
- Privacy: Proposal is over 17m from nearest existing dwellings and as such meets requirements of Compact Settlement Guidelines. Response notes the proposed building height and topography, but states that existing trees to be

retained to maintain privacy. Due to distance and proposed arrangement there is no possibility the proposal could obscure appellant's solar panels;

- Prematurity: The LAP is expired. In the LAP the site was not identified for community uses. The lands are appropriately zoned in the development plan. Absence of a masterplan does not preclude the Council / Board from granting permission.

6.2.2. The appeal includes an updated site layout plan, details of other applications in the area, and land registry information.

6.3. Further Responses

6.3.1. Further responses from the third-party appellants to the first-party response to appeal were received, summaries of which are set out below:

Ann & Joe McGloughlin

6.3.2. Response includes detailed points relating to numerous items, including to other applications in the area, land ownership of a previously referenced manhole (MH 2), and discussions with the applicant's representatives. The response reiterates previous points regarding the appellant's solar panels, conditions, and the Garristown LAP. It also states:

- The proposed footpath alterations to retain the 'spout' raised detailed issues regarding drainage and road traffic;
- The proposed estate entrance contradicts the LAP and is a road safety risk;
- Proposal must retain existing stream and 'spout,' and provide open space.
- Response includes a map extract from the 2010 Garristown LAP.

6.3.3. Response includes a map extract from the 2010 Garristown LAP.

Eileen Neylon, Garristown Community Council

6.3.4. Response reiterates points previously made by the appellant in relation to a LAP/masterplan and framework plan for Garristown, and in relation to footpath access from the site to Garristown, including:

- Traffic: Pedestrians would be required to walk on the road with poor sightlines, which is a traffic hazard. Access to the west in line with the 2010 LAP would be safer. Conditions should be attached that houses are not occupied until a footpath along Chapel Lane is provided, or for a footpath to the west to be provided;
- The 'spout': Retention of the 'spout' is welcomed but there should be a condition to ensure the existing water flow from the west will not be impeded.

6.4. Planning Authority Response

6.4.1. No further comments. Requests the Board uphold the decision and attach Conditions 10, 17, 27 and 28 of the planning authority decision.

6.5. Observations

6.5.1. One observation was received by the Board from an Eamonn Deegan, summarised as follows:

- There is no need for the development;
- Proposal is out of place. No thought has been given to the area's character;
- There are insufficient amenities and infrastructure to cope with the development. Demands on transport infrastructure will be unacceptable;
- No thought has been given to wildlife;
- The demolition and construction phase will create disturbance.

7.0 Assessment

7.1. Having regard to the foregoing; having examined the application, appeal and planning authority reports; having inspected the area within and around the site; and having regard to relevant adopted development plan policies and objectives, I consider the main issues in this appeal are as follows:

- Land use;
- Access;

- Surface water and flood risk;
- Residential amenity
- Related matters raised in the course of the appeal;

Land use

- 7.2. The site is zoned 'RV Rural Village' in the current County Development Plan where residential development is permitted in principle. I am satisfied the proposal is acceptable in principle.
- 7.3. The appellants state that a LAP or masterplan should be adopted before development is considered, and that the previous Garristown LAP and Garristown East Urban Design Framework plan indicated the site was to be accessed from the west rather than by Chapel Lane, and that therefore the proposal is premature.
- 7.4. I note the following:
- Garristown LAP: I have reviewed the most recent Garristown LAP which was adopted in 2010. The LAP was extended in 2015 for a period of not more than 5 years (that is, up to 2020) and as such I am satisfied it is expired. I note that in the LAP the subject site was identified as part of a 'Potential Development Area'. I also note that development plan Tables 2.15 'Operational LAPs' and 2.16 'Schedule of Local Area Plans to be commenced over the Plan Period' do not refer to Garristown;
 - Notwithstanding the foregoing, I have reviewed the 2010 LAP to identify any substantive matters relating to vehicular access to the subject site from Chapel Lane. The LAP stated the main vehicular accesses to Development Area 1 were to be from Chapel Lane and Main Street. It indicated parts of the subject site would be accessed from the south via Chapel Lane, and that parts would be accessed directly from Chapel Lane. I am satisfied no substantive matters inhibiting access to the site from Chapel Lane are evident in the LAP;
 - Garristown Masterplan: The development plan (Table 2.18) states a masterplan for Garristown (Ref. 'MP 2.B') is to be commenced over the plan period. I see no reference on file to commencement or completion of this masterplan. I am satisfied there is nothing in the development plan inhibiting development proposals progressing in the absence of the masterplan.

