



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320886-24

#### Development

Largescale Residential Development:  
Demolition of buildings, construction of  
170 dwelling units, a café, and  
childcare facility, together with all  
associated site works.

[www.clonsilla.lrd.ie](http://www.clonsilla.lrd.ie).

#### Location

Lands to the front and rear of The  
Clonsilla Inn, Porterstown, Dublin 15

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

LRD0021/S3E

#### Applicant(s)

McHugh Property Holdings Limited

#### Type of Application

Largescale Residential Development

#### Planning Authority Decision

Grant Permission with Conditions

#### Type of Appeal

First Party vs Conditions

Third Party vs Decision

#### Appellant(s)

McHugh Property Holdings Limited

Lorraine Kelly

Shane Hulgraine

The Village Residents Association

Rick and Louise D'Cruz  
Peter Lynam  
Declan Ruddy  
Fiona McGowan  
Frances and David McClelland  
Barbara Ross

**Observer(s)**

Paul Donnelly TD  
Marion O'Hare  
Maria and Claire Hughes  
Oliver and Ursula Hughes  
Louise Smyth  
Gabrielle Griffin  
Neil Cubley  
Cllr. Tania Doyle

**Date of Site Inspection**

10<sup>th</sup> January 2025

**Inspector**

Phillippa Joyce

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on lands to the front and rear of The Clonsilla Inn, Porterstown in Dublin 15. The site is an inverted 'T' configuration and is indicated as measuring c.2.05ha. The site occupies an infill/ backland location within a wider urban block, comprising a sizeable landbank to the south of the town's main thoroughfare, Clonsilla Road.
- 1.2. The site is both brownfield and greenfield in nature. Brownfield lands include the front and rear surface car parking areas associated with The Clonsilla Inn public house (D15VE06), and two detached dwellings and their curtilages. These are The Lodge, Orchard Avenue (D15R2Y0) in the southwest of the site, and The Paddocks, Porterstown Road (D15K76D) located centrally to the east of The Clonsilla Inn's rear carpark.
- 1.3. The greenfield lands within the site are located to the west, south, and east of the rear carpark. These lands comprise overgrown grass and scrub, with sections of strong hedgerow and treeline boundaries around the perimeters. Overall, the site is relatively flat in topography, with ground levels gradually sloping from north to south (decreasing from c.64m OD to c.62.25m OD in the southwest).
- 1.4. The site has street frontages along Clonsilla Road (northern boundary), Porterstown Road (eastern boundary), and a narrow frontage onto the cul-de-sac end of Orchard Avenue (northwestern boundary, which provides access to The Lodge). Surrounding lands uses comprise a mix of residential, commercial, services, and education premises.
- 1.5. Residential development includes properties on Weaver's Row (to the northwest of the site), on Orchard Avenue (to the north/ northwest), and The Village (to the south). Individual residential properties and commercial operations are located along, and accessed from private access roads off, Porterstown Road (to the east/ northeast). St. Mochta's National School is located on the eastern side of Porterstown Road.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 170 residential units, a café, and a childcare facility, and all associated development works including the demolition of structures, site clearance, and ground levelling.
- 2.2. The proposed residential units comprise 150 apartments accommodated within five detached buildings between 4-5 storeys in height (referred to as Blocks A to E), and 20 duplexes accommodated within two detached 3 storey buildings. The café is a detached single storey building, and the childcare facility is located at ground floor level of Block C.
- 2.3. The proposed development includes a new main vehicular access from Porterstown Road with additional upgrade works (a raised table with road gullies on each side), a new pedestrian and cycle access onto Orchard Avenue, and a new pedestrian and cycle path to the east of The Clonsilla Inn as part of upgrade/ reconfiguration of the existing front carpark area.
- 2.4. Also included in the proposal are internal access roads and footpaths, car, motorcycle, and bicycle parking spaces, refuse storage facilities, public lighting, electrical services (substation, comms/ meter rooms), public open spaces (a public park, two public plazas), a nature walkway, communal open spaces, hard and soft landscaping, boundary treatments, and all infrastructural works associated with water supply, wastewater drainage, surface water drainage (including connections to the public networks, SuDS features, and on-site attenuation storage).
- 2.5. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application form, and plans and particulars (Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment).

**Table 1: Key Statistics**

<b>Site Area</b>	c.2.05ha
<b>Floor Areas (gross floor spaces)</b>	Total Floor Area: c.19,244sqm Residential: c.17,330sqm Café: c.62sqm

	Childcare facility: c.285sqm									
Residential component	Total: 170 residential units  150 apartments (c.88%)  20 duplexes (c.12%)									
Net Density	c.82dph									
Building Height	Apartment Blocks A to E: 4-5 storeys (c.13.92m-c.17.95m)  Duplex buildings: 3 storeys (c.11.47m)									
Aspect (apartments and duplexes)	Dual Aspect: 108 (63%)									
Open Space	Public: c.3,498sqm  Communal: c.2,439sqm  Private: gardens, terraces, balconies (various sqm)									
Part V provision	Total: 34 units (20%)  32 apartments (in all Blocks, at all floor levels)  2 duplexes (ground floor level of northern-most building)									
Car Parking	Total: 77 spaces  Residential: 68 spaces (including 20 EV spaces)  Non-Residential: 9 spaces comprising:  Café: 1 space (co-sharing with existing spaces for The Clonsilla Inn)  Childcare: 1 space  Club Car: 2 spaces  Accessible/ Parent and Child: 5 spaces									
Motorcycle Parking	Motorcycle: 8 spaces									
Bicycle Parking	Total: 459 spaces <table><tr><td>Long-term/ staff: 357 spaces (secure and covered)</td><td>Short-term/ visitor: 102 spaces (Sheffield stands)</td></tr><tr><td>Residential: 351 spaces</td><td>Residential: 85 spaces</td></tr><tr><td>Café: 2 spaces</td><td>Café: 2 spaces</td></tr><tr><td>Childcare: 4 spaces</td><td>Childcare: 15 spaces</td></tr></table>		Long-term/ staff: 357 spaces (secure and covered)	Short-term/ visitor: 102 spaces (Sheffield stands)	Residential: 351 spaces	Residential: 85 spaces	Café: 2 spaces	Café: 2 spaces	Childcare: 4 spaces	Childcare: 15 spaces
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Café: 2 spaces	Café: 2 spaces									
Childcare: 4 spaces	Childcare: 15 spaces									

**Table 2(a): Summary of Residential Unit Mix**

<b>Apartments (150 units, c.88% of the scheme)</b>				
<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Total</b>	45	105	-	<b>150</b>
<b>% of Total</b>	<b>30%</b>	<b>70%</b>	-	<b>100%</b>
<b>Duplexes (20 units, c.12% of the scheme)</b>				
<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Total</b>	-	10	10	<b>20</b>
<b>% of Total</b>	-	<b>50%</b>	<b>50%</b>	<b>100%</b>
<b>Overall Unit Mix as % of Total</b>				
	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
	45	115	10	<b>170</b>
	<b>26%</b>	<b>68%</b>	<b>6%</b>	<b>100%</b>

**Table 2(b): Summary of Unit Types and Bedspaces**

<b>Unit Type B/ P</b>	<b>1 bed/ 2P</b>	<b>2 bed/ 3P</b>	<b>2 bed/ 4P</b>	<b>3 bed/ 5P</b>	<b>Total</b>
<b>Apartments</b>	45	8	97		150
<b>Duplexes</b>			10	10	20
<b>Unit Type Total</b>	<b>45</b>	<b>8</b>	<b>107</b>	<b>10</b>	<b>170</b>
<b>% of Total</b>	<b>26%%</b>	<b>5%</b>	<b>63%</b>	<b>6%</b>	<b>100%</b>
<b>Total Bedspaces</b>	<b>90</b>	<b>24</b>	<b>428</b>	<b>50</b>	<b>592</b>

- 2.6. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by a range of reports and supporting documentation (full list in the applicant's Cover Letter, pgs. 3-4).

### 3.0 Planning Authority Opinion

- 3.1. Two initial pre-application consultations under section 247 of the Planning and Development Act 2000, as amended (2000 Act) are indicated to have taken place on 2<sup>nd</sup> March 2023 and 31<sup>st</sup> August 2023 between the applicant and the planning authority.
- 3.2. A stage 2 pre-application LRD meeting in accordance with section 32C of the 2000 Act took place on 12<sup>th</sup> March 2024. The planning authority issued its LRD Opinion on 11<sup>th</sup> April 2024 in accordance with section 32D of the 2000 Act.
- 3.3. The Opinion indicates that the documentation submitted under section 32B of the 2000 Act as part of the pre-application meeting constitutes a reasonable basis on which to make an application for permission for the proposed LRD.
- 3.4. The applicant was notified that several items would need to be addressed in the documentation submitted as part of an LRD application. These are grouped under the following headings (indicated here in summary):

Planning – Red Line, Cross Sections, Road Frontage, Access Arrangements.

Design and Layout – Balconies, Overlooking, Contiguous Elevation, Material Finishes, Duplex Access.

Housing – Part V Correspondence, Part V Proposal.

Parks and Green Infrastructure – Environmental Open Space, Tree Retention, Boundary Treatments, Separation Distance, SuDS and Services.

Water Services – Irish Water Connection Agreement, Existing Network.

Transportation and Access – Sightline Drawing, Raised Table, Cycle Network Plan, Setback Revision, Parking Assessment, Bicycle Parking, Cycle Parking Layout, Cycle Stores, Curtilage Parking Solutions, Cycle Parking Management Plan, Visitor Cycle Parking, Car Parking Provision, Commercial Parking, EV Parking, EV Charging, Motorcycle Parking Provision, Age Friendly Car Parking, Intervisibility, Porterstown Road Cycle Street Design, Zebra Crossing, Cycle Street Design, Traffic Layout Plan, Turning Area, Shared Surfaces, One Way Cross Section, Capacity Assessment, Fire Tender Access, Road Safety Audit.



- 3.5. The application includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.
- 3.6. For the Board's clarity, copies of the minutes of the pre-planning meetings and the planning authority's LRD Opinion are included in the case documentation.

## 4.0 Planning Authority Decision

### 4.1. Summary of Decision

- 4.1.1. The planning authority granted permission for the proposed development on 4<sup>th</sup> September 2024, subject to 29 conditions. This is a first party appeal against conditions and a third-party appeal (nine appellants) against the planning authority's decision to grant permission.
- 4.1.2. The majority of attached conditions are standard in nature (construction, operational, technical, procedural, and financial). Conditions of note or specific to the appeal include Conditions 3 (phasing), 6 (access, traffic and transportation), 8 (arboriculture and landscaping), 28 (costed financial contribution in-lieu of the public open space), and 29 (costed section 48 development contribution condition).
- 4.1.3. I have cited these in full for the Board's ease of reference:

#### Condition 3

*The development shall be phased in accordance with the phasing plan submitted on the 12th July 2024 subject to the following requirements;*

*Phase 4 shall be omitted, with all development in that Phase now occurring in Phase 1.*

*No residential unit shall be occupied until such time as the childcare facility has been completed.*

*REASON: In the interest of the proper planning and sustainable development of the area.*

#### Condition 6

*The Developer shall comply with the following requirements of the Planning Authority:*

*(i) A revised drawing shall be submitted detailing the 4.5m set-back from the road edge on the Clonsilla Road as a reservation area for future pedestrian and cycle provision and this area shall be kept free from development that could prejudice the future provision of infrastructure. The land shall be seeded to the Planning Authority.*

*(ii) 1 no minimum Commercial EV parking space shall be provided. The design shall ensure that the provision of EV charging Stations do not obstruct the footpath and maintain suitable width for pedestrians and consider universal access. Publicly accessible EV parking spaces shall be clearly marked and be capable of communicating usage data with the National Charge Point Management System.*

*(iii) The boundary details between Orchard Avenue and the Development in the vicinity of the turning area shall be a low wall or railing not exceeding 900mm in height, setback from the edge of the road or otherwise agreed with the Planning Authority. A direct access to the road from the developments internal footpaths shall be provided for pedestrians and cyclist.*

*(iv) The design of the Cycle Street shall be agreed in writing with the Planning Authority prior to construction.*

*(v) The exact location of the Zebra crossing on Porterstown Road will be determined by The Planning Authority and shall be provided by the Planning Authority at the expense of the Developer.*

*(vi) The turning area and pedestrian link to Orchard Avenue shall be taken in charge by Fingal County Council and a revised taking in charge drawing provided. All areas intended for taking in charge shall be constructed and maintained to the Councils standard for taking in charge, including any roads, footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development. In addition, all works required to the public footpath and road as part of the proposed development shall be constructed to the Council's standards for taking in charge.*

*(vii) The Developments Management Company shall provide a Residential Travel Plan to residents and shall appoint a Travel Plan Coordinator including the monitoring and surveys in relation to travel patterns to promote sustainable travel*

*and limit private car use. Following the implementation of the Development's Travel Plan the Car Club/ Car sharing spaces shall be expanded in line with demand and monitoring through the Residential Travel Plan.*

*(viii) The detail and security arrangement, and management arrangements for the proposed bicycle parking provision, including that of the bicycle lockers, shall be agreed in writing with the planning authority prior to commencement of development.*

*(ix) The design of the turning head and nature walk route located in the southern green space and the repositioning of the bins stores at this location shall be agreed with the planning authority prior to construction.*

*(x) The development management shall ensure that the cycle parking areas are subject of a funded maintenance regime that ensures that facilities are kept clean, free of graffiti, well-lit and the parking equipment is properly maintained.*

*(xi) No objects, structures or landscaping shall be placed or installed within the visibility triangle at the vehicular entrance onto the public road, exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.*

*(xii) Road Safety Audits shall be carried out as part of the proposed development at the relevant stages as outlined in the current edition of Transportation Infrastructure Ireland guidelines GE-STY- 1027.*

*....*

*(xvi) A 'special' contribution under Section 48(2) (c) of the Planning and Development Act 2000 (as amended) for the sum of 50, 000 Euro shall be paid to the Planning Authority for the Provision of a Zebra Crossing on the Porterstown Road.*

*REASON: In the interest of pedestrian and Traffic Safety and in relation to the proper planning and sustainable development of the area.*

#### Condition 8

*The Developer shall comply with the following requirements of the Planning Authority:*

*(i) Prior to the commencement of works on site, a site meeting shall be arranged between the Planning Authority and the appointed arboricultural consultant to agree tree protection measures.*

*(ii) All tree removal works shall be carried out outside of the Bird Nesting season.*

*(iii) The appointed arboricultural consultant shall be engaged by the applicant for the duration of the project including construction design input of built features (incl. bridge & pad or similar for re-aligned front boundary wall), to liaise with works contractor & Fingal County Council's Parks Planning Officer and monitor & record (photograph) all tree protection measures.*

*(iv) A tree bond of €70,000 is to be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of two years post construction which may be extended in the event of possible construction related defects.*

*(v) Prior to the commencement of works on site a revised landscape plan including clear delineation between public and private open space as well as details of constructed tree pits and boundary treatment shall be submitted and agreed with the Planning Authority. The agreed landscape plan shall be implemented in full no later than the first planting season following substantial completion of construction works on site. Any plant failures shall be replaced until such time as the planting scheme has become established.*

*(vi) The landscape plan shall include details of play items and surfacing in accordance with BS EN 1176 and BS EN 1177 and to be designed to be RosPA (or equivalent) approved. The play areas shall have universal access and be suitable for all abilities.*

*(vii) SuDS areas shall have slopes no greater than 1:5.*

*(viii) A financial contribution in lieu of the shortfall of 0.4415 ha of Public Open Space provision is required in accordance with Section 48 of the Planning and Development Act 2000.*

*REASON: In the interest of visual amenity.*

#### Condition 28

*Prior to Commencement of development a financial contribution in the sum of €259,105.44 be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall of 4415sqm of open space.*

*REASON: The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.*

#### Condition 29

*Prior to Commencement of development the developer shall pay the sum of €2,041,291.92 {updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/ or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.*

*REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.*

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Report**

The planner's report includes an assessment of the proposed development in respect of the following considerations (listed here in summary):

- Principle of Development and Compliance with Zoning Objective
- Density

- Core and Settlement Strategy
- Design, Layout, Character and Integration
- Residential Amenity
- Archaeology/ Conservation
- Water Services
- Transportation
- Parks and Green Infrastructure
- Phasing
- Part V
- Environmental Impact Assessment
- Appropriate Assessment Screening

The planning authority found the proposal to be acceptable under all headings concluding that, subject to conditions, the proposed development complies with the national and local statutory context, is of an appropriate nature, scale and design that would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of pedestrian and traffic safety.

