



An
Bord
Pleanála

Inspector's Report

ABP-321369-24

Development	Demolition of buildings, construction of apartment block with 56 apartments and all associated site works.
Location	Brady's Public House, Old Navan Road, Castleknock, Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW24A/0200E
Applicant(s)	Barta Property Castleknock Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Barta Property Castleknock Ltd.
Observer(s)	Residents of Talbot Court, Talbot Downs, Woodpark, Old Navan Road. Dominic and Carol Kane Cllr John Walsh
Date of Site Inspection	5 th March 2025
Inspector	Bébhinn O'Shea

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
4.0 Planning History.....	10
5.0 Policy Context.....	11
6.0 EIA Screening.....	17
7.0 The Appeal	18
8.0 Assessment	21
9.0 AA Screening.....	35
10.0 Recommendation	35
11.0 Reasons and Considerations.....	36
Appendix 1: Form 1: EIA Pre-Screening	
Form 3: EIA Screening Determination	
Appendix 2: AA Screening	
Appendix 3: Images	

1.0 Site Location and Description

- 1.1. The site is located in Castleknock Dublin, in close proximity to the junction of the N3 and M50, c .5km from Blanchardstown Village, and 600m from Castleknock railway station. The site consists of a disused pub/restaurant and its curtilage and has a stated area of 0.317 hectares. It is surrounded on three sides by 2 storey suburban residential development. To the northeast there is an area of open space and the green buffer edge of the N3, beyond which the national road runs.

2.0 Proposed Development

- 2.1. The development consists of

- Demolition of the existing 1/2 storey over partial basement vacant public house and restaurant building
- Construction of a 3-5 storey apartment block comprising 56 No. apartments (23 No.1 bed/33 2 bed) and communal internal amenity space.
- 7 No. car-parking spaces (3 car-club, 4 visitor) 2 No. delivery bays; bicycle and bin stores;
- Tree removal and replacement planting at public park to north and at Talbot Downs
- Pedestrian connection along the north-western boundary of the site from the Old Navan Road to the public park;
- Realignment of footpath at proposed entrance off Old Navan Road
- Works to connect to the existing wastewater network along Talbot Downs and watermain on Old Navan Road.
- Gates, boundary treatments, landscaping and associated site works.

- 2.2. Key figures:

	Initial Application	Following FI
No. Units	56	55
Density	177 units/hect	173 units/hect
Height	3 storey/11.2m to 5 storey/17.2 m	No change
Unit Mix	1 bed x 23 (41%) 2 bed x 33 (59%) 89 bedrooms 178 bedspaces	1 bed x 21 (38%) 2 bed x 34 (62%) 89 bedrooms 178 bedspaces
Part V	5 units proposed on site	No change
Open Space	0%	No change
Communal Space	201.5 sq m	227.5 sq m
Car Parking Provision	7 (3 car club, 4 visitor including 1 accessible space)	No change

2.4. The application also includes the following:

<ul style="list-style-type: none"> • Planning Report • Design Statement • Arboriculture Report • Tree Protection Plan • Civil Engineering Infrastructure Report • Site Specific Flood Risk Assessment • Daylight and Sunlight Assessment • Building Life Cycle Report 	<ul style="list-style-type: none"> • Sustainability and Energy Report • Outline Construction & Environmental Management Plan • Resource & Waste Management Plan • Landscape Report • Landscape and Visual Impact Assessment Report • Verified Views/CGIs
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<ul style="list-style-type: none"> • External Public Lighting Report • Mobility Management Plan and Public Transport Capacity Assessment • Telecommunications Impact Assessment 	<ul style="list-style-type: none"> • Environmental Impact Assessment Screening Report • Appropriate Assessment Screening Report • Preliminary Ecological Appraisal
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3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority initially sought further information in relation to

- Revised design including reduction in scale and height to address monolithic and visually obtrusive nature
- Amended design for balconies which overlook amenity space of dwellings on Talbot Court.
- Reconsideration of location/inclusion of communal areas given overshadowing and limited sunlight to these areas, and impact of mature trees on light to some of the proposed apartment units.
- Details to address the discrepancies in terms of the number of single/dual aspect units
- Alternative use for the bike store room give triple aspect location.
- Revised landscaping proposals/plans (including indication of mature spread of trees, clarification of tree removal/retention, boundary treatment, tree planting within the adjoining public open space, increased play area)
- Amended car parking quantum to align with the requirements of the Fingal development plan and provision of motorbike parking
- Increased bicycle parking provision and improved quantum of storage relating to same, improved location and access to cycle storage.
- Provision of pedestrian priority and the site entrance.
- Swept path analysis for fire tender given potential of impact of trees

- Stage 1 Road Safety Audit
- Confirmation of potential of car club and details of response for funding and implementing same.

3.1.2. The Planning Authority subsequently refused permission on the grounds that (summarised):

- The site is zoned RS “ to provide for residential development and protect and improve residential amenity”. The design, height, massing, length, elevational treatment reads as monolithic in scale and fails to provide relief to the streetscape, fails to integrate with the established built form in the vicinity and impacts negatively on the existing character of the area. The development would have an overbearing impact on surrounding two story dwellings and rear gardens of Talbot Court.
- The significant under-provision of car parking spaces will result in overspill onto streets, compound traffic problems and congestion with implications for road safety and public safety, leading to conflict between pedestrian and road user, and would fail to protect residential amenity.

3.2. Planning Authority Reports

3.2.1. First Planning Report

The **First Planning Report** considered that the principal of development was acceptable within the zoning objective. The density of 177 units/hect was acceptable in principle having regard to the Compact Settlement Guidelines, subject to other relevant design and layout criteria. Separation distances were considered adequate having regard to the Compact Settlements Guidelines. Floor areas, room sizes, floor to ceiling heights, lift/stair cores, bin stores, Part V proposals were considered acceptable in terms of the Apartment Guidelines. A financial contribution in lieu of public open space provision was considered acceptable. It was concluded that there was no requirement to submit an EIAR or undertake a Stage 2 Appropriate Assessment.

However, the report noted that the proposed building lacked sufficient architectural interest, and was monolithic in form and would be visually obtrusive. Overlooking,

from first and second floor balconies onto nos. 14/15 Talbot Court, was also noted as concern. Car parking and motor cycle parking was considered insufficient, along with proposals for the car club. Further details in relation to swept path for a fire tender and Road Safety Audit were required.

Discrepancies were noted in relation to the number of dual/single aspect units. Concerns were noted in relation to the daylight and sunlight assessment, quality of communal open space in courtyards and the location of the bike store. Clarity was required in relation to tree removal, landscaping, facilitation of planting and additional plating in the public open space adjacent. Additional bicycle parking and storage space for equipment was required.

Further Information was recommended accordingly

3.2.2. Second Planning Report

The second planning report assessed the response to Further Information by item. It considered that

- The design amendment did not address the fundamental concerns of the planning authority in terms of scale and height.
- Relevant balconies had been removed and overlooking had thus been addressed.
- Open space within northwestern courtyard still had particularly poor amenity value.
- The discrepancies in relation single/dual to aspect had been resolved.
- The failure to revise the location of the bike shed was a missed opportunity to better locate the community room, connecting 2 open spaces.
- The response in relation to Item 6 landscaping was largely insufficient in relation to growth space for trees. The increase in play space was noted as being acceptable.
- Considered the modal split for car use was overly ambitious, and that there was significant under-provision of carparking.

- The response to item 8 adequately addressed bike parking, cycle-related storage, road safety audit and swept path analysis. It was noted that a letter of support from a Car Club provider was submitted, but that this indicated a commercial venture dependent on demand.