- Garristown Framework plan: The Garristown East Urban Design Framework was prepared in 2005 in response to a requirement for an urban design plan in the 2003 Garristown LAP. The framework plan is on the County Council website, and whilst not part of the development plan, the Council website states that *“Prior to the adoption of the current Fingal County Development Plan 2023-2029, Fingal County Council had prepared a number of urban and village plans. Although these Plans are no longer in effect as they are not listed in the current Development Plan, they remain useful reference documents in relation to each centres for which such a plan was made.”* The development plan (Table 2.19) lists Framework Plans that are proposed to be prepared during the County Development Plan period and does not include Garristown.
- Having reviewed the framework plan, whilst the plan indicates that part of the subject site would be accessed from the west, I see nothing in the plan stating that access to the site from Chapel Lane was not to be permitted.

7.5. I am satisfied the Fingal Development Plan 2023-2029 is the approved land use plan for the area.

7.6. Regarding the appellant’s points that the above land use documents showed the site being accessed from the west rather than Chapel Lane, whilst the documents are no longer current, having reviewed their content I note that in broad terms these documents indeed indicated parts of the site as being accessed from the west, however parts of the site being accessed from Chapel Lane was also indicated. Overall I see limited if any points in either document that development identified for this site should not be accessed directly from the Lane. Furthermore, having reviewed the planning history for the area and the provisions of the development there is no current ability for the site to be accessed from the west.

Access

7.7. The development incorporates proposal to widen to c.5m the section of Chapel Lane adjacent the site, and to provide a footpath and verge on the western side of the Lane. One vehicular access to the site is proposed from Chapel Lane. The development comprises 22 no. dwellings each with two parking spaces. There is an existing footpath on the eastern side of the Lane.

- 7.8. The final planning authority transportation section report stated no objection subject to conditions. It recommended a number of conditions including for agreement of design and construction details for the Chapel Lane upgrade works. It also recommended conditions for a special contribution for provision of a pedestrian footpath to the north linking Garristown Orchard; for Stage 3-4 Road Safety Audit; and public lighting. I am satisfied these matters require addressing by condition.
- 7.9. I have reviewed the submitted Stage 1/2 Road Safety Audit. The Audit identifies three issues which had not at the time of writing been closed. These related to the visibility of pedestrians transferring from the northern end of the footpath; construction details of the southern end of the proposed footpath, and; the potential for runoff from the adjacent lands across the public road. It makes a number of recommendations including that either a shuttle system or road widening be provided between the site and the Orchard to the north. I note the audit states that a shuttle system was to be introduced. I also note that Condition 10 of the planning authority decision is for a contribution toward a footpath and completion of a Stage 3/4 road safety audit. I consider this is preferable and acceptable, however I note no methodology for calculation of the referenced amount is provided. I am satisfied these outstanding matters of detail can be resolved by amended condition.
- 7.10. I consider the proposed development would provide for a significant improvement of the public road outside the site, including in terms of pedestrian infrastructure, road width, visibility, sightlines, and traffic safety. I acknowledge the additional vehicular and pedestrian traffic that would arise on what is reported as a busy lane when the neighbouring GAA pitch is in use, however given the nature of the existing road and that of the road improvements proposed; as well as the findings of the submitted road safety audit, I am satisfied the proposal is acceptable subject to amended conditions. In this regard, I note that no footpath would be available between the existing footpaths to the north at Garristown Orchard and the proposed footpath, and that this stretch measures c.40m. However, I am satisfied there is reasonable visibility; that the road offers room for pedestrians to step in; and as the planning authority note there is room for construction of the intervening footpath. I also note the proposed partial provision of a footpath is similar to the existing arrangements along the Lane. I further note the proposal would connect to the existing section of footpath to the south, and as such the incremental provision of pedestrian

infrastructure along Chapel would be further progressed by the proposal. On balance, I am satisfied the proposal would provide an appropriate transition coming toward the village, and would improve visibility, space for road users, road definition, and surface materials, and as such acceptable in this regard subject to the amended conditions as set out above, to include a condition requiring security for the completion of works to the public road.