#### 4.2.2. Other Technical Reports

Water Services: no objection subject to condition.

Transportation Planning: no objection subject to condition.

Parks and Green Infrastructure: no objection subject to condition.

Environmental Waste: no objection subject to condition.

Public Lighting: no objection subject to condition.

Housing: no objection subject to condition.

#### 4.3. Prescribed Bodies Submissions

##### 4.3.1. Submissions were received from prescribed bodies as follows:

National Transportation Authority: considers the provision of car parking, proposed at a ratio of just 0.45 spaces per residential unit, should be given further consideration,

particularly as just 2 car club spaces are being proposed. The NTA advises that viable alternatives for everyday trip making, that preclude a reliance on the private car, should be promoted and accommodated as part of the development.

Uisce Eireann (included in the applicant's Civil Engineering Planning Report):

confirms connections to water supply and wastewater networks are feasible without upgrades of the local infrastructure.

#### **4.4. Third Party Observations**

- 4.4.1. The planning authority indicates observations were received from several third parties during the assessment of the application, including named elected representatives, and summarises the key issues raised.
- 4.4.2. I have reviewed the observations in the case file and confirm several of the issues raised therein continue to form the basis of the third party appeals, which are outlined in detail in Section 7.0 below.

### **5.0 Planning History**

Appeal Site

*FW23A/0194*

Permission and Retention Permission REFUSED for (retention) (i).construction of 2 no. external single storey prefabricated structures for use as kitchens and 2 no. internal kitchens located within the existing bar and restaurant. The kitchens are used as commercial 'dark kitchens' for the production of hot and cold food/beverages for dispatch; (ii) construction of 1 no. external single storey prefabricated cold store structure; (iii) construction of 1 no. external single storey prefabricated dry store structure; (iv) provision of 1 no. external single storey prefabricated structure for use as a staff welfare pod; and, (v) construction of 1 no. internal dry store area. Planning permission is also being sought for the (i) Provision of bicycle storage facilities; (ii) provision of a refuse area; and (iii) all associated works including landscaping, planting, boundary treatments, lighting, foul/surface drainage and site works necessary to facilitate the development.

Two refusal reasons related to injury to the residential amenity of adjacent properties, and contrary to the TC Town and District Centre Zoning Objective applicable to the site.

#### Lands to the West of the Site

*ABP 315707-23, PA Ref. FW22A/0152*

Permission granted in December 2023 for 2 storey commercial block, 3 ground floor units and 72 dwellings at Weaver's Row, Clonsilla Road, Clonsilla, Dublin 15.

#### Lands to the South of the Site

*ABP 309622-21 (SHD Application)*

Permission refused in June 2021 for 198 no. Build to Rent apartments, childcare facilities and associated site works at the Old Schoolhouse Site (former Clonsilla School, a protected structure), Porterstown Road, Kellystown, Clonsilla, Dublin 15.

Permission was refused due to the negative impact on the Royal Canal, and insufficient information to allow an ecological assessment.

## **6.0 Policy Context**

### **6.1. National Planning Context**

- 6.1.1. The national policy context guiding future growth in the Clonsilla area is determined by the National Planning Framework (NPF), Housing for All, Climate Action Plan, National Biodiversity Plan, and several section 28 Ministerial Guidelines.

#### National Planning Framework, Project Ireland 2040 (NPF)

- 6.1.2. Several national policy objectives (NPOs) are applicable to the proposed development, involving the consolidation of an infill site within an established urban neighbourhood in Dublin City and Suburbs. For the ease of reference, I direct the Board to the planning authority's report (pg.10), and the applicant's Planning Report and Statement of Consistency (pgs. 26-29) which cite several objectives in full.



- 6.1.3. Of those objectives referenced, I identify NPO 3a, NPO 4, NPO 13, NPO 33, and NPO 35 which support development in urban settlements such as Clonsilla as being applicable to the proposed development.

Housing for All, 2021

- 6.1.4. Specifies four pillars by which universal access to quality housing options is to be achieved. Of relevance to the proposed development is the achievement of Pillar 1, increasing new housing supply.

Climate Action Plan, 2024

- 6.1.5. Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

National Biodiversity Plan 2023-2030

- 6.1.6. Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protected is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Board to have regard to the objectives and targets of the Plan in the performance of its functions.

Section 28 Ministerial Planning Guidelines

- 6.1.7. Several national planning guidelines are applicable to the proposed development (consolidated growth in infill sites, increased residential densities at certain types of locations, achievement of certain standards for apartment development). The relevant guidelines include the following (my abbreviation in brackets):
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy for the proposed development includes:

- Section 3.3: contains Table 3.1 which defines categories of urban areas within Dublin City and suburbs (which the appeal site is located within). City – Urban Neighbourhoods are described as town centres designated in a statutory development plan, and lands around existing or planned high-capacity public transport nodes or interchanges. For such locations, the guidelines state that densities in the range of 50dph-250dph should be applied.
- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (in accordance with definitions in Table 3.8) and secondly on site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further, where appropriate, using the criteria set out in Section 3.4.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of residential standards as follows:
  - SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartment units above ground floor level.
  - SPPR 2 – Minimum Private Open Space for apartments remains in accordance with the Apartment Guidelines.
  - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
  - SPPR 3 – indicates that for urban neighbourhoods, car-parking provision should be minimised, substantially reduced or wholly

eliminated. The maximum rate of car parking provision for residential development at these locations shall be 1 no. space per dwelling.

- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
  - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
  - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-3 bedroom units).
  - SPPR 4 (50% to be dual aspect units in intermediate/ suburban areas).
  - SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).
  - SPPR 6 (maximum of 12 apartments per floor level per core).
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable policy for the proposed development includes:
  - Section 1.8 outlines that maximum building heights in city and town centre areas have tended towards the range of six to eight storeys.
  - Section 2.5 highlights taller buildings can bring much needed additional housing and economic development to well-located urban areas and assist

in reinforcing and contributing to a sense of place within a city or town centre.

- Section 3.1 states there shall be a presumption in favour of buildings of increased height in our town/ city cores.
- SPPR 3 requires a development management criteria test be undertaken for schemes with buildings taller than the prevailing height of those buildings in the receiving area.
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines). Applicable policy for the proposed development includes:
  - Appendix 2 recommends the provision of a childcare facility with a capacity of 20 childcare spaces per 75 dwellings units.
  - Section 2.4 outlines facilities may not need to be provided in developments with high numbers of single bedroom apartments (reiterated in section 4.7 of the Apartment Guidelines which allows 1 and 2 bedroom units to be discounted from childcare calculations).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines). Applicable policy for the proposed development includes:
  - Table 3.1 which provides a classification of vulnerability of different types of development (e.g. residential as highly vulnerable, local transport infrastructure as less vulnerable, amenity open spaces as water compatible).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).
  - Section 3 requires restrictions on the first occupation of houses and duplexes to individual purchasers or persons eligible for social and/ or affordable housing, excludes corporate entities.
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).

- Section 7.3 outlines the criteria for conditions.

## **6.2. Regional Policy**

### Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- 6.2.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs (which the appeal site is located within).
- 6.2.2. Accordingly, certain regional policy objectives are applicable to the proposed development, including RPOs 5.3, 5.4, and 5.5 which require future residential development in the MASP to plan led, facilitate sustainable travel patterns provide for higher densities and qualitative standards, focus on the consolidation of Dublin and suburbs.

## **6.3. Local Planning Context**

### Fingal Development Plan 2023-2029

- 6.3.1. The applicable statutory development plan for the assessment of the appeal case is the Fingal Development Plan 2023-2029 (CDP). The CDP contains map-based designations and policy in several chapters which establish the context for the proposed development (a predominantly residential scheme comprised of duplexes and apartments, with a café and childcare facility, on an infill site in a town centre location).
- 6.3.2. Key map-based designations include the following:

#### Map Based Designations (Sheet 13: Blanchardstown South)

- The site is zoned as 'TC' Town and District Centre with the stated objective to 'Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities'. Permitted uses include residential, restaurant/ café, and childcare facilities.
- The site is located within the boundaries of FP 13.C – Framework Plan for Clonsilla. Framework plans are described as non-statutory plans providing design guidance for applicable lands.

- Designations in proximity to the site (within c.100m radius) include two protect and preserve tree designations (northeast, southeast), protected structures (Record of Protected Structures (RPS) Ref.s 698, 699, 700 to the southeast), and the pNHA Royal Canal (south).

#### Applicable CDP Policy and Objectives

- With regard to relevant CDP policy and objectives, I direct the Board to the planning authority's report (pgs.12-15) and the applicant's Planning Report and Statement of Consistency (pgs. 41-64) which identify key objectives applicable to the proposal. I have reviewed same and concur about the relevancy of identified policy for the proposal.
- The applicant's Planning Report includes Table 5.1 which lists in detail the CDP policies and standards and outlines the manner in/ extent to which the proposal complies with same.
- Specifically, I identify the key CDP policy, objectives, requirements, and/ or standards that are relevant to the appeal case as being in:

#### Chapter 2: Planning for Growth, Core Strategy, Settlement Strategy

- Policy CSP12 – NPF and RSES
- Policy CSP14 – Consolidation and Re-Intensification of Infill/ Brownfield Sites
- Policy CSP18 – Promotion of Residential Development

#### Chapter 3: Sustainable Placemaking and Quality Homes

- Policy in 3.5.11 Quality in Residential Development
- Policy SPQHP35 – Quality of Residential Development
- Policy SPQHP38 – Compact Growth, Consolidation, and Regeneration

#### Chapter 6: Connectivity and Movement

- Policy CMP12 – Public Realm,
- Policy CMP14 – Permeable Neighbourhoods,
- Objective CMO19 – Optimising Accessibility for All

- Table 14.3 Brownfield Opportunities and Regeneration

#### Chapter 14: Development Management Standards

- Policy in 14.13 Open Space
- Table 14.11: Public Open Space and Play Space Hierarchy and Accessibility Standards
- Objective DMSO50 – Monetary Value in Lieu of Play Facilities
- Objective DMSO51 – Minimum Public Open Space Provision
- Table 14.12: Recommended Quantitative Standards
- Objective DMSO52 – Public Open Space Provision
- Objective DMSO53 – Financial Contribution in Lieu of Public Open Space
- Objective DMSO194 – Provision of Public Art

#### Fingal County Council Development Contribution Scheme 2021-2025

- The Scheme refers to the CDP policy context which allows the planning authority to determine a financial contribution in lieu of all or part of the open space requirement for a particular development.
- The Scheme (Note 5, pg. 7) indicates the rates at which the contribution will be calculated.
- Section 11 Exemptions and Reductions lists the development/ works exempted from the requirement to pay development contributions/ pay at a reduced rate.

#### Supplementary Development Contribution Scheme in respect of the Clonsilla to Dunboyne (Pace) Railway Line

- The site is located within the boundaries of Supplementary Development Contribution Scheme for the Clonsilla to Dunboyne (Pace) Railway Line.

### **6.4. Natural Heritage Designations**

- 6.4.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).

6.4.2. The European site designations in proximity to the appeal site include (as measured at closest proximity between boundaries):

- Rye Water Valley/ Carton SAC (site code: 001398) is c.5.8km to the southwest.
- South Dublin Bay and River Tolka SPA (site code: 004024) is c.12.1km to the southeast.
- Glenmasole Valley SAC (site code: 001209) is located c.13.9km to the south.
- South Dublin Bay SAC (site code: 000210) is c.14km to the southeast.
- North Dublin Bay SAC (site code: 000206) is c.15.2km to the east.
- North Bull Island SPA (004006) is c.15.2km to the east.

6.4.3. There are no NHA designations in proximity to the site. The pNHA designations in proximity to the appeal site include:

- Royal Canal pNHA (site code: 002103) c.85m to the south.
- Liffey Valley pNHA (000128) is c.1km to the southwest.
- Rye Water Valley/ Carton pNHA (site code: 001398) is c.5.8km to the southwest.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

#### First Party Appeal

7.1.1. The first party appeal centres on four conditions related to development contributions, Condition 6(xvi), Condition 8(viii), Condition 28, and Condition 29 (see section 4.0 of this report above where the relevant conditions are cited in full). The Board is requested to amend and/ or remove same.

7.1.2. The first party appeal is accompanied by three plans entitled Resi GFA for Development Contributions, Double Build-out Option with Raised Table and Crossing Facility, and Landscape Masterplan and Planting Schedule.

7.1.3. The grounds of the appeal include:



- The planning authority has incorrectly applied the terms of the Fingal County Council Development Contribution Scheme 2021-2025 resulting in an overcharge of the applicant in excess of €400,000.
- The imposition of such excessive financial contributions on the development will adversely impact the viability of the scheme and hamper its deliverability.

#### Condition 29 Section 48 Development Contribution

- Table 2.1 in the first party appeal outlines the manner in which the planning authority calculated the section 48 Development Contribution for the scheme, totalling €2,041,291.92.
- Table 2.2 outlines the manner by which the applicant submits the section 48 Development Contribution should have been calculated, totalling €1,844,712.11.
- Only the contribution for the residential floorspace is disputed, that calculated for the commercial floorspace is accepted.
- Lists the items which are excluded from the gross floor area of the residential floorspace (carparking, creche) and those from the exempted floorspace (e.g. ancillary areas, Part V units, demolition (in accordance with Section 11 Exemptions and Reductions of the Scheme)) yielding a total of 14,254sqm.
- Provides a plan entitled 'Dwg: Resi GFA for Development Contributions' indicating the areas (across all buildings, all floor levels) which are subject to development contributions, totalling 14,254sqm.
- States it is unclear how the planning authority calculated the residential area to be levied as c.15,795sqm.
- The applicant submits the difference in the totals are due to the following (described as errors):
  - Use of higher gross floor areas for the proposed works and the contribution area (residential).
  - Use of a lower amount of exempted development floorspace.
  - No allowance made for the floorspace for the Part V units.

- No allowance made for the demolition floorspace.
- The applicant has been erroneously overcharged by €196,579.81.
- Requests the Board correctly apply the terms of the section 48 Development Contribution Scheme and amend Condition 29.

Condition 6(xvi) Section 48(2)(c) Special Development Contribution

- The condition requires a special contribution of €50,000 for a Zebra Crossing on Porterstown Road.
- This is in addition to the section 48 standard development contribution and the section 49 supplementary contribution (towards the delivery of the Clonsilla to Dunboyne Rail Line).
- The applicant acknowledges the need for the crossing and is willing to contribute towards same.
- However, the planning authority has not provided a rationale as to the genesis of this figure nor justified the costings of the crossing.
- The applicant indicates that the project's Cost Consultant confirmed that the installation of a raised table in accordance with TII DRAWING CC-SCD (extract of drawing included in the first party appeal) would have a typical budget cost of €30,000.
- The Board is requested to revise Condition 6(xvi) to the more appropriate sum of €30,000.

Condition 8(viii) Public Open Space shortfall and Condition 28 Section 48 Development Contribution in lieu of same

- Condition 8(viii) states a financial contribution in lieu of the shortfall of 0.4415ha of public open space is required, and Condition 28 calculates the sum required to be paid in respect of same as €259,105.44.
- Completely disagrees that there is a shortfall in the quantum of public open space being provided in the scheme.
- Refutes the suggestion in the Parks section's report that areas of private curtilage have been included in the public open space calculations.