3.3. Other Technical Reports

Parks	<p>Report 1</p> <p>Seeks Landscaping Plan indicating mature spread of trees, constructed tree pits for each tree, clarity on proximity of trees to walls, removal/retention of tree nos. 30/31.</p> <p>Seeks financial contribution in lieu of public open space..</p> <p>Recommends planting in adjoining public open space and specifies boundary treatments. Specifies conditions in the event of a grant of planning permission.</p> <p>Report 2 Post FI</p> <p>Response not acceptable in terms of tree #30, tree pits, proximity of trees to walls, planting in adjacent open space. .</p> <p>Response acceptable in terms of boundary treatment, play areas. Conditions provided.</p>
Architects	<p>Report 1</p> <p>Proposal is monolithic in presentation to south and north. Massing could be broken up. Building is out of proportion, height should be reduced by one storey. Bike store should be relocated. Units well laid out. Concern re single aspect north facing units. Impact of trees not addressed in terms of daylight and sunlight. Undercroft parking could be considered with raised amenity area. Additional 3 bed units could be considered for diversity of tenure.</p> <p>Report 2 Post FI</p> <p>Comments regarding the massing, scale, height, layout, mix still stand.</p>

Transportation	<p>Report 1:</p> <p>Requests FI on car parking, cycle parking/storage, access, RSA.</p> <p>Report 2:</p> <p>Zero residential parking insufficient for this location. FCDP standards for zone 1 of 0.5 spaces per unit would be considered to be reduced and providing parking in the range of 0.3 or 0.4 spaces per units would be acceptable. The modal split estimates of 12% provided for car use seems overly ambitious. Other issues satisfactory. Recommends condition in the event of a grant of permission.</p>
Water Services	No objection subject to conditions
Environment:	No objection subject to conditions.
Housing:	Part V proposal received and acceptable, recommend conditions

3.4. Prescribed Bodies

TII: PA to rely on DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

UE: No objection in principle, standard conditions

3.5. Third Party Observations

137 of submissions on the application were received. Most of the issues raised are contained within the observations on the appeal. The submissions also note:

- Proposed loss of trees on Talbot Downs is not acceptable, they do not form part of the site. This area has been maintained by the Talbot Downs residents by 30 years. The stone wall and Talbot Downs pillar are the property of Talbot Downs Estate.
- The removal of trees, boundary walls, and pillars on neighbouring estates and public open space are shown as crucial for connections to existing water mains etc. This connection was not raised in previous applications and the connections could be made without this removal.

- Photomontages do not accurately represent the development in terms of adjacent trees/ public open space
- The proposal does not provide an adequate sense of place or variety/distinctiveness and fails to retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings, as per the FCDP.
- The Old Navan Rd. ends at a pathway over the M50 used by schoolchildren so the development be hazardous to these children

4.0 Planning History

FW16A/0079 ABP248037 Permission granted on appeal in October 2017 to Absainte Ltd for demolition of pub/restaurant and construction 4 no. apartment blocks with 36 apartments and 59 parking spaces

ABP 305459 (SHD) Permission granted in January 2020 to Bartra Property for demolition of pub and restaurant and construction of a part 1 to part 5 storey over basement Build-to-Rent Shared Living Residential Development (6,549 sq m) with 98 suites comprising 210 No. bedspaces , communal kitchen/living/dining rooms and communal amenity spaces and 2 carshare spaces. Note: This decision was quashed by the High Court.

ABP 307976 (SHD) Permission granted in December 2020 to Bartra Property for demolition of pub and restaurant and construction of a part 1 to part 5 storey over basement Build-to-Rent Shared Living Residential Development (6,549 sq m) with 210 No. bedspaces , communal kitchen/living/dining rooms and communal amenity spaces and 2 carshare spaces. Note: This decision was quashed by the High Court and remitted under ABP ref 320258.

ABP 320258 remittal of ABP 307976 is not yet determined.

5.0 Policy Context

5.1. National Policy

- 5.1.1. The National Planning Framework - Project Ireland 2040 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

5.2. Regional Policy

The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 provides a framework for development at regional level promoting the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

5.3. Section 28 Ministerial Guidelines

The following ministerial guidelines are considered relevant to the appeal site:

- The **Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024)** (hereafter referred to as the Compact Settlement Guidelines) These guidelines outline appropriate density ranges for different area types. Section 3.3.3 and Appendix B set out Density Ranges and Methodology for calculating density. Strategic Planning Policy Requirements (SPPRs) set minimum requirements for Separation Distances (SPPR 1) Minimum Private Open Space (SPPR 2) and standards for Car Parking (SPPR3) and cycle parking (SPPR4)
- **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)** (hereafter referred to as the 'Apartment Guidelines') address general locational considerations for apartments and density also set out standards for mix, design and layout of units and amenity spaces. SPPR 1 relates to mix, SPPR 2 relates to mix on building refurbishment schemes or smaller urban infill schemes on sites of up to 0.25ha. SPPR3 relates to minimum floor areas.

SPPR6 relates to lift cores and stairs. SPPR4 relates to minimum number of dual aspect apartments. SPPR5 relates to floor to ceiling heights.

- **Urban Development and Building Height, Guidelines for Planning**

Authorities (2018) (the 'Building Height Guidelines') give guidance in relation to appropriate locations for increased building height and density, and the incorporation of these considerations into development plans and the development management process.

5.4. Development Plan

5.4.1. The relevant plan is the Fingal County Development Plan 2023 – 2029 (FCDP).

5.4.2. The site is zoned RS - Residential - where the objective is to provide for residential development and protect and improve residential amenity. The zoning objective vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.4.3. Chapter 3 relates to Sustainable Placement and Quality Homes

Objective SPQHO1 seems to ensure that proposed residential development contributes to the creation of sustainable communities and accords with relevant guidelines.

Objective SPQHO2 sets out key principles for development to achieve the above.

Policy SPQHP5 – Quality Placemaking

Add quality to the places where we live, work, and recreate by integrating high quality design into every aspect of the Plan, ensuring good quality accessible public realms, promotion of adaptable residential buildings, and by ensuring development contributes to a positive sense of place, local distinctiveness and character.

Policy SPQHP35 sets out considerations for Quality of Residential Development

Objective SPQHO39 – New Infill Development

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites:

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

5.4.4. **Chapter 4** relates to **Community Infrastructure and Open Space**

Table 4.3 sets out Quantitative Standards for Open Space provision.

Objective CIOSO49 – Smaller Developments and Open Space

Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.

Objective CIOSO52 – Trees

Protect, preserve and ensure the effective management of trees and groups of trees.

5.4.5. **Chapter 6** relates to **Connectivity and Movement**

Policy CMP5 – Mobility Management and Travel Planning

Promote best practice mobility management and travel planning through the requirement for proactive mobility strategies for developments focussed on prioritising sustainable modes of travel including walking, cycling and public transport.

Policy CMP23 – Car Clubs/Car Sharing Schemes

Support and facilitate the set up and operation of car-clubs and car-sharing schemes to facilitate an overall reduction in car journeys and car parking requirements.

Policy CMP25 – Car Parking Management

Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

Objective CMO32 – Car Parking Standards

Implement appropriate car parking standards for a range of land-use types, where provision is based on factors such as site location, level of public transport accessibility and impact of parking provision on local amenity.

5.4.6. **Chapter 14** sets out **Development Management Standards**.

Objective DMSO4 sets out Key Principles to consider in the achievement of Healthy Placemaking

Objective DMSO5 sets out requirements for submission of a Design Statement above certain thresholds

Table 14 sets out requirements for **Infill Development**:

Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms. Proposals for infill development will be required at a minimum to: "

- *Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width. "*
- *Examine and address within the overall design response issues in relation to overbearance, overlooking and overshadowing. "*
- *Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site. "*
- *Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised. "*
- *Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.*

Table 14.5 requires compliance with SPPRs of Urban Development and Building Heights – Guidelines for Planning Authorities to be demonstrated.

Section 14.6 sets out Design Criteria for Residential Development in Fingal

Objective DMSO19 New Residential Development requires that applications for residential developments comply with all design and floor area requirements set out in various S28 Guidelines. **Objective DMSO20** requires a Schedule of Accommodation to be submitted demonstrating this, and **Objective DMSO21** requires the submission of Floor Plans for Residential Development for the same purposes.

Objective DMSO22 requires Daylight and Sunlight Analysis for developments of over 50 units.

Objective DMSO31 – Infill Development:

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings

Objective DMSO52 – Public Open Space Provision

Public open space shall be provided in accordance with Table 14.12

Objective DMSO75 – Communal Amenity Space

Require communal amenity space within apartment developments, in the form of semiprivate zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 14.14.

Table 14.17 sets out Bicycle Parking Standards

Objective DMSO109 – Bicycle Parking

Ensure that all new development provides high quality, secure and innovative bicycle parking provision in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in this

Plan, where feasible, practical and appropriate, having regard to local, national and international best practice.

