



An
Bord
Pleanála

Inspector's Report ABP-321408-24

Development	Construction of 3 houses and all associated site works.
Location	Cloonfad, Outfarm Lane, Carpenterstown Road, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23A/0394
Applicant(s)	Seamus Tighe and Others
Type of Application	Planning Permission
Planning Authority Decision	Grant Planning permission
Type of Appeal	Third-party
Appellant(s)	Patrick Redmond & Mary Casey
Observer(s)	None
Date of Site Inspection	13 th March 2025
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site comprises a dwelling named 'Cloonfad', which is located on Outfarm Lane, Carpenterstown Road, Dublin. Cloonfad generally comprises a large, detached dwelling in the northern half of the site, with the southern half of the site comprised of garden. Access to the site is from Outfarm Lane which bounds the site to the west.
- 1.2. There are 3 no. detached dwellings to the west, located within the Woodberry development. There is a detached dwelling to the north. A row of newly built dwellings within the Outfarm Wood development back onto the site from the south.

2.0 Proposed Development

- 2.1. The proposed development is for construction of 3 no. detached dwellings within the garden of the existing dwelling.
- 2.2. The foul water connection for the development and existing dwelling on the site is proposed to discharge to the exiting foul water connection within the site.
- 2.3. The revised proposal as shown in the response to further information shows the existing access from Outfarm Lane is to be removed, and a new access from the Lane for the existing dwelling to be created at the northern end of the site, and an access and road for the 3 no. proposed dwellings to be created centrally within the western boundary.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Final County Council issued a notification to Grant permission subject to 13 no. Conditions. I note the following conditions:
 - Condition 4 related to construction and maintenance details of the works to Outfarm Lane.
 - Condition 5 related to water supply and foul drainage connections and includes requirements for the developer to submitted a Pre-Connection Enquiry to Uisce Eireann and to engage with Uisce Eireann in relation to the

proposed foul sewer connection at Cloonfad that connects into an existing connection at Woodbury.

- Condition 6 related to details of surface water drainage.

3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority planner report recommended permission be granted subject to conditions. The report made the following points:

- Land use: Proposal is acceptable in principle in the 'RS' land use zone;
- Design & Visual Amenity: Proposal will not impact unduly on visual amenities;
- Residential amenity: Proposal is not considered to impact unduly on residential amenities of the area given the relatively low density;
- Overlooking: Proposal will not impact unduly through overlooking and will accord with Compact Settlement Guidelines SPPR 1, however conditions for opaque glazing of the bathroom window on the first-floor of House 1 are required. The roof lights in the eastern elevation of House 3 were omitted in response to further information. The first-floor window to bedroom no. 1 in the eastern elevation of House 3 are proposed to be obscured;
- Overshadowing/Overbearance: Proposal will not impact unduly in this regard;
- Parks: No public open space proposed. The Parks Section report states no objection subject to a condition for a contribution in lieu of public open space;
- Water & Drainage: No objection subject to conditions;
- Access: Report notes that the proposed sightlines accord with DMURS that a continuous pedestrian footpath is provided along the western boundary; and that two parking spaces per dwelling can be accommodated;
- Outfarm Lane: Additional traffic calming to be provided along Outfarm Lane and increased Lane width. Public lighting to be provided by condition. No part of the development is to be taken in charge. Access will not be gated;

- Further information response: Report states no objection in relation to access arrangements; site layout; works to Outfarm Lane; public open space; and elevations and overlooking.

Other Technical Reports:

- 3.2.2. Water Services: No objection subject to conditions in relation to surface water design details. In relation to foul sewerage the report simply refers to Irish Water.
- 3.2.3. Transportation Planning: Report states no objection subject to conditions in relation to details of works to Outfarm Lane; responsibility for maintenance of the roadside verge; services; surface water management; and public lighting.
- 3.2.4. Parks Division: The report notes no areas of the development are to be taken in charge, and that the applicant welcomes a condition for a contribution in lieu of public open space. Report states no objection subject to conditions.

