



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321973-25

<b>Development</b>	Construction of 90 residential units consisting of 8 houses and 82 apartments, together with all associated works.
<b>Location</b>	Site at Porterstown Road, Porterstown, Dublin 15, D15 Y95T
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW24A/0365E
<b>Applicant(s)</b>	J & C Poterstown Road Development Company Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party V Condition Third Party V Decision
<b>Appellant(s)</b>	Frances and David McClelland Clonsilla & Porterstown Heritage Society
<b>Observer(s)</b>	1. Desmond Brown

2. Edward Keane
  3. Claire McLoughlin
  4. Ted Leddy
  5. Kevin Keane
  6. Meave Kelly
  7. Emma O Riordan
  8. Cllr John Walsh
  9. Nick Lennox
  10. Edwina Hogan
  11. Hannah Flew
  12. Anna M Llyod
  13. Brenda Finn
  14. Clonsilla & Porterstown heritage society
  15. Helen Farrell
  16. Frances & David McClelland
- 
1. Paul Donnelly TD
  2. Cllr Helen Farrell

**Prescribed Bodies**

An Taisce

**Date of Site Inspection**

13/05/ 2025

**Inspector**

Darragh Ryan

## 1.0 Site Location and Description

- 1.1. The existing site off Porterstown Road, is located in the townland of Porterstown, in Clonsilla Village, Dublin 15. St Mochta's National School is to the North of the site, with their playing fields and sports grounds immediately abutting the site. To the south of the site is a strip of greenspace and the Royal Canal Way. The Dublin – Maynooth rail line runs to the south of the site, with Coolmine station c 1.0km to the east. To the north east of the site is the housing development known as the Courtyard. The village core of Clonsilla is within 500m of the site and includes a number of business premises (e.g. retail shopping, a public house, restaurants / takeaways, and healthcare facilities). Windmill SHD is located to the west of the site and Kellystown SHD is located to the south of the development across the Royal Canal
- 1.2. The site is a predominantly greenfield site with an existing structures thereon – known as Keanes Cottage to the South West of the site – currently vacant. The irregular shaped site can be considered a large infill site in the area of Porterstown. Windmill SHD (8 storeys) is located to the west of the site and Kellystown SHD (not constructed) is located to the south of the development across the Royal Canal
- 1.3. The site is accessed via Porterstown Road and is bounded to the east by Diswellstown Road. Porterstown Road provides local access to nearby housing and amenities, its carriageway width varies considerably and narrows at the existing site entrance with a significant 'pinch-point' at Kennan Bridge and the level crossing beyond. Footpath provision along the roadway is also inconsistent and non-continuous on both its western and eastern sides with no dedicated pedestrian route over the bridge (noting that the existing towpath crosses from the northern side of the canal to the south at Kennan Bridge).
- 1.4. The site access is shared with an existing access arrangement which is shared with adjacent property. This property lies to the east of the site and is completely outside the redline boundary. The property is occupied. The site is relatively flat, with a slight depression at its centre. There is an extensive mature tree line surrounding the site with a mixture of species throughout.

## 2.0 Proposed Development

2.1. Construction of 90 residential units consisting of 8no 3 Storey semi-detached houses and 82 apartments 30 (1 bed) 82 (2 beds) in two blocks. Block A part 4 storey, part 5 storey and Block B is 5 no storeys. Works are proposed to connect new wastewater and stormwater pipes to the existing sewer at Porterstown Road

Demolition of the existing vacant dwelling and outbuildings (207sqm)

Provision of new vehicular access and pedestrian cycle access of Porterstown road, 42 car parking spaces, motorcycle parking spaces, bicycle parking spaces and storage facilities. All other site development works including hard and soft landscaping.

Assessment submitted with the application include:

- Arboriculture Report
- Ecological Impact Assessment Report
- Flood Risk Assessment Report
- EIA Screening Report
- Construction Environmental Management Plan
- Appropriate Assessment Screening Report
- Daylight & Sunlight Report
- Operational Waste Management Report
- Planning Report

2.2. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application form, and plans and particulars (Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment).

Table 1 – Key features

Total Site Area	0.95 Ha
Net Developable Site Area	0.93 Ha
Total Gross Floor Area	8,668 sq m
Site Coverage	22%

Plot Ratio	0.93
Density	97 no. dwellings per hectare (dph)
Maximum Height	5 No. storeys (17.34 metres)
Car Parking	47 No. spaces (including 2 No. accessible and 9 No. EV charging spaces)
Bicycle Parking	289 No. spaces (221 No. long term spaces for the apartments, 16 No. long-term spaces for the houses, and 42 No. short term spaces)
Motorcycle Parking	4 No. spaces
Public Open Space	1,189 sq m (12.8% of net site area)
Communal Open Space	777 sq m (8.4% of net site area)
Dual Aspect	79.3% (apartments only)
Part V Allocation	18 No. units

### 3.0 Planning Authority Decision

#### 3.1. The planning authority issued a Decision to grant permission subject to 22 conditions, the conditions of note are as follows:

C2 – This permission authorises a total of 87 residential units only.

C3 – The applicant to enter into a Section 47 agreement that restricts all residential units permitted to first occupation by individual purchasers. i.e those not a corporate entity.

C 8 – (a) As per the Arboricultural report all recommended tree felling and pruning work throughout the site shall be carried out by a qualified and experienced tree surgery contractor.

(e) A tree/hedgerow bond of €50,000 shall be lodged with the council prior to the commencement of development in order to ensure that the boundary hedgerow along the northern boundary is protected and maintained.

(g) A financial contribution of €154,512 in lieu of the shortfall of 348sqm of play provision shall be provided to allow for provision in the area.

C10 (a) – The lands required on the subject site to provide for future pedestrian and cycle connection to Diswellstown road shall be reserved free from any structures or services that might prejudice the future connection and a revised layout detailing the reservation area and the area to be seeded to the council shall be agreed in writing.

(b) A special contribution under section 48 (2) ( c) of the P & D Act of €300,000 shall be paid to Fingal County Council in respect of the provision of pedestrian and cycle link from the development to Diswellstown Road.

C13 – The mitigation measures outlined in the Ecological Impact Assessment shall be implemented in full. An Ecological Clerk of works shall be appointed pre-commencement and retained for the duration of the project to oversee that all mitigation measures proposed are implemented in full.

C 19 – Bond to the sum of €348,000 – ensure development carried out to taking in charge standard.

Lodgement of Cash sum of €217,500 to be used at council discretion if such services are not duly provided to its satisfaction.

C20 - Financial Contribution of €144, 987.54 to be paid by the applicant to Fingal County Council in lieu of open space provision

C21 – A financial contribution of €936,113.69 as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting the development in the area.

C22 – Developer to Pay the sum of €184,432.53 to the PA in respect of Clonsilla to Dunboyne (Pace) Railway Line

## **3.2.Planning Authority Reports**

3.2.1. There are two Planning Reports on file. The first planning report set out the following:

- Site Zoning - The principle of development is compliant with RS – Residential Land Use Zoning Objective
- Density – Proposed density of 97 units per ha. The lands can be considered suburban/urban extension – in general density of between 40dph to 80dph should be considered in such locations. Higher densities can be considered where the development is proven to be an “Accessible Location”. Lands within 500m of existing or planned high frequency urban bus services. The subject site benefits from close proximity to range of significant transportation projects including Dart + West Project , Royal Canal Greenway Project and Bus Connects.

With the upgrade works to the Royal Canal Greenway future access to the Coolmine Train Station will be available at less than 1km from the site. The canal towpath in its current state would not be considered universally accessible.

Dublin – Maynooth rail line currently has services 10 – 20 mins apart. Dart + West upgrade, Coolmine train station will have services at 12 trains/hour. The train station however is not considered a Transportation Node as it is not connected with other transportation means.

Bus services along Clonsilla Road to the north and Diswellstown Road to the east under the BusConnects scheme will result in high frequency bus service of to 11 buses per hour. The nearest bus stop to the site 600m from Porterstown Road, which is very narrow and quite difficult to navigate. The applicant has proposed pedestrian connectivity via “The Courtyard” development to the immediate north of the site, however no letter of consent has been provided for this connectivity. The NTA recommends connectivity should be sought via Diswellstown Road as a priority. Given the circuitous nature of the route to the nearest bus service, the site can only be considered an Intermediate Location. However, should a feasible eastern connection be available from the subject development to the Diswellstown Road or a direct connection is considered with the proposed Royal Canal Greenway, the site will qualify as an accessible location. The planning authority is satisfied with higher density bracket subject to clarification of proposed alternate connections to the site to ensure sufficient permeability.

- Core & Settlement Strategy – The proposed development would contribute to achieving housing targets and planned growth allocated for the wider area.

- Design, Height & Layout –

The proposed development is consistent with the principles of National and Regional Policies that seeks to deliver compact development within accessible locations. The building height as proposed is considered acceptable and addresses criteria as set out under Section 14.5.3 of the Fingal Development and Urban Development and building height guidelines 2018. Given the accessibility of the site via the future Royal Canal Greenway / DART west the planning authority is satisfied with the principle of development.

- Impact on Surrounding amenities –

The site is located in a “Highly Sensitive Landscape” Designation. The submitted Landscape & Visual Impact Assessment indicate 13 viewpoints for the development the immediate vicinity of the site. The LVIA indicate the impact of the proposed development will be neutral from all viewpoints

Sunlight and Daylight Assessment Report – The level of daylight and overshadowing impacts on existing residential amenities of neighbouring properties is considered to be significant and a redesign of Block B is therefore recommended – (further information sought with regard to same).

Given the scheme proposes 90 units resulting in a population increase of over 200 people it is recommended that the development make provision for communal facilities with the scheme as describe under Section 14.7.9 of the Development Plan.

In general with the addition of new linkages with a feasible eastern access to Diswellstown Road and connections with the future Royal Canal Greenway the proposed development would be a welcome addition to the area.