Table 14.18 sets out **Car Parking Zones** and **Table 14.19** sets out **Car Parking Standards**. The tables note:

Reduced car parking provision may be acceptable where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

Objective DMSO111 – Mobility Management Plan

For all new developments which are likely to generate a significant demand for travel, require the preparation and submission of a Mobility Management Plan as part of the development management process. This requirement includes existing developments that are expanding or intensifying their use.

Objective DMSO130 – Planting of Large Canopy Trees

Promote the planting of large canopy trees on public open space and where necessary provide for constructed tree pits as part of the landscape specification.

Objective DMSO129 – Tree Selection

Consider in tree selection the available rooting area and proximity to dwellings or business premises particularly regarding shading of buildings and gardens.

5.5. Natural Heritage Designations

Royal Canal pNHA 50 metres from the site

Rye Water Valley/Carton SAC c. 8.3 km to west

South Dublin Bay & River Tolka Estuary SPA c. 9.6km to east

North-West Irish Sea SPA c. 16.2 km to east

Malahide Estuary SPA c. 14.5 km to north east

North Bull Island SPA c. 12.7km to east

Baldoyle Bay SPA c. 15.5km to east

South Dublin Bay SAC c. 11.5km to south east

North Dublin Bay SAC c 12.7 km to east

Baldoyle Bay SAC 15.5km to east

Malahide Estuary SAC 14.5 km to north east

6.0 EIA Screening

6.1. See Appendix 1.

The EIA Screening Report within the application was submitted having regard to the criteria set out in Schedule 7A of the Planning and Development Regulations 2001 (as amended) and has informed the Determination attached.

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity,
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted including results of an Appropriate Assessment and Strategic Environmental Assessment under the Fingal County Development Plan and the Appropriate Assessment Screening attached to the Inspectors Report
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

I have concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The appeal outlines planning history on the site since 2016 and states that the proposed development largely replicates the height form and scale of previous schemes deemed acceptable by the Board. It quotes sections of the previous inspector's report in relation to the site's suitability for higher density development having regard to prevailing Section 28 guidelines at the time.

The appeal outlines provisions of the Compact Settlement Guidelines, National Planning Framework and S28 Urban Development and Building Height Guidelines which support the development of the site as proposed, in terms of development at increased density on height and more intensive development of brownfield/infill sites.

It states the description of the site, in refusal reason 1, as a quiet residential road does not reflect the previous commercial use as a busy pub and restaurant

- 7.1.2. The appeal details a previous grant of permission on the site, for a development of 1 to 5 storey Co-Living Scheme, (currently remitted back to the Board for new determination) where the Inspector and the Board considered such scale, massing and density appropriate. It compares the proposed development to that previously permitted Co-Living scheme and notes the total above ground floor area as c. 500 sq m less, increased set back from boundaries, particularly at the eastern boundaries, scale and massing is reduced overall at first floor level and has a façade onto Old Navan Rd 10m shorter than that previously permitted. Site coverage of Shared Living Scheme was 59% with plot ratio of 1.8 and that now proposed is 42% and 1.64.
- 7.1.3. It states that there must be a presumption in favour of buildings of increased height. There will be a difference in scale between the low density two storey development surrounding the site and any future form of redevelopment on the lands.

There are many examples of cases where developments of height and scale have been granted permission in low height context. E.g. given of cases in Raheny, Dundrum, Stillorgan, Dublin City, Cork City

7.1.4. In terms of residential amenity, the appeal states that

- in Planner's report, separation distances were deemed adequate
- In response to Item 2 of Further Information, balconies on the western elevation were relocated to protect residential amenity, and third and fourth floor balconies are set back 11-15 m, well in excess of the 8m advocated in Compact Settlement Guidelines and there is no impact on residential amenity of Talbot Court. PA was satisfied with response to FI.

Reason 1 for refusal on grounds of overbearing is contrary to the above conclusions

7.1.5. SPPR 3 of the Compact Settlement Guidelines states that in city centre and urban neighbourhoods, car parking should be minimised, reduced or wholly eliminated. Where parking provision is justified, the maximum should be one space per dwelling. Having regard to Table 3.1 and 3.8 can be classified as City-Urban Neighbourhood. The PA deemed this an accessible location, which was an error.

The site is clearly within lands around existing or high planned public transport nodes. The Mobility Management Plan demonstrates that the development can operate with "substantially reduced" car-parking provision

7.1.6. The proposal is compared to another in Fingal at Mountgory Swords where reduced parking was deemed appropriate

7.1.7. The development will be advertised as car-ownership free development and with the implementation of a Mobility Management Plan. Overspill parking should be dealt with by parking controls. This is likely to be required with the upgrade works to Dart + in any event, and from parking arising from Castleknock Train Station. This has happened in Clonsilla.

7.2. Planning Authority Response

A response from the Planning authority states

- The sites referred to in the appeal are outside the administrative boundary of Fingal County Council

- The proposal in its totality is unacceptable to the Planning Authority (PA) and the decision of the PA should be upheld
- In the event the appeal is successful, provision to be made for a financial contribution for shortfall in open space, Special Development Contributions, bond/cash security for residential developments, tree bond, or contribution in respect of shortfall of play provision facilities.

7.3. Observations

3 observations were received:

- Dominic & Carol Kane
- Cllr John Walsh
- Residents of Talbot Court, Talbot Downs, Woodpark and Old Navan Road.

The matters raised are summarised below:

- 7.3.1. The appeal grounds rest almost entirely on a comparison of the current proposal to a previous application on the site. There is no extant permission on the site and the application must be assessed on its own merits.
- 7.3.2. The proposal is materially different to the previous application on site. The site location and context is considered different in current plans and policies. The height scale and massing of the current proposal is not as well articulated or responsive to pattern of development at boundaries. The scale and massing is greater and therefore will have a greater impact in terms of overbearance.
- 7.3.3. The development is visually obtrusive and out of character receiving environment
- 7.3.4. The proposed development will be overbearing and injurious to residential amenity. The appellant's submission refers to the PA conclusion that there is no material impact on the residential amenities of Talbot Court. However, this was referring to overlooking, not overbearing aspect.
- 7.3.5. Site is not located in proximity to a High-Capacity Public Transport Node/Interchange. The site is in a City-Suburban area and the density is excessive for this. This is reflected in the other shortcomings of the proposal. i.e. lack of adequate car parking, lack of public open space provision, inadequate communal open space.

- 7.3.6. The site is not accessible location as per the Compact Settlement Guidelines. There is no capacity for overspill parking. The statement that that overspill parking can be managed by parking control accepts the proposed development will cause problems. A precautionary approach should be taken to avoid this problem arising.
- 7.3.7. The proposal will create conflict between pedestrians, cyclists and vehicles.
- 7.3.8. The proposal provides no public open space and is unreasonable to assume that the existing public open space to the north-west can be used to serve the site.
- 7.3.9. The other planning precedents cited in the appeal are located outside the functional area of Fingal County Council and within a different context.

7.4. Further Responses

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Density and site context under Compact Settlement Guidelines.
- Building scale, height and massing
- Impact on residential amenity
- Parking provision and traffic safety
- Daylight and Sunlight
- Open space provision
- Removal of trees, boundary walls, and pillars on neighbouring estates and on public open space.

8.2. In relation to the history on site, I note that the appeal relies heavily on planning application ABP 307976 (SHD) Build-to-Rent Shared Living Residential. This decision was quashed by the High Court , and remitted under ABP 320258. This

case therefore has yet to be determined and reference to same is therefore not relevant. As such this application, while noted, is not considered in the assessment below.

8.3. Density/ Compact Settlements Guidelines

8.3.1. Figure 3.3 of the Compact Settlements Guidelines sets out the process for identifying appropriate density for a plan or development. The density range is first established in accordance with Table 3.1 *Areas and Density Ranges in Dublin*, then having regard to accessibility Table 3.8 and then having regard to local character/environment/ amenity.

8.3.2. Table 3.1 states

City - Urban Neighbourhoods *The city urban neighbourhoods category includes:*

(i) ...

(ii) ...

(iii)

(iv) *lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.*

City - Suburban/Urban Extension *Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8).*

8.3.3. The immediate area adjoining the site aligns better with the description of *City-Suburban*, given the lower density car-orientated residential suburbs constructed at

the edge of cities in the latter half of the 20th and early 21st century. In addition, while the site is within 1km of commuter rail corridor and station, it is not within 1km of a node/interchange (which implies the coming together of more than one route/mode) as per *City-Urban Neighbourhood* category.