3.3. **Third Party Observations**

- 3.3.1. During the planning application stage 2 no. observers made submissions to the planning authority. The issues raised related to: tie in to waste sewer and capacity issues; and scale, overlooking and overshadowing.

3.4. **Prescribed Bodies**

Uisce Eireann: Submission recommends further information, but states that any grant of permission should be conditioned. In relation to the proposed connection to the existing 150mm foul sewer at Cloonfad that connects into the existing 225mm sewer in Woodbury, the report states that the 150mm sewer does not appear on Irish Water mapping, and may be private or not yet taken in charge by Uisce Eireann. The submission recommends the applicant engage with Uisce Eireann to resolves water and wastewater connections. Additional recommended conditions are set out.

4.0 **Planning History**

4.1. Subject site

No recent relevant applications recorded.

4.2. Nearby sites:

Relevant applications adjacent to the south of the site (Outfarm Wood) include:

Reg. Ref. FW21A/0070: Planning permission granted by the planning authority in 2021 for demolition of existing house together with the closure of an existing vehicular access onto Outfarm Lane, relocation of Outfarm Lane onto Carpenterstown Road, and the realignment of Outfarm Lane, and construction of 14 no. two-storey houses, landscaping, sub-station, lighting and associated road infrastructure, surface water drainage and foul drainage infrastructure to serve the proposed development.

Reg. Ref. FW23A/0183: Planning permission granted by the planning authority in 2023 for alterations to approved development (Reg. Ref. FW21A/0070) consisting of changes to windows on houses 7 and 14, specifically that the first-floor bedroom window on the side gable of houses 7 and 14 be relocated onto the front elevations.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned 'RS' in the Fingal County Development Plan 2023-2029, where the land use zoning objective is "*Provide for residential development and protect and improve residential amenity*".

Policy SPQHP38 'Compact Growth, Consolidation and Regeneration'

Objective SPQHO39 'New Infill Development'

Objective IUO3 'Water Services Infrastructure' which states that: "*Ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system and comply with the requirements of the Uisce Éireann Foul Sewer specification (where applicable)*"

Objective IUO4 'Separate Foul and Surface Water Drainage Systems' which states that: "*Require all new development to provide separate foul and surface water drainage systems and to prohibit the connection of surface water outflows to the foul drainage network where separation systems are available, and vice versa (foul to surface), where separation systems are available*"

Section 14.6 'Design Criteria for Residential Development in Fingal'

Objective DMSO23 'Separation Distance'

Section 14.8.3 'Private Open Space'

Section 14.9.5 'Gated Communities'

Objective DMSO30 'Gated Communities'

Section 14.13 'Open Space'

5.2. National guidelines and strategies

Sustainable Residential Development & Compact Settlements 2024

Regulation of Commercial Institutional Investment in Housing Guidelines 2021

Design Manual for Urban Roads & Streets (DMURS) 2019

Sustainable Residential Development in Urban Areas 2009

Development Management Guidelines for Planning Authorities 2007

5.3. Natural Heritage Designations

5.3.1. The Rye Water Valley / Carton SAC is c.7.35km to the west.

5.4. Environmental Impact Assessment screening

5.4.1. Having regard to the nature and scale of the proposed development of 3 no. dwellings, the location in a serviced area, and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Form 1 & 2 Appendix 1).

6.0 The Appeal

6.1. Grounds of Third-Party Appeal

6.1.1. One third-party appeal was received, summarised as follows:

- The appellant has no objection in principle to the development;
- The development requires foul drainage through a private drain running through the appellant's property which adjoins to the east (No. 4 Woodberry);
- Applicant proposes to connect 3 no. new houses to the existing private drain. Appellant states there is no legal entitlement for the enlargement of that connection to support a new development of houses at Cloonfad;
- Planning authority overlooked or misrepresented Uisce Eireann's submission;
- Applicant has no right or agreement from the appellant to connect to the sewer;
- Appellant concerned about possible blockages and responsibility for maintenance of the line. There is a manhole in the appellant's garden;
- The drain may hinder the development potential of the appellant's home;
- Granting permission might set a precedent and lead to exacerbation of the issue by further development at Cloonfad.