- Refers to CDP Objectives DMSO51 and DMSO52, stating the objectives require different levels of public open space provision (the former based on an occupancy rate, the latter on a percentage of the site area) which gives rise to confusion regarding compliance on the matter.
- Objective DMSO51 requires 6,785sqm (equalling 34% of the site area) while Objective DMSO52 requires 2,460sqm (12%).
- The quantum of public open space provided in the scheme is 3,498sqm (refers to the Landscape Masterplan included in the first party appeal), which comprises two areas, the main central area (2,520sqm), and an area between Blocks B and D (978sqm).
- Objective DMSO51 is at odds with national policy on public open space in the Compact Settlement Guidelines which recommends a public open space provision of between 10%-15% of a site's net developable area.
- If necessary, an updated plan can be provided by condition clarifying the boundaries between public and private open space in respect of the areas included in the calculations.
- Should the Board find there to be a shortfall, requests that the Board reevaluate the alleged level of shortfall.
- Strongly suggests that 'double charging' is taking place as Class 3 of the standard section 48 development contribution includes a charge towards Community & Parks Facilities and Amenities.

### Third Party Appeal

- 7.1.4. Nine third party appeals have been made against the planning authority's decision to grant permission for the proposed development. The appeals are made by named parties (front cover of this report) with addresses on Orchard Avenue and The Village. The appeals are all in opposition to the proposed development.
- 7.1.5. The third party appeal made by Frances and David McClelland included a request for an Oral Hearing. The Board considered same and decided that the appeal could be determined through written procedures.

7.1.6. Several grounds of appeal are cited, the key points of which can be summarised as follows:

Planning Context

- Contrary to the Clonsilla Urban Strategy
- Premature pending the Clonsilla Framework Plan

Residential Density

- Excessive density proposed
- Large influx of people into the site with increased activity
- A lower scaled residential scheme would be more appropriate for the site

Design, Layout, and Height

- Out of character and disproportionate to surrounding area
- Not acceptable in terms of urban design in a village context
- Proposal will be incongruous in Clonsilla which has a country village character
- Excessive building height
- Obtrusive
- Dominate the surrounding area visually
- Higher buildings are not appropriate at this location
- Obstruct the historic and precious views integral to the village character

Residential Amenity

- Existing dwellings will be overlooked
- Loss of privacy
- Overshadowing of residents from morning to early afternoon
- Amenity enjoyed by Orchard Avenue residents on private, quiet road will be lost
- Increased safety concerns to residents and their properties
- Rise in anti-social behaviour

- Unavoidable daily and nightly trespass on residents' private front garden areas along Orchard Avenue
- Private property will become public property
- Orchard Avenue should be blocked by new boundary wall to protect the privacy of existing residents
- Condition 6(iii) requirement for allow a low wall with railings is not sufficient to protect the amenity of adjacent residents
- Residents of Orchard Avenue are calling for a 4m boundary wall at the end of the road
- Noise pollution will occur from construction and increased traffic
- Serious disruption and nuisance caused to residents
- Inappropriate location for new residents next to a public house due to noise levels and late activity

#### Biodiversity

- Negative impact on the biodiversity and ecology of the site and Royal Canal
- Survey identified birds (amber list), bats and hedgehogs are known to be locally present
- Set a precedent for injurious forms of development in the environs of the Royal Canal

#### Traffic Hazard and Road Safety

- Orchard Avenue is a historic laneway built prior to road standards
- Erroneously being called a road by the planning authority without any of the technical characteristics
- Road is 3.2m in width with no footpaths or verges
- Only one way traffic can travel along the road
- Road does not have any ingress points allowing vehicles to pass each other
- Private garden areas are used for vehicles to pass
- Road ill equipped to withstand any increase in use

- Entrance point from Weavers Row is very tight for turning traffic and with poor visibility
- Emergency and large service vehicles have difficulty entering and travelling the road
- Opening the road up will change the cul-de-sac character of the road
- Exploitation of a quaint and historic laneway
- No scope for expansion of the road as all property boundaries and existing structure meet the edge of the laneway
- Lane is too narrow to accommodate a footpath one even one side
- Proposed pedestrian and cycle access are totally unrealistic due to the width of the road
- No capacity on the road for such additional use
- Add further pressure on an already congested road
- Proposed pedestrian and cycle use of the road is totally inappropriate
- Can not be safe, severe risk of accidents
- Will endanger all road users
- Objection to Condition 6(iv) which defers agreement on the design of the cycle street (stated as being Orchard Avenue) to after permission granted
- Consideration has been given to internal footpaths and road layouts, but none has been given to that of Orchard Avenue
- Proposal includes another pedestrian and cycle path beside The Clonsilla Inn which will allow for convenience and connectivity without the problems associated with Orchard Avenue.
- Unnecessary to open up Orchard Avenue
- Residents do not want a turning head at the end of the road
- Legal ownership to open the road in the manner proposed has not been proven

- Insufficient car parking being provided
- Insufficient public transport available in the area to serve the proposal
- On-street parking and roads in Clonsilla already stretched and at capacity
- No cycle lanes in Clonsilla village to tie in with
- Porterstown Road is at capacity in terms of traffic levels and several planning applications have sought and continue to seek to access same
- Proposed main access onto Porterstown Road will inevitably result in conflicts with users of St. Mocha's National School

#### Drainage

- Historical drainage issues in the area with winter turloughs lakes in adjacent fields
- Flooding will be increased in the area
- Proposal will affect the area's drainage towards the Royal Canal

## **7.2. Planning Authority Response**

- 7.2.1. A response has been received from the planning authority in respect of the first and third party appeals. The key points of which can be summarised as follows:

#### Response to First Party Appeal

- The planning authority has responded to the appeal grounds against the development contributions related conditions as follows.

#### Condition 29

- States the area to be levied is the measured floor area of the residential units and cafe in accordance with floor plans provided.
- The exempted areas have been identified in the calculation sheet.
- Acknowledges no Part V allowance applied, as this is not applied until the Part V units have been acquired by the planning authority.
- Acknowledges no demolition floorspace allowance given as stated that no demolition drawings or description of the buildings were provided.

- Confirms that if such details are provided and qualify under the terms of the scheme, the planning authority can subsequently reduce the contributions.
- Requests that Condition 29 remains unchanged.

#### Condition 6(xvi)

- The planning authority's Traffic Section advises, with reference to the current 2023 Signals Framework Contract, that the estimated cost of a signalised pedestrian crossing is c.€50,000, which incorporates both the civils works and the electrical works.
- The Transportation Planning Section recommends that the full contribution amount sought be upheld.
- Requests that Condition 6 remains unchanged.

#### Condition 8(viii) and Condition 28

- The planning authority has an established strategy, based on CDP policy (Section 4.5.2.1, Table 14.11, and Objective DMSO51), which is integral to the planned provision of public open space across the county.
- The CDP has a hierarchy of public open space, which includes both Class 1 and Class 2 (the former including local, neighbourhood, and regional parks, and the latter including pocket parks and small parks provided within a new development).
- The differentiation between the two classes of public open space is incorporated into the Fingal Development Contribution Scheme.
- Objective DMSO51 outlines the overall minimum standard for public open space (2.5ha per 1000 population), which for new residential development is calculated based on an occupancy rate (3.5 persons per 3+ bedroom units, 1.5 persons per 1-2 bedroom units).
- Objective DMSO51 is consistent with the Compact Settlement Guidelines, which in Section 5.5.3, states that public open space in residential schemes refers to open space that forms part of the public realm within the residential scheme, which is distinct from a public park.



- The 'public open space in residential schemes' referred to in the Guidelines is considered to align with CDP Class 2 public open space (i.e., the 10%-15% of the net site area in the Guidelines), while the reference to 'public park' is considered to align with CDP Class 1 public open space.
- Where there is deemed to be a shortfall in public open space in accordance with Objective DMSO51, a financial contribution in lieu of the provision on-site of same may be sought, in accordance with section 48 of the 2000 Act.
- The contribution ensures that the Class 1 public open space requirement for the new populations is catered for in terms of local parks, neighbourhood parks and regional parks, including the acquisition of additional open space or the upgrade of existing parks and open spaces.
- The in-lieu contribution is calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.
- The steps undertaken by the planning authority in assessing and calculating public open space for a residential development are outlined (Steps 1-4).
- The proposed development was assessed based on these steps, a shortfall of public open space of 0.4415ha was identified, and a financial contribution has been conditioned in lieu of same.
- Requests that Conditions 8 and 28 remain unchanged.

#### Response to Third Party Appeals

- All planning matters raised in the appeal documents were assessed at the application stage in accordance with the development management standards given in the current development plan.
- No new planning issues have been raised in the third party appeals.
- The proposed development is a positive contribution in relation to Orchard Avenue as it offers a safe turning area for the residents using this narrow road, which is missing currently.
- Indeed, it will allow the residents of Orchard Avenue safe access to Porterstown Road and the proposed new park.

- The site is located centrally within Clonsilla and allowing future residents to use this access point to the Clonsilla road aids in permeability.
- The use of Orchard Avenue is consistent with CDP Policy CMP12 Public Realm, Policy CMP14 Permeable Neighbourhoods, CMO19 Optimising Accessibility for All and Table 14.3 Brownfield Opportunities and Regeneration.

### **7.3. Applicant's Response**

7.3.1. The applicant made a response to the third-party appeals (received by the Board on 30<sup>th</sup> October 2024) in respect of the following items:

- Planning Considerations/ Matters.
- Density and Layout.
- Impact on Residential Amenity.
- Traffic, Transport, and Access.
- Heritage and Conservation.
- Ecology.
- Drainage.

7.3.2. Further, the applicant's appeal response includes an alternative arrangement for the access to/ boundary treatment with Orchard Avenue (Appendix 1), and a revised outline Construction and Environmental Management Plan (Appendix 2).

7.3.3. As relevant, the substantive issues in the appeal response are referred to and discussed in section 8.0 Planning Assessment of this report below.

### **7.4. Observations**

7.4.1. Eight observations have been made on the appeal. Observations are made by named parties (front cover of this report) with addresses given at Mulhuddart Village, The Village, Porterstown Road, Bray, and Blanchardstown.

7.4.2. The observations are in opposition to the proposal. Several of the issues raised are similar to those in the appeal grounds (objection to the use of Orchard Avenue, excessive building height, out of keeping with adjacent houses, causing overlooking and a loss of amenity), while other issues particular to the observations include:

- Criticism of methodology used in the Traffic and Transport Assessment regarding presumption about car ownership and TRICS
- Absence of inclusive and accessible play infrastructure in the open space design
- Questions about the future tenure of the scheme
- The proposed creche will attract even more people into the site
- Demands on services in the area particularly schools

## 7.5. Further Responses

7.5.1. No further valid responses have been received on the appeals.

## 8.0 Planning Assessment

### 8.1. Introduction

8.1.1. Having examined the appeals, reviewed all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Zoning Objective and Framework Plan
- Residential Density and Population Increase
- Design, Layout, and Height
- Residential Amenity
- Biodiversity
- Architectural and Archaeological Heritage
- Access, Traffic, and Transportation
- Water Services, Flood Risk, and Utilities
- Planning Conditions

I propose to address each item in turn below.

8.1.2. In respect of the proposed development, I have carried out a screening determination for Appropriate Assessment (AA) and a screening determination for

Environmental Impact Assessment (EIA) which are presented in sections 9.0 and 10.0 below.

## **8.2. Zoning Objective and Framework Plan**

- 8.2.1. The appeal site is subject to zoning objective 'TC' Town and District Centre which seeks to 'Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities'. The proposed development is a mixed-use scheme, with use classes including residential, café, and childcare facilities. I positively note the range of uses included for, all of which are permitted in principle under the TC zoning objective.
- 8.2.2. The site is included within the boundaries of the Framework Plan (FP) for Clonsilla, FP 13.C. As confirmed in the planning authority report, the FP has not been prepared to date (consultation commenced). Appeal grounds include that the proposed development is premature pending the preparation of the FP.
- 8.2.3. While I note these concerns, I have had regard to the description in the CDP that framework plans are non-statutory plans providing design guidance for applicable lands, and to the information in the planning authority report that the FP seeks to facilitate the revitalisation and improvement of Clonsilla and enhance the village centre and community infrastructure to serve existing and future communities.
- 8.2.4. I concur with the planning authority's position that the proposed development is not considered to impede or limit the preparation of the FP. Accordingly, I do not consider the development of the site to be premature. Further, appeal grounds refer to the proposal being at odds with the Clonsilla Urban Strategy, particularly in respect of building height (3 storeys had been indicated as an upper height limit). However, this strategy dating from 2008, is no longer in effect, being superseded by the provisions of the CDP and national guidance on same.

## **8.3. Residential Density and Population Increase**

- 8.3.1. Appeal grounds include opposition to the residential density of the proposal, described as excessive, and the associated population increase in the area (linked to an increased demand on services and a disamenity to existing residents due to increased activity at the site).

- 8.3.2. The proposed development has a residential density of c.82 dwellings per hectare (dph). The applicable national and local planning policy context (see section 6.0 of this report above) encourages the development of infill sites, securing consolidated compact growth and achieving increased residential densities at certain types of locations (e.g., in Dublin city and suburbs, close to high frequency public transport such as the Intercity/ heavy rail lines).
- 8.3.3. The applicant and the planning authority have both had regard to the provisions of the Compact Settlement Guidelines. The site is categorised as City – Urban Neighbourhood with an acceptable density range of between 50dph to 250dph. Appropriate density ranges are subject to a refining process which consider accessibility and five site-specific criteria. Both parties submit that the proposed density of 82dph is appropriate for the site.
- 8.3.4. In having reviewed the case documentation and undertaken my site inspection, I concur with the applicant and planning authority that the site comes within the scope of City – Urban Neighbourhood. While I note that the site is favourably located just at the 1km walking distance of Clonsilla train station and the Board may consider a higher residential density to be desirable, I consider there to site-specific criteria which counter the intensity of residential development at the site.
- 8.3.5. As I outline in the following subsections, with regard to design and layout, and residential amenity, these are restrictions arising from impacts on the character of the area (low rise, low-mid density pattern of development) and residential amenity.
- 8.3.6. On balance, I am satisfied that the density of the proposal is appropriate for the site and complies with the requirements of the Compact Settlement Guidelines. Similarly, I consider the density of the proposal to satisfy the requirements of applicable local policy including CDP Policy CSP12, Policy CSP14, Policy CSP18, and Policy SPQHP35.
- 8.3.7. I have considered the potential impact of the increase in population associated with the proposal on the receiving area. In the 2022 Census, Clonsilla is part of the Blanchardstown-Blakestown electoral division (ED) with a population of 43,905 persons. For the proposal, I estimate there to be a population increase of between c.510-592 persons. This range is based on the 2022 Census average household for

the ED (c.3 persons per household) and the total number of bedspaces in the scheme (592 if all occupied, see Table 2(b) of this report above).

- 8.3.8. The proposed development represents an increase of c.1.16%-1.35% in population to the ED area. Having regard to the unit mix and proportion of 1-bedroom (26%), and 2-bedroom units (68%) (a total of 94%), I consider a population increase nearer to, if not more realistically below, the ED's household average (i.e., c.510 persons, c.1.16% increase).
- 8.3.9. While appellants and observers oppose the increase of people to the area and associated rise in demands on services, traffic generation, and activity at the site, I consider this proportion to be well within acceptable parameters for an established urban neighbourhood such as Clonsilla with several services and facilities, and to be in line with national and local policy for planned and targeted growth.

#### Conclusion

- 8.3.10. In conclusion, I am satisfied that the proposal represents a suitable form of infill development at an appropriate residential density, contributing to an increased provision of new homes and a greater mix and variety of residential typologies available in the area. The proposed development therefore complies with a range of applicable policy objectives at the national, regional, and local levels. Further, I have reviewed and had regard to several reports on the case file, including the Community and Social Infrastructure Audit, Schools and Childcare Demand Assessment, and the Traffic and Transport Assessment (TTA), and am satisfied that there are and will be sufficient services and facilities in the area to cater for the proposed development.

#### **8.4. Design, Layout, and Height**

- 8.4.1. Appeal grounds include the design and height of the proposal being out of character, disproportionate, overly dominant, and visually obtrusive. In considering this appeal ground, I have reviewed the applicant's Architectural Design Statement, Landscape Visual Impact Assessment, all plans, elevations, and cross-sections of the proposal, the pre-planning consultations and LRD Opinion, and report of the planning authority.