- 7.11. Regarding the appellant point that development of the site was premature on grounds of access, there are no development plan proposals for works to or upgrades of this section of Chapel Lane. In addition there are no permissions or applications for such upgrades. As set out above I am satisfied that access to the development from Chapel Road is acceptable subject to condition as above. As such I am satisfied the proposal is not premature in this regard.
- 7.12. Overall I am satisfied the proposal is acceptable in these regards subject to the abovementioned conditions.

Surface water

Proposed surface water arrangements

- 7.13. Regarding surface water, the development is to discharge to the public surface water network in Chapel Lane. Discharge from the site is to be controlled after attenuation in a bio-retention unit to be located within the open space in the centre of the development. The submitted Site Services Design report from the applicant's engineer stated the system is designed to cater for a 100-year return period plus 20% for climate change. Permeable paving is proposed for each driveway on the site. Swales and tree & hedge planting are proposed along the eastern boundary where the existing hedge is to be removed. The planning authority water services section stated no objection subject to standard detailed design conditions in this regard (Condition 13). I am generally satisfied with the above approach.
- 7.14. Regarding one appellant's comments in relation to the proposed connection at an existing surface water manhole along Chapel Lane (Mh2), having visited the site; having reviewed the submitted engineering plans and land ownership information submitted with the appeal, I am satisfied this connection point is within the public road. I note that construction in this regard would have the potential to temporarily disrupt access to the dwelling this manhole is outside, and that no construction

management proposals are submitted. The planning authority attached conditions for agreement of a construction management plan and construction traffic management plan (Condition 11, 22 & 26). I am satisfied this is necessary and appropriate.

Flood risk

- 7.15. Regarding flood risk, I note one appellant's comments regarding flooding of Chapel Lane during heavy rainfall. The appeal states there is a stream along the northern boundary of the site from which water flows through the feature referred to as the 'spout', and which the appellant states is a sustainable urban drainage feature. The appellant also states the drainage system in the area requires upgrading.
- 7.16. Regarding flood risk, the applicant submitted a short flood risk assessment prepared by the applicant's engineer in response to further information. The site is within Flood Zone C in the development plan strategic flood risk assessment. I have reviewed available OPW records which indicate no history of flooding in the immediate area. I note the topography of the area slopes down to the south-east. Having regard to the foregoing I am satisfied the development is at a low risk of flooding.
- 7.17. In this regard the applicant's site services report (Drw. 001-A) identifies an existing drain along the northern site boundary which extends around the western and southern boundaries of the site. From my site visit I noted a ditch within the hedgerow from which a trickle of water emerges at the feature referred to as the 'spout' along the site roadside boundary. I note the appellant states this water drains under the road, and I see no evidence to contradict this. Based on the foregoing, and available EPA mapping, I am satisfied this is an outfall for the agricultural drainage ditch within the hedgerow. Having regard to the foregoing, I am satisfied the appellant's reference is to overflow from this drainage ditch at times of heavy rainfall.
- 7.18. I note the referenced drain is partly within the application red line boundary however no works to the drain and minimal works to this hedgerow are proposed. I also note the applicant's revised proposal is to retain the feature referred to as the 'spout'. I further note the submitted road safety audit identifies the potential for runoff from the adjacent lands across the public road as a road safety risk. I consider that a condition should be attached for agreement with the planning authority to manage water runoff from the site to ensure no overspill of the public road.