The applicant by way of further information should seek to provide creche facilities on site – (further information sought with regard to same)

- Open Space/ Green Space –



The development requires 360m<sup>2</sup> of green area. The applicant is providing 332m<sup>2</sup> of play provision split between public open space and communal space – there should be a 25m distance between a play facility on an area of public open space and residential units. Through the submission of further information the applicant is required to submit a written statement and drawing in line with DM standards DMS052 and DMS 053.

- Transportation – Report received from Transportation department recommending clarification of a number of points through further information. Additionally revised sightline details are required through a request for further information.
- Car Parking – the site falls within zone 1 with regard to car parking standards. The applicant is proposing reduced car parking numbers of 42 spaces.
- Pedestrian and cycle Connectivity – the applicant is required to provide evidence of consent to connect into “The Courtyard” Development to the north of the site. The applicant shall explore the possibility of connectivity onto the Diswellstown Road.
- Conservation – Through the submission of a further information the applicant is required to submit a justification for the proposed demolition of Keanes cottage in light of Policies HCAP9, HACAP 10, DMS 0256, DMS0190, SPQHO44 and HCAO35.
- Ecology – Clarification of information is required to ascertain the level of tree removal from the site to adequately ensure a Net Biodiversity Gain in accordance with the Fingal Development Plan.

Six points of further information were sought based on the above.

- 3.2.2. The Second Planning Authority addressed the further information submission and subsequent third party submissions:

Conservation – Given that the reasoning for the demolition of the cottage was accepted by the Planning Inspector as part of the previous development and taking into account the expert opinion provided with the accompanying “Historic Building Appraisal” report prepared by John Cronin and Associates that considers the removal of the building to present only a slight moderate loss to the architectural heritage of the area, it is considered that the planning gain from the development

outweighs the merits for retaining this building. Retaining the cottage within the context of an apartment complex and in the absence of its setting will significantly damage its appeal.

Design – The applicant has submitted revised detail as requested under detailed request for further information. The level of revision and detailed supplied is generally considered acceptable.

Creche Facility – The provision of childcare facility considered acceptable

Green Space/ Open Space – There is a shortfall of public open space generated through the development works of 2470.5m<sup>2</sup>. The applicant required to make up this shortfall by way of a financial contribution A contribution in lieu of plany provision shall also be sought.

Transportation/ Connectivity – The applicant has provided a feasibility drawing showing a potential future connection form the development to Diswellstown road over lands not under the applicants control. This connection is also called for in the draft Clonsilla Framework Plan and would provide a necessary strategic link to the bus stops and connectivity to the Coolmine Train Station to the overall benefit of the development. A condition shall attach requiring the lands that are to be utilised for this connection be kept free from any structures or services that may prejudice the future connection. A special financial contribution for same shall also be provided.

Ecology/ Arboriculture Report – The Arboriculture Report has clarified that the 11 No on -site trees nominated for removal. 8 trees require total removal, 3 trees will undergo partial removal (monolithing) for partial retention on ecological grounds. An updated Landscape Plan and Tree Impact Plan has been submitted with the application.

A recommendation for a Decision to Grant Permission was submitted based on the above report.

### 3.2.3. Other Technical Reports

- Housing Department – Part V housing proposal submitted to housing department. Submitted proposal reviewed and deemed acceptable
- Council Ecologist – Having reviewed the documents submitted with the planning application and the AA Screening Report drafted by Enviroguide.

Whilst I recognise that mitigation measures are included for the protection of water quality, I consider that due to the intervening access track, the intervening 40 m wide vegetative strip and the low velocity of the Canal which will impact the ability of the river to transport sediments and the dilution that will occur over the intervening distance from the site to any downstream Designated Sites, significant effects to any downstream Qualifying Interests are unlikely to occur, even in the absence of these mitigation measures. I agree with the conclusion of the AA Screening Report.

- Recommends conditions with respect to Ecological impact Assessment report
- Ecologist originally requested further information with respect to Landscape Plan and Tree Impact Assessment, which was addressed through further information.
- Public Lighting Section – recommends conditions with respect to the provision of public lighting – no objection
- Transportation Section – sought a further information request with respect to Access and sightlines from the proposed new junction and proposed new boundary details. Regarding connectivity the applicant has indicated a possible future pedestrian connection to the existing estate The Courtyard to the north of the development that could facilitate access onto the Diswellstown road. However, the provision of the access is not in the control of the developer and the estate to the north is gated so the development has not achieved any permeability for pedestrians and cyclists.
  - The applicant should engage with the third-party landowner and Fingal County Council with a view to providing the connection as part of the planning application. Given the low parking rate a direct connection to the nearest bus stop and shortening of the route to the train station would be seen as necessary as in accordance with the Development Plan objectives and the NTA submission.
  - An appropriate pedestrian access point should be provided between the subject site and Diswellstown Road as part of the proposed development and the feasibility of also providing a ramped cycle connection should be assessed.

- An Bord Pleanála granted a Railway Order Application (Reg. Ref. No. NA29S.314232) for the DART+ West Project. A small portion of the site designated for potential temporary land acquisition. A revised drawing should be provided detailing the area of temporary land take for the Dart West + project in the interest of clarity.
- Active travel access arrangements should be carefully considered in the context of future provision of the Royal Canal Urban Greenway which is proposed to run to the south of the site. A design proposal for the access road as a cycle street should be provided and the relocation of the proposed access road to run along the southern boundary running north of the existing access to access lane should be provided.
- With respect to the TTA the increased traffic volumes associated with the proposed development are estimated to be less than 5% and less than the 2.5% used by the council. It should be noted that this threshold is incorporated into the Transport Infrastructure Ireland documentation for Traffic & Transport Assessments. This threshold is appropriate to National and Regional roads as envisaged by the Traffic & Transport Assessment Guidelines, however for urbanised areas where small increments in generated traffic can have a significant impact on the immediate road network such as the proposed development the Council use thresholds of 2.5%. The assessment does not take into account the cumulative impact of the development. However, the Council is aware from other Traffic Assessments that if and when the Porterstown Road is closed, the junction of Clonsilla road and Porterstown road would possibly require intervention measures in the future. The Design Manual for Urban Roads and Streets DMURS recognises that a certain level of car congestion is inevitable. Current policies and plans, promote sustainable modes of travel and acknowledge that, in the absence of demand management, a certain level of car congestion is inevitable and acceptable and that junctions may have to operate at saturation levels for short periods. Current policies focus on active travel and public transport enhancements rather than increasing road capacity for private vehicles.

- Any future upgrades at the access or on the road network would likely focus on prioritising, pedestrians and cyclists over the private vehicle. The future junction upgrades in the Clonsilla Area as a result of Dart + West project and the Future Royal Canal Greenway will dictate the future upgrades in the area as a consequence. Any mitigation measures required would probability be superseded by the final designs for the above.
- Mobility Management/ Travel Plan - In this instance the Transportation Planning Section would agree that to achieve the Modal split targets the pedestrian and cycle connections to Diswellstown road would be necessary.
- Environment, Climate Action, Active Travel and Sports Department – recommends conditions with respect to waste management.
- Report of Conservation Officer – Further information sought particularly with regard to the retention of Keanes cottage and redesign of Block A
- The Conservation Office does not consider the justification provided in the response to Item 1(a) sufficient in light of the production of a National Vernacular Built Heritage Strategy in late 2021, the enhancement and expansion of policies on vernacular heritage in the current Fingal Development Plan 2023-2029, and the move to consider embodied carbon energy of existing buildings (not just new build) as important consideration of development proposals (Section 5.5.2.1 of the Fingal Development Plan on Climate Mitigation Actions for Buildings and Section 14.21 on Climate Action).
- The Conservation Office is not satisfied that sufficient weight is being given to sustainable development and vernacular heritage objectives in the Fingal Development Plan to incorporate existing buildings within proposed redevelopments in order for structures that contribute to the character of the place be retained, while still facilitating a level of additional development of the lands.
- The scale of Block A needs to be more appropriate to the existing receiving environment and the sensitive setting of the Royal Canal, the Former Clonsilla Schoolhouse and the natural heritage designations and Highly Sensitive

Landscape Characterisation. Block A should be reduced in height to allow for a more considered and gradual transition in heights from the existing low scale buildings that front onto Porterstown Road.

- Parks Division - There is a shortfall in the quantum of public open space generated through the development works of 2470.5m<sup>2</sup>. The applicant is required to make up this shortfall by way of a financial contribution in accordance with section 48 of the Planning & Development Act 2000 is sought in lieu of the public open space provision.
- Recommends clarification of additional information for retention of northern hedgerows and that no services and change in ground levels are required within the root protection area to the northern boundary.
- A revised Landscape Plan is required to show a revised layout omitting the play equipment as the applicant cannot provide play equipment as per Objective DMSO68 – Playground Facilities within Residential Development as the minimum separation distance of 25m between residential units and play equipment cannot be achieved as outlined in Fingal County Councils Play Policy “A Space for Play”
- Water Services Department – surface water management must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works.

### **3.3.Prescribed Bodies**

#### **3.3.1. National Transport Authority –**

It is important that the proposed development is carefully considered in the context of two significant transport projects that will run adjacent to the site, namely the DART+ West Project and the Royal Canal Urban Greenway Project.

Pedestrian Connectivity - the NTA is concerned that the proposed pedestrian access arrangement is not aligned with policy context and that walking times to surrounding public transport access points will be unnecessarily long as a result.

It is submitted that the provision of a pedestrian connection to Diswellstown Road should be a key component of the proposed development of this site and the feasibility of providing a ramped cycle connection should also be considered. Failure

to provide such a connection would impose longer and more circuitous walking distances to public transport services, as well as local destinations,

Active travel access arrangements should provide direct connections with the proposed Royal Canal Greenway corridor to be prioritized within the development as this route is a key component of the Greater Dublin Area Cycle Network Plan

**3.3.2. Uisce Eireann –**

1. The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
2. All development shall be carried out in compliance with Irish Water Standards codes and practices.
3. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.
4. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details

**3.3.3. Dublin Airport Authority – no comment to make**

**3.3.4. An Taisce (Prescribed Body)**

- The cottage is in situ since the 1790's and is the oldest structure in Porterstown and Clonsilla. It is a unique intact structure that has been lived in until relatively recently.
- The existing structure on site should be retained as an important vernacular asset to the area of Clonsilla.
- The cottage distinctive and aesthetically pleasing exterior would greatly enhance the site.
- The cottage is a positive reminder of the character of Porterstown and Clonsilla before the area underwent any development.