- 8.4.2. It is evident from same that extensive design work has been undertaken through the pre-planning process by the parties to agree an appropriate architectural approach to developing the site and to secure a high-quality design solution for the proposal.
- 8.4.3. In its assessment, the planning authority describes and assesses the layout of the residential buildings, access arrangements, open spaces, relationship with commercial uses, childcare facility, public realm, building height (highest elements centrally located and stepping down towards the site boundaries), set backs from site boundaries, building energy efficiencies, boundary treatments, and external finishes to buildings.
- 8.4.4. The planning authority found the design, layout and building heights proposed to be acceptable and no conditions are attached amending same. This is a position with which I concur, save for the pedestrian and cyclist access through to Orchard Avenue. However, as is discussed in subsection 8.8 below, I do not consider this component to be acceptable due to road user safety and traffic hazard reasons, and not due to the scheme's internal design and layout.
- 8.4.5. Further to the planning authority's assessment, I consider that the architectural approach and design process for the scheme has had regard to the policy context established at national level for higher buildings, to the character of the receiving area and the proximity of surrounding buildings, incorporated sufficient setbacks from site boundaries and achieved adequate separation distances to adjacent residential properties and commercial uses, and avoided any adverse impact on same due to the proposal's height, scale and massing.
- 8.4.6. Specifically in respect of building height (as opposition to same features strongly in the appeals and observations), the proposal includes five apartment blocks of 4 and 5 storeys with principal heights of between c.14m and c.18m. The national context for appropriate building heights for infill sites in accessible locations such as the appeal site (see section 6.0 above), is wholly supportive of taller buildings in town locations. The applicant's Planning Report and Statement of Consistency includes a response to the development management criteria test in accordance with SPPR 3 of the Building Height Guidelines (Table 6.4 Building Height Development Management Criteria Compliance at the Scale of the City, pgs. 73-86), which I have reviewed, note and concur with.

## Conclusion

8.4.7. In conclusion, I am satisfied that the design and layout of the proposal are acceptable in terms of building height, scale, and massing. I positively note the design approach taken to the scheme, its relationship with and regard given to the receiving area. I am satisfied that the proposed development is an appropriate design solution for this site and will not have undue impacts on the visual amenities of the receiving area.

### **8.5. Residential Amenity**

8.5.1. Appeal grounds include the adverse impact caused to existing residents due to overlooking, overshadowing, overbearance, and disruption associated with construction phase activities and operation phase noise and traffic generation. In particular, the negative impact of the proposed pedestrian and cycle route through Orchard Avenue features strongly in the appeal grounds and observations on the appeal, which I consider in subsection 8.8 below.

8.5.2. In respect of overlooking, overshadowing and overbearance, as outlined in the previous subsection, I consider that the design approach taken for the scheme has incorporated sufficient setbacks from site boundaries, and achieved adequate separation distances to adjacent residential properties thereby avoiding any adverse impact on same in terms of residential amenity. The separation distances to the adjacent dwellings around the perimeter of the site on Orchard Avenue, The Village, and Porterstown Road include a range of c.10m-c.27.5m, c.25.5m-c.64.2m, and c.14.7m-c.22.0m.

8.5.3. While I acknowledge the concerns raised by the appellants and observers, at these distances, the proposed development will not realistically result in undue overlooking, overshadowing, or overbearance impacts on the adjacent properties. By way of comparison, these distances are well in excess of the 16m separation distance recommended by SPPR 1 of the Compact Settlement Guidelines between opposing windows on the sides/ rear elevations of residences (where less, there are no opposing windows, or the distance is to the front or gable of a property).

8.5.4. In respect of construction and operation phase impacts, while I acknowledge a level of disruption will arise to residents, I consider that anticipated impacts are within acceptable parameters for a mid-scale, mid-density development such as the



proposal at a location in a built-up serviced area such as the appeal site. The likely impacts will be mitigated by measures included in the final Construction Environmental Management Plan (CEMP), Noise Impact Assessment (NIA), and Mobility Management Plan (MMP).

#### Future Residential Amenity

- 8.5.5. Key considerations in determining the level of amenity for future residents of the scheme include the residential unit mix, accommodation design and standards, and open space provision and function. The proposed development is subject to the requirements of national policy in the Compact Settlements Guidelines and the Apartment Guidelines, both of which include several mandatory SPPRs.
- 8.5.6. With regard to amenity levels of future residents of the scheme, I confirm to the Board that I have reviewed the range of plans and relevant particulars, including the Architectural Design Statement, Housing Quality Assessment, Schedule of Accommodation, Daylight and Sunlight Analysis Report, Landscape Report and associated landscaping plans, Community and Social Infrastructure Audit, Schools and Childcare Demand Assessment, TTA, and MMP.
- 8.5.7. In short, I find that the proposed development materially complies with standards for residential development included in the national planning guidelines and local policy context (cited in section 6.0 of this report above). I am satisfied that the proposed development will afford future residents with acceptable levels of amenity, in a well-designed, serviced, and managed development.
- 8.5.8. I note the proposal includes a childcare facility (c.285sqm) which is sited in the ground floor level of Block C. The facility has an indicated capacity of 35-45 childcare spaces. Due to the proportion of 1-bedroom (26%), and 2-bedroom units (68%) (a total of 94%), I consider the proposed capacity to be acceptable. I have reviewed the applicant's plans and particulars for same and consider the design, siting, and layout to be acceptable, being relatively well orientated and accessible.
- 8.5.9. The childcare facility, and indeed the café, are positive components of the proposal, and their provision will serve both residents and the community. Final agreement on finishes, signage and operation can be addressed by condition. I concur with the planning authority's condition amending the phasing sequence for implementing the proposed development thereby requiring the childcare facility to be delivered in

Phase 1, and recommend a similar condition be attached in the event of permission being granted.

### Conclusion

8.5.10. In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not adversely injure the residential amenity of adjacent properties or amenities in the wider area. I find that future residents will be provided with residential accommodation of an acceptable standard and enjoy a high level of residential amenity.

### **8.6. Biodiversity**

- 8.6.1. The site comprises a mix of greenfield and brownfield lands (primarily surface carparking), with sections of strong hedgerow and treeline boundaries around the perimeters. Appeal grounds include the negative impact of the proposal on the biodiversity of the site, and that of the Royal Canal pNHA. Reference is made to the results of the ecological survey work which identified bird species (amber list), bats and hedgehogs are stated as being known to be locally present.
- 8.6.2. I have reviewed the Ecological Impact Assessment (EclA), Appropriate Assessment Screening Report (AASR), Environmental Impact Assessment Screening Report (EIASR), Arboricultural Report and associated tree impact and tree protection plans which accompany the application.
- 8.6.3. Field surveys to identify habitat types, flora species, bat, mammal and bird species were undertaken over several months during 2023 and 2024. The identified habitats on site are described as consisting largely of scrub (WS1), dry meadow and grassy verges (GA2), treelines (WL2), hedgerow (WL1) and built land (BL3). The mature treelines (two centrally located) provided nesting area with an amount of plant species diversity in its understory. No protected habitats were identified at site.
- 8.6.4. No plant species of conservation importance were noted within the site. Neither were any terrestrial mammals or evidence of mammals of conservation importance noted onsite. Bird species were recorded (26 species), eight of which are amber listed (no red listed species). The bat survey work recorded the presence of three

bat species (Common pipistrelle, Soprano pipistrelle, Leisler's bat) at the site (foraging, commuting, roosting).

- 8.6.5. The EclA highlights that the proposed development will result in a reduction in the biodiversity value of the site particularly due to the loss of a large number of trees, which will result in the loss of bat foraging areas and the loss of breeding bird nesting and foraging habitat.
- 8.6.6. The EclA considers the potential impacts of the proposal at construction and operation phases on biodiversity (on-site and within the zone of influence), birds, bats, and mammals. The designed-in mitigation and targeted mitigation devised to address the potential impacts are described. Key among which include the implementation of the CEMP (noise, vibration, dust, surface water and groundwater protection measures), pre-construction surveys and inspections, time-restricted development works, provision of nest boxes and bat boxes, and installation of a bat sensitive lighting scheme.
- 8.6.7. With regard to the impact of the proposal on designated conservation sites with the zone of influence, the EclA outlines the site is not within a designated conservation site (European site), and the distances to European sites are such (minimum of c.5.7km, majority c.12km) that significant effects due to construction phase impacts (e.g., pollution event, noise disturbance) are not likely.
- 8.6.8. Operational phase indirect hydrological connections are identified between the proposed development and Dublin Bay. Firstly, through surface water discharges via the public surface water network to River Liffey and South Dublin Bay, and secondly, through wastewater discharges via the public drainage system (effluent will be treated at Ringsend WwTP) to Dublin Bay (North and South).
- 8.6.9. However, the potential for significant effects on the European sites in Dublin Bay through these indirect connections is considered unlikely due to any pollutants, silt laden runoff or dust being dispersed or diluted (within the respective drainage network, estuarine environment, and/ or in the marine environment) to negligible levels prior to reaching the coastal European sites.
- 8.6.10. The EclA concludes that with the implementation of mitigation measures, as and where necessary, the proposed development will result in 'a long term moderate adverse not significant residual impact' on the ecology of the area and locality.

- 8.6.11. I consider the EclA to be comprehensive and I concur with the findings of the same. I also consider that through the implementation of the measures included in the Arboricultural Report, associated tree impact and protection plans, Landscaping Report, and associated landscape masterplan and planting schedule, the impact on biodiversity from the removal of the mature trees on site will be ameliorated.
- 8.6.12. Of the appeal grounds relating to the impact of the proposal on the Royal Canal, I note in the applicant's response report to the third-party appeals (pgs.19, 20) reference is made to the content of the EclA whereby the canal is identified as being c.90m from the site, and that standard construction and operational controls will be implemented to protect the biodiversity within the zone of influence (as I described above in subsection 8.6.6).

### Conclusion

- 8.6.13. In conclusion, save for the mature trees (of local biodiversity importance) and bat populations, the site has been demonstrated to have no key ecological features. There are no protected habitats, plants, or mammals (except the bats) at the site. There are no meaningful direct pathways connecting the proposed development to any European site. I am satisfied that the proposal will not have an adverse impact on biodiversity at the site or in the area. I recommend the implementation of the mitigation measures in the several biodiversity related reports be subject of a condition in the event of a grant of permission.

## **8.7. Architectural and Archaeological Heritage**

- 8.7.1. The appeal grounds include concerns relating to the impact on the architectural and archaeological heritage of the area, including the impact on the proximate Royal Canal and related protected structures.
- 8.7.2. I have reviewed the applicant's Archaeological Impact Assessment (AIA), the CDP and the planning authority's decision. In terms of architectural heritage, the site is located within an historical environment with CDP listed Record of Protected Structures (RPS) in the vicinity of the site. These include CDP RPS 700 (Former Clonsilla National School, c.104m to the south of the site), and RPS 698 and RPS 699 (Keenan Bridge and Keeper's Cottage, both associated with the Royal Canal, and located c.189m to the southeast). However, there are no CDP RPS within or immediately adjoining the site.

- 8.7.3. The AIA identifies that the western half of the southern boundary of the site extends along the townland boundary between Porterstown and Kellystown townlands and of Castleknock and Clonsilla Civil Parishes. Otherwise, within the subject area, there are no recorded monuments and places (RMPs), no new archaeological features or increased archaeological potential noted from the study of historical mapping or aerial photography, no excavations undertaken, and no chance or stray finds recorded for these townlands.
- 8.7.4. The AIA concludes that due to the size of the site, there is moderate potential for the continued survival of buried archaeological sites and features within the site and recommends appropriate mitigation measures. These include further archaeological assessment by way of a townland boundary survey of the boundary to the southwest of the site, geophysical survey of available lands within the site, and archaeological test excavation of the available lands to be informed by the results of the geophysical survey (geophysical survey and test excavation are required to be completed under licence to the NMS). The planning authority reiterated same in Condition 19 of its decision to grant permission.
- 8.7.5. I concur with the finding of moderate potential for discovery of unknown archaeological and cultural heritage features, and the mitigation measures in the applicant's AIA. This is due to the relative size of the site, the portion of which is greenfield in nature, the partial existence of the townland boundary, and the occurrence of and proximity to (albeit more recent) historic features and structures (CDP RPS entries). In the event of a grant of permission, I recommend the attachment of an appropriate condition to address same.

### Conclusion

- 8.7.6. In conclusion, while the presence on site of archaeological heritage features has not been demonstrated, there is potential for same having regard to the size of the site and its historic context. On balance, I consider that the proposed development includes appropriate mitigation measures and provides for the suitable management of the archaeological record (i.e., further archaeological assessment, and as necessary, preservation by record and/ or in-situ). To reflect the historical environment of the site (presence of the townlands and civil parishes boundary), I

recommend that the naming of the scheme also be conditioned to have a local historical context.

#### **8.8. Access, Traffic, and Transportation**

- 8.8.1. The main access to the proposed development is via a new vehicular entrance from Porterstown Road to the east of the site, which incorporates the design of a cycle street (in accordance with design standards in DMURS). Pedestrian and cyclist accesses are proposed at Orchard Avenue to the north/ northwest of the site and through a route to the east of The Clonsilla Inn, both facilitating access to Clonsilla Road.
- 8.8.2. Appeal grounds and observations include strong opposition to the proposed pedestrian and cyclist access through Orchard Avenue. The road is a historic cul-de-sac accommodating 13 residential dwellings. Following review of the case documentation and my site inspection, I note that the road is c.3.2m in width, without footpaths, verges, or passing bays. The front boundary walls of the dwellings extend to the road edge. The visibility and available space for entering/ existing traffic at the junction with Weaver's Row are highly restricted. The conditions of the road allow for single vehicle traffic movements only.
- 8.8.3. Appellants and observers submit the road is substandard, currently operating at capacity, and unable to support the likely high levels of traffic generation (pedestrians, cyclists, scooters) arising from the proposed development. Several concerns relating to safety of all road users and the creation of traffic hazard are raised. Appellants request that the access between the road and the proposed development be omitted, and a boundary wall be constructed.
- 8.8.4. I note, and concur with, the positions of the applicant and planning authority in the case documentation regarding the range of planning and urban design benefits arising from increased permeability in our built environments. However, in this instance and following my site inspection where I observed the road conditions and a range of road users travelling and manoeuvring on the road, I agree with the concerns outlined by appellants and observers.
- 8.8.5. I find the conditions on the road to be substandard (highly restricted width, poor visibility) and without the potential for improvements (not possible to provide footpath(s), verges, passing bays). I do not consider Orchard Avenue to be suitable

for pedestrian and cyclist access from the proposal, which would likely comprise relatively high levels of trip generation and frequency, having regard to the limited car parking provision, high levels of cycle parking provision, and potential for c.500 residents.

- 8.8.6. In the response to the third-party appeals, the applicant indicates a revised design for the boundary between the proposal and Orchard Avenue, omitting the access point and installing a 1.8m high mild steel fence with native hedgerow (Appendix 1). In this instance, due to the substandard road conditions, lack of footpaths, concerns for road users' safety, and likelihood for the creation of traffic hazards, I find the revised proposal to be appropriate and recommend the shared boundary be amended accordingly by condition.
- 8.8.7. I consider that adequate levels of connectivity and permeability for pedestrians and cyclists can be achieved through the Porterstown Road main entrance (designed as a cycle street) and the access route adjacent to The Clonsilla Inn (being newly provided as part of the upgrade/ reconfiguration works at the front of the site). Thereby, the proposal will continue to comply with applicable CDP policies including Policy CMP12, Policy CMP14, and Objective CMO19.
- 8.8.8. I have reviewed the report of the Transportation Planning section which considers and assesses the main entrance (access, sightlines), future provision to accommodate cycle infrastructure along Clonsilla Road (4.5m set back, land to be ceded), car, cycle and motorcycle parking provision (quantum, EV charging, storage), car club spaces, connectivity and permeability, TTA (for the scenarios analysed, the junction found to operate with capacity for the future years), phasing, swept path analysis, taking in charge, road safety audits, and construction management.
- 8.8.9. Save for the pedestrian and cyclist access from the proposal to Orchard Avenue, I concur with the planning authority's assessment of the scheme. I recommend the continued attachment of transport related conditions which are comprehensive (including addressing issues raised by the NTA relating to improving alternatives for private car use, increased car sharing spaces and a Residential Travel Plan).