7.19. Further in relation to surface water, one appellant states the 'stream' passing along the northern boundary of the site flows east via aquifers and culverts. From my site visit I identified no stream flowing along the northern boundary of the site, and EPA mapping shows no aquifers in the area. In the context of Appropriate Assessment screening, for clarity I note EPA mapping identifies a watercourse c.40m further north adjacent the Garristown Orchard development, although I found no visible trace of any such watercourse during my site visit. EPA mapping indicates this watercourse forms part of or flows into the Delvin river. The Delvin flows into the Irish Sea c.13.3km east. This watercourse is generally uphill from the subject site, and as such I am satisfied no runoff from this site would impact this watercourse (See Appendix 2 of this report).

Water supply and foul drainage

7.20. Regarding water supply and foul wastewater, the proposal is to connect to the public mains in Chapel Lane. I note the pre-connection enquiry response from Uisce Eireann submitted by the applicant stated connection was feasible *without* upgrades, whereas the subsequent submissions from Uisce Eireann stated connections were feasible *with* upgrade. In an event Uisce Eireann stated no objection subject to standard conditions (Condition 14 of the planning authority decision). I am satisfied the proposal is acceptable subject to standard conditions.

Residential amenity

Overlooking

7.21. The closest existing dwellings to those proposed are c.17m away. I note the provisions of Compact Settlement Guidelines SPPR1 which sets out a minimum separation distance of 16m. The existing mature hedgerows between existing and proposed dwellings is to be cut back but retained. I am satisfied the proposal meets the guideline requirements. I note one appellant's points regarding the topography of the area and the proposed building height and orientation relative to the existing dwellings, including one appellant's bungalow to the north-west, and potential impacts in terms of overlooking and overshadowing. Given the foregoing; the distances involved; the relative orientation of existing and proposed windows; and having visited the site; I am satisfied impacts in this regard are acceptable and not so significant as to warrant further alteration or refusal of the proposed development.

Design and character

- 7.22. Regarding design and character, I note the appellant comments in this regard.
- 7.23. I have reviewed the proposed development, including in relation to the development plan design guidelines and design criteria for rural dwellings. Having regard to the character of the area, I am generally satisfied the proposal is acceptable. In terms of building height, the proposal is mainly 2-storeys (noting some 2.5 storey elements) with the existing dwellings in the area being predominantly dormer and 2-storey, with the exception of one of the appellant's dwelling being a bungalow. Building height and levels would be stepped across the contours of the site. There would be a mix of dwelling types including detached and semi-detached, and 2-, 3-, and 4-beds. Regarding design, the proposal comprises a mix of pitched roof dwellings finished in tile, brick and render, and variety of elevation designs which are relatively simple.
- 7.24. The dwellings along Chapel Lane are primarily modern rather than traditional, and are generally of comparable style and design to that proposed. I note there are also a number of quite recent additions to the north (Garristown Orchard) and to the south of the site. In this context I am satisfied the proposal would not represent an incongruous addition. I note the site is well outside the Garristown Architectural Conservation Area. The retention of existing hedgerows will limit the visual impact within the rural landscape. Overall I am satisfied the proposal is sensitive to its surroundings and consistent with the character and appearance of the area, and would integrate reasonably well with the area. Given the nature of existing development in the area I am satisfied the proposal is acceptable in these regards.

Materials

- 7.25. Regarding materials, dwellings in the area are primarily finished in render, with the addition of some stone elements. As such I am not satisfied the preponderance of brick and tile proposed is suitable for this rural area, as per Section 14.12.3 of the development plan. I consider alternative finishes to accompany the proposed render should be agreed with the planning authority similar to Condition 7 of the planning authority decision.
- 7.26. Further regarding conditions, given the internal layouts proposed, and the orientation and relationship between the proposed and the existing dwellings I do not consider

there is a material need for condition for obscure glass to bathrooms (Condition 8 of the planning authority decision).