- 8.3.4. However, the nature of the area changes within a couple of hundred metres of the site and the site is within a very accessible location, due to bus (nearest stops in Blanchardstown Village 300/500m along with stops on the N3) rail (Castleknock commuter rail stop (600m) , off road cycling/walking infrastructure (Royal Canal 200m and also underpass under M50 towards Castleknock) and national road network (200m). There is good access to employment (locally and in Dublin city centre), TUD Blanchardstown Campus within 15 min cycle and Connolly Hospital directly northeast. The site location therefore demonstrates good access to employment, education and institutional uses and public transport as per the City Urban definition, and it is understandable that an argument may be made in relation to this category. Before concluding on this matter, accessibility will be considered.

- 8.3.5. Table 3.8 refines the definitions of Table 3.1 in terms of Accessibility:

High Capacity Public Transport Node or Interchange “Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects ‘Core Bus Corridor’ stop.

Accessible Location Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

In terms of Bus Connects, the Blanchardstown to City Centre Core Bus Corridor Scheme has been approved. There is a proposed stop c. 300m from the site on the N3 westbound at Woods End and stop 7374 Connolly Hospital is 550m from the site. The site therefore generally is in accordance with the definition in Table 3.8 and falls within the High Capacity Public Transport Node or Interchange definition due to

proximity to Bus Connects stop. There are further bus stops within Blanchardstown Village (not on Bus Connects route) with 10 minute peak frequency.

- 8.3.6. To conclude, I consider that the site is in an area of transition, but that in terms of density, the lower levels of the City Urban Neighbourhood are appropriate, and specifically a density in excess of 150 dph (maximum under City – Suburban) should not be ruled out.
- 8.3.7. However, as per Figure 3.3, the density must be refined and the design must respond to surround built environment, impact on environment and protected habitats/species and on amenity. This is set out in Section 8.4 below.

8.4. Building scale, height and massing

- 8.4.1. Given the site's reasonably regular formation, frontage onto roads and open space on three sides, the separation distance to dwellings on the eastern side, and the existing large structure on site, I consider that the site is capable of defining its own character and is not required to continue to prevailing character of 2 storey housing immediately adjacent.
- 8.4.2. The site currently contains a disused pub restaurant. It is recessed into the north west corner of the site, where it is directly adjacent to site boundaries. On the north western elevation it presents at a height of c. 9.24m and on the north eastern elevation c. 8.9m in height and the highest point of the curved roof. The existing bulk directly at these site boundary locations is noted.
- 8.4.3. The proposed development has a 'H' shaped formation, with longer elevations addressing the northeastern boundary (onto open space), and the southern western boundary (onto Old Navan Road). This formation creates 2 courtyard areas within, either side of the spine of the H. Limited vehicular access is provided from the Old Navan Road
- 8.4.4. The form of the 4th storey is recessed using terraces and green roofs. The recess is greater on the northwestern (Talbot Downs) and southeastern (Talbot Court) elevations. The 5th storey is further recessed, and expressed mainly on the spine and the rear block addressing the open space. Green roofs are positioned, and limited terraces serving apartments, at set back locations.

- 8.4.5. The materials proposed are brick and selected colour render. Brick is the main material on the south western elevation fronting Old Navan Road, defining it to 3 storey height. Set back 4th and 5th storey are finished in render. Brick is also the main finished to 4th storey on the northeastern elevation onto the open space. On the elevations facing Talbot Court and Talbot Downs the brick finish is less extensive, and render is largely used on the recessed and 4th/5th storeys.
- 8.4.6. In design/visual terms, overall I consider that the building, which has public facing elevations on all sides, lacks strong lines and legible architectural rhythm:
- The form of the building has been set back and cut into at upper floors to provide separation distances from adjacent residences, leaving it unbalanced.
 - The stronger roofline established by the 3 storeys and use of brick facing the Old Navan is diluted by the upper set back floors, particularly the 5th storey, which along with varying elevational treatments in terms of finishes, openings, balconies, compete visually with the lower section.
 - Rendered sections facing the courtyards present with less pleasing architectural rhythm, with poorer solid void proportions and generally a lower quality finish/appearance, particularly on the southeast elevation onto Talbot Couty. These are the highest parts of the building with greatest expanses of such finishes, so dominate visually and contribute to overbearance.
- 8.4.7. I consider the elevation onto the open space to the northeast, due to lack of any movement/variation in the building line, is monolithic and overbearing given the limited set back from the boundary with this space. It could be improved by a greater setback, or by recessing sections of the elevation, and/or recessing the 4th storey and omitting 5th storey.
- 8.4.8. I also consider that the arrangements within the two internal courtyards will present as overbearing, due to their height at 5th storey, massing towards the northeast (where the spine of the H meets the rear block) and elevational treatment. These elevations will be visible from public areas and outside the site would thus, in my opinion, detract from the visual amenity of the area.
- 8.4.9. Generally, I consider that a 3 storey building with recessed 4th storey and more regular massing would be more successful on this site, and address the above issues.

- 8.4.10. I note a very different design approach permitted under FW16A/0079 (ABP248037), which consisted of 4 blocks with circulation /open space between them, in the form of a cross. These were mostly three storey buildings, with setback 4th storey, tapering from the boundaries with Talbot Court and Talbot Downs. The use of block formation, partial angling of some blocks, and a condition of planning permission (omitting the second floor on two blocks and a portion of a third block) reduced the massing to the street elevations, provided variation and resulted in more appropriate transition in height within the development.
- 8.4.11. I consider that the design approach and building formation is intended to maximise density on the site and satisfy apartment design criteria. Given the above impacts, I am of the opinion that - with this general design approach- a lower density will be required on the site.

8.5. Impact on residential amenity.

- 8.5.1. I note the Compact Settlements Guidelines provide that a separation distance (between opposing windows of habitable room to rear and side) above 16m should not typically be required
- 8.5.2. There is a distance of c. 39.5 sq m between the proposed building and the house adjacent 14 Talbot Court (appears to be called Ashgrove), and c.17- c.22 m from the proposed dwelling to the boundary of the site at this location. While there are balconies from three units at this location at ground first and second floor, these do not protrude from the main building from are not opposite the dwelling itself. The balcony at third floor is further recessed with lesser vantage. The dwelling, Ashgrove, fronts on to the proposed development site; the area to the south and west of the dwelling is currently largely open to public views at present and the dwelling has private amenity area and amenity areas to the rear and northeast of the dwelling. I do not consider that there would be undue overlooking of loss of privacy to this dwelling.
- 8.5.3. There is a distance of c. 30 m between the proposed development and nos 14/15 Talbot Downs and 8.5m to 11m to that boundary. Following response to Further Information there are no balconies at second and third storeys at this location. Recessed terraces are provided to two units and further recessed terrace at fourth storey. I consider this arrangement adequate to prevent undue loss of privacy.

- 8.5.4. The proposed development faces the front of dwellings on Old Navan Road, with a separation distance of c. 30 m. These existing dwellings have their private open space to rear. Old Navan Road is c. 8m in width, it has filtered permeability towards Blanchardstown Village at the northwest and, to southeast, to the Grand Canal Greenway and towards the city centre via M50 underpass. There is a significant amount of on-street parking, and traffic calming suggests heavier movements/higher speeds on this road. While I consider it would be better if the proposed balconies were recessed into the building, as it would lessen the perception of overlooking, given the separation distance and aspect onto road, and the character of the road, I do not consider that undue overlooking or loss of privacy will arise.
- 8.5.5. In terms of Talbot Downs, c. 6m road width, there is a separation distance of min c. 22m to c. 24 m between the proposed development and existing housing. It is more secluded in character. I note the proposed development faces onto the gable of no 6 Talbot Downs and that the positioning of balconies has been oriented away from the street on this elevation opposite nos. 7/8 Talbot Downs. While the sense of privacy of 7-10 will be greater affected by the proximity of external balconies and associated activity/noise, including the elevated terrace of the 4th storey, despite its setback, the separation distance is adequate and these dwellings have their private amenity space to the rear, which remains unaffected.
- 8.5.6. As detailed at 8.4 above, I consider that the proposed development will appear as overbearing. The 4th and 5th storeys compete with the reasonably scaled three storey building roofline, when viewed from the Old Navan Road. The elevations facing Talbot Court and Talbot Downs present as overbearing due to the excessive height, solid void arrangements, materiality and quantum of balconies. The massing at the junction of the 'spine' of the H form with the north eastern block is particularly of note, within both internal courtyards. I consider this massing, particularly the 5th storey would be overbearing and detract from the amenities of nearby properties which face onto it.
- 8.5.7. The proposed development will provide supervision of existing public open space to the northeast, and increase its security. This is a positive aspect of the development and such supervision enhances the amenity of the space, although design concerns are noted. I consider a set back of the overall building from the boundary with the open space, and a setback of the building above 3rd storey level, and omission of 5th storey would be appropriate on this elevation