### Conclusion

8.8.10. In conclusion, subject to conditions including the revised boundary arrangement between Orchard Avenue and the proposed development, I consider the proposal to be acceptable in terms of pedestrian, cyclist and vehicular safety and convenience, and to be of a scale and intensity of use that is not likely to cause undue congestion or to have an adverse impact on the traffic conditions of the surrounding area. In the event of a grant of permission, I recommend that standard and project specific conditions be attached, the latter requiring final agreement with the planning authority.

### **8.9. Water Services, Flood Risk, and Utilities**

8.9.1. The appeal grounds relate to water services issues, including increased demands on services, and concerns relating to increased flood risk.

8.9.2. The proposed development seeks connections to the public systems for water supply, wastewater drainage, and surface water drainage. Existing water services networks are located both in the public roads (Porterstown Road, Clonsilla Road) adjacent to the site and routed through the site.

#### Surface Water Management

8.9.3. I have reviewed the applicant's Civil Engineering Planning Report (CEPR), Site Specific Flood Risk Assessment (SSFRA), CEMP, and the supplementary information in the appeal response.

8.9.4. The topography of the site is relatively flat, with ground levels decreasing from c.64m OD to c.62.25m OD in the southwest. Thus, the site slopes gradually from north to south, draining in a southerly direction.

8.9.5. The infiltration tests undertaken as part of the site investigation for the proposal indicated the subsoil conditions were unsuitable for soakaways and surface water would need to be attenuated on-site and discharged to the public surface water network. The existing surface water network is located in Porterstown Road, to the east of the site.

8.9.6. The proposed surface water management system comprises three catchment areas, each of which will outfall into a dedicated SuDS and attenuation tank area. The surface water network will collect stormwater via on-road gullies and rainwater from building roofs via guttering and downpipes. The overall system has been sized to



store the runoff from a 1:100-year storm event of critical duration plus a 20% climate change allowance and has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS).

- 8.9.7. Surface water run-off (from buildings and impermeable paving) will be collected and attenuated within green roofs (on Blocks A-E and the podium slabs above the internal car parks, 60% of these areas), SuDS features (bioswales, rain gardens) and attenuation tanks (two located in the undercrofts of podiums between blocks, and one in public open space). All surface water from impermeable areas will pass through gully traps, petrol/ oil bypass interceptors, and catchpit manholes prior to attenuation. Thereby, reducing the risk of pollution, of collecting silt and debris, and of system blockages.
- 8.9.8. The discharge from the green roofs, swales/ rain gardens, and attenuation tanks, and that collected from permeable paving (via on-road gullies to subsurface pipework), will be discharged by flow control device at greenfield runoff rates to the existing surface water network located in Porterstown Road (established as c.40m to the southeast of the site, the installation of proposed pipework connecting to same may be required). Thereby, surface water is allowed to sustainably flow by gravity in the direction it currently drains due to the topography of the area.
- 8.9.9. The planning authority has not raised any issue regarding the proposed surface water system, or the capacity of the existing public surface water drainage system to accommodate the proposal.
- 8.9.10. As such, I find the proposal to be acceptable as the surface water management system incorporates several SuDS features, has been designed and will be constructed in accordance with the requirements of the GDSDS. The system will be operated and maintained in accordance with the requirements of the planning authority, and I recommend a condition be attached to this effect.

#### Flood Risk

- 8.9.11. A SSFRA has been undertaken of the proposed development which outlines there is no evidence (from its topography, relatively flat, at c.65m OD) or history of flooding at the site (events in a 2.5km radius are indicated). The Royal Canal is identified as the principal hydrological feature near the site (at c.90m to the south) with the River

Liffey lying a further 1.5km further to the south. The River Tolka is identified as c.2km from the site and associated flood extents do not reach the site.

- 8.9.12. As a highly vulnerable class of development, the SSFRA undertakes a justification test for the proposed development. Based on flood maps, the site is classified as being located within an area designated as Flood Zone C (outside of the extents of a 1 in 1000 year flood event (0.1% AEP)). The risks of groundwater, tidal and fluvial flooding are all low due to separation distance to the coast, rivers, and subsurface ground/ hydrological conditions.
- 8.9.13. I consider the proposal's design and further mitigation measures address the risks. These include the incorporation of several SuDS features, not excessive amounts of paved surfaces (roads, parking), site and road levels such that overland flows are directed to swales/ gullies/ open spaces, flow routes free of development, attenuation design capacity for 1 in 100 year storm events, and proper operation and maintenance of the drainage system.
- 8.9.14. I find the methodology used and information relied upon in the SSFRA to be accurate and robust, and note that the planning authority accepted the findings of same. I recommend that a condition be attached requiring the mitigation measures included in the SSFRA to be implemented.

#### Water Supply and Wastewater

- 8.9.15. The proposed development seeks to connect to the public systems for water supply and wastewater drainage. Existing Uisce Eireann operated water services networks are located in the public roads adjacent to the site and routed through the site.
- 8.9.16. These include a watermain located in Clonsilla Road to the north of the site, which it is proposed to connect to for water supply for the development. For wastewater drainage, there are two foul sewer drains at/ proximate to the site. The west side of the development is proposed to connect and discharge by gravity to the existing sewer routed through the northwest of the site. Similarly, the eastern side of development will connect to and discharge by gravity into the existing sewer located on Porterstown Road.

8.9.17. The applicant confirms infrastructure for both these water services has been designed and will be constructed in accordance with applicable Uisce Eireann code of practice and standards documents.

8.9.18. Finally, in respect of water services capacity, Uisce Eireann has provided Confirmations of Feasibility (included as Appendix A in the CEPR) confirming that there is sufficient capacity for water supply and wastewater drainage, and infrastructure upgrades are not necessary either system to facilitate the proposed development.

#### Conclusion

8.9.19. In conclusion, while I note concerns raised by appellants and observers, I consider that the applicant has sufficiently demonstrated that the water services infrastructure for the proposal will be designed, operated, and maintained to all required standards. There is sufficient capacity in the public systems to accommodate the demands arising from the proposal. Further, the proposal does not create or increase flood risk for adjacent properties, and subject to the attachment of standard conditions in the event of a grant of permission, is acceptable.

### **8.10. Planning Conditions**

8.10.1. The first party and third party appeals both include objections to/ dissatisfaction with conditions attached by the planning authority to the grant of permission for the proposed development. The planning authority has responded to both the first party and third party appeals.

#### First Party Appeal

8.10.2. The applicant has appealed four conditions related to development contributions, Condition 6(xvi), Condition 8(viii), Condition 28, and Condition 29 (see sections 4.0 and 7.0 of this report above for condition wording and appeal details). The Board is requested to amend and/ or remove same.

8.10.3. As objected to in the appeal, Condition 29 is the standard section 48 development contribution cost totalling €2,041,291.92, Condition 6(xvi) is a section 48(2)(c) special contribution of €50,000 for a zebra crossing on Porterstown Road, and Condition 8(viii) and Condition 28, respectively, require a payment in-lieu of a shortfall in the provision of public open space on-site at a cost totalling €259,105.44.

8.10.4. I propose to address each substantive issue in turn.

Condition 29 Section 48 Development Contribution

- 8.10.5. The applicant has prepared tables (Tables 2.1 and 2.2) to allow a comparison between the development contributions calculated by the planning authority (€2,041,291.92) and the applicant (€1,844,712.11). The applicant submits there is an overcharge of €196,579.81, and that the planning authority has incorrectly applied the provisions of the current Development Contribution Scheme.
- 8.10.6. I identify the key items for comparison between the tables to include the entries for Proposed Works Area, Contribution Area, and Contribution – Residential floorspace. The planning authority's entries for same are all in excess of the applicant's entries. Also of note are the floorspaces for the exempted area (higher in the applicant's table) and demolition allowance area (not applied by the planning authority).
- 8.10.7. Of the 'Contribution – Residential' floorspace to which the development contributions apply, the planning authority's figure is c.15,795sqm and the applicant's is 14,254sqm. In the appeal grounds, the applicant states it is unclear how the planning authority calculated the applicable floorspace.
- 8.10.8. The first party appeal includes a plan entitled 'Dwg: Resi GFA for Development Contributions' indicating the areas (across all buildings, all floor levels) which are subject to development contributions). In conjunction with the appeal documentation, I have reviewed the Schedule of Areas and Housing Quality Assessment submitted with the application, the Development Contribution Scheme, and the planning authority's appeal response.
- 8.10.9. I find that the areas indicated on the applicant's Resi GFA for Development Contributions for inclusion in the development contribution calculation align with standard definitions for gross floor areas and the exemptions as allowed for in the Development Contribution Scheme.
- 8.10.10. In its appeal response, (as relevant to the residential floorspace), the planning authority states that the area to be levied is the measured floor area of the residential units in accordance with floor plans provided. The planning authority has not provided a plan and/ or particulars similar to that of the applicant, graphically

indicating and/ or describing how the area was determined. I calculate the difference between the parties' Contribution – Residential floorspaces as c.1,541sqm.

8.10.11. To gain additional clarity on the matter, as is allowed for in accordance with section 131 of the Planning and Development Act, 2000, as amended (2000 Act), the Board may wish to request further information from the planning authority as to exactly what areas are subject of the development contribution (preferably as a drawing thereby allowing a comparison with that provided by the applicant) and how the areas were measured.

8.10.12. Otherwise, I confirm to the Board that from a review of the information available in the case file, there is no reason to not concur with the applicant's position that the residential floorspace, to which development contributions should be applied, totals 14,254sqm.

8.10.13. Further, in the appeal response, the planning authority acknowledges that a reduction in floorspace arising from the Part V units (of which I note there are 34 units) has not been undertaken as this is only applied when the Part V units have been acquired by the planning authority. Nor has an allowance for the demolition floorspace (indicated by the applicant as c.314sqm) been applied as details of same are stated as being outstanding from the applicant. On receipt of the necessary details, if found to qualify under the terms of the Development Contribution Scheme, the planning authority indicates that the contribution can be reduced subsequently.

8.10.14. The applicant requests that the Board amend the cost of the development contribution as cited in Condition 29, while the planning authority requests it remains unchanged. In the context outlined above, as there remain outstanding items for agreement between the applicant and planning authority, I do not consider it appropriate to specify an exact cost by condition. In the interests of clarity, on the basis of this assessment, the cost cited in Condition 29 is likely to decrease.

8.10.15. The Board will be familiar with the wording of the standard condition used in respect of applying a section 48 development contribution. The condition allows for agreement between the planning authority and developer on the application of the Development Contribution Scheme and, in default of same, referral of the matter to the Board. I consider this standard condition to be particularly appropriate and necessary in this instance and recommend the attachment of same.

Condition 6(xvi) Section 48(2)(c) Special Development Contribution

- 8.10.16. Condition 6(xvi) relates to the provision of a zebra crossing on Porterstown Road, to the east of the site. The applicant acknowledges that the piece of infrastructure is required to serve the proposal and agrees to contributing towards same.
- 8.10.17. The appeal grounds arise in relation to the cost of the infrastructure specified at €50,000. The applicant states the planning authority has not provided a rationale or justification for the amount, which is in addition to the standard section 48 development contribution. The applicant refers to a plan submitted with the appeal indicating a raised table with a crossing facility (extract of a TII drawing), and states the project's Cost Consultant confirmed that the typical budget cost for same would be c.€30,000.
- 8.10.18. In response, the planning authority clarifies that the estimated cost of a signalised pedestrian crossing at c.€50,000 (including civils and electrical works) is from the Traffic Section which arises from the 2023 Signals Framework Contract. The Transportation Planning Section is stated as recommending that the full contribution amount sought be upheld.
- 8.10.19. In considering this appeal ground, I have reviewed the applicable zoning map (Sheet 13 Blanchardstown South), the planning history in the area, the Traffic Layout Plan: Dwg No. 220958-ORS-ZZ-00-DRTR-700 submitted with the application, the pre-planning consultations and LRD Opinion, Transportation Planning Section's report, the Fingal Development Contribution Scheme, and visited the site.
- 8.10.20. I direct the Board to Traffic Layout Plan: Dwg No. 220958-ORS-ZZ-00-DRTR-700 which indicates both a raised table (at the proposal's main entrance) and a signalised pedestrian crossing (slightly to the south) on Porterstown Road, both largely opposite St. Mochta's National School.
- 8.10.21. I concur with the planning authority on the requirement for the roads infrastructure at this location and find the signalised pedestrian crossing will unarguably be predominantly to the benefit of the proposed development (having regard to the surrounding land use zoning objectives, i.e. existing residential, open space), tying in efficiently with the existing footpath infrastructure either side of Porterstown Road.

8.10.22. While the applicant requests the cost of the special contribution condition be reduced to €30,000 (albeit with reference to the delivery of a raised table with crossing facility) and the planning authority requests for it to remain at €50,000 (referring to a signalised pedestrian crossing), I highlight that neither party has provided the type of detailed costings which would appropriately allow the Board to attach a condition specifying an exact cost. I do not consider that the veracity of the information submitted on the case file allows for same. Both parties have made references to informed opinions from personnel/ consultants, but these opinions are not supported by written advice from same/ other suitably qualified persons.

8.10.23. Again, in the absence of sufficiently robust information on costings, the Board may consider requesting further information from the planning authority on the matter in accordance with section 131 of the 2000 Act.

8.10.24. Otherwise, in similarity with my assessment of Condition 29 above (i.e., standard section 48 development contribution), I consider that the Board's standard condition for a section 48(c) special development contribution is appropriate in this instance. This condition does not specify a monetary sum, allowing the planning authority and developer (the best placed parties) to come to an agreement on same, and in the event of non-agreement the condition allows the matter to be referred to the Board.

Condition 8(viii) Public Open Space shortfall and Condition 28 Section 48 Development Contribution in lieu of same

8.10.25. The applicant objects to the planning authority's finding that there is a shortfall in the provision of public open space in the scheme (Condition 8(viii)), for which an in-lieu development contribution totalling €259,105.44 is required to be paid (Condition 28). The Board is requested to remove the conditions or reevaluate the alleged level of shortfall.

8.10.26. The applicant refers to CDP Objectives DMSO51 and DMSO52, describing their requirements as conflicting, confusing, inconsistent with the national Compact Settlement Guidelines, and resulting in double charging.

8.10.27. In response, the planning authority has outlined the CDP policy context for the public open space strategy, described the hierarchy of spaces (i.e., Classes 1 and 2), and provided a rationale for the development contributions arising in the event of

a shortfall being identified (i.e., incorporated into the Development Contribution Scheme). The planning authority outlines the manner by which the public open space in the proposal was assessed, stands over same, and requests the subject conditions remain unchanged.

8.10.28. In considering this appeal ground, I have reviewed the detailed landscaping plans and particulars submitted with the application, the Landscape Masterplan drawing submitted with the first party appeal, the pre-planning consultations and LRD Opinion, the report of the Parks Section, relevant CDP policy, and the Fingal Development Contribution Scheme.

8.10.29. I note and find the following:

*Key Statistics in the Proposal*

- The proposal has a site area of 2.05ha, and a public open space provision totalling 3,498sqm (the main central area and an area between Blocks B and D).
- The Parks report highlights that portions of footpath and narrow incidental areas have been included in error by the applicant as public open space.
- While the applicant disputes this in the appeal grounds, on review of the site layout and ground floor plans, I concur with the Parks Section.
- I find the most material of such areas incorrectly included is a linear area on the northern side of Block C adjacent to the childcare facility, store, cycle store and Unit C0001.
- I estimate this area to measure c.482sqm (61.867m x 7.798m, in accordance with Proposed Site Plan – Ground Floor Dwg No: CLO - ALT - 00 - 00 - DR - A – 104).
- I consider it correct and appropriate to omit this area from the public open space provision (the other incidents are, on balance, largely of an inconsequential nature).
- I recalculate the public open space provided in the scheme as being 3,016sqm, which constitutes c.14.7% of the site area.