Public open space

- 7.27. Regarding public open space, there are a number of development plan public open space provisions. Objective SPQHO36 states public open space in new residential developments must comply with the quantitative and qualitative standards in Chapter 14. Chapter 14 sets out two requirements. Objective DMSO51 requires a minimum public open space provision of 2.5 hectares per 1000 population. Objective DMSO52 states public open space shall be provided in accordance with Table 14.12. Table 14.12 gives an 'overall standard' of 2.5 hectares per 1000 population, and a standard for 'new residential development on greenfield sites/LAP lands' of 12%-15% of site area. Applying the two standards in this case gives two different requirements (1,950sqm and 1,581sqm respectively). In turn, Objective DMSO53 'Financial Contribution in Lieu of Public Open Space' requires a minimum open space based on 15% site area.
- 7.28. Based on the foregoing, and noting the greenfield nature of the site, I am satisfied the appropriate development plan requirement in this case is as per Objective DMSO52 (that is, 15% of site area). On the basis of the stated site area of 10,540sqm, applying the 15% development plan target gives a requirement for 1,581sqm public open space. The revised drawings indicate 3 no. areas of public open space (1,116sqm, 231sqm, & 191sqm). The planning authority Parks section report states the two smaller spaces are not appropriate for public open space. I am satisfied this is consistent with development plan Table 14.11 Section 14.13. Taking the countable provision proposed of 1,116sqm this leaves a deficit of 465sqm. I note however the planning authority Parks section states the deficit is 809sqm. I consider this is based on Objective DMSO51 which utilises population rather than site area.
- 7.29. As such I am satisfied the applicant provides public open space generally in accordance with the development plan, subject to a condition requiring a contribution in lieu of a shortfall of 465sqm in line with development plan Objective DMSO53.

Related matters raised in the course of the appeal

Archaeology

7.30. The majority of the site is within the zone of interest for Recorded Monument Ref. DU003-011 (Garristown settlement cluster). I note the zone is extensive and the subject site is c.200m away from the location of the medieval walled graveyard and parish church. The archaeology report submitted to the planning authority recommends archaeological monitoring conditions. The planning authority Archaeology Section report stated no objection subject to monitoring conditions (Condition 21). I am satisfied the proposal is acceptable in this regard subject standard conditions.

The 'spout'

7.31. I note the appeal references to a feature along the boundary of the site referred to as the 'spout'. Aside from the appellants' descriptions and references, minimal information on the nature or background of this feature are on the file. There is no reference to the feature in the development plan or any previous land use plans prepared by the Council. The feature is not a Protected Structure or other item of recorded heritage interest in the development plan, nor is it on the National Inventory of Architectural Heritage. Whilst it is within the boundary of zone of interest for Recorded Monument Ref. DU003-011, it is not identified as being of archaeological interest. In any event the applicant's response to appeal sets out alterations to the proposed footpath which it states would enable the feature to be retained. I am satisfied with the revised proposals in this regard.

Taking in charge & Landscaping

7.32. The applicant identified areas proposed to be taken in charge (Drw. 23003-FI-103, O'Daly Architects). The planning authority parks and planning section reports stated this is acceptable subject to standard conditions (Condition 19). I consider this acceptable and should include for the provision of security to ensure the completion of works to be taken in charge.

7.33. Related to this, the parks section report identified details in relation to landscaped areas and private amenity spaces to be addressed by condition (Condition. 16). This related to a lack of clarity as to future responsibility for areas adjacent dwellings along the western boundary of the site (Drw. No. PP424-01 'Landscape Masterplan' by Jane McCorkell). These 3 no. areas were indicated as being public amenity spaces but which should be incorporated into the curtilage of the adjacent dwellings

No. 11 and 12. A condition is it required in this regard, including for the amendment of drawings No. PP424-01 'Landscape Masterplan' by Jane McCorkell in this regard.

Construction:

- 7.34. The observation submitted to the Board stated the development will cause significant disturbance to the area. No construction management proposals were submitted. The planning authority attached a condition for agreement of a construction management plan and a construction traffic management plan (Condition 11). Noting the nature of the development, and the restricted nature of Chapel Lane, I am satisfied conditions in this regard are required to replace Conditions 11, 22 and 26 attached by the planning authority.