- The granting of permission contravenes multiple policies in the Fingal Development Plan that protects vernacular heritage such as Keanes Cottage.
- Fingal County Council's own Conservation Officer did not consider that adequate justification has been provided for the demolition of Keanes Cottage.
- Clonsilla has already lost a huge extent of its character and historic interest over the past couple of decades.

### **3.4. Third Party Observations**

A large number of observations of observations were received from third parties. Primary concerns related to a loss of Architectural Heritage, loss of amenity, traffic impact and scale and height of buildings. The issues raised have also been raised within the grounds of the Appeal under Section 6 below. The issues raised will be summarised under Section 6 of this report.

## **4.0 Planning History**

- 4.1.1. PA Ref No FW21A/0171/ ABP 312190- 21- – construction of 99 apartments, provision of 67 car parking spaces, bicycle parking spaces; bin storage; balconies and terraces; external galley access to the apartments; hard and soft landscaping; boundary treatments; ESB substation; PV panels at roof level.

Permission refused by Fingal County Council and An Bord Pleanala 6<sup>th</sup> of January 2023. An Bord Pleanala refused permission for 2 reasons:

1. Having regard to the prominence of the site location alongside the planned Royal Canal Greenway and a future public amenity space, its siting within the high sensitive “River Valleys and Canal Character Type” in the Fingal Development Plan 2017 – 2023, it is considered that the proposed development, by reason of its overall layout and design strategy adopted including in particular the “Z” shaped long continuous block design and the extensive length of external balconies proposed on the northern elevation, would result in a visually dominant and obtrusive feature that would detract from the character of the surrounding urban landscape and seriously injure



the visual amenities of the area at this location. The proposed development would also be contrary to Objective NH37 which seeks to ensure that new developments meets high standards of siting and design. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not adequately address the portion of the cycle/pedestrian link from Porterstown Road and Diswellstown Road ( that is part of the cycle/pedestrian route included as a specific objective within the Fingal Development Plan 2017 to 2023) within the extent of the site boundaries. The design and layout would, therefore, be contrary to Objective Clonsilla 6 of the Fingal Development Plan which seeks in part “the creation of a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and the adjacent railway stations together with related policy that promotes sustainable transport including the prioritisation of walking and cycling. Furthermore the design does not satisfactorily adhere to the key design principles of connectivity, permeability and sustainability, contained in the “Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities” issued under Section 28 of the Planning and Development Act 2000 as amended, together with the accompanying “Urban Design Manual: A Best Practice Guide”. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

## **4.2. Adjacent Sites**

- 4.2.1. PA Ref. No. FW19A/0112 / ABP Ref. No. ABP-305478-19. Permission refused on appeal on 27<sup>th</sup> February, 2020 refusing Aldi Stores Ltd. permission for a mixed use residential & retail scheme comprising: (1) construction of two-storey commercial block incorporating a foodstore with ancillary off-licence sales area; and a crèche; (2) associated signage (3) construction of 32 No. apartments; (4) surface car parking (5) cycle spaces; (6) revised vehicular access off Weavers Row; (7) and all landscape, boundary treatment and site development works, all at Weaver's Row, Clonsilla, Dublin.
  - The site of the proposed development forms part of a key site within the village of Clonsilla for mixed use development, with the land use zoning

objective “TC” Town and District Centre. It also forms a significant portion of undeveloped lands within the Clonsilla Urban Centre Strategy 2008 identified as “Opportunity Area number 3”. The Strategy identifies this area for an integrated mixed-use development of retail, general business use, restaurants, creche, underground parking, pedestrian links to Canal and new civic space, and notes that it presents the best development opportunity and is the appropriate location to integrate and consolidate the village core, thereby enhancing and protecting the character of the village. The proposed development, by reason of its poor design and layout, including distribution and usability of open space, roads layout, dominance of surface car parking, lack of set down area for the proposed crèche, minimal landscaping and lack of permeability with adjoining areas, would result in a substandard, uncoordinated form of development on this central site in the village core. It would seriously injure the residential amenity of future occupants, would set an undesirable precedent for similar non-integrated forms of development in the area, and would, therefore, fail to comply with the policies and objectives set out in the Fingal County Development Plan 2017-2023, the Design Manual for Urban Roads and Streets issued by the Government of Ireland in May 2019, and Clonsilla Urban Centre Strategy 2008. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2.2. ABP Ref. No. ABP-306074-19 (Strategic Housing Development). Was granted on 30<sup>th</sup> March, 2020 permitting Kimpton Vale Ltd. permission for the provision of 211 No. apartments in four blocks to the south and west of the Windmill Park, Terrace, Court and Square residential development, to the east of Diswellstown Road, west of Station Court and north of the Royal Canal.

4.2.3. ABP Ref. No. ABP-308695-20 (Strategic Housing Development). Was refused on 15<sup>th</sup> March, 2021 refusing Castlethorn Construction ULC permission for the demolition of existing buildings, construction of 360 No. residential units (128 No. houses, 232 No. apartments), a childcare facility, and associated site works, in the townlands of Kellystown, Porterstown and Diswellstown, Dublin 15.

- The proposed vehicular layout and access arrangement to Block A is contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown Local Area Plan,

compromising the delivery of east-west connectivity as set out in the Local Area Plan, as well as cyclist and pedestrian connectivity in accordance with Key Objective DA 1.3. Furthermore, it is considered that the lack of an agreed Green Infrastructure Masterplan for the application site is contrary to Phase 1 Eastern Development Area (DA1) of the Local Area Plan.

- Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, it is considered that the proposed development results in a high number of cul-de-sacs, poorly defined and overlooked streets and open spaces, which would result in a substandard form of development, and would seriously injure the residential amenities of future occupants. Furthermore, the development fails to deliver adequate pedestrian facilities along the eastern boundary of the site with Porterstown Road. The proposed development would seriously injure the residential amenities of future occupants, would, therefore, be contrary to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

4.2.4. ABP Ref. No. ABP-309622-21 (Strategic Housing Development). Was refused on 28<sup>th</sup> June, 2021 refusing Osh Ventures Ltd. permission for the construction of 198 No. 'Build-To-Rent' apartment units in eight blocks (ranging in height from four / five to seven storeys), the refurbishment & alteration of an existing protected structure to provide for a management office with ancillary community use for residents, childcare facilities, and associated site works at the Old Schoolhouse Site, Porterstown Road, Kellystown, Clonsilla, Dublin 15.

- Having regard to the location of the proposed development, within a 'highly sensitive landscape' designated in the Fingal County Development Plan, 2017-2023 and adjacent to the Royal Canal, a proposed Natural Heritage Area and a Protected Structure, it is considered that the scale and positioning

of the blocks directly over the canal bank and the removal of a significant amount of vegetation and trees along this area of the site would adversely alter the character of this location. The proposal would have a significantly negative impact on the Royal Canal which would be contrary to Objective Clonsilla 3, Objective CH43, Objective NH34 and Objective NH36 of the Fingal County Development Plan, 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

- The granting of permission for the proposed development would be premature pending completion of further ecological assessments to allow a comprehensive evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal proposed Natural Heritage Area, badger, protected under the Wildlife Acts 1976-2018, Daubenton's Bat and other bat species and otter, protected under the Habitats Directive (92/43/EEC).

4.2.5. PA Ref. No. FW21A/0236. – Permission refused on 3<sup>rd</sup> February, 2022 refusing Aldi Stores (Ireland) Ltd. permission for the construction of a mixed use residential & retail scheme comprising: 1) Construction of a 2 storey commercial block incorporating a foodstore with ancillary off-licence sales area; 2) Construction of 4 No. single storey retail units; 3) Construction of 76 No. dwellings 4) Car parking 5) Cycle spaces 6) Revised access off Weavers Row and a new vehicular access off Weavers Row; 7) Demolition of semi-derelict former dwellings on part of the site 8) All landscape, boundary treatment and site development works. All at Weavers Row, Clonsilla Road, Dublin 15.

- Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, the proposed development would result in a poor road layout which is dominated by car

parking and prioritises vehicles over pedestrians; inadequate cycle parking, a lack of connectivity to adjoining areas, failure to deliver adequate pedestrian and cycle facilities on a north-south and east-west axis and a lack of adequate setback from the Clonsilla Road to provide for cycle facilities. The proposed development would seriously injure the residential amenities of future occupants, be contrary to these Ministerial Guidelines which have been issued to planning authorities under Section 28 of the Planning and Development Act 2000, as amended, would contravene Objectives Clonsilla 3 and 6 of the Fingal County Development Plan 2017-2023, and would, therefore, and would be contrary to the proper planning and sustainable development of the area.

- Having regard to: the proximity of dwellings to the proposed Aldi store and loading bay and the associated negative impacts of noise and traffic; the overbearing nature of the proposed duplex units; and the distance between opposing blocks in the proposed development and the pattern of fenestration, the quality of some of the finishes and lack of active street frontage onto Clonsilla road, it is considered that the proposed development would fail to provide a satisfactory architectural response level of residential amenity for the future residents of the scheme and would give rise to unacceptable overlooking between opposing residential units which would adversely impact on the residential amenities of future occupants and would contravene materially objective DMS28 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- Having regard to the TC zoning which seeks to maintain and build on the accessibility, vitality and viability of the existing urban centres and objective PM31 of the Fingal County Development Plan 2017-2023 which is to promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, it is considered that the proposed development fails to comply with this vision in terms of architectural design and quality finishes and lack of active street frontage to the Clonsilla Road and would fail to provide a satisfactory standard of urban design. The proposed

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

## **5.0 Policy Context**

### **5.1. National**

#### **5.1.1. Project Ireland 2040: National Planning Framework, 2018:**

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key ‘National Policy Objectives’ are as follows

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- NPO 3(b): Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of

tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

#### 5.1.3. **Climate Action Plan 2024**

Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of

relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

#### 5.1.4. **National Biodiversity Plan 2023-2030**

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

#### 5.1.5. **Section 28 Ministerial Guidelines:**

The following list of Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy for the proposed development includes:
  - Section 3.3: contains Table 3.1 which defines categories of urban areas within Dublin City and suburbs (which the appeal site is located within). City – Urban Neighbourhoods are described as town centres designated in a statutory development plan, and lands around existing or planned high capacity public transport nodes or interchanges. For such locations, the guidelines state that densities in the range of 50dph-250dph should be applied.
  - Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (in accordance with definitions in Table 3.8) and secondly on site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
  - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density



ranges are refined further, where appropriate, using the criteria set out in Section 3.4.

- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of residential standards as follows:
  - SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartment units above ground floor level.
  - SPPR 2 – Minimum Private Open Space for apartments remains in accordance with the Apartment Guidelines.
  - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
  - SPPR 3 – indicates that for urban neighbourhoods, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations shall be 1 no. space per dwelling.
  - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
  - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023). Applicable policy for the proposed development includes:

- Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1–3-bedroom units).
- SPPR 4 (50% to be dual aspect units in intermediate/ suburban areas).
- SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).
- SPPR 6 (maximum of 12 apartments per floor level per core).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
  - Section 1.8 outlines that maximum building heights in city and town centre areas have tended towards the range of six to eight storeys.
  - Section 2.5 highlights taller buildings can bring much needed additional housing and economic development to well-located urban areas and assist in reinforcing and contributing to a sense of place within a city or town centre.
  - Section 3.1 states there shall be a presumption in favour of buildings of increased height in our town/ city cores.
  - SPPR 3 requires a development management criteria test be undertaken for schemes with buildings taller than the prevailing height of those buildings in the receiving area.
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice note Covid-19 May, 2020)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection, Guidelines for Planning Authorities (2011).

- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).
  - Section 3 requires restrictions on the first occupation of houses and duplexes to individual purchasers or persons eligible for social and/ or affordable housing, excludes corporate entities.
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).
  - Section 7.3 outlines the criteria for conditions

## **5.2. Regional Policy**

- 5.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)
- 5.2.2. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs (which the appeal site is located within).
- 5.2.3. Accordingly, certain regional policy objectives are applicable to the proposed development, including RPOs 5.3, 5.4, and 5.5 which require future residential development in the MASP to plan led, facilitate sustainable travel patterns provide for higher densities and qualitative standards, focus on the consolidation of Dublin and suburbs.

## **5.3. Fingal Development Plan 2023 – 2029**

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

The site is zoned as ‘RS’ Residential with the stated objective to ‘Provide for residential development and protect and improve residential amenity.’

The site is located within the boundaries of FP 13.C – Framework Plan for Clonsilla. Framework plans are described as non-statutory plans providing design guidance for applicable lands. The current framework plan is at draft stage.

5.3.2. Key CDP policy, objectives, requirements, and/ or standards that are relevant to the appeal case are outlined as follows. These policies shall be relied on during the course of my assessment to reach any conclusion:

5.3.3. Chapter 2: Planning for Growth, Core Strategy, Settlement Strategy

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

Chapter 3: Sustainable Placemaking and Quality Homes

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

Chapter 6: Connectivity and Movement

- Policy CMP12 – Public Realm,
- Policy CMP14 – Permeable Neighbourhoods,
- Objective CMO19 – Optimising Accessibility for All
- Table 14.3 Brownfield Opportunities and Regeneration

Chapter 14: Development Management Standards

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

- Objective DMSO53 – Financial Contribution in Lieu of Public Open Space
- Objective DMSO194 – Provision of Public Art
- Section 14.19.1.2 Existing Buildings/Structures

Where structures exist on a site their embodied carbon needs to form part of the considerations for any redevelopment to ensure the proposal adheres to sustainable development goals. Adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives to retain and re-use the historic building stock, vernacular structures and 20th century architecture of merit. An analysis of historic maps should be carried out where older buildings exist on a site to inform the assessment process (there are a number of online map viewers that have digital historic map layers)

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

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

## 5.4. Natural Heritage Designations

### European Designations

- The Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398), approximately 6.0km west-southwest of the site.
- South Dublin Bay SAC (site code: 000210) is c.14km to the southeast.
- North Dublin Bay SAC (site code: 000206) is c.15.2km to the east.
- North Bull Island SPA (004006) is c.15.2km to the east.

### NHA Designations

- The Royal Canal Proposed Natural Heritage Area (Site Code: 002103), to the immediate south of the site – 50 meters
- The Liffey Valley Proposed Natural Heritage Area (Site Code: 000128), approximately 1.1km southwest of the site.
- The Rye Water Valley / Carton Proposed Natural Heritage Area (Site Code: 001398), approximately 6.0km west-southwest of the site.

## 6.0 The Appeal

6.1.1. Fingal County Council granted permission for the above development subject to 22 conditions on 14<sup>th</sup> of February 2025. The Board received a 1<sup>st</sup> party appeal from Thornton O'Connor Town Planning acting as agent for J & C Porterstown Road Development on 26<sup>th</sup> of February 2025. The appeal is largely related to section 48 development contribution but there is one interrelated condition relating to seeding of land which is also subject of this appeal. The appealed conditions include the following:

- Condition 8(g) - A financial contribution of €154,512 in lieu of the shortfall of 348sqm of play provision shall be provided to allow for provision in the area.
- Condition 10 (a) - The lands required on the subject site to provide for future pedestrian and cycle connection to Diswellstown road shall be reserved free from any structures or services that might prejudice the future connection and a revised layout detailing the reservation area and the area to be seeded to the council shall be agreed in writing

- Condition 10 (b) - A special contribution of €300,000 for the provision of pedestrian and cycle link to Diswellstown Road.
- Condition 20 – A financial contribution levied in the sum of €144,987.54 to be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall on 2,470.5sqm of open space.

6.1.2. The Board also received two 3<sup>rd</sup> party appeals from Frances & David McClelland and Clonsilla & Porterstown Heritage Society. These appeals were received on the 13<sup>th</sup> of March 2025. The issues raised in the appeals broadly overlap and are summarised in under subject headings for the purposes of clarity.

## **6.2. Grounds of Appeal**

### First Party Appeal

6.2.1. The first party appeal centres on three conditions related to development contributions & future connectivity, Condition 8(g), Condition 10 (a) & Condition 10 (b) , and Condition 20 (see section 3.0 of this report above where the relevant conditions are cited in full). The Board is requested to amend and/ or remove same.

In order to provide context to the appeal against Condition 10 (a) the applicant has provided information on the appeal against condition 10 (b) in the first instance.

6.2.2. **Appeal against condition 10 (b)** – A special contribution of €300,000 for the provision of pedestrian and cycle link to Diswellstown Road

It is considered the attachment of this condition unfair, unreasonable and has been incorrectly applied. The previous Fingal Development Plan had a specific objective to provide a cycle/pedestrian route through the site as identified in the zoning map. This was cited as a previous reason for refusal. The link was not able to be provided by the applicant in the previous or current application as these lands are in third party ownership and outside the control of the applicant. No consent for providing the link was given by the third party.

6.2.3. The specific objective to provide a pedestrian/ cycle link was removed from the current Development Plan. Section 7.3 of the Development Management Guidelines

for Planning Authorities sets out best criteria for applying conditions stating that the condition need to be necessary, relevant to planning, relevant to the development to be permitted, Enforceable, precise and Reasonable.

6.2.4. The applicant considered that this link is not necessary as it was expressly removed from the most recent Development Plan.

6.2.5. As the subject lands are owned by a Third Party, the planning authority are seeking 300,000€ to provide this link with no details of how this is to be achieved. There is no reasonable plan to provide this link. Section 7.3.3 of the Development Management Guidelines elaborates on the test of reasonableness for a condition, stating the following:

*“In other cases, a useful test of reasonableness may be consider whether a proposed condition can be complied with by the developer without encroachment on land that he or she does not control, or without otherwise obtaining the consent of some other party whose interest may not coincide with his/hers”*

It is stated that the condition is not reasonable as it cannot be adhered to without encroachment on land that neither the applicant nor Fingal County Council own and as such it cannot be considered a reasonable condition.

6.2.6. It is stated that the development is not correctly applied citing Section 7.12 of the Development Management Guidelines. “....A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/ scope of works, the expenditure involved and the basis for calculation, including how it is apportioned to the particular development.

6.2.7. As the cycle/pedestrian link is no longer a specific objective of the Development Plan and cannot be delivered due to the required lands being in the ownership of a third party and the fact the condition does not provide a justification for the sum attached it is considered that Condition No 10 (b) is unnecessary, unreasonable, unenforceable and unlawful and should be removed.

6.2.8. **Appeal against Condition No 10 (a)** - The lands required on the subject site to provide for future pedestrian and cycle connection to Diswellstown road shall be



reserved free from any structures or services that might prejudice the future connection and a revised layout detailing the reservation area and the area to be seeded to the council shall be agreed in writing.

- 6.2.9. The applicant sets out the above condition is unlawful as stated under Section 7.11 of the Development Management Guidelines – “Conditions should not be attached to planning permissions requiring land to be ceded to the local authority for road widening or other purposes, nor should conditions require applicants to allow the creation of public rights way,..It is not lawful, however, to require by condition a transfer of an interest in land to the local authority or other person/body. Its on this basis it is stated that condition 10 (a) is unlawful.
- 6.2.10. **Appeal Against Condition 20 –** A financial contribution levied in the sum of €144,987.54 to be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall on 2,470.5sqm of open space.
- 6.2.11. The applicant considers the attachment of this condition entirely unreasonable and contrary to Development Plan requirements as more than adequate high-quality public open space has been provided in compliance with the Development Plan.
- 6.2.12. Table 4.3 of the Development Plan requires 12% of quantitative open space for infill/brownfield sites. At further information stage the quantum of public open space increased to 12.8% of the site area in excess of the standard.
- 6.2.13. Where there was a shortfall in open space the planning authority never sought for this to be increased at further information stage. Condition 20 requires a contribution based on a purported shortfall of 2,470.5sqm, added to the 1,092sqm, this results in a purported requirement of 3500sqm of public open space for the subject site. This equates to 39% of the site area. This level of open space requirement is counter to the delivery of compact settlement as required by National and Local policy.
- 6.2.14. **Appeal against condition 8 (g) -** A financial contribution of €154,512 in lieu of the shortfall of 348sqm of play provision shall be provided to allow for provision in the area.