*Key Policy Requirements*



- CDP Table 14.1 outlines the types of public open spaces (categories within Class 1 and Class 2) and policy in section 14.13 identifies the types of areas that will not be counted in public open space calculations (environmental open space, green corridors).
- Objective DMSO52 requires compliance with Table 14.2, which, of relevance for the proposal, in turn stipulates that a minimum standard of 12% of the site area is to be provided as public open space for new residential development on infill/ brownfield sites.
- The Compact Settlement Guidelines require a provision of public open space in new developments of between 10%-15% of the site area (Policy and Objective 5.1, on-site provision).
- In accordance with CDP Objective DMSO51, the proposal generates a requirement of 6,785sqm, and under Objective DMSO52 there is a requirement for a minimum of 2,460sqm (i.e., 12% of the site area).

#### *Key Items from Planning Authority Assessment*

- The Parks report indicates that the public open space provided satisfies the minimum requirement (on-site provision of 12% of the site area).
- The Parks report calculates the resultant shortfall in public open space provision between the two figures as being 4,415sqm.
- In determining the shortfall, the maximum allowance afforded by the Parks section to the proposal is that of the minimum 12% of the site area, 2,460sqm.

#### *Assessment*

- In terms of the CDP classification of public open space, I consider that all the public open space provided within the scheme comes within the definition of Class 2 (i.e., on-site, pocket parks/ small parks within a new residential scheme).
- The proposal does not provide any Class 1 public open space and overprovides the minimum requirement for Class 2 public open space by c.556sqm (i.e., 3,016sqm-2,460sqm).

- Notwithstanding the recalculation of public open space being provided (i.e., reduced to 3,016sqm, 14.7% of the site area), I consider that the proposed development satisfies CDP Objective DMOS52, and the Compact Settlement Guidelines Policy and Objective 5.1 in terms of qualitative and quantitative provision.
- I consider the landscaping strategy for the proposal (presented in the Landscaping Report, Landscape Masterplan and Planting Schedule, Arboricultural Report, and Tree Protection Plan) will result in a high-quality, well-designed scheme.
- I find the overall open space in the scheme in terms of its design, layout, and type (public, communal, and environmental) to be a distinguishing feature in the proposal, contributing to the character of the scheme, and the ensuring high levels of residential amenity for future residents.
- I consider the Compact Settlement Guidelines allow for a greater flexibility in terms of the provision of public open space within new developments, allowing up to 15% of the site area to be provided on site.
- I consider Objective DMOS52 and Table 14.2 refer to minimum requirements and do not include or stipulate a maximum requirement relevant for the proposal, save as would be restricted to that specified at national level in the Compact Settlement Guidelines of 15%.
- As such, in the event of an overprovision of public open space of up to a maximum of 15%, I do not consider there to be any issue arising in respect of a contravention of the CDP objective.
- Having regard to the above items, I consider it reasonable and acceptable that a greater allowance for the Class 2 public open space being provided within the scheme be included for.
- In calculating the overall public open space shortfall arising from the proposal, I recommend the minimum allowance of 2,460sqm (12% of the site area) be increased to the full amount of qualifying Class 2 POS being provided in the proposal, of 3,016sqm (14.7%).

- In so doing, I calculate that the overall shortfall in the provision of public open space for the proposed development is 3,769sqm (6,785sqm-3,016sqm).
- In the interests of clarity for the Board, I highlight that the above assessment is specific to the proposed development and is not intended to serve or be interpreted as a precedent on the matter.
- I reiterate this recommendation is based on the high quality of the landscaping strategy proposed for the scheme, the overall quality and quantum of open spaces incorporated in the design and layout, which includes an overprovision of both Class 2 open space and communal open space, and the provision of environmental open spaces (nature walkway, public realm improvements) all of which will contribute to the amenity of future residents, and should not serve as a disincentive to develop the scheme.

8.10.30. Finally, while I acknowledge the applicant's opposition to the finding of any shortfall in public open space provision, I consider that the applicable CDP policy and objectives and the terms of the Development Contribution Scheme are clear, justified, and reasonable. The shortfall is in respect of the non-provision of Class 1 public open space and a financial contribution in-lieu of same is required accordingly.

8.10.31. I concur with the planning authority and recommend the requirement for the applicant to pay a financial contribution to address same remains. I recommend this be secured by a condition identifying the shortfall, in similarity to Condition 8(viii) of the planning authority's decision. As the basis for the condition is not a section 48(2)(c) special development contribution, the financial contribution arising comes within the scope of the standard section 48 development contribution and does not necessitate a specific condition in similarity to Condition 28 of the planning authority's decision.

### Third Party Appeals

8.10.32. Appeal grounds include dissatisfaction with the planning authority's Condition 6(iii) and 6(iv). These relate, respectively, to the boundary treatment between Orchard Avenue and the proposal (low wall with railings) and the post-consent agreement of the 'cycle street' stated as being Orchard Avenue.

8.10.33. As outlined in subsection 8.8 above, I do not consider Orchard Avenue to be suitable to serve as a pedestrian and cyclist access route to/ and from the proposed development. This is due to the substandard road conditions, lack of footpaths, concerns for road users' safety, and likelihood for the creation of traffic hazards.

8.10.34. I recommend to the Board that the revised proposal for the shared boundary, as submitted by the applicant in response to the third party appeals, omitting the access point between the proposal and Orchard Avenue, and installing a 1.8m high mild steel fence with native hedgerow (Appendix 1) be conditioned accordingly. In effect, this would necessitate the removal of the existing Condition 6(iii).

8.10.35. Of Condition 6(iv), I have reviewed the report of the Transportation Planning section which refers to the cycle street. It is apparent that the reference is to the access road to the main entrance to Porterstown Road.

#### Conclusion

8.10.36. In conclusion, I concur with planning authority's decision to attach conditions relating to the delivery of infrastructure, to an under provision in public open space (Class 1), and the requirement for financial contributions which will benefit the proposed development. I partly concur with the applicant's appeal grounds in respect of the calculations of areas on which the financial contributions are to be based. I recommend the matters be addressed in the main by standard conditions. I consider these to be appropriate in this instance and to satisfy the criteria for conditions (listed in section 7.3 of the Development Management Guidelines).

## **9.0 Appropriate Assessment**

### **9.1. Stage 1 – Screening Determination for Appropriate Assessment**

9.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development (project) 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 2000 Act is not required.

9.1.2. This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.
- Distances from European sites.
- Absence of any meaningful pathways to any European site.

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

## **10.0 Environmental Impact Assessment**

### **10.1. Pre Screening for Environmental Impact Assessment**

10.1.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

10.1.2. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
  - (i) Construction of more than 500 dwelling units,
  - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations.

10.1.3. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations. In respect of the latter, 'business district' is defined as a district within a city or town in which the

predominant land use is retail or commercial use. I do not consider that the appeal site (with a site area of c.2.05ha) comes within this definition and is instead another part of a built-up area where the 10ha threshold applies.

10.1.4. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the project, the location of the site, and any other factors leading to an environmental impact.

## **10.2. Screening Determination for Environmental Impact Assessment**

10.2.1. The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues which are included for in Schedule 7A of the 2001 Regulations.

10.2.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 3 below of this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.

10.2.3. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

10.2.4. This conclusion is based on regard being had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (Zoning Objective 'TC' Town and District Centre), and other relevant policies and objectives in the Fingal Development

Plan 2023-2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).

- c) The infill nature of the site (greenfield/ brownfield) and its location in urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment, Archaeological Impact Assessment, Noise Impact Assessment, Wind Microclimate Modelling Report, and Mobility Management Plan.

## **11.0 Recommendation**

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

## 12.0 Recommended Draft Board Order

### **Planning and Development Act 2000, as amended**

**Planning Authority:** Fingal County Council

**Planning Authority Register Reference:** LRD0021/S3E

**Appeal** by McHugh Property Holdings Limited, Lorraine Kelly and others against the decision made on the 4<sup>th</sup> day of September 2024 by Fingal County Council to grant permission subject to conditions to McHugh Property Holdings Limited, c/o of KPMG Future Analytics, 1 Stokes Place, St. Stephen's Green, D02 DE03 in accordance with plans and particulars lodged with the said Council.

### **Proposed Development**

Large-scale residential development, consisting of the construction of 170 residential units, a café, and a childcare facility, on lands to the front and rear of The Clonsilla Inn, Porterstown, Dublin 15.

Particulars of the development comprise as follows:

The demolition of existing buildings and structures (314.7 sq. m.) on site and the construction of a residential-led scheme (19,244 sq. m. total GFA of which 17,330 sq. m. relates to the residential element of the development) comprising 170 no. apartment/ duplex units consisting of 45 no. one-bedroom units, 115 no. two-bedroom units and 10 no. three-bedroom units.

The development also includes the provision of a single-storey café (62 sq. m.) with external seating located to the front of the site adjacent Clonsilla Road and a childcare facility (285 sq. m.) located in Block C with associated outdoor play area. The proposed development will be accommodated across 7 blocks up to 5 storeys in height and is described on a block-by-block basis as follows:

- Blocks A & B contain 55 no. apartments comprising 21 no. one-bedroom units and 34 no. two-bedroom units with associated ancillary accommodation,



circulation space and lift/stair cores in two connected blocks ranging in height from 4 to 5 storeys. Communal open space is provided in the form of a landscaped podium courtyard (636 sq. m.) at first floor level above an undercroft car park. 3 no. bike stores accommodating 108 no. cycle spaces are also provided.

- Block C contains 36 no. apartments comprising 5 no. one-bedroom units and 31 no. two-bedroom units with associated ancillary accommodation, circulation space and lift/stair cores in a block of 4 storeys. The ground floor of Block C incorporates a childcare facility (285 sq. m.) with associated secure outdoor play space (105 sq. m.) and dedicated set down area. The ground floor of Block C also includes a bike store accommodating 79 no. cycle spaces. Blocks D & E contain 59 no. apartments comprising 19 no. one-bedroom units and 40 no. two-bedroom units with associated ancillary accommodation, circulation space and lift/stair cores in two connected ranging in height from 4 to 5 storeys. Communal open space is provided in the form of a landscaped podium courtyard (674 sq. m.) at first floor level above an undercroft car park. 2 no. bike stores accommodating a total of 113 no. cycle spaces are also provided.
- 2 no. duplex blocks containing a total of 20 no. duplex units comprising 10 no. two-bedroom units and 10 no. three-bedroom units with a total height of 3 storeys. Communal open space (1,129 sq. m.) is provided in the form of landscaped residential amenity area to the rear of the duplex blocks with private open space provided in front and rear gardens which include dedicated bike stores (accommodating a total of 20 no. cycle parking spaces). A communal bike store accommodating 37 no. cycle parking spaces is located to the rear of the duplex units.

Planning permission is also sought for the provision of public open space (3,498 sq. m.) in the form of a public park, 2 no. public plazas (one located adjacent to Clonsilla Road and one located in the centre of the development between Blocks B&D), play areas, grass lawns, a nature walk route along the southern boundary of the site, communal open space, and all ancillary accommodation including substation, refuse

stores, cycle stores, and comms/meter rooms. Private open space for the apartment units is achieved through the provision of balconies, terraces and private gardens.

The development includes the provision of 77 no. car parking spaces which includes 20 no. EV parking spaces, 5 no. accessible parking spaces, 2 no. car club spaces and 1 no. parent and child parking space associated with the childcare facility. The development also includes the provision of 8 no. motorcycle spaces and 357 no. secure covered residential long term cycle parking spaces and 102 no. short term cycle parking spaces in the form of Sheffield stands.

Vehicular access to serve the development is proposed via Porterstown Road to the east of the application site with dedicated pedestrian and cycle access proposed via Clonsilla Road. Upgrades to facilitate improved access to the east of the Clonsilla Inn including the addition of a pedestrian and cycle path, the reconfiguration of the existing parking arrangements to the front of the pub, as a means of improving passive surveillance and pedestrian safety are also proposed.

Planning permission will also be sought for all other site and development works including hard and soft landscaping, internal roads and pathways, boundary treatments, public lighting, green and blue infrastructure, associated signage and all associated works and infrastructure to facilitate the development including connection to foul and surface water drainage and water supply. Upgrades to Porterstown Road include the addition of a raised table with 2 no. additional road gullies at each side of the raised table.

## **Decision**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the following reasons and considerations, and subject to the conditions set out below.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to, and as relevant been consistent with, the following:

- a) Policies and objectives set out in the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Fingal Development Plan 2023-2029, including the location of the site on lands subject to Zoning Objective 'TC' Town and District Centre' and the permitted uses therein.
- c) Fingal County Council Development Contribution Scheme 2021-2025, and the Supplementary Development Contribution Scheme in respect of the Clonsilla to Dunboyne (Pace) Railway Line.
- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) Climate Action Plan, 2024.
- f) National Biodiversity Plan 2023-2030.
- g) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- h) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- j) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- k) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- l) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- m) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- n) Development Management, Guidelines for Planning Authorities, 2007.
- o) The nature, scale, and design of the proposed development.

- p) The availability in the area of a range of social, community, and transport infrastructure.
- q) The pattern of existing and permitted development in the area.
- r) The planning history at the site and within the area.
- s) The reports of the planning authority.
- t) The submissions received by the planning authority from observers and prescribed bodies.
- u) The grounds of appeal and observations.
- v) The responses to the grounds of appeal by the planning authority and the applicant.
- w) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

### **Environmental Impact Assessment Screening**

The Board completed an Environmental Impact Assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment.

Regard has been had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (Zoning Objective 'TC' Town and District Centre), and other relevant policies and objectives in the Fingal Development Plan 2023-2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The infill nature of the site (greenfield/ brownfield) and its location in urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including

those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment, Archaeological Impact Assessment, Noise Impact Assessment, Wind Microclimate Modelling Report, and Mobility Management Plan.

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

### **Conclusion on Proper Planning and Sustainable Development**

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'TC' Town and District Centre zoning objectives and other policies and objectives of the Fingal Development Plan 2023-2029, would appropriately intensify the residential use at the site, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority on the 11<sup>th</sup> July 2024, as amended by the plans and particulars received by An

Bord Pleanála on the 30<sup>th</sup> October 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.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the outline Construction Environmental Management Plan, Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment, Noise Impact Assessment, Wind Microclimate Modelling Report, and Mobility Management Plan, submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment, public health, and clarity.

3. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

4. Prior to the commencement of development, a final Construction Environmental Management Plan (CEMP) shall be prepared and submitted to

the planning authority for written agreement. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interest of residential amenities, public health and safety.

5. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

6. a) Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.  
  
b) The development name 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).



**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.
- b) Details of security shuttering, external lighting, and signage for the café and childcare facility shall be agreed in writing with the planning authority prior to commencement of development.
- c) Details of a maintenance strategy for all external finishes within the proposed development shall be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

8. 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 a finalised agreed Landscape Masterplan and Planting Schedule. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interests of amenity and public safety.

9. a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.
- b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

**Reason:** In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 on Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The development shall be implemented subject to the following:

a) The development of the site shall be undertaken in a phased manner in accordance with Proposed Site Phasing Plan Dwg No. CLO - ALT - 00 - 00 - DR - A – 226, subject to Condition 11(b) and (c) below, unless otherwise agreed in writing with the planning authority.

b) Development works indicated in Phase 4 shall be incorporated into Phase 1. Construction of Phase 2 shall not be commenced until such time as the childcare facility (included in Phase 1) is constructed, available for use and/ or operational, to the satisfaction of the planning authority.

c) The occupation of residential units within each phase shall be restricted until the public and/ or communal open spaces to serve that phase has/ have been developed, landscaped, and made available for use, to the satisfaction of the planning authority.

**Reason:** In the interests of orderly development and to ensure the timely provision of amenities and infrastructure for future residents.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

13. 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.