Wildlife

- 7.35. The observation to the Board stated no thought had been given to wildlife.
- 7.36. The applicant submitted landscaping drawings, boundary plan, lighting plan, and a trees & services plan. The site generally comprises an open field. The primary habitat on the site is the existing hedgerows. The hedgerows along the northern, western and southern sides of the site are to be cut back but retained. The hedgerow along the eastern side of the site is to be removed to facilitate the development, with tree planting along this side of the site proposed. One other tree on site is to be removed, with the other remaining trees to be retained and protected. Woodland planting is proposed along the southern and western boundaries. Pollinator planting is proposed along the northern boundary. Tree planting is proposed within the central open space. Lighting is restricted to the central area of the site away from the boundaries. I am satisfied the proposed development taken appropriate account of habitats and wildlife.
- 7.37. The planning authority parks and public lighting sections stated no objection subject to conditions (Conditions 17, 18, 19 & 20). The planning authority attached conditions relating to tree bonds and planting. No construction management proposals were submitted. I am satisfied comparable conditions should be attached. I do not consider Condition 25 of the planning authority decision is required (no occupation prior to completion of landscaping, boundary treatments and planting).

Conditions

- 7.38. One appeal raises issue with the extent of matters to be resolved by condition. I acknowledge the large number of conditions attached by the planning authority, and the nature of the matters specifically in relation to access, however having reviewed each item I am satisfied the outstanding matters are appropriate to be dealt with by condition. In this regard I am satisfied the general nature of conditions and the matters to be finalised are matters of detailed design and supporting the future provision of supporting infrastructure.
- 7.39. I concur however that the number of conditions could be streamlined and reduced, as set out above. In addition to the conditions identified above, I consider conditions in relation to the regulation of commercial institutional investment (Condition 3), Part V (Condition 4), naming & numbering (Condition 6), underground of services (Condition 23 & 24), and contributions (Conditions 10, 27, 28, & 29) as attached by the planning authority are required. I consider Conditions 2 (number of units permitted) and 5 (use of dwellings) are not required. I consider that conditions 11, 22 and 26 regarding construction management can be replaced by two conditions.

8.0 Appropriate Assessment screening

- 8.1. I have considered the proposed residential development in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The development comprises 22 no. dwellings and associated site works. An Appropriate Assessment screening report was not submitted. The planning authority undertook an Appropriate Assessment screening as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.
- 8.2. The proposed development site is not located within or adjacent any site designated as a European Site comprising a Special Area of Conservation or Special Protection Area. Three European Sites are located within a potential zone of influence of the proposed development. These are: Rogerstown Estuary SAC c.14.3km to the south-east; Rogerstown Estuary SPA c.14.9km to the south-east, and; North-West Irish Sea SPA c.13.6km to the east.
- 8.3. No significant nature conservation concerns were raised as part of the appeal. Having considered the nature, scale and location of the development there are no direct or indirect physical, hydrological or ecological linkages connecting the project

site to European Sites. Given the size and scale of development, the land take, resources requirements, emissions, and the distance from European Sites, I am satisfied there is no conceivable direct, indirect, temporary or permanent impacts that could occur during construction or operation of the development. There are no likely possible effects in terms of habitat reduction or degradation, disturbance of species, change in ecological functions, or interference with key interactions that define European Sites.

- 8.4. For completeness, and as noted in my report above, EPA mapping shows a tributary of the Delvin river runs c.38m north of the subject site on the opposite side of the dwelling adjacent the site and adjacent the access road to Garristown Orchard. The Delvin flows into the Irish Sea c.13.3km east. This waterbody is generally uphill from the subject site. I am satisfied no runoff from this site would impact the Delvin.
- 8.5. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on a European Site and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the residential development, its location in a serviced rural area served by mains drainage, the distance to any European Sites, and the nature of intervening habitats and absence of ecological pathways to any European Site.
- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