8.6. Daylight and Sunlight

- 8.6.1. Having regard to the massing of the building and some comments within the Planning Report of the local authority, I have further considered aspect, daylight and sunlight.
- 8.6.2. SPPR 4 of the Apartment Guidelines states a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, and in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. Following FI, it is noted c. 67% of apartments are dual aspect thus meeting the required standard.
- 8.6.3. An updated daylight and sunlight analysis of the proposed development has been submitted and revised in response to FI. Internal Daylight Testing and Sunlight Access was analysed for the proposed development and required criteria are met.
- 8.6.4. In terms of communal areas, the proposed development shows c. 79% of communal areas receiving 2 hours of sunlight on March 21st, in compliance with BRE standards. I note that a significant portion of these spaces, particularly that to the northwest courtyard, will be cold and overshadowed, reducing the quality of these amenities, and it is not evident that the proposed layout of this space in the northwest courtyard responds to/ optimises sunlight received. A different design approach could be considered to improve the quality of the communal space, particularly given the absence of public open space. However, it is noted that the minimum standards have been met.
- 8.6.5. In terms of the impact on daylight and sunlight to surrounding properties, considering the assessment submitted, as revised by FI, and utilising the date of 21st March, which presents an average scenario, it is evident that there will be some minor additional overshadowing / loss of sunlight to the front of Talbot Downs and rear of Talbot Court when the sun is at its lowest. I note the assessment has also analysed Vertical Sky Component impact and Annual Probable Sunlight Hours and criteria as set out in the BRE Guidelines are met. However there is not a significant change over a prolonged period, and given the urban context of the area, it is not such that it would detract excessively from residential amenity
- 8.7. I conclude that in relation to the proposed development, standards in terms of daylight and sunlight and aspect area met and that there would not be a significant impact on existing development in the vicinity.

8.8. Parking provision and traffic safety

8.8.1. Car parking:

As per section 8.3.6 I consider that the site is in an area of transition, but that in terms of density the lower levels of the City Urban Neighbourhood, as per Table 3.1 of the Compact Settlement Guidelines, should apply.

8.8.2. In terms of parking, according to SPPR3 of the Compact Settlement Guidelines, in city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. (In Accessible suburban locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.)

8.8.3. Therefore, a maximum parking standard of 1 space per unit is appropriate (including visitor parking as per SPPR3 of the Compact Settlement Guidelines) and a substantial reduction in parking provision should be considered on the site, given proximity to public transport options.

8.8.4. I note the standards of the Fingal County Development Plan for this area would allow a maximum of 0.5 spaces per unit in this development. This standard appears more reasonable for the area and would also be compliant with the Compact Settlement Guidelines.

8.8.5. I have concerns with the adequacy of car parking proposed, which is stated to be a rate of 0.12 spaces per unit. However, the seven spaces proposed are actually visitor and car-club spaces. Therefore there are no dedicated parking spaces for the residential units. Excluding the car-club spaces, this is actually a rate of 0.07 spaces per unit.

8.8.6. Within the Mobility Management Plan and Public Transport Capacity Analysis, a methodology is set out to determine projected modal split for the proposed development, based on ED information (from Census 2022) and TRICS, and

outlining the basis for projected modal increase/decrease. The modal split set out is approximately:

TRICS: Car 30%, Public Transport, 38% Pedestrian 30%, Cyclist 2%

EDs: Car 46%, Public Transport 18%, Pedestrian 3.4%, Cyclist 4.4% Home 15%

Projected development: Car 12%, Public Transport 35% , Pedestrian 22%, Cyclist 12%, Home 16%

8.8.7. I note that

- TRICS rates input is based on 14 developments at UK edge of town centre location. It is not stated why these locations were selected, or if others were considered. The proposed development site is not at an edge-of-town-centre location. It is possible that sub-categories within the suburban category would have been more appropriate. At this, the TRICS data Modal split used in the application by is 25-30% by car.
- The three EDs analysed have a modal split of 46% by car (Census 2022). The study states that these EDs are of limited value in terms of analysis as they are not within easy walking distance of the high frequency public transport links close to the site. While this may be true about the ED which the site is within (Blanchardstown Abbottstown) which is more removed from the train line, it is noted that this ED has the highest modal split for train and lowest modal split for car/driver.
- It is not clear why these three EDs selected were selected , and others, e.g. Blanchardstown Roselawn omitted (see Appendix 3 for EDs). The applicant could also have carried out a further study on more comparable EDs in the locality, or a greater number of EDs, if this split was not considered representative of existing levels of public transport availability.
- Figure 2.2 within the report is intended to indicate work areas within walking distance of the site but simply indicates areas within 1,2,3 km radius from the site. These are not meaningful walking distances. E.g. TU Blanchardstown is shown as 2.2 km from site, but in reality is a 3.8km 52 minute walk. It is unclear how this map supports assuming a modal split consistent with the figures from TRICS

output, or how it supports projected modal shift to pedestrian. The study also fails to acknowledge the barrier to ease of movement /disincentive to walking in the form of the national road network.

- 8.8.8. While I agree that it is reasonable to allow for some modal shift from car to public transport and car to pedestrian, I consider that the degree of shift is not substantiated by the information provided. It would seem more reasonable to apply a modal split of 30 to 40% for car and adjust parking provision accordingly, in anticipation of a modal shift from the car arising from proposed enhancements to public transport networks.
- 8.8.9. I note the Transportation report of the local authority states “The modal split estimates of 12% provided for car use would seem to be overly ambitious” and on the basis of the above I agree with this statement. I also note the response to FI information in relation to the proposed car-club. I do not consider that this information creates confidence in the operation of a car-club scheme.
- 8.8.10. Given the information provided, I consider that there is inadequate parking provision for the proposed development, which represents a sub-standard aspect of residential amenity. In addition, having observed the pressure for on-street parking already existing in the area, and noting that the Old Navan Road acts a connecting route between Blanchardstown Village and pedestrian/cycle links on the Royal Canal and also a pedestrian/cycle route under-passing the M50 into Castleknock , the likely overspill parking arising from the proposed development would lead to obstruction, with impacts on impacts on traffic safety where there is a higher quantum of vulnerable road users, and also would impact on residential amenity.

8.8.11. Cycle parking:

As per SPPR 4 of the Compact Settlement Guidelines - Cycle Parking and Storage
The following requirements for cycle parking and storage are recommended:

(i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement,

etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.

(ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

As a Specific Planning Policy Requirement (SPPR) of Section 28 Guidelines, the above SPPR must be complied with.

8.8.12. The Apartment Guidelines state

“a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc”

8.8.13. There are 89 bedrooms in the proposed development (post FI). In accordance with the Apartment Guidelines, 89 spaces plus 45 spaces visitor parking should be provided (134 spaces). In accordance with the Compact Settlement Guidelines, 89 spaces plus visitor parking should be provided.

8.8.14. As per the FCDP the following standards are set out in Table 14.17:

Residential (1–2 Bedroom): 1, plus 1 per bedroom Long Stay; 0.5 per unit (for apartment blocks only) Short Stay

This generates a requirement of (55 + 89) 144 Long Stay spaces and 27.5 Short Stay (visitor) spaces.

8.8.15. The FCDP standards are higher than those of the Compact Settlement Guidelines, but it is noted that those of the Guidelines are minimum standards and the SPPR allows for deviation from these standards at the discretion of the Planning Authority. Given that substantial reduction in parking provision is to be considered on the site, I consider the higher FCDP standards appropriate. Compliance with the SPPR is still achieved.