**Reason:** In the interests of visual and residential amenity.

14. The following requirements shall be complied with:

a) A revised drawing shall be submitted detailing the 4.5m set-back from the road edge on the Clonsilla Road as a reservation area for future pedestrian and cycle provision and this area shall be kept free from development that could prejudice the future provision of infrastructure. The land shall be ceded to the planning authority.

b) 1 no. minimum commercial EV parking space shall be provided. The design shall ensure that the provision of EV charging stations do not obstruct the footpath and maintain suitable width for pedestrians and consider universal access. Publicly accessible EV parking spaces shall be clearly marked and be capable of communicating usage data with the National Charge Point Management System.

c) The boundary details between the development and Orchard Avenue shall be as indicated in the 'Third Party Appeal Submission Response Report' (Appendix 1, 1.8m high mild steel fence with native hedgerow) as received by An Bord Pleanála on the 30th October 2024. Prior to commencement of development, a revised Road Layout drawing indicating same, shall be submitted to and agreed in writing with the planning authority.

d) The design of the Cycle Street shall be agreed in writing with the Planning Authority prior to construction.

e) The exact location of the zebra crossing on Porterstown Road shall be determined by the planning authority, which shall be provided by the planning authority at the expense of the Developer.

f) A final Taking In Charge drawing shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All areas

intended for taking in charge shall be constructed and maintained to the Council's standard for taking in charge, including any roads, footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development. In addition, all works required to the public footpath and road as part of the proposed development shall be constructed to the planning authority's standards for taking in charge.

g) The development's Management Company shall provide a Residential Travel Plan to residents and shall appoint a Travel Plan Coordinator including the monitoring and surveys in relation to travel patterns to promote sustainable travel and limit private car use. Following the implementation of the development's Travel Plan the Car Club/ Car sharing spaces shall be expanded in line with demand and monitoring through the Residential Travel Plan.

h) The detail and security arrangement, and management arrangements for the proposed bicycle parking provision, including that of the bicycle lockers, shall be agreed in writing with the planning authority prior to commencement of development.

i) The design of the turning head and nature walk route located in the southern green space and the repositioning of the bins stores at this location shall be agreed with the planning authority prior to construction.

j) The development's Management Company shall ensure that the cycle parking areas are subject of a funded maintenance regime that ensures that facilities are kept clean, free of graffiti, well-lit and the parking equipment is properly maintained.

k) No objects, structures or landscaping shall be placed or installed within the visibility triangle at the vehicular entrance onto the public road, exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.

l) Road Safety Audits shall be carried out as part of the proposed development at the relevant stages as outlined in the current edition of Transportation Infrastructure Ireland guidelines GE-STY- 1027.

m) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary, at the developer's own expense and according to the requirements of the planning authority.

n) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

o) A detailed Construction Traffic Management Plan shall be submitted for the approval of the planning authority prior to construction.

**Reason:** In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.

15. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of traffic, pedestrian and cyclist safety.

16. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.

17. a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.

b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.

c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** In the interests of orderly development and to provide for the satisfactory future maintenance of this development.

18. a) The areas of communal and public open space in the development shall be levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the application unless otherwise agreed with the planning authority.

b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over ditches/ drains/ SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.

c) The landscaping work shall be undertaken in accordance with the phasing requirements stipulated in Condition 11 and shall be completed before the applicable residential units are made available for occupation, unless otherwise agreed with the planning authority.

d) The landscaping and planting schedule shall be managed and maintained in accordance with a Landscape Management and Maintenance Plan to be submitted and agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

e) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

f) A financial contribution in lieu of a shortfall in public open space provision 3,016sqm (0.3016 hectares) is required in accordance with section 48 of the Planning and Development Act 2000, as amended.

**Reason:** In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

19. The following requirements shall be complied with:

a) The developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of works.

b) The arboricultural consultant shall ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report, tree plans and particulars.

c) Any tree felling, surgery and remedial works shall be undertaken in accordance with applicable BS standards or equivalent standards, supervised by and to the satisfaction of the arboricultural consultant.

d) The developer shall facilitate the work of the arboricultural consultant in implementing the measures in the Arboricultural Report and bear the costs of same.

**Reason:** In the interests of arboricultural and environmental protection.

20. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the planning authority. The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the planning authority prior to the commencement of works on site.

**Reason:** To comply with Objective DMS0194 of the Fingal Development Plan 2023 - 2029.

21. a) No additional development shall take place above roof parapet level of the apartment and/ or duplex blocks including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

**Reason:** To protect the visual amenities of the area and residential amenities of property in the vicinity.

22. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened communal bin stores for the duplex and apartment blocks, café and childcare facility, the locations and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.



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

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

24. All of the permitted houses and/ or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.

**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.

25. 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 acceptable to the planning authority to secure the tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report as required by Condition 19 above, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory implementation of said measures. This security shall remain in place until the requirements of Condition 19 above are completed to the satisfaction of the planning authority and for a further period of 10 years following completion of said landscaping works, or as otherwise agreed by the planning authority. In default of agreement on same, the matter(s) shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory implementation of the requirements of Condition 19 in relation to tree preservation, protection, and replanting measures.

26. 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 and/ or management company 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.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. 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.

**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.

28. 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 a signalised zebra crossing on the Porterstown Road 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.

**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.

29. The developer shall pay to the planning authority a financial contribution in respect of the Clonsilla to Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

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Phillippa Joyce

Senior Planning Inspector

16<sup>th</sup> January 2025

## Appendix 1: Appropriate Assessment – Screening Determination

### Screening for Appropriate Assessment

#### Screening Determination

##### Step 1: Description of the Project

I have considered the proposed development (project) in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.

##### Subject Site

The subject site is located on lands to the front and rear of The Clonsilla Inn, Porterstown in Dublin 15. The site measures c.2.05ha and occupies an infill/ backland location within a wider urban block.

The site is both brownfield and greenfield in nature. Brownfield lands include surface car parking areas, and two detached dwellings and their curtilages. The greenfield lands comprise overgrown grass and scrub, with sections of strong hedgerow and treeline boundaries around the perimeters. Overall, the site is relatively flat in topography, with ground levels gradually sloping from north to south.

The closest waterbody to the project is the Royal Canal (a man-made watercourse) located c.85m to the south of the site. The Village residential development is sited between the site and the canal. There are no streams or rivers within or adjacent to the site. The site is located c.13km to the west of Dublin Bay and Irish Sea coastline (closest linear measurement). I have identified those European sites in proximity to the site (see section 6.4 of this report above) to include inland SACs (c.5.8km-13.9km to the south and southwest), and coastal SACs and SPAs (c.12.1km-15.2km to the east and southeast).

##### Project

The project comprises the construction of 170 residential units, a café, and a childcare facility, and all associated development works including the demolition of structures, site clearance, and ground levelling.

Also included are new vehicular, pedestrian, and cyclist access points, internal access roads and footpaths, car, motorcycle, and bicycle parking spaces, refuse storage facilities, public lighting, electrical services, public open spaces (a public park, two public plazas), a nature walkway, communal open spaces, hard and soft landscaping, boundary treatments, and all infrastructural works associated with water supply, wastewater drainage, surface water drainage (including connections to the public networks, SuDS features, and on-site attenuation storage).

The project seeks connections to the public systems for wastewater drainage and surface water drainage. Existing water services networks are located both in the public roads (Porterstown Road, Clonsilla Road) adjacent to the site and routed through the site. Wastewater arising from the project will be collected, drain to one of two existing foul sewer drains at/ proximate to the site, and discharge by gravity to the public wastewater system, be treated at Ringsend WWTP, and discharged to necessary standards to the Irish Sea.

The proposed surface water management system comprises three catchment areas, each of which will outfall into a dedicated SuDS and attenuation tank area. The overall system has been sized to store the runoff from a 1:100-year storm event of critical duration plus a 20% climate change allowance and has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS).

Surface water run-off will be collected and attenuated within green roofs, SuDS features and attenuation tanks. All surface water from impermeable areas will pass through gully traps, petrol/ oil bypass interceptors, and catchpit manholes prior to attenuation. Thereby, reducing the risk of pollution, of collecting silt and debris, and of system blockages. Run-off will be discharged by flow control device at greenfield runoff rates to the existing surface water network located in Porterstown Road. The public surface water network discharges to River Liffey and eventually to South Dublin Bay.

#### Submissions and Observations

Uisce Eireann indicates the project can be serviced (Confirmations of Feasibility are provided in the applicant's Civil Engineering Planning Report for connections to water supply and wastewater), and that there is capacity in these public systems without requirement for any infrastructural upgrades.

The Water Services section of the planning authority did not cite any objection to the project. There is confirmed capacity in the public network to cater for surface water discharging from the project.

The planning authority completed an appropriate assessment screening of the project. Regard was had to the foul and surface water drainage systems, the distance between to designated conservation sites, the lack of hydrological pathways or biodiversity corridor links to conservation sites, and the dilution effect with other effluent and surface runoff. It concludes that the proposed development is not likely to have a significant effect on any European sites, either alone or in combination with other plans or projects.

## **Step 2: Potential Impact Mechanisms from the Project**

### Site Surveys

Field surveys were undertaken over several months during 2023 and 2024 to identify habitat types, flora species, bat, mammal and bird species at the site. The identified habitats on site are described as consisting largely of scrub (WS1), dry meadow and grassy verges (GA2), treelines (WL2), hedgerow (WL1) and built land (BL3). The mature treelines (two centrally located) provided nesting area with an amount of plant species diversity in its understory.

No protected habitats, plant species of conservation importance, or any terrestrial mammals or evidence of mammals of conservation importance were noted on site. Bird species were recorded (26 species), eight of which are amber listed (no red listed species). The bat survey work recorded the presence of three bat species (Common pipistrelle, Soprano pipistrelle, Leisler's bat) at the site (foraging, commuting, roosting).

No habitats or species that are listed as Qualifying Interests (QIs, for SACs) and Special Conservation Interests (SCIs, for SPAs) in the designations for European sites are identified at the site. The habitats present are not assessed as being suitable to support or for use by any protected species (i.e., flora and/ or fauna, save for bat populations). There is no evidence of any habitats or species with links to European sites, and no 'reservoir' type habitats (i.e., habitats which have the potential to support QIs or SCIs species in/ from any European site) are identified as being present. The site is confirmed as not being under any wildlife or conservation designation.

#### European Sites

The AASR identifies six European sites in the zone of influence of the project (Table 2, pgs. 12-17). The table identifies the European site, states the QIs/ SCIs of each site, and outlines the conservation objectives of same (i.e. to maintain or restore favourable conditions).

The six European sites are identified as follows:

- Rye Water Valley/ Carton SAC (site code: 001398) is c.5.7km to the southwest.
- North Bull Island SPA (004006) is c.12km to the east.
- Glenmasole Valley SAC (site code: 001209) is located c.13.9km to the south.
- South Dublin Bay SAC (site code: 000210) is c.13.9km to the southeast.
- South Dublin Bay and River Tolka SPA (site code: 004024) is c.14km to the southeast.
- North West Irish Sea SPA (site code: 004236) is c.18km to the east.

The project is found to have no direct or indirect pathway to or connection with two of these European sites, Rye Water Valley/ Carton SAC and Glenmasole Valley SAC, and thus the potential for likely significant effects by the project on same is screened out.

The AASR identifies potential indirect hydrological connections between the project and the remaining coastal European sites via wastewater and surface water drainage.

Specifically, operational phase indirect hydrological connections are identified between the proposed development and Dublin Bay. Firstly, through surface water discharges via the public surface water network to River Liffey and South Dublin Bay, and secondly, through wastewater discharges via the public drainage system (effluent will be treated at Ringsend WwTP) to Dublin Bay (North and South).

The European sites located within Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-West Irish Sea SPA).

However, the potential for significant effects on the European sites in Dublin Bay through these indirect connections is considered unlikely due to any pollutants, silt laden runoff or dust being dispersed or diluted (within the respective drainage network, estuarine environment, and/ or in the marine environment) to negligible levels prior to reaching the coastal European sites.

The AASR acknowledges the weakness of the indirect hydrological pathways, and concludes that as there are no direct hydrological pathway to European sites, and having taken into consideration the foul and surface water discharge from the proposed development is to combined sewer, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway to conservation sites, and the dilution effect and treatment of effluent and surface runoff, it is concluded that, in the absence of mitigation, the proposed development would not give rise to any significant effects to designated sites.

#### Effect Mechanisms

In determining the potential impact mechanisms arising from the project on the relevant European sites, I have had regard to the AASR and all other relevant information on the case file.

I note and find the following:

- There are no protected habitats or species identified at the site and therefore the likelihood of any significant effect of the project on any European site due to loss of habitat and/ or disturbance of species can be reasonably excluded.
- The distances between the subject site and the European sites via the hydrological pathways are notable of at least c.12km.
- Site development, clearance and construction activities pose a potential risk to surface water/ groundwater quality due to contamination. However, there are no waterbodies at or adjacent to the site and no evidence of vulnerable groundwater conditions.
- The high probability that a pollution event at and/ or pollution from the construction site would be minimal in significance and/ or quantity.



- The potential risk to coastal European sites via contamination of the surface water pathway (and, as applicable, groundwater at site) is therefore considered to be extremely low and the effect of same is assessed to likely be imperceptible.
- The development works will be managed and implemented in line with the outline CEMP, which includes standardised pollution prevention and surface water control measures.
- Indirect hydrological connections exist between the project and coastal European sites via surface water drainage and wastewater drainage to the public systems, River Liffey, and discharge to the Irish Sea. However, any pollutants, silt laden runoff or dust will likely be dispersed or diluted (within the respective drainage network, estuarine environment, and/ or in the marine environment) to negligible levels prior to reaching the coastal European sites.
- The project incorporates several surface level SuDS features including green roofs, bioswales and permeable paving. These SuDS features will intercept, convey, and dispose of stormwater thereby having an attenuating effect and reducing the volume of surface water runoff.
- The incorporation of SuDS features into the design of the project is required by several policy frameworks (GDSDS, Regional Code of Practice, Flood Risk Guidelines, CDP) and are a standardised embedded mitigation.
- The effects of SuDS have therefore been considered in the undertaking of this appropriate assessment screening as the primary reason for the use of SuDS has not been to protect a European site.
- As such, the potential for likely significant effects during the project's operation phase from surface water impacts through the hydrological connection can be reasonably excluded.
- The high levels of dilution, mixing and/ or dissipation of any contaminant in the receiving surface and/ or sea waters.
- The low probability of surface water and/ or wastewater (post-treatment) contamination which would have the potential to negatively affect the qualifying features of the European sites (e.g., contaminate food sources for marine mammals, seabird species).

Having regard to the characteristics of the project in terms of the site's features and location, and the project's scale of works, I do not consider there to be any potential impact mechanism which would result in a likely significant effect on any European sites.

### **Step 3: European Site(s) at Risk**

I identify European sites in proximity to the subject site in section 6.4 of this report. As outlined above, the AASR identifies six European sites in the zone of influence of the project. For the reason, I have outlined above, I do not identify any impact mechanisms which could have a likely significant effect on any of the identified European sites. As such, there are no European sites at risk of likely significant effect from the project.

**Step 4: Likely Significant Effects on the European Site(s) ‘Alone’**

For the reasons outlined above, I conclude that the project would have no likely significant effect ‘alone’ on the qualifying features of any European site. In the interests of completeness, further appropriate assessment 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 had regard to the information included in the AASR on plans and projects. I have also reviewed the planning authority’s website for applicable appropriate assessment information on relevant plans (CDP), and the planning authority and An Bord Pleanála’s planning registers for relevant planning cases (correct as of the date of this assessment).

The AASR outlines planning applications in the vicinity of the site and considers the context for Ringsend WWTP. The AASR does not identify any significant in-combination effect. Following my own review, this is a conclusion with which I concur. I consider that the key plan is the CDP which seeks environmental protection and pollution prevention, and the projects are to be constructed to/operate within industry standards. I conclude that the project would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site.

**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 project 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 Appropriate Assessment Screening Report.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.
- Distances from European sites.
- Absence of any meaningful pathways to any European site.