- 6.2.15. Fingal County Development Scheme makes no reference to a contribution payable in the absence of on the provision of play equipment. There is no methodology set out as to how the contribution was calculated. The applicant has not been given any reference as to where the €154,512 figure is derived from.
- 6.2.16. The applicant has provided a full suite of play equipment. Due to the constraints of the site, it has not been possible to provide this play equipment at a distance of 25 meters from the nearest residential dwelling, hence the planning authority are seeking to levy a financial contribution. The distance of 25m is not referenced in the Development Plan. The Development Plan refers to a document entitled Space for Play – A play policy for Fingal where the singular reference to the 25 meter distance is set out. The 25m distance only falls under General Characteristics of “LEAP – Local Equipped Area for Play.”
- 6.2.17. The scale of open space at 1092sqm means that the public open space is categorised as Pocket Park which is categorised as “LAP -Local Area for Play” There is no requirement for the 25m separation distance when looked at as a LAP and therefore the play equipment as provided is fit for purpose. The application of condition 8(g) is therefore considered unlawful.
- 6.2.18. **Third Party Appeal**

There are two third party appeals against the decision of Fingal County Council to grant permission for the proposed development. The appeals are from Frances and David McClelland and Clonsilla & Porterstown Heritage Society with addresses from the Clonsilla area. The appeals are all in opposition to the proposed development. The issues raised by each appellant are broadly similar and can be summarised as follows:

6.2.19. Demolition of Keane’s Cottage –

- The cottage is in situ since the 1790’s and is the oldest structure in Porterstown and Clonsilla. It is a unique intact structure that has been lived in until relatively recently.
- The existing structure on site should be retained as an important vernacular asset to the area of Clonsilla.

- The cottage distinctive and aesthetically pleasing exterior would greatly enhance the site.
- The cottage is a positive reminder of the character of Porterstown and Clonsilla before the area underwent any development.
- The granting of permission contravenes multiple policies in the Fingal Development Plan that protects vernacular heritage such as Keanes Cottage.
- Fingal County Council's own Conservation Officer did not consider that adequate justification has been provided for the demolition of Keanes Cottage.
- Clonsilla has already lost a huge extent of its character and historic interest over the past couple of decades.
- The applicants justification of preservation by record through photographic documentation diminishes the significance of Keane's Cottage
- Policy HCAP -9, Policy HCAP 10, Policy HCAP22, Policy HCAP23 and Policy HCAP 26 all seek to retain and reuse existing vernacular structure and integrate them successfully into new development. The demolition of the cottage contravenes the above policies.

6.2.20. Design, Scale, Height and Layout Considerations

- Excessive height/ cause overshadowing into existing Courtyard development. The height of the structures will result in a loss of privacy and loss of light.
- The design is not in keeping generally with the area.
- Excessive Density – the proposal on its own is a significant development and an overdevelopment of the site. However the development proposal is not an isolated proposal, and it follows several large residential schemes in recent years which places a significant strain on local infrastructure.
- Development is adjacent to Royal Canal which has “High Landscape Sensitivity”
- The proposal is out of character with the area. The proposed Block A constitutes an unacceptable degree of overbearance, overshadowing and overlooking that contravenes Fingal's own development guidelines.

#### 6.2.21. Traffic Impact

- There is currently no capacity on the road, the proposed development will exacerbate issues significantly.
- The existing Porterstown Road is a single rural lane and not capable of accommodating the development

#### 6.2.22. Open Space/ Play Areas

- Permitting development and seeking contribution lieu of open space should not be allowed. There are no alternative open spaces or play spaces to offer future residents.

#### 6.2.23. Permeability/ Connectivity

- The development has no connectivity or permeability through the site. While future connections are aspirational the sole access point is to the southwest of the site on Porterstown Road. The development is highly restrictive in terms of permeability.

#### 6.2.24. Environmental Impact/ Ecology

- There will be a significant loss of ecology in the local area as a result of the proposed development. Loss of trees, hedgerows and other habitats.
- The extent of the environmental assessments carried out on site are not comprehensive enough to allow for a complete assessment.
- The proposed development is at variance with a number of different policies and objectives of the Fingal County Development Plan, namely NPO 60, Policy GINH P8, Policy GINHP4, Policy GINHP5, Policy GINH P9, Policy GINHP 10, Policy GINH04.
- The Royal Canal will be significantly affected by the development.

#### 6.2.25. Lack of Community amenities to support the development.

- The pace of housing development in the local area has far outstripped the provision of essential amenities. There not enough community centres, sports facilities, healthcare services or public gathering spaces to meet current demand let alone additional housing stock.

### **6.3.Applicant Response**

The applicant responded to the grounds of appeal as submitted by both parties. The response can be summarised as follows:

#### **6.3.1. Demolition of Keanes Cottage**

- The documentation submitted at both application stage and RFI stage has not sought to diminish the significance of the existing cottage. A historic building appraisal report was prepared by John Cronin and Associates. The report acknowledges that the cottage is vernacular in scale and form but has been extensively altered over the years including extensions, replacement fabric and materials , façade additions and changes to the internal layout. It is stated that the extensions have no architectural values and the roof, wall, window and interior fabric and materials have been altered to varying degrees over the years.
- The Historical Building appraisal states that the main contribution of the subject site to the character of the immediate canal side area is currently from the attractive wrought iron gateway and pedestrian entrance rather than the existing cottage.
- If the building were to be retained in the context of a high-density scheme, it would lose its present charm and all of its context. The contextual information, detailed description, photographic record and survey drawings contained with the present document are believed to provide sufficient preservation through recording to adequately mitigate the loss of the building proposed to be demolished.

#### **6.3.2. Appropriateness of Density and height of the proposed development**

- Location of the subject site proximate to both Collmine and Clonsilla Train Station which currently provides high capacity public transport and will be improved further by the Dart + West project
- Location of the subject site proximate to bus stops providing numerous existing and future bus routes in and around the Dublin region

- Proposed separation distances to nearby residential properties are sufficient to ensure that there will be no overbearing or overshadowing impact as per the Daylight and Sunlight Assessment Report
- The separation of buildings and various buildings across the site reduces the mass bulk of the development to compared to the one, long, large apartment block proposed in the previously refused application
- The proposed scheme has been designed with the surrounding emerging pattern of development in mind, in that taller and higher density developments(Windmill SHD) have been considered acceptable by Fingal County and An Bord Pleanala.
- The proposed development is on appropriately zoned land and is in proximity to public transport, services and facilities is appropriate, will make better use of suburban underutilised suburban lands and will provide of the delivery of compact and consolidated growth.

#### 6.3.3. Ecology/Potential negative impact on Royal Canal NHA

- The Royal Canal and its habitats and species were assessed in full within the EclA accompanying the application and upon implementation of mitigation measures and enhancements it was determined that there was no potential for significant residual impacts on The Royal Canal as a result of the proposed development.
- Habitats proposed removal at the site comprise Local Importance (lower value) habitats which are either man-made invasive or common throughout Ireland and have low species diversity.
- Additional landscaping is provided to increase biodiversity overtime.
- Retention of all site boundaries and Local Importance (higher value) habitats shall be retained.
- Bat friendly lighting will be used throughout the scheme and there will be no interruption to foraging routes as a result of the proposed development.
- The development includes a 40m vegetated buffer form the top of the banks of the canal to the edge of the proposed development. The proposed

development is inside of a development boundary where there is only a 10m riparian buffer required.

- The suite of groundwater protection measures which are best practice during the construction phase will ensure that there is no groundwater pollution or change to groundwater as a result of the proposed development. This includes the Deep Sinking referenced in the appeal.
- No roosting birds were recorded at the proposed development, nor were any red or amber listed bird species.

## **6.4.Planning Authority Response**

### **6.4.1. First Party Appeal**

#### Response to appeal of condition 10 (b)

- The planning authority sets out the importance of the connection to Diswellstown Road and states their intention to provide the connection. A number of Fingal County Development Policies are cited which stress the importance of interconnectivity for delivering residential development.
- The proposed link is proposed within the GDA Cycle Network and is identified as a Primary Cycle Network link provided on the opposite side of the road from the recently completed Windmill development and to bus stops on the R121 and provides connectivity to Coolmine Train station.
- The Draft Clonsilla Framework Plan consultation documents identify the route as an active travel connection.
- The estimated cost of the active travel link is based on a feasibility drawing submitted. This identifies a link 4.2m in width and 70m in length. The cost are a breakdown based on recent NTA funded projects for active travel infrastructure. The cost does not include land costs or associated fees
- As the applicant was unable to secure any letters of consent from any third party landowners in order to provide permeability and connectivity, a contribution is required to enable the council to provide the link.

### **6.4.2. Response to appeal condition 10 (a)**

- The applicants engineers provided a feasibility drawing, that detailed the preliminary design of an active travel link from the development to the R121. The feasibility drawing clearly shows that part of the lands within the red line boundary of the development would be required to deliver a connection. Consequently these lands should be reserved and remain free of any structure that could prejudice the provision of a link.

#### 6.4.3. Response to appeal condition 20

- Where the Council accepts financial contributions in lieu of open space , the calculation is calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of open space. The public open space requirement for the development is 3662.50 sqm – 0.3663. There is .1192 ha provided. The remainder of open space required is 0.2471 ha to be levied for contribution. Class 1 – 0.1853, Class 2 .0618.

#### 6.4.4. Response to condition 8(g)

- The requirement to pay a special development contribution in lieu of the provision of play equipment is set out in the Development Contribution Scheme.
- The requirement to provide a buffer of 25m is set out under Objective DMS068 of the Fingal County Development Plan.