6.1.2. The appeal includes a letter from the appellant's engineer. The letter states the development relies on a private domestic wastewater connection which is not taken in charge by Uisce Eireann, which is not a public sewer, and which passes through the appellant's property before connection to the public wastewater system. It states there not being a public foul sewer available is too great an impediment to development to be dealt with by way of condition, and that permission should be refused on the basis of the applicant not providing sufficient evidence there is adequate infrastructure available to support the development. It states permitting development that relies on the unverified status of a private foul drain creates an undesirable precedent. It states permission should be refused or conditioned to connect directly to a public drain within public.

6.2. First-Party Response to Third-Party Appeal

6.2.1. A first-party response to the third-party appeal was received, summarised as follows:

- The appeal was submitted on grounds of legal ownership of the drainage pipe to serve the development with no issue raised regarding the development itself. The legal issue raised cannot be adjudicated by the Board. The appeal should be dismissed under Section 138 of the Act as it seeks to delay development;
- Uisce Eireann's reference to further information being required is erroneous. The letter clearly identifies that a grant of permission could be conditioned. Response notes Condition 12 of the planning authority grant of permission. Planning authority did not overlook or misrepresent Uisce Eireann submission;
- The response states the drainage infrastructure is sufficient to accommodate the proposed development as supported by Fingal County Council.

6.2.2. The response includes a letter from the applicant's engineer. It includes details of a CCTV survey carried out on the connection and states it is in good working order. The letter sets out details of the fall of the connection, building regulation requirements and states the pipe is more than adequate for the additional loading.

6.3. Further Responses

6.3.1. A further response was received from the third-party appellant, summarised as follows:

- Appeal was not made to delay the application or for any erroneous reason;
- There is no evidence the applicant engaged with Uisce Eireann. The planning authority erred in granting permission prior to applicant meeting the requirements of the Uisce Eireann;
- Applicant seeks to intensify a foul drainage connection through the appellant's property without consent;
- There is no point permitting a development that has not resolved all technical and legal easements. Permission should be refused.

6.4. Planning Authority Response

6.4.1. Two responses were received from the planning authority, summarised as follows:

- The first states no further comment; requests the Board uphold the decision; and attach conditions relating to contributions, financial security/bonds, and in relation to a tree bond or in respect of a shortfall in play facilities provision.
- The second states the application was assessed against the policies and objectives of planning policy and guidelines, whereas the appeal is submitted on grounds relating to legal ownership of a drainage pipe which the response states is outside the realms of planning and is a civil matter between neighbours. The same conditions as per the first response are recommended.

7.0 Assessment

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

- Proposed sewage infrastructure connection;
- Related matters raised in the course of the appeal.

Proposed sewage infrastructure connection

7.2. The site is zoned 'RS Residential'. Residential development is Permitted in Principle in this zone. I am satisfied the proposed development is acceptable in principle.

7.3. Regarding foul drainage, I have reviewed the third-party appeal and further response in detail, as well as the submission from Uisce Eireann, internal planning authority reports, application documentation, and applicant response to appeal in this regard.

7.4. The existing dwelling is served by a foul sewer (150mm) within the site. The sewer then runs to the east through the adjacent property No. 4 Woodberry, which is owned by the appellant. The sewer then connects to a 225mm sewer within the access road of the Woodberry estate, further east. The proposed dwellings, alongside the existing dwelling on site, are to connect to the 150mm sewer within the subject site. Foul and surface water drainage will be separated on site.