9.0 Recommendation

- 9.1. I recommend permission be **Granted** for the reasons and consideration below, subject to Conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029, including the 'RV Rural Village' land use zoning objective for the area and the relevant policies and objectives of the development plan, including Objective SPQHO56 'Rural Villages', and having regard to the scale, form, design, and layout of the proposed development, and to the pattern of development in the area including recorded monuments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, and would overall promote the development of this rural village; would not seriously injure the residential amenity of dwellings in the area; would not be prejudicial to public health; and would comply with the policies and provisions of the development plan; and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be 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 13th June 2024, 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external finishes to be used shall be the same as that used in the adjoining residential areas.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>

3.	<p>The detailed design and construction of the upgrade works and all ancillary works to Chapel Lane road infrastructure and services, drainage, public lighting, signing and road markings including drawings and reports, programme and phasing shall be submitted prior to the commencement of development for the written agreement of the Planning Authority.</p> <p>Reason: In the interest of public safety and to ensure the proper planning and sustainable development of the area.</p>
4.	<p>The following shall be complied with:</p> <p>(a) The Developer shall undertake the recommendations set out in Sections 3.2 to 3.5 inclusive (excluding Section 3.1) contained within the Stage 1/2 Audit submitted to the Planning Authority on 24th of April 2024, unless the Planning Authority approves a departure in writing;</p> <p>(b) Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete Stage 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team and agreed in writing with the planning authority.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
5.	<p>The attenuation and 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: In the interest of public health.</p>
6.	<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>
7.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge</p>

	<p>Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. 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>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
8.	<p>The following shall be complied with:</p> <p>(a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping and boundary treatments, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development;</p> <p>(b) The boundary treatment scheme shall be in accordance with drawing Ref. PP424-03 'Hard Landscaping and Boundary Plan' prepared by Jane McCorkell Design and submitted to the planning authority on the 13th June 2024;</p> <p>(c) The landscaping scheme shall be in accordance with the drawing Ref. PP424-01 'Landscape Masterplan' prepared by Jane McCorkell Design and submitted to the planning authority on the 13th June 2024, subject to inclusion of the 3 no. spaces identified on that drawing as 'public open space – lawn area' located adjacent dwellings No. 11 and No. 12 as part of the private lawn area of those dwellings;</p> <p>(d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<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</p>

	<p>pedestrian routes through open spaces and shall take account of trees shown on drawing 'Landscape Masterplan' Ref. PP424-01 prepared by Jane McCorkell Design and submitted to the planning authority on the 13th June 2024. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
10.	<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. All existing 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>
11.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including management of works to the public road, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
12.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, management of impact on neighbouring accesses and parking, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
13.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to</p>

	<p>the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.</p> <p>The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.</p>
14.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

15.	<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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands 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>
16.	<p>(a) Prior to the commencement of any house or duplex unit in 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 or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex 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 specified house or duplex unit 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 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>
17.	<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 reinstatement of public roads and 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. 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>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years</p>

	<p>from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site.</p>
19.	<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>
20.	<p>The developer shall pay to the planning authority a financial contribution as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any 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</p>

	<p>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 contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
21.	<p>The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of footpaths along Chapel Lane, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>

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

D. Aspell
Inspector
28th February 2025

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP-320358-24	
Proposed Development Summary		Construction of 22 dwellings with all associated site works.	
Development Address		Lands to the west of Chapel Lane, Garristown, Co. Dublin.	
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 No further action required
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		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Part 2, Class 10(b)(i)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __ 18/ 02/2025__

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320358-24	
Proposed Development Summary	Construction of 22 dwellings with all associated site works.	
Development Address	Lands to the west of Chapel Lane, Garristown, Co. Dublin.	
The Board carried 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
Characteristics of proposed development	Proposed development comprises 22 no. dwellings and associated site works. The development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its scale and type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.	
Location of development	The development is located at the edge of a rural village. The site comprises a field with a boundary comprising hedgerows and trees. The receiving location is not environmentally sensitive and is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. The site is not of significant historic and cultural significance. Given the scale and nature of development there will be no significant environmental effects arising.	
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
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.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: __18/02/2025_____

DP/ADP: _____ Date: _____