### 6.5. Observations

There are 18 number observations on file. Observations were received from local residents, a county councillor and a TD. The issues raised in the observations mirror that made within the third party appeal documentation. The issues raised can be broadly summarised as follows:

- Excessive Residential Density

The density as set out is excessive for the local area. There is limited capacity on the local road network to accommodate the addition traffic generated by the development. The density is excessive given the site context and lack of amenities in the local area.



- Development out of character with the area.

The height, scale and massing of the development is excessive for the local area. The adjacent Windmill SHD and heights proposed there should not be a reference for the current proposal before the Board. The extent and scale of the development is not in keeping with the area.

- Keane's Cottage

All parties including public references consider that is appropriate to retain Keanes Cottage for its vernacular value. The cottage is in situ since the 1790's and is the oldest structure in Porterstown and Clonsilla. It is a unique intact structure that has been lived in until relatively recently. Its demolition would be a significant loss to the architectural heritage of the area.

- Loss of Residential Amenity

The development as proposed would result in significant loss of residential amenity for local residents. The proposal would result in significant levels of overshadowing into rear of properties within the "courtyard development". The proposal would result in significant levels of overlooking.

- Significant impact on traffic in the area.

The traffic impact would be detrimental to the local area. Porterstown Road is already at capacity with significant traffic delays throughout the day. The proposal would only increase the levels of traffic in the local area. The Porterstown Road is too narrow to cater for the development. Other infrastructure should be built prior to allowing this level of housing in the local area.

- Loss of Biodiversity

In permitting the development, there will be a requirement for demolition of trees and removal of boundaries to facilitate the development. The proposal is in close proximity to Royal Canal which is a NHA, consideration should be given to the potential impact of the development on the biodiversity value of the Royal Canal.

- Existing Site access

A single observer on file has concerns with regard to access from plot A to plot B. The development must ensure that the access route to Plot B remains non – exclusive and unrestricted by the applicant of Plot A. Any arrangement granting exclusive control over this access could prevent the owners of Plot B from utilising, selling or developing their land. Plot B is landlocked and the only reliable access is through plot A. The current laneway, which crosses Waterways Ireland property may be impacted by the Royal Canal Greenway. The primary access road should be designated for shared or public use, guaranteeing unimpeded access for Plot B. There is a request of easement/right of way to be created.

## **6.6. Prescribed Bodies – An Taisce**

- 6.6.1. The concerns of An Taisce primarily relate to the demolition of Keane's Cottage. Although not lived in since 2010 it is not considered a derelict property and has been cared for over its time. It is largely unaltered historic condition and retains its tradition features, materials and form.
- 6.6.2. It is noted that is not listed on the record of protected structures however notes a case for its inclusion could be made. Although not listed on the NIAH, this should not be a key consideration as the NIAH is not a definitive or comprehensive survey of Irelands built heritage and features inconsistencies and gaps to date (e.g nearby Luttrellstown Castle estate).
- 6.6.3. Clonsilla has lost large elements of its historical interest over the past couple of decades. (examples provided) The observer provides a number of examples of buildings and structures that have been demolished.
- 6.6.4. The cottage is not only of value in itself, but has a historic local context with the intriguing tall, mid 19<sup>th</sup> century Schoolhouse on the opposite side of Porterstown Road and the adjoining canal, stone bridge and railway crossing cottage.
- 6.6.5. There are a number of objectives within Fingal County Development Plan that seek to retain and sympathetically refurbish buildings of Architectural Heritage such as Keane's Cottage. These include: HCAP 9, HCAP 10, HCAP 22, HCAP 23 and HCAP 26

## 7.0 Assessment

7.1. As the appeal before the Board comprises a 1<sup>st</sup> Party and 3<sup>rd</sup> Party appeal, I will deal with the third party appeal against the decision of Fingal County Council to grant permission, followed by the 1<sup>st</sup> party appeal against conditions.

### 7.2. Introduction

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

- Principle of Development/ Core Strategy
- Residential Density
- Design, Layout, and Height
- Permeability/ Connectivity with Diswellstown Road
- Architectural Heritage
- Residential Amenity
- Biodiversity
- Access, Traffic, and Transportation
- Other Matters
- First Party V Conditions

### 7.3. Principle of Development / Core Strategy

The site is within the development boundary of Blanchardstown which is governed by the policies and objectives of the Fingal County Development Plan 2023 to 2029. Blanchardstown (which incorporates Clonsilla) is recognised within Fingal's Settlement Hierarchy (table 2.20) as being located within "Dublin City and Suburbs Consolidation Area"

7.3.1. The appeal site is subject to zoning objective 'RS' residential which with the stated objective to 'Provide for residential development and protect and improve residential amenity.' The proposed development consists of construction of 90 residential units consisting of 8 houses and 82 apartments on a .95ha site. The development

comprises 82 apartment units—30 one-bedroom and 52 two-bedroom units—contained within two separate blocks. A crèche facility, with capacity for up to 50 children, is proposed at ground floor level within Block A apartment block. The principle of providing residential development at this location is considered acceptable and in accordance with the zoning objectives for the site as set out within the Fingal Development Plan 2023 to 2029

- 7.3.2. As per the Fingal Core Strategy, Coolmine is designated as a Dublin City and Suburb Consolidation Area. It is the policy approach of Fingal to “Promote and facilitate housing and population growth with the overarching core strategy to the meet the needs of current and future citizens of Fingal” (Policy CSP1). Table 2.14 of the Fingal Development Plan sets out Projected Housing Demand units and potential yields to be achieved per settlement over the Development Plan period. The projected housing demand for the Blakestown and Coolmine areas over the course of the development Plan is 975 units per table 2.14. The proposed development would contribute towards achieving those housing targets and planned growth allocated to the wider area. I consider the proposal aligns with the Core Strategy for the area as outlined under Table 2.14 of the Development Plan.
- 7.3.3. The site is located within the boundaries of FP– Framework Plan for Clonsilla. Framework plans are described as non-statutory plans providing design guidance for applicable lands. The current framework plan is at draft stage. The FP seeks to facilitate the revitalisation and improvement of Clonsilla and enhance the village centre and community infrastructure to serve existing and future communities. I do not consider that the proposed development will impede or limit the preparation of the FP. Accordingly, I do not consider the development of the site to be premature.

#### **7.4. Residential Density**

Appellants and observers have cited opposition to the proposed residential density, described as excessive, and have concerns regarding the associated population increase.

- 7.4.1. The proposed development has a residential density of approximately 94 dwellings per hectare (dph). As set out in Section 5.0 above, both national and local planning policy support the development of infill sites to secure consolidated, compact growth and to promote increased residential densities at appropriate locations—particularly

within Dublin city and suburbs, and in areas well served by high-frequency public transport such as Intercity and heavy rail lines.

- 7.4.2. The Fingal Development Plan recognises the importance of compact growth (policy CSP2) around existing and planned transport services (Policy CMP2). I note the development plan sets out a number of policy objectives relating to density including Policy CSP -14 – to support the re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs. Section 3.5.11.3 sets out that Fingal County Council will support higher densities in appropriate locations in accordance with the NPF, RSES and Guidelines issued under Section 28 of the Planning and Development Act 2000, (as amended). Therefore the Development Plan does not set out a specific density for the area but relies on Section 28 guidelines to make its assessment. However, I note the broader support in the policy objectives of the development plan to promote increased densities at appropriate locations for Dublin City and suburbs.
- 7.4.3. The applicant and the planning authority have both had regard to the “Sustainable and Compact Settlement Guidelines for Planning Authorities (2024)”. Section 3.3 of these guidelines outlines appropriate residential density ranges.
- 7.4.4. Table 3.8 of the Guidelines provides for higher densities at “Accessible Locations”, defined as lands within 500 metres (i.e., a 5–6 minute walk) of existing or planned high-frequency public transport services (operating at 10-minute peak-hour intervals). While the subject site does not currently benefit from all such connections, its future accessibility has been considered.
- 7.4.5. The site benefits from proximity to several significant transportation projects, including the “DART+ West Project”, the “Royal Canal Greenway”, and the “BusConnects” scheme. The Royal Canal Greenway is located within 40 metres of the site, offering potential for a future direct connection. Furthermore, the upgraded “Coolmine Train Station”, located less than 1km from the site, will form part of the DART+ West Project, with future service frequencies of up to 12 trains per hour.
- 7.4.6. Additionally, planned BusConnects routes along Clonsilla Road (to the north) and Diswellstown Road (to the east) are projected to provide high-frequency services, with up to 11 buses per hour. Currently, the nearest bus stop on Clonsilla Road is approximately 720 metres from the site. As a connection through third-party lands to

Diswellstown Road is not presently deliverable, the planning authority has assessed the site as being within an “Intermediate Location” in accordance with Table 3.8 of the Guidelines. Notably, the planning authority has highlighted the importance of establishing a connection to Porterstown Road and has made provision for a financial contribution to facilitate this future link.

- 7.4.7. While some connections are not currently deliverable, the potential for a direct link to the Royal Canal Greenway and Diswellstown Road and the delivery of key public transport infrastructure support the argument for a “higher density” classification. The planning authority have stated their intention to provide a link to Diswellstown Rod through future capital works program. Having regard to the current and planned accessibility of the site, and the overarching policy objectives promoting compact growth, I consider that the proposed density of c.94 dph is consistent with Table 3.8 of the “Sustainable and Compact Settlement Guidelines for Planning Authorities (2024)” and Fingal Development Plan policies for the area namely policy CSP-14. I consider the proposed density as acceptable in this context.

7.4.8. **Design, Layout, and Height**

Grounds of appeal raise concerns regarding the design and height of the proposed development, citing that it would appear out of character, disproportionate, visually obtrusive, and overly dominant within the receiving environment. In assessing these matters, I have reviewed the applicant’s Architectural Design Statement, Landscape and Visual Impact Assessment, relevant plans, elevations, and cross-sections, as well as the Planning Authority’s assessment.