- 8.8.16. The proposal provides 151 long stay bicycle parking spaces within 3 secure storage areas, that consist of lockers, racks and stands. Two areas are within the main building and one within an external area. There are 28 short stay/visitor spaces at the main entrance.
- 8.8.17. It is noted that the report of the Transportation section of the local authority considered the cycle parking storage acceptable and recommended that a minimum of 7 (5 %) cargo bike/adapted bike storage areas should be included within the layouts. This could be applied by condition in the event of a grant of planning permission.
- 8.8.18. It is noted that the proposal meets the standards of the FCDP; however it does not significantly exceed these standards. In the absence of car-parking provision I consider it would be appropriate to provide one cycle space per bedspace, i.e. 178 spaces.

8.9. Open space provision

- 8.9.1. The FCDP states in table 14.12 that for new residential development on infill/ brownfield sites, public open space provision should be a minimum of 12% of a development site area and that the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. The Compact Settlement Guidelines, subsequently adopted, state that the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. As the FCDP has not been varied as a result of the Compact Settlement Guidelines, the FCDP standard of 12% remains the relevant standard.
- 8.9.2. In accordance with the Fingal County Development Plan, there is discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces. This provisions is also within the Compact Settlement Guidelines. Given the size of the site and its configuration, the presence of open space immediately adjacent, easy access to the Royal Canal and larger park “Laurel Lodge”, I do not object to the application of a S48 Development Contribution in lieu of public open space provision within the site.

8.10. Removal of trees, boundary walls, and pillars on neighbouring estates and on public open space.

- 8.10.1. The development proposals the removal of all trees at the site boundaries and replacement tree planting as set out on the proposed landscaping plan. While third parties object to the removal of trees and modification of wall/pillar at Talbot Downs, a Letter of Consent has been provided by Fingal County Council for the purposes of infrastructural works and tree removal and replanting. I note that the trees along Talbot Downs are tight against structures and think it likely their growth and longevity is limited by this. Also, the trees may not survive the disruption associated with demolition/construction of adjacent structures. Therefore, in the context of a site under redevelopment the site - replacement planting may therefore be the optimum solution. Drawings show the pillar unaffected.
- 8.10.2. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal.
- 8.10.3. The FCC Parks Department raised concerns, inter alia, in relation to the adequacy of areas for constructed tree pits for each tree and adequacy of space for trees adjoining walls and at Further Information stage requested this to be shown on a revised landscaping plan. The response from the applicant was that the landscape consultants were satisfied in relation to adequacy of spaces for tree pits and growing spaces in proximity to walls. Despite the request, the relevant areas have not been shown on the landscaping plan to support this statement and it is noted that proposed trees are close to structures including buildings, terraces and boundary treatments. Failure of trees will leave the building more exposed and visually obtrusive. While I do not consider this a reason for refusal in itself, in the event of a grant of planning permission, I consider that conditions would be required to address this matter i.,e.
- the submission of a revised land scaping plan showing the above detail,
 - a bond for tree protection (particularly in relation to tree no. 30)

- landscaping conditions requiring the replacement of any trees/planting which fail, or alternative planting within the open space to the north-east.

I do not consider that a condition requiring planting in the open space to the north-east is required, should appropriate space for planting be demonstrated and should the proposed landscaping and tree planting establish successfully.

9.0 **AA Screening**

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

- Distance from European Sites,
- Lack of direct connections to European Sites
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development
- Objective information presented in the Screening Report
- The AA Screening conclusions of the Planning Authority

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

See Appendix 2 Appropriate Assessment Screening.

10.0 **Recommendation**

- 10.1. While the proposed development is acceptable having regard to the zoning of the site, and satisfies the quantitative criteria of the Apartment Guidelines, having regard

to the scale, massing and design of the building I consider the proposed development would detract from visual and residential amenity.

Furthermore, I am of the opinion that the level of parking provision has not been adequately justified, and in this regard represents a shortfall in residential amenity, which would lead to obstruction and traffic safety issues.

I therefore concur with the Planning Authority and recommend permission be refused.

- 10.2. The design approach appears to have been chosen to maximise density on the site, and while this is not objectionable in itself, the achievement of density, with this design approach, appears to be at the expense of residential amenity of existing properties, at the expense of visual amenity, and at the expense of the amenities of the proposed development, (in particular the lack of parking provision and quality of the communal spaces within the development). However, I am not recommending refusal based on density, as with an alternative design approach such density may be achievable, and would be consistent with the Compact Settlement Guidelines.

11.0 Reasons and Considerations

1. Having regard to the height, massing and design of the proposed development, and its proximity to site boundaries, it is considered that the proposed development has an inappropriate height, bulk and form, which fails to integrate with the established built form in the vicinity of the site, and would be overbearing in terms of its impact on streetscape, surrounding residential properties and open space to the northeast of the site. The proposed development is therefore contrary to objectives Objective SPQHO39 and Objective SPQHO42 of the Fingal County Development Plan, which seek to protect the character, height and massing of existing residential units, and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location and characteristics of the site and its surroundings, and the Mobility Management Plan submitted with the

application and the appeal, the applicant has not satisfactorily assessed existing modal split, or substantiated the projected modal shift from the car for the proposed development. It is therefore considered that the proposed development would provide an inadequate level of car-parking for residents, which represents substandard residential amenity for future occupants. In addition, the proposed development would lead to overspill parking in the vicinity of the site, which, having regard to existing levels of on-street parking, and the pattern of development and uses in the vicinity, would result in congestion and obstruction, leading to conflict between road users, which would endanger public safety by reason of traffic hazard.

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.

Bébhinn O'Shea

Senior Planning Inspector

24th March 2025

Appendix 1 EIA Screening

Form 1EIA Pre-Screening

An Bord Pleanála	321369-24		
Case Reference			
Proposed Development Summary	Demolition of buildings, construction of apartment block with 56 apartments and all associated site works.		
Development Address	Old Navan Road Castleknock Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) Construction of more than 500 dwelling units Class 10(b)(iv) Urban development in a built-up area	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	X	<p>Class 10(b)(i) Threshold is 500 dwelling units - 56 units proposed.</p> <p>Class 10(b)(iv) Urban development which would involve an area greater than10 hectares in the case of other parts of a built-up area.</p> <p>- Site is .317 hectares</p>	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	X	Screening Determination required

Inspector: _____ **Date:** _____

From 3 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	321369	
Development Summary	Demolition of buildings, construction of apartment block with 56 apartments and all associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	Short paragraph p 28 of planning report.
2. Has Schedule 7A information been submitted?	Yes	Yes
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report
4. Is a 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	
5. 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	SEA and AA of the Fingal County Development Plan 2023-2029 Site Specific Flood Risk Assessment Sustainability and Energy Report

		Outline Construction & Environmental Management Plan Resource & Waste Management Plan	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Immediate area is of residential character with wider area mixed and containing community, leisure and commercial premises and significant transport infrastructure	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	Change to land use from commercial to residential but no changes to topography/landscape.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially	Yes	Raw materials to be used as per typical construction scheme but not of such scale and	No

resources which are non-renewable or in short supply?		quantity that there would be significant effects on the environment	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Uncertain	Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. Possible asbestos in demolition. Noise and dust emissions are likely. Such impacts would be local and temporary in nature and the Outline Construction & Environmental Management Plan and Resource & Waste Management Plan would mitigate potential impacts. Pre-demolition survey propose to inform any necessary response to asbestos.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. Pollutants such as dust emissions are likely. Waste during demolition and construction works, Resource & Waste Management Plan sets out mitigation and management measures which are typically standard construction practice.	No
1.6 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?	No	Typical construction management practices as set out in Outline Construction & Environmental Management Plan to mitigate against contamination. No watercourses on site.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Vibration and noise is likely during construction, temporary and local. Mitigation measures feed into the Outline Construction & Environmental Management Plan.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Typical construction management practices as set out in Outline Construction Management Plan to mitigate against contamination of noise, dust (both temporary and local) and water.	No

		Operationally potential for air pollution from noise, traffic etc. However, noting traffic levels generated and the existing urban environment this is not considered significant.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	Site not in the vicinity of any site with a risk, or within an area at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The proposed development will provide housing and population increase of 153 based on household size of 2.73 (FCDP)	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Yes. Fingal population is projected to grow to 359,000 by 2029 and has a housing target to support this. However, this has been subject to Strategic Environmental Assessment during the preparation of the CDP	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - 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 	No.	Nearest pNHA 50 m from site. Nearest European Sites c. 8 km from development site. AA Screening included, Appendix 2, concludes that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. No features/species of ecological interest identified for protection/conservation.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or	No.	Ecological Impact Assessment included with application. Site is primarily buildings and artificial	No

around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?		surfaces, no notable habitats. No rare or plant species of conservation value present. Invasive species noted. No resting or breeding places of terrestrial animals. No terrestrial fauna species of conservation importance. Potential roosting features examined. No bats roosts evidence of bats found.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No		No
2.4 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	Urban land area	No
2.5 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?	No	The development will incorporate SUDS measures to control surface water run off. The development will not increase the risk of flooding. No surface water features within the site.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 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?	No	Nearby interchange with national road network. Rail station proximate. Effect from proposed project would not be so significant to warrant EIA in itself	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are schools and a hospital nearby but the proposed development is not of a scale such that it would affect this facilities significantly	No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity,
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted including results of an Appropriate Assessment and Strategic Environmental Assessment under the Fingal County Development Plan and the Appropriate Assessment Screening attached to the Inspectors Report
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the proposed housing development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the demolition of a pub/restaurant and construction of an apartment block with 56 units and ancillary site works.