- 7.5. Overall I note that neither Uisce Eireann, the planning authority, the appellant, or the applicant indicate that the existing or proposed infrastructure is inadequate to support the proposed development, or identify substantive technical, physical or capacity deficiencies with the proposed foul drainage arrangement. In this regard the appeal and letter from the appellant's engineer primarily raise maintenance, legal and procedural concerns. In relation to the Uisce Eireann submission, whilst it does indicate that further information is required, the submission also indicates no objection to the development and recommends conditions be attached in the event planning permission is granted. The recommended conditions require the developer to engage with Uisce Eireann to resolve water and wastewater connections.
- 7.6. I acknowledge the appellant's concerns regarding potential impacts on their property, however no evidence of substantive technical or physical issues regarding the nature, size, or condition of the sewer and its suitability to accommodate the additional 3 no. dwellings has been set out. The foul drain proposed to be connected to is an existing foul drain within and serving the applicant's property, and no evidence of issues relating to deficiencies in, or the capacity of, the existing or proposed foul sewerage arrangements, or any other substantive planning issues with the current or proposed use of this drain have been set out.
- 7.7. Regarding the legal status of the drain to provide for the proposed development, again, minimal evidence in this regard has been submitted, and in any event I am satisfied this is a civil matter to be resolved between the parties and that there is no substantive planning impediment to granting planning permission. As the planning authority decision indicated, Section 34(13) of the Planning & Development Act as amended states that a person shall not be entitled solely by reason of a permission to carry out any development.

Points of detail

- 7.8. With regard to the appellant's point that permission should be conditioned to connect directly to a public drain within public roads, I am not aware of any such connection being feasible from the subject site and in any event, none is proposed as part of the submitted application.
- 7.9. Regarding the appellant's point the drain may impact the development potential of their home, I am satisfied any such impact would be pre-existing.

- 7.10. Regarding conditions, I consider comparable conditions to Condition No. 5 as recommended by Irish Water and as attached by the planning authority are required, including in relation to agreement of details with Irish Water.

Conclusion

- 7.11. Having regard to the foregoing, I am satisfied the proposed development meets the requirements of the Development Plan in this regard, including Objectives IUO3 'Water Services Infrastructure' and IUO4 'Separate Foul and Surface Water Drainage Systems' and that there is no substantive reason to not grant planning permission in this regard, subject to a condition as set out above. I am satisfied the applicant has incorporated the necessary aspects into the application, and that the nature and extent of details to be agreed by condition are reasonable.

Surface water

- 7.12. Surface water is to discharge within the site. The proposal will drain to permeable hardstanding, landscaped areas, and a soakaway for each dwelling. Discharge will be attenuated to 2l/s/ha. The submitted engineering services report states the size of the soakaways allow for a surplus 20% climate change provision. The report states that a percolation test to size the proposed soakaways more accurately will be carried out during construction. I consider that a condition for the detailed design of surface water drainage proposal in this regard is required.

Related matters raised in the course of the appeal

Access

Regarding Outfarm Lane, I have reviewed the details submitted with the application, the internal reports from the planning authority, and conditions attached to the planning authority decision. Given the extent of works proposed along Outfarm Lane I consider that conditions comparable to Conditions No. 4 and 10 as recommended by the planning authority Transportation Planning section to address details in relation to works to Outfarm Lane, management company, services, public lighting and surface water management are required. Given the public nature of Outfarm Lane, I also consider that a condition for security of completion of works to Outfarm Lane are warranted, analogous to Condition 12 of the planning authority decision.

Design and layout

- 7.13. Given the lack of public open space proposed on site, the applicant's further information response in this regard, and relevant provisions of the Development Plan, I consider a condition for the payment of contributions in place of public open space provision is warranted as per Condition 11 of the planning authority decision.
- 7.14. Regarding the bathroom windows proposed in the rear / southern elevation of each dwelling, I note the planning authority condition requiring the provision of obscure glazing for each of these windows. Given the intervening distances to the dwellings to the south I do not consider a condition as per Condition No. 7 of the planning authority decision in relation to obscure glass for all bathroom units is necessary.
- 7.15. Regarding materials and the use of the proposed dwellings, I have reviewed the information submitted by the applicant and I do not consider that Conditions 2 and 3 as attached by the planning authority are necessary.