- 7.4.9. The applicant’s Architectural Design Statement provides a detailed account of the contextual analysis and design rationale underpinning the proposal. It includes a chronology outlining the evolution of the site layout and sets out the placemaking strategy, particularly in relation to the selection of materials, finishes, and site arrangement. A comprehensive justification for the proposed building design and site layout has been set out. I consider this statement to be robust, with substantial design reasoning submitted in support of the development.
- 7.4.10. The Planning Authority undertook a detailed evaluation of the proposal, considering matters such as layout, building height, boundary setbacks, access arrangements, open space provision, the quality of the public realm, proposed materials and

finishes, boundary treatments, and sustainability measures. It concluded that the design and scale were appropriate and acceptable, with no conditions attached requiring amendments to these elements.

- 7.4.11. The development proposes a total of 82 apartment units, comprising 30 one-bedroom and 52 two-bedroom units, distributed between two distinct blocks. Access to the site is proposed via a single entry/exit point off Porterstown Road, incorporating a new roundabout to be delivered as part of the Dart+ West project. Block A, which ranges from 4 to 5 storeys in height (c. 16.5m–17.1m), is located closest to Porterstown Road. It is set back approximately 30 metres from the road frontage and generally 8 metres from the northern boundary, which adjoins the sports grounds of St. Mochta's National School. To mitigate potential impacts on neighbouring amenities, high-level windows are proposed on the northern elevation. A crèche, with capacity for up to 50 children, is proposed at ground floor level within Block A.

Block B is located at the eastern end of the site, comprising 28 units over five storeys, with a 25-metre setback from Diswellstown Road. Between the two apartment blocks, the scheme also proposes 8 semi-detached houses, which maintain a minimum separation distance of 33 metres from the nearest existing dwelling to the south. Each house benefits from private rear amenity space.

- 7.4.12. The external material palette includes buff or cream-white brick, rendered panels, and longitudinal terracotta-coloured elements. The overall aesthetic is complementary to, and can be read as an extension of, the adjacent permitted Windmill development. The internal site layout adheres to the Design Manual for Urban Roads and Streets (DMURS), as confirmed in the submitted Statement of Consistency. The scheme benefits from a logical and legible layout, good permeability, passive surveillance, and the absence of cul-de-sacs. I also note that design concerns associated with earlier proposals on this site have been positively addressed in this iteration.
- 7.4.13. In respect of apartment design, the submitted Statement of Consistency asserts full compliance with the Site-Specific Planning Requirements (SPPRs) of the Section 28 Guidelines: "Design Standards for New Apartments". I am satisfied that the proposed units meet the standards set out in the most recent guidelines (2024). The Fingal

Development Plan 2023–2029 requires that apartment design and unit mix comply with national guidance on sustainable urban housing and relevant section 28 guidelines. I consider that the proposal demonstrates clear regard for development plan policies supporting compact growth and sustainable urban intensification namely policy objective CSP2. The design approach is sensitive to the site context and the character of surrounding development. Setbacks and separation distances are adequate to avoid significant adverse impacts on adjoining properties.

Accordingly, I am satisfied that the proposed design and layout are appropriate and in accordance with both national and local planning policy.

- 7.4.14. The issue of building height was raised in appeals and observations. The proposed scheme includes two apartment blocks with principal heights ranging between 16.5 and 17.1 metres. National policy clearly supports increased building heights on infill and brownfield sites located within accessible urban locations such as this. I have reviewed the applicant's Planning Report and the associated assessment under Specific Planning Policy Requirement 3 (SPPR 3) of the "Urban Development and Building Heights Guidelines for Planning Authorities" (2018). I am satisfied that the proposed development meets the relevant development management criteria. The Fingal Development Plan does not specify maximum building heights for this location. Section 14.5.3 of the Plan requires that building height be assessed in accordance with the Section 28 Building Height Guidelines 2018, and I am satisfied that the proposal is compliant in this regard. (A more detailed analysis of residential amenity impacts, including sunlight/daylight, is provided in later sections of this report.)

In conclusion, I find the design and layout of the proposed development to be appropriate. The scheme presents a well-considered architectural response to the site's specific characteristics and constraints. I am satisfied that it will not give rise to undue adverse impacts on the visual amenities of the area. The proposal is consistent with the SPPRs set out in the 2024 "Design Standards for New Apartments" and Section 14.5.3 of Development Management Standards (Building Height) of the Fingal Development Plan 2023 to 2029 and represents a suitable design solution for this urban infill site.



## **7.5. Permeability/Connectivity with Diswellstown Road**

- 7.5.1. An appellant and an observer have raised concerns regarding the lack of internal and external connectivity within the proposed development. Particular reference is made to the importance of connections to the wider area, given that the existing Porterstown Road is narrow and not capable of safely or effectively accommodating the level of additional traffic expected to be generated by the development.
- 7.5.2. As part of a request for further information, the planning authority sought that the applicant identify a proposed route to Diswellstown Road, including an assessment of the feasibility of providing a ramped cycle connection. The applicant was also requested to submit evidence of third-party consent to provide pedestrian/cyclist access through “The Courtyard” development to the north. The applicant was unable to secure access to Diswellstown Road due to the presence of intervening third-party lands—a narrow strip between the application site and Diswellstown Road. Nevertheless, a site layout was submitted indicating the feasibility of a future pedestrian/cyclist connection to Diswellstown Road.
- 7.5.3. I note that the previous development proposal on this site was refused by the Board on the basis that it did not adequately address the delivery of the pedestrian/cycle route from Porterstown Road to Diswellstown Road. This route was previously identified as a specific objective (Clonsilla 6) under the Fingal Development Plan 2017–2023. While this objective is no longer retained in the newly adopted Fingal County Development Plan 2023 to 2029, there remains strong policy support for enhanced permeability and connectivity in new residential developments, both within the County Development Plan and under Section 28 Guidelines.
- 7.5.4. Relevant policies and objectives include:
- Policy CMP13 – Accessible Pedestrian and Cyclist Environment;
  - Objective CM019 – Optimising Accessibility for All; and
  - Policy CMP14 – Permeable Neighbourhoods, which promotes filtered permeability and requires pedestrian entrances to be opened as soon as development is occupied.
- 7.5.5. The Roads and Transportation Section of Fingal County Council have clearly stated that the delivery of connectivity between the proposed development and

Diswellstown Road is of central importance to the success of the development. The submission from the NTA similarly supports the provision of this connection. While the applicant has not been able to deliver access via third-party lands, the planning authority has indicated its intention to provide this connection and has included a condition requiring a development contribution towards its delivery.

- 7.5.6. In my view, the potential for pedestrian/cyclist connection to Diswellstown Road is of critical importance to the success of the development. Clonsilla Road to the north and Diswellstown Road to the east are both served by a range of bus services. Under the BusConnects Network Redesign Project, this provision will be enhanced, with up to three high-frequency routes operating along Diswellstown Road. This will result in up to 11 buses per hour in each direction stopping at the existing bus stops. Currently, the walking distance from the proposed development to these stops is c.740m; this would be reduced to c.175m with the provision of a direct pedestrian link to Diswellstown Road. Such a link would be of significant benefit in enhancing sustainable transport options and creating a more permeable neighbourhood. In addition, future enhancements to the Royal Canal Greenway will further increase the site's connectivity to both Clonsilla and Coolmine Train Stations.
- 7.5.7. The subject proposal is considered an infill development, with its primary vehicular access taken from Porterstown Road. Porterstown Road is currently a narrow rural road, approximately 2.8m wide, with significant traffic volumes linked to the Clonsilla rail crossing to the south and St. Mochta's National School to the north. The road is substandard in terms of width and lacks pedestrian infrastructure, such as footpaths. The Dart+ West project will involve the upgrading of a portion of Porterstown Road, and I note the applicant has provided a layout indicating the extent of these works and how they interact with the proposed development. The traffic implications will be addressed in further detail in subsequent sections.
- 7.5.8. The site is located on zoned lands with significant infrastructure projects proposed in the immediate area. While the current lack of connectivity is of concern, the planning authority has outlined its intention to deliver the key connection to Diswellstown Road. In the context of the site's central location on serviced, zoned land, and the significant public transport and walking/cycling opportunities that will be available, I consider that future permeability and connectivity can be realistically achieved. The

proposed development demonstrates an intention to support active travel and reduce car dependency.

- 7.5.9. Having regard to the foregoing, I do not consider the issue of permeability/connectivity to be so significant as to warrant a refusal of permission in this instance.

## **7.6. Residential Amenity**

Appellants and observers on file, have made reference that the proposed development will have a detrimental impact on amenity of neighbouring properties in terms of overlooking and overshadowing. In the interest of clarity, I will address each item in turn and under other separate headings. The appellants have also raised significant concerns in relation to traffic impact, this shall be dealt with under a separate section of this report.

### **7.6.1. Overlooking**

Regarding overlooking, there are two apartment blocks on site each between 4 and 5 storeys. Apartment Block A is closest to Porterstown road and 8m from northern boundary as detailed in revised site layout submitted as part of further information submission to the planning authority. To the north of this proposed block is St Motcha's National School sports ground. In order to mitigate against potential overlooking of this space, the applicant proposes high level horizontal windows on this elevation, to ensure overlooking is significantly reduced. I do not consider the issue overlooking from this apartment block to be significant, as the playing fields are used for sporting reasons and not part of a private amenity area for a residential development. I do not consider the issue of overlooking with respect to Block A to be significant.

- 7.6.2. The primary concerns of appellants in relation to overlooking are with regard to the dwelling houses and block B apartment block. I note the distances between the proposed 8 dwelling houses and rear of existing cottage structure to the south of the site is in excess of 30m. At its closest point Block B shall be 19m from the rear elevation of the "The Courtyard Apartment" complex. Having regard to this level of proximity I note Section 5.3 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024 sets out under SPPR 1 a separation distance of 16m between rear opposing windows. In this

regard the proposed development complies with said separation distances. Objective DMS023 of the Fingal County Development Plan requires a minimum separation distance of 22m between opposing windows. While I note the requirement for a greater distance within the Fingal Plan, I consider that there is significant tree coverage between the proposed apartment block and the “The Courtyard Apartment” complex, thereby reducing any potential for overlooking. I further note the detailed landscape plan as submitted with the application, with strategically placed planting buffers and boundary retention particularly to the northern boundary, the potential for overlooking will be significantly reduced. Section 14.8.2 of the Fingal County Development Plan allows for reduced separation distances on a case by case basis. Owing to the infill nature of the scheme and quality of design approach, I consider the reduced separation distance in this instance to be acceptable.