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

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

**Date:** \_\_\_\_\_

## Appendix 2: Environmental Impact Assessment Pre Screening Form

<b>An Bord Pleanála Case Reference</b>	<b>ABP 320886-24</b>		
<b>Proposed Development Summary</b>	Demolition of existing buildings and structures, and construction of 170 residential units, a café, a childcare facility, and all other site and development works.		
<b>Development Address</b>	Lands to the front and rear of The Clonsilla Inn, Porterstown, Dublin 15.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b) Infrastructure Projects	Proceed to Q.3
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant class?</b>			
<b>Yes</b>			
<b>No</b>	✓	Class 10(b)(i) and/ or Class 10(b)(iv)	Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Appropriate thresholds in accordance with Class 10(b): - Class 10(b)(i) – more than 500 dwelling units. - Class 10(b)(iv) – urban development in an area greater than 10ha.	Preliminary examination may be required
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		<b>Pre-Screening determination remains as above (Q1 to Q4)</b>	
<b>Yes</b>	✓	<b>Screening Determination required</b>	

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

**Date:** \_\_\_\_\_

### Appendix 3: Environmental Impact Assessment Screening Determination Form

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP 320886-24
Development Summary		Demolition of existing buildings and structures, and construction of 170 residential units, a café, a childcare facility, and all other site and development works.
	Yes/ No/ N/A	Comment (if relevant)
1. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report (AASR) has been submitted with the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	N/A
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	<p>Other assessments carried out include:</p> <ul style="list-style-type: none"> <li>• An Environmental Impact Assessment Screening Report (EIASR) which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU).</li> <li>• An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC), Birds Directive (2009/147/EC), and content of Water Framework Directive (2000/60/EC).</li> <li>• A site-specific Flood Risk Assessment (FRA) which considers the content of the EU Floods Directive (2007/60/EC).</li> <li>• An Operational Waste Management Plan (OWMP) which considers the content of the Waste Directive (2008/98/ED as amended by 2018/851).</li> <li>• A Climate Action and Energy Statement which considers the content of the Energy Performance in Buildings Directive (2010/31/EU).</li> </ul> <p>SEA was undertaken by the planning authority in respect of the Fingal Development Plan 2023-2029, as varied.</p>

B. EXAMINATION	Response:  Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The project comprises the construction of a mid-scaled, mid-density mixed use (predominantly residential) scheme on zoned lands.</p> <p>The project does not differ significantly from the surrounding area (mixed-use, urban neighbourhood-built environment) in terms of character (residential, café and childcare uses exist in the area, infill development layouts, with surface parking, landscaped open spaces, conventional boundary treatments), or in terms of scale (use of conventional duplex and apartment blocks, moderate increases in building height (with duplex and apartment blocks 3-5 storeys) and in density).</p>	No
<b>1.2</b> Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>Project will cause physical changes to the appearance of the site during the site development works.</p> <p>Proposed excavation works will cause a change in site topography/ ground levels, which will be managed through implementation of the outline Construction Environmental Management Plan (CEMP) and Resource Waste Management Plan (RWMP) (final agreed versions to be required by condition).</p> <p>The existing residential land use (two dwellings) at the site is maintained and will be increased in intensity of the use. The existing ancillary car park use associated with The Clonsilla Inn will be changed for a more efficient mixed-use.</p> <p>There are no watercourses located at or adjacent to the site (closest waterbody the Royal Canal, is located c.90m to the south).</p>	No

		<p>Surface water runoff will be collected and attenuated on-site and then discharged to the public surface water network. The proposal will connect to/ be serviced by public water supply and wastewater drainage systems.</p> <p>The operational phase of project (i.e., the occupation of the residential units, café and childcare facilities) will not cause physical changes to the locality by itself.</p> <p>Accordingly, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.</p>	
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?</p>	Yes	<p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the outline/ final CEMP. Similarly, waste arising from the site preparation, demolition, and construction phase will be managed through the implementation of the CDWMP and final RWMP. There is no significant use of natural resources anticipated.</p> <p>The project uses land, which is a finite resource, however it is used more efficiently and sustainably than at present (provision of mid-scale, medium density residential scheme in an infill site). Otherwise, the operational phase of the project will not use natural resources in short supply.</p> <p>The project connects to the public water, wastewater, and surface water drainage services systems which have sufficient capacity to cater for demands arising from the project.</p> <p>The project includes an energy efficient design, several SuDS features in the surface water drainage design, and includes public open spaces, and café and childcare facilities.</p> <p>Accordingly, I do not consider the use of natural resources in the project likely to result in a significant effect on the environment of the area.</p>	No

<p><b>1.4</b> Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction phase activities will require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances will be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works will be managed through implementation of the outline/ final CEMP and the NIA.</p> <p>The operational phase of the project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and smallscale commercial activity will be managed through the implementation of an Operational Waste Management Plan (OWMP).</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	<p>No</p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?</p>	<p>Yes</p>	<p>Conventional waste will be produced from demolition and construction activity and will be managed through the implementation of the outline/ final CEMP and RWMP, as outlined above.</p> <p>The operational phase of the project (i.e., the occupation of the residential units, café and childcare facilities) will not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of the OWMP to obviate potential environmental impacts.</p> <p>Accordingly, I do not consider the production of waste or generation of pollutants in the project likely to result in a significant effect on the environment of the area.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The project involves demolition (structures, hard standing), site preparation (vegetation, top and subsoils removal), excavations (foundations for site services, building), reprofiling and construction (roads, footpaths, building), and landscaping works (open spaces). These construction phase activities are associated with contamination risks to land and/ or water sources.</p>	<p>No</p>

		<p>Standard construction methods, materials and equipment are to be used, and the process will be managed through the implementation of the outline/ final CEMP and RWMP.</p> <p>I direct the Board to the response to Q:2.1 below in respect of the risk of contamination of protected water bodies/ ecological designations.</p> <p>I direct the Board to the response to Q:2.5 below in respect of the risk of contamination of water resources including surface waters, groundwaters, coastal waters, and of flood risk.</p> <p>Accordingly, as risks of contamination to ground or water bodies are not predicted and/ or can be mitigated against, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	Yes	<p>Noise, vibration, and light impacts are likely during the site development works. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the outline/ final CEMP.</p> <p>The operational phase of the project will also likely result in noise and light impacts associated with the increased intensity of the residential and commercial use (e.g., traffic generation, use of communal and private open spaces).</p> <p>However, these are anticipated to be typical of such mid-scaled, mid-density mixed use schemes as proposed. Lighting impacts will be mitigated by the provision of a public lighting plan designed to comply with industry guidance and provided to the satisfaction of the planning authority.</p> <p>I direct the Board to the response to Q:2.8 below in respect of the project's effect on sensitive land uses.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	No



<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>The potential for water contamination and air pollution (noise and dust emissions) during the construction phase is likely.</p> <p>These works will be managed through implementation of the outline/ final CEMP. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>The operational phase of the project will not likely cause risks to human health through water contamination or air pollution due to the nature and design of the scheme, connection to public water systems, incorporation of SuDS features in the surface water management system, and scale of residential and commercial activities, and use arising.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project and location of the site.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	<p>The project increases localised temporary employment activity at the site during development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the outline/ final CEMP.</p> <p>The operational phase of the project (i.e. the occupation of the residential units) will result in a potential increase of up to c.500 persons or a 1.16% increase in the population of Blanchardstown-Blakestown electoral division. A slight impact in scale of effect. The childcare facility will cater for a minimum of c.35 children and associated staff members.</p> <p>The receiving area is an established urban neighbourhood location, which is in proximity to services, public transport, amenities, and has the</p>	No

		<p>capacity to accommodate the likely impacts associated with the anticipated population increase.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p>	
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	Yes	<p>The site is zoned 'TC' Town and District Centre and is included within the boundary of the Framework Plan for Clonsilla (FP 13.C) in the CDP.</p> <p>The FP (not yet prepared) is a non-statutory plan providing design guidance, and is not considered to restrict the development of the site. The zonings at the site and in the vicinity effectively serve to phase the development of Clonsilla. In this regard, the project is part of a wider large-scale change planned for the area by the CDP until 2029.</p> <p>However, as the project pertains to a greenfield/ brownfield zoned (without phasing restrictions) and serviced site, its development is not restricted or curtailed at this time. The design and layout of the scheme has had regard to adjacent lands. The project includes for connections to and links with same, including to main public roads, Porterstown Road and Clonsilla Road (notwithstanding the recommendation to amend the access arrangement and boundary treatment at Orchard Avenue).</p> <p>I direct the Board to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>Within this planned and, importantly, phased context, I do not anticipate cumulative significant negative effects on the area arising from the project.</p>	No
<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> </ul>	Yes	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>There are indirect hydrological connections between the site and the European sites in Dublin Bay, via surface water and wastewater</p>	No

<p>d) Designated refuge for flora or fauna</p> <p>e) Place, site or feature of ecological interest, the preservation/ conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>pathways formed by the public drainage networks, and/ or River Liffey, and the Irish Sea.</p> <p>The AASR presents information on potential impacts of the project on the European sites, which, supplemented by the EIASR, EclA, CEPR, SSFRA, and outline CEMP, allows the Board to undertake an Appropriate Assessment screening determination (Stage 1) (see section 9.0 and Appendix 1 of this report).</p> <p>This screening process concluded that the project would not have a likely significant effect on any European site either alone or in combination with other plans or projects.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	
<p><b>2.2</b> Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	Yes	<p>The site comprises greenfield and brownfield lands. The EclA confirms the site as not being under any wildlife or conservation designation.</p> <p>No protected habitats, plant species of conservation importance, or any terrestrial mammals or evidence of mammals of conservation importance were noted on site.</p> <p>Bird species were recorded (26 species), eight of which are amber listed (no red listed species). The bat survey work recorded the presence of three bat species (Common pipistrelle, Soprano pipistrelle, Leisler's bat) at the site (foraging, commuting, roosting).</p> <p>The EclA considers the potential impacts of the proposal at construction and operation phases on biodiversity (on-site and within the zone of influence), birds, bats, and mammals. The designed-in mitigation and targeted mitigation devised to address the potential impacts are described.</p> <p>Key among which include the implementation of the CEMP (noise, vibration, dust, surface water and groundwater protection measures), pre-construction surveys and inspections, time-restricted development</p>	No

		<p>works, provision of nest boxes and bat boxes, and installation of a bat sensitive lighting scheme.</p> <p>The EclA concludes that with the implementation of mitigation measures, as and where necessary, the project will result in 'a long term moderate adverse not significant residual impact' on the ecology of the area and locality.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of biodiversity (protected habitats, flora, fauna).</p>	
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>There are no landscape designations or protected scenic views at the subject site.</p> <p>There are no protected structures within or adjoining the site, and the site is not included within an architectural conservation area. Protected structures associated with the Royal Canal are located c.189m to the southeast of the site.</p> <p>The Archaeological Impact Assessment (AIA) indicates identifies that the western half of the southern boundary of the site extends along the townland boundary between Porterstown and Kellystown townlands and of Castleknock and Clonsilla Civil Parishes.</p> <p>Otherwise, within the subject area, there are no RMPs, no new archaeological features or increased archaeological potential noted from the study of historical mapping or aerial photography, no excavations undertaken, and no chance or stray finds recorded for these townlands.</p> <p>Due to the size of the site, portion still greenfield, and historical context, there is moderate potential for the continued survival of archaeological material and features within the site. The AIA recommends appropriate mitigation measures including further archaeological assessment, and as necessary, preservation by record and/ or in-situ.</p>	No

		Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of architectural, archaeological and cultural heritage.	
<b>2.4</b> Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?	No	There are no such resources on or close to the site.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>There are no watercourses located at or adjacent to the site (closest waterbody the Royal Canal, is located c.90m to the south).</p> <p>I direct the Board to the response to Q:1.2 above in respect of the construction and operation phase impacts of the project on the water resources at the site/ in the vicinity (i.e., surface water/ groundwater impacts).</p> <p>There are indirect hydrological connections between the site and the European sites in Dublin Bay, via surface water and wastewater pathways formed by the public drainage networks, and/ or River Liffey, and the Irish Sea.</p> <p>I direct the Board to the response to Q:2.1 above in respect of the impact of the project on the watercourses, the European sites, and the Irish sea.</p> <p>Mitigation measures are identified in the outline CEMP during the construction phase of the project to safeguard the quality of the surface water runoff, prevent pollution events to groundwater, and mitigate against excessive siltation.</p> <p>The operational phase impacts are addressed primarily through design, with a comprehensive surface water management system including SuDS features, on-site attenuation, and discharge at greenfield rates to the public surface water network.</p>	No

		<p>The project's SSFRA states there is no history of flooding at the site. The SSFRA identifies the risks of groundwater, tidal and fluvial flooding are all low due to separation distance to the coast, rivers, and subsurface ground/ hydrological conditions.</p> <p>The project's design and further mitigation measures address the risks. These include the incorporation of several SuDS features, not excessive amounts of paved surfaces (roads, parking), site and road levels such that overland flows are directed to swales/ gullies/ open spaces, flow routes free of development, attenuation design capacity for 1 in 100 year storm events, and proper operation and maintenance of the drainage system.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of water resources and flood risk.</p>	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
<b>2.7</b> Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	Yes	<p>Vehicular access to the project will be from Porterstown Road. This is part of the local road network which is well connected to other regional roads, and national roads/ motorways (M50 and M3 to the northeast of the site) which can be susceptible to congestion.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline/ final CEMP and Construction Management Plan (required by condition).</p> <p>The TTA considers operation phase traffic impacts for the project, predicting an increase in traffic volumes associated with the project to be less than 5%. The capacity assessments were modelled for three different scenarios base year, 2023 and the design years 2026, 2031 and 2041. The analysis indicates that the impact on the junction from the project for the scenarios analysed is such that the junction will operate with capacity for the future years.</p>	No

		<p>Thus, the key transport routes in the vicinity of the site will not be congested by or otherwise affected by the project.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of transportation.</p>	
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	No	<p>St Mochta's National School is in proximity to the east of the site, however, as outlined above in terms of traffic impacts, no significant effects are anticipated.</p> <p>There are private residential dwellings located in close proximity to the site (Orchard Avenue, The Village, Porterstown Road).</p> <p>Site development works will be implemented in accordance with the outline/ final CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>Once operational, the design, siting, and scale of the proposed buildings and the separation distances to the closest dwellings are such that negative impacts arising from overlooking, overshadowing, overbearance are not reasonably anticipated.</p> <p>The operational phase of the project will cause an increase in activity at the site (traffic generation, use of communal and private open spaces) which are considered to be typical of such mid-scaled, mid-density mixed use schemes as proposed, sited in established urban neighbourhood locations such as the receiving area and are well within acceptable parameters for same.</p> <p>The project will be under the control of an established management company and/ or elements taken in charge by the local authority, and no negative impacts on residential amenity are anticipated.</p>	No

3. Any other factors that should be considered which could lead to environmental impacts			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	Existing and/ or approved planning consents in the vicinity of the site and the wider Clonsilla area have been noted in the application documentation and associated assessments (e.g., in respect of AA, TTA, SSFRA).  Other projects have been identified as part of the planning history in section 5.0 of this report (i.e., relevant if granted permission). These developments are of a nature and scale that have been determined to not have likely significant effects on the environment.  No developments have been identified in the vicinity which would give rise to cumulative significant environmental effects with the project. As such, no cumulative significant effects on the area are reasonably anticipated.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No
C.CONCLUSION			
<b>No real likelihood of significant effects on the environment.</b>	X	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>		<del>EIAR Required</del>	
D. MAIN REASONS AND CONSIDERATIONS			
Regard has been had to:			
a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.			



- b) The location of the site on zoned lands (Zoning Objective 'TC' Town and District Centre), and other relevant policies and objectives in the Fingal Development Plan 2023-2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The infill nature of the site (greenfield/ brownfield) and its location in urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment, Archaeological Impact Assessment, Noise Impact Assessment, Wind Microclimate Modelling Report, and Mobility Management Plan.
- k) In so doing, the Board concluded that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

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

**Date:** \_\_\_\_\_

**Assistant Director of Planning:**\_\_\_\_\_

**Date:** \_\_\_\_\_