Surface water, following SUDS, discharges to piped network. The discharge point of this has not been identified but is if to a river waterbody this would be the the Tolka_040 Waterbody which discharges into the Tolka Estuary and Dublin Bay. It is possible there may be discharge to the Royal Canal, which discharges to the River Liffey at the north docks. More likely, it discharges or to a combined sewer which, along with foul wastewater is treated at Ringsend. Given the European Sites near these outfalls, the screening accounts for all scenarios.

The subject site is located c. 8.3km from Rye Water Valley/Carton SAC, 9.6km from South Dublin Bay & River Tolka Estuary SPA, c. 11.5km from South Dublin Bay SAC, 12.7 km from North Dublin Bay SAC, c 12.7 km from North Bull Island SPA c. and c. 16.2 km from North-West Irish Sea SPA.

Other European Sites noted are associated with the east coastal area are Malahide Estuary SPA, Malahide Estuary SAC Baldoyle Bay SPA, Baldoyle Bay SAC 15.5km,. I have excluded these at initial stages due to distance and lack of hydrological connection.

No comments were received from Prescribed Bodies.

Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The proposal will not result in any direct impacts on SACs or SPAs. Potential indirect impacts to be considered are as follows:

Construction

- Habitat impact

Vegetation clearance for the construction of structures, and to provide areas for storage of materials and access to site during construction, causing ex situ habitat loss

Construction activities causing visual, noise, lighting disturbance of foraging and roosting activities.

- Water quality

Possible sediment release into watercourses during excavations, earthworks, landscaping in the site.

Potential for contaminated run off e.g. hydrocarbons, cement residues during construction.

Operation

- Habitat impact

Visual, noise, lighting disturbance from people, vehicles, activities occupying the development.

- Water quality

Potential for pollution from contaminated surface water run off or increased surface water run-off from the operational development.

Ground water pollution/ alteration of flows.

Potential for pollution from wastewater discharge.

Step 3: European Sites at risk

I have considered the sites in the zone of influence, and other than those below have excluded other sites on the basis of distance and lack of or weak ecological connection.

Table 1 outlines European Sites at risk.

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

Conservation objectives:

To maintain favourable conservation condition **C**

To restore favourable conservation condition **R**

European Site	Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
Rye Water Valley/Carlton	A Habitat loss	None. No direct habitat loss. Site does not form ex situ habitat	1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> R

SAC c. 8.3 km from site	B Habitat disturbance	Air borne noise, lighting etc	1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> C
	C Water quality	No direct or indirect hydrological connection. Site is downstream of same. River Rye and Royal Canal linked spatially but crosses by aqueduct at Leixlip upstream.	7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)* R
South Dublin Bay and River Tolka Estuary SPA c. 9.6 km from site	A Habitat loss	None. No direct habitat loss. Site does not form ex situ habitat	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] C
	B Habitat disturbance	Air borne noise, lighting etc	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] C Ringed Plover (<i>Charadrius hiaticula</i>) [A137] C
	C Water quality	No direct hydrological connection. Indirect hydrological connection: Surface water and foul water dispose to network, SW outfall to River Tolka, FW the Irish Sea at Ringsend	Grey Plover (<i>Pluvialis squatarola</i>) [A141] n/a to be de-listed. Knot (<i>Calidris canutus</i>) [A143] C Sanderling (<i>Calidris alba</i>) [A144] C Dunlin (<i>Calidris alpina</i>) [A149] C Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] C Redshank (<i>Tringa totanus</i>) [A162] C Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] C Roseate Tern (<i>Sterna dougallii</i>) [A192] C Common Tern (<i>Sterna hirundo</i>) [A193] C Arctic Tern (<i>Sterna paradisaea</i>) [A194] C

			Wetland and Waterbirds [A999] C	
South Dublin Bay SAC 000210 c 11.5 km from site	A Habitat loss	None.	Mudflats and sandflats not covered by seawater at low tide [1140] C	
	B Habitat disturbance	Air borne noise, lighting etc	Annual vegetation of drift lines [1210] C	
	C Water quality	No direct hydrological connection. Indirect hydrological connection: Surface water and foul water dispose to network, SW outfall to River Tolka, FW the Irish Sea at Ringsend	Salicornia and other annuals colonising mud and sand [1310] C Embryonic shifting dunes [2110] C	
North Dublin Bay SAC, c 12.7 km	A Habitat loss	None. No direct habitat loss. Site does not form ex situ habitat	1140 Mudflats and sandflats not covered by seawater at low tide C	
	B Habitat disturbance	Air borne noise, lighting etc	1210 Annual vegetation of drift lines R	
	C Water quality	No direct hydrological connection. Indirect hydrological connection: Surface water and foul water dispose to network, SW outfall to River Tolka, FW the Irish Sea at Ringsend	1310 Salicornia and other annuals colonising mud and sand R 1330 Atlantic salt meadows (Glaucopuccinellietalia maritima) C 1395 Petalwort Petalophyllum ralfsii C 1410 Mediterranean salt meadows (Juncetalia maritimi) C 2110 Embryonic shifting dunes R 2120 Shifting dunes along the shoreline with (white dunes) R 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) R	

			2190 Humid dune slacks R	
North Bull Island SPA c. and c. 16.2	A Habitat loss	None. No direct habitat loss. Site does not form ex situ habitat	A046 Light Bellied Brent Goose Branta bernicla hrota C	
	B Habitat disturbance	Air borne noise, lighting etc	A048 Shelduck Tadorna tadorna C	
	C Water quality	No direct hydrological connection. Indirect hydrological connection: Surface water and foul water dispose to network, SW outfall to River Tolka, FW the Irish Sea at Ringsend	A052 Teal Anas crecca C A054 Pintail Anas acuta C A056 Shoveler Anas clypeata C A130 Oystercatcher Haematopus ostralegus C A140 Golden Plover Pluvialis apricaria C A141 Grey Plover Pluvialis squatarola C A143 Knot Calidris canutus C A144 Sanderling Calidris alba C A149 Dunlin Calidris alpina alpina C A156 Black-tailed Godwit Limosa limosa C A157 Bar-tailed Godwit Limosa lapponica C A160 Curlew Numenius arquata C A162 Redshank Tringa totanus C A169 Turnstone Arenaria interpres C A179 Black-headed Gull Chroicocephalus ridibundus C A999 Wetlands C	

North-West Irish Sea SPA.	A Habitat loss	None. No direct habitat loss. Site does not form ex situ habitat	Red-throated Diver (<i>Gavia stellata</i>) [A001] C
	B Habitat disturbance	Air borne noise, lighting etc	Great Northern Diver (<i>Gavia immer</i>) [A003] C
	C Water quality	No direct hydrological connection. Indirect hydrological connection: Surface water and foul water dispose to network, SW outfall to River Tolka, FW the Irish Sea at Ringsend	Fulmar (<i>Fulmarus glacialis</i>) [A009] R Manx Shearwater (<i>Puffinus puffinus</i>) [A013] C Cormorant (<i>Phalacrocorax carbo</i>) [A017] R Shag (<i>Phalacrocorax aristotelis</i>) [A018] R Common Scoter (<i>Melanitta nigra</i>) [A065] C Little Gull (<i>Larus minutus</i>) [A177] C Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] C Common Gull (<i>Larus canus</i>) [A182] C Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] C Herring Gull (<i>Larus argentatus</i>) [A184] R Great Black-backed Gull (<i>Larus marinus</i>) [A187] C Kittiwake (<i>Rissa tridactyla</i>) [A188] R Roseate Tern (<i>Sterna dougallii</i>) [A192] C Common Tern (<i>Sterna hirundo</i>) [A193] C Arctic Tern (<i>Sterna paradisaea</i>) [A194] C Little Tern (<i>Sterna albifrons</i>) [A195] C

			<p>Guillemot (<i>Uria aalge</i>) [A199] C</p> <p>Razorbill (<i>Alca torda</i>) [A200] C</p> <p>Puffin (<i>Fratercula arctica</i>) [A204] R</p>	
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Step 4: Likely significant effects on the European site(s) 'alone'

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

European Site and qualifying feature	Conservation objectives: To maintain favourable conservation condition M To restore favourable conservation condition R	Could the conservation objectives be undermined (Y/N)?	
		Effect B Disturbance	Effect C Water quality
Rye Water Valley/Cartron SAC c. 8.3 km from site	<p>1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> R</p> <p>1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> C</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)* R</p>	No. Qualifying features, where susceptible to noise/light are at a distance of c. 8.3km, and intervening urban environment already creates noise and light to which increase would be negligible.	N/A
South Dublin Bay and River Tolka Estuary SPA c. 9.6 km from site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] C</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130] C</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137] C</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141] n/a to be de-listed.</p> <p>Knot (<i>Calidris canutus</i>) [A143] C</p>	No. At a distance of c. 9.6km, and intervening urban environment already creates noise and light to which increase would be negligible.	No. Distance from site to Tolka Estuary in SPA is c. 10 km. Pollutants would settle within the SW network and on outfall be dispersed and diluted. Significant indirect effects from surface water discharge are therefore unlikely FW discharge point is adjacent/within SPA however

	<p>Sanderling (<i>Calidris alba</i>) [A144] C</p> <p>Dunlin (<i>Calidris alpina</i>) [A149] C</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] C</p> <p>Redshank (<i>Tringa totanus</i>) [A162] C</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] C</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192] C</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193] C</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194] C</p> <p>Wetland and Waterbirds [A999] C</p>		<p>discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>
<p>South Dublin Bay SAC</p> <p>000210</p> <p>c 11.5 km from site</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140] C</p> <p>Annual vegetation of drift lines [1210] C</p> <p>Salicornia and other annuals colonising mud and sand [1310] C</p> <p>Embryonic shifting dunes [2110] C</p>	N/A	<p>No.</p> <p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c 3.6 km from this SAC. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SAC. Significant indirect effects from surface water discharge are therefore unlikely</p> <p>FW discharge point is adjacent/within SAC however discharge/ treatment under EPA licence. There is capacity in</p>

			the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.
North Dublin Bay SAC, c 12.7 km	<p>1140 Mudflats and sandflats not covered by seawater at low tide C</p> <p>1210 Annual vegetation of drift lines R</p> <p>1310 Salicornia and other annuals colonising mud and sand R</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) C</p> <p>1395 Petalwort <i>Petalophyllum ralfsii</i> C</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) C</p> <p>2110 Embryonic shifting dunes R</p> <p>2120 Shifting dunes along the shoreline with (white dunes) R</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) R</p> <p>2190 Humid dune slacks R</p>	No. At a distance of c. 12.7km, and intervening urban environment already creates noise and light to which increase would be negligible.	<p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c 3 km from this SAC. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SAC. Significant indirect effects from surface water discharge are therefore unlikely</p> <p>FW discharge point is 2km from SAC however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>
North Bull Island SPA c. and c. 12.7 km	<p>A046 Light Bellied Brent Goose <i>Branta bernicla hrota</i> C</p> <p>A048 Shelduck <i>Tadorna tadorna</i> C</p> <p>A052 Teal <i>Anas crecca</i> C</p>	No. At a distance of c. 12.7km , and intervening urban environment already creates noise and light to	Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c 3 km from this SPA. Pollutants would settle within the SW network and on outfall be

	<p>A054 Pintail <i>Anas acuta</i> C</p> <p>A056 Shoveler <i>Anas clypeata</i> C</p> <p>A130 Oystercatcher <i>Haematopus ostralegus</i> C</p> <p>A140 Golden Plover <i>Pluvialis apricaria</i> C</p> <p>A141 Grey Plover <i>Pluvialis squatarola</i> C</p> <p>A143 Knot <i>Calidris canutus</i> C</p> <p>A144 Sanderling <i>Calidris alba</i> C</p> <p>A149 Dunlin <i>Calidris alpina alpina</i> C</p> <p>A156 Black-tailed Godwit <i>Limosa limosa</i> C</p> <p>A157 Bar-tailed Godwit <i>Limosa lapponica</i> C</p> <p>A160 Curlew <i>Numenius arquata</i> C</p> <p>A162 Redshank <i>Tringa totanus</i> C</p> <p>A169 Turnstone <i>Arenaria interpres</i> C</p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> C</p> <p>A999 Wetlands C</p>	<p>which increase would be negligible.</p>	<p>dispersed and diluted distant from this SPA. Significant indirect effects from surface water discharge are therefore unlikely</p> <p>FW discharge point is 2km from SPA however discharge/treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>	
<p>North-West Irish Sea SPA 16.2 km</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001] C</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003] C</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009] R</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013] C</p>	<p>No. At a distance of c. 16.2km , and intervening urban environment already creates noise and light to which increase would be negligible.</p>	<p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c5.5 km from this SPA. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SPA.</p>	

	<p>Cormorant (Phalacrocorax carbo) [A017] R</p> <p>Shag (Phalacrocorax aristotelis) [A018] R</p> <p>Common Scoter (Melanitta nigra) [A065] C</p> <p>Little Gull (Larus minutus) [A177] C</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179] C</p> <p>Common Gull (Larus canus) [A182] C</p> <p>Lesser Black-backed Gull (Larus fuscus) [A183] C</p> <p>Herring Gull (Larus argentatus) [A184] R</p> <p>Great Black-backed Gull (Larus marinus) [A187] C</p> <p>Kittiwake (Rissa tridactyla) [A188] R</p> <p>Roseate Tern (Sterna dougallii) [A192] C</p> <p>Common Tern (Sterna hirundo) [A193] C</p> <p>Arctic Tern (Sterna paradisaea) [A194] C</p> <p>Little Tern (Sterna albifrons) [A195] C</p> <p>Guillemot (Uria aalge) [A199] C</p> <p>Razorbill (Alca torda) [A200] C</p> <p>Puffin (Fratercula arctica) [A204] R</p>		<p>Significant indirect effects from surface water discharge are therefore unlikely</p> <p>FW discharge point is 2km from SPA however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely</p>	
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I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Rye Water Valley/Carton SAC, South Dublin Bay & River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, North Dublin Bay SAC, North-West Irish Sea SPA

Further AA screening in-combination with other plans and projects is required.

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

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.

e.g. approved but uncompleted, or proposed

Plan /Project	Effect mechanism
Ref FW23A/0336 3 storey extension at Connolly Hospital	SW and FW discharge impact on water quality.
ABP 313892-22 Bus Connects Corridor	
ABP 314232-22 Dart + Railway Order	

I have reviewed recent planning applications and projects within 500m of the development, which are not significant in scale, with the exception of Bus Connects Blanchardstown to City Centre SID and Dart Plus Railway Order. Each of these were accompanied by an NIS which proposed mitigation measures to ensure that that surface water quality in the receiving environments are protected. Therefore no in combination affects can occur.

Otherwise, the site is located within a larger urban area where there are numerous developments of varied scale. Foul water will go to the network and ultimately to Ringsend WWTP area which serves a wider area. There will be an increased cumulative volume to the WWTP as developments are completed. However, as above the WWTP had capacity and operates under EPA licence, no in-combination issues arise.

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

Overall Conclusion- Screening Determination

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

Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Distance from European Sites,
- Lack of direct connections to European Sites
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development
- Objective information presented in the Screening Report
- The AA Screening conclusions of the Planning Authority

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

Inspector: _____

Date: _____