- 7.6.3. Having regard to separation distances and levels of overlooking, I consider although there will be some loss of amenity as a result of the proposed development it is within the bounds of acceptance for an urban site on zoned land. In this regard, I consider that there is adequate separation distances on site and the issue of overlooking is not a substantive issue with which to warrant a refusal in this instance.

7.6.4. Daylight/Sunlight Analysis

An updated daylight and sunlight analysis report has been submitted as part of the response to further information request. The Planning Authority raised concerns regarding the impact of the proposed 5-storey Block B on the daylight access of existing properties at 71–77 The Courtyard, located north of the site, as well as the potential for excessive overshadowing of existing residential amenities during specific times on March 21st and December 21st. As a result, the Planning Authority recommended the redesign of Block B. The applicant has since revised the design and location of Block B within the site. An updated ‘Impact Assessment’ was carried out to the properties and the associated rear gardens. A comparison of the findings against the previous assessment was also conducted. Shadow study diagrams compare three scenarios: the baseline state, the previous proposed design, and the updated design.

- 7.6.5. While the updated design minimally affected the proposed VSC values, slight improvements in two cases led to the removal of an “adverse impact” identified in the

previous study and the reduction of a 'moderate adverse' effect to a 'minor adverse' level. Additionally, identifying the interior layouts of units 75, 76, and 77 of the Courtyard Development allowed for a reassessment of two windows, previously categorised as 'moderate adverse'. These windows, now recognises serving the same rooms as other windows, resulted in a revised 'minor adverse' effect for the entire room. Finally, no impacts would be categorised worse than 'minor adverse', and fewer windows/rooms would be affected by the proposed development when accounting for the effect of the existing belt of trees.

- 7.6.6. The effect on Annual/Winter Probable Sunlight Hours (APSH/WPSH) has been assessed for 22 no. windows/rooms of the surrounding existing properties across 71-77 "The Courtyard". The effect on the APSH and the WPSH of all of these windows or rooms would be considered 'negligible', meeting the criteria as set out in the BRE Guidelines. The existing properties would continue to receive compliant levels of direct sunlight throughout the year, including during winter.
- 7.6.7. The 5 no. rear gardens of the properties located along 71-75 The Courtyard, Clonsilla Road, have been assessed, and all of them would experience a 'negligible' level of effect. The existing rear gardens of the neighbouring properties will still be able to receive compliant levels of direct sunlight on March 21<sup>st</sup>.
- 7.6.8. Having regard to the above, it is my opinion a thorough analysis of potential impact of overshadowing has been carried and the proposed development as presented will result in a minimal level of overshadowing as a result of the proposed development. There should be no impact on amenity of neighbouring properties from the perspective of over shadowing as a result of the proposed development. The applicant has carried out a Daylight and Sunlight Analysis Report as required under objective DMS 022, in this regard I am satisfied the issue of overshadowing/ loss of light does not represent a substantive issue with which to warrant a refusal reason.

## **7.7. Architectural Heritage**

- 7.7.1. The appellants and a significant number of objections on file are primarily concerned with the potential demolition of Keanes Cottage, and the resulting loss associated loss of architectural heritage in Clonsilla. It is asserted that the cottage, dating from the 1790s, represents the oldest surviving building in Porterstown and is of historical and cultural significance to the area. It is further submitted that the building remains

attractive, intact and structurally sound, and that its significance has not been adequately acknowledged. In this context, the appellants contend that preservation by record is not an appropriate or sufficient response and falls short of what is required to conserve a structure of this character.

- 7.7.2. In this regard, I note the report of the Conservation Officer, who concluded that the further information submitted by the applicant failed to provide adequate justification for the proposed demolition. The Officer also highlighted that the current Fingal Development Plan 2023–2029 contains strengthened and expanded policies and objectives relating to the retention and re-use of the county’s vernacular and historic building stock.
- 7.7.3. The planning authority, in assessing the proposal, considered the objections on file, the Conservation Officer’s report, and the “Historic Building Appraisal” submitted by the applicant in response to the further information request. On balance, the authority concluded that the demolition of Keane’s Cottage was acceptable. The Historic Building Appraisal characterised the potential loss of the cottage as a slight to moderate loss to the architectural heritage of the area. The report also raised concerns that retaining the cottage within the context of a larger apartment complex in the absence of its original setting would significantly compromise its aesthetic and architectural integrity. Accordingly, the planning authority determined that the demolition of the structure was justified in the context of the proposed redevelopment.
- 7.7.4. The existing structure comprises a low two-storey, three-bay cottage with a pitched roof, mainly clad in natural slate, with some areas of the rear elevation repaired using fibre-cement tiles. The building features exposed rafter ends with a timber fascia and replacement metal guttering. Two brick chimneys with modern clay pots and concrete caps sit along the ridge. There is a corrugated steel-roofed lean-to to the northern gable, and a flat-roofed mid-to-late twentieth-century bathroom and kitchen extension to the eastern rear elevation, with an adjacent steel lean-to addition. The west (front) elevation suggests an original two-room structure, extended southward and vertically, possibly into a once-thatched roof space. The walls, rendered in smooth cement, appear to be constructed of rubble stone. Ground-floor windows have segmental-headed openings with replacement timber casement frames, while the first-floor windows consist of small, two-over-two timber

sliding sashes, positioned just below the eaves. All sills are of cast concrete, and the entrance door is set within a smooth cement-rendered opening.

- 7.7.5. I did not access the interior of the structure during my site inspection; however, I have reviewed the detailed photographic documentation provided in the Historic Building Appraisal. Aside from a large hearth, there appears to be little of architectural or historic significance internally. The interior has been substantially altered, with much of the visible décor dating from the mid to late twentieth century. The main block exhibits features indicative of a former single-storey dwelling, later extended vertically. The first-floor windows, positioned close to the eaves, support the likelihood of an original thatched roof. The various additions are of little or no architectural merit and do not contribute to the significance of the cottage.
- 7.7.6. While I acknowledge the concerns expressed by appellants, observers, and the Conservation Officer, I consider the planning authority's position in this instance to be reasonable. I concur with the Historic Building Appraisal's conclusions that, although the structure has undergone modifications, including some from the nineteenth and early twentieth centuries, these do not indicate a level of architectural significance beyond the local scale. I would note that the existing vehicular and pedestrian entrance, which possesses a distinctive charm, is not affected by the proposed development and is to be retained to serve the adjacent dwelling to the east.
- 7.7.7. It is relevant to note that the building is not listed as a protected structure, nor is it located within an Architectural Conservation Area. While it is stated that the building was included in the National Inventory of Architectural Heritage (Reg. No. 1361003) in 2005 and rated as of local significance, this entry does not appear on the current NIAH online database.
- 7.7.8. I note the provisions of the Fingal Development Plan 2023–2029, in particular Policy HCAP 9 which encourages the repair, re-use, and sensitive retrofitting of the County's architectural heritage. Other relevant policies include HCAO 35 (maintenance and re-use), HCAP 10 (retention of structures of historic interest), DMSO26 (supporting retrofitting and re-use of existing buildings), SPQ HO44 (retention and adaptation of dwellings), and DMSO190 (design to reflect distinctive local character). While the Development Plan clearly promotes retention and reuse

of historic structures, I am also mindful of practical constraints that exist within the cottage. These include low floor-to-ceiling heights, particularly due to earlier renovations, which would pose challenges in meeting modern building standards such as Part F of the Building Regulations. Although some areas of the ground floor appear to meet modern standards, others are notably restricted. If adapted, the structure would likely need to be converted to a non-residential, ancillary function within the overall scheme. Its potential redevelopment would require significant alteration to make habitable thus undermining its existing charm.

- 7.7.9. With respect to climate action/embodied carbon, I note Development Plan provisions (including Section 14.21 and Policy CAP 25 to promote the reuse and recycling of materials to promote the circular economy and reduce construction and demolition waste) and acknowledge the 'embodied carbon' implications associated with the demolition and reconstruction of a new development. However, this must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area, in particular compact growth. A Construction Waste Management Plan, Energy and Sustainability Report and Building Life Cycle Report have been submitted. Reuse of materials on site will be encouraged where it meets the required regulatory and engineering requirements. The quantities for reuse, re-cycling and disposal are to be confirmed by the relevant waste receiver once the main contractor has completed the site assessment.
- 7.7.10. I consider that demolition must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area including the provision of residential development. I have no issue with the demolition works proposed from the prospective of embodied carbon and climate action.
- 7.7.11. On balance, I acknowledge that Keane's Cottage contributes positively to the character and architectural heritage of the wider area. Its retention and refurbishment would be desirable from a conservation perspective. However, in light of the structure's lack of formal protection, its limited architectural significance beyond the local level, the practical constraints associated with its retention and reuse, and the broader planning merit of the proposed redevelopment, I consider that a reasonable



case has been made for its demolition. While the loss of the structure is regrettable, it is, in this instance, justifiable.

## **7.8. Biodiversity**

- 7.8.1. The third party appeal states that the impact of the proposed development on the Royal Canal pNHA has not been properly assessed and that it has failed to have been adequately taken into consideration with the Environmental assessments submitted with the application. The planning authority considered the Ecological Impact Assessment report and associated mitigation measures and considered that subject to the carrying out of mitigation measures on site the proposal would not have a significant impact on Key Ecological Receptors habitats, species, groups within the site or adjacent Royal Canal.
- 7.8.2. I note the submission of the Ecological impact Assessment report on file, including the Ecological Survey for the site. No sightings or signs of protected species were observed during the site visit. Narrow mammal tracks around the edges of the fields indicate fox may use the area for hunting. The grassland, scrub and hedgerow