Conditions

- 7.16. Regarding construction management, given the residential nature of the area and the extent of construction in the vicinity I consider that a condition for the management of construction is necessary, analogous to Conditions 8 and 9 attached by the planning authority.
- 7.17. Regarding Part V, I note a Part V Exemption Certification was issued for the development (Ref. FS97W/23/017) by the planning authority in 2024.
- 7.18. Regarding financial and related contributions, I consider conditions relating to Section 48, as well as relating to the regulation of commercial institutional investment in housing (Section 47) are required.

8.0 Appropriate Assessment screening

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The closest European site, part of the Natura 2000 Network, is Rye Water Valley / Carton SAC located c.7.35km to the west. The proposed development is located in a suburban area and comprises 3 no. dwellings and related works. No significant nature conservation concerns were raised as part of the appeal. Having considered the

nature, scale and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is the nature of the development and its location in a suburban area, served by existing drainage infrastructure, the distance to any European Sites, and the suburban nature of intervening habitats and absence of ecological pathways to any European Site. I conclude on the basis of objective information the proposed development would not have a likely significant effect on any European Site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

9.0 Recommendation

- 9.1. I recommend permission be **Granted** for the reasons for considerations below, subject to conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029, including the 'RS Residential' land use zoning objective for the area, and the relevant policies and objectives of the development plan, including Policy SPQHP38 'Compact Growth, Consolidation and Regeneration'; and having regard to the scale, form, design, and layout of the proposed development, and to the pattern of development in the area; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, and would overall promote the residential development of the area; would not seriously injure the residential amenity of dwellings in the area; would not be prejudicial to public health; and would comply with the policies and provisions of the Development Plan; and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The following shall be complied with:</p> <p>(a) The footpath along Outfarm lane shall be a concrete footpath and shall be constructed across both entrances at the same level. The entrances shall be raised so that pedestrians retain priority across the entrances;</p> <p>(b) The road widening and upgrade works and all ancillary works required on Outfarm Lane shall be constructed at the expense of the developer and completed prior to the occupation of the development;</p> <p>(c) The roadside verge shall be maintained by the owner / occupier/Management Company indefinitely ensuring maximum sightlines are maintained;</p> <p>(d) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road;</p> <p>(e) All works required for the widening and upgrade of Outfarm Lane shall be constructed and maintained to the Planning Authority's standards for taking in charge, including roads, footpaths, verges, public lighting, sewers, watermains or drains, forming part of the development;</p> <p>(f) The public lighting requirements for Outfarm Lane shall be agreed with the Public Lighting Section of the Planning Authority prior to any works being carried out;</p> <p>(g) The need for the traffic calming ramp to the south of the proposed access shall be determined by the Planning Authority prior to construction as there may be</p>

	<p>conflict with the proposed traffic calming to be delivered by the development to the south permitted under Reg. Ref. FW23A/0183.</p> <p>Reason: To protect the amenities of the area and to minimise the risk of traffic hazard in the area.</p>
3.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development or parts of the development being taken in charge. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. A management scheme providing adequate measures for the future maintenance of open spaces, roads, boundaries, and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: To ensure the satisfactory completion and maintenance of this development.
7.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, management of impact on neighbouring accesses and parking, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
8.	<p>(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the</p>

	<p>requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
10.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads and the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and</p>

	<p>the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

D. Aspell
Inspector
20th March 2025

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP-321408-24	
Proposed Development Summary		Construction of 3 houses and all associated site works.	
Development Address		Cloonfad, Outfarm Lane, Carpenterstown Road, Dublin 15.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes X No No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Part 2, Class 10(b)(i)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __ 20/03/2025__

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321408-24	
Proposed Development Summary	Construction of 3 houses and all associated site works.	
Development Address	Cloonfad, Outfarm Lane, Carpenterstown Road, Dublin 15.	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
Characteristics of proposed development	Proposed development comprises 3 no. dwellings and related works. Proposal would increase the dwellings on site from 1 to 4 no. The proposed development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.	
Location of development	The development is located in a suburban area with an existing dwelling on site. The receiving location is not environmentally sensitive and is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan. The site is not of historic and cultural significance. Given the scale and nature of development there will be no significant environmental effects arising.	
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: __20/03/2025_____

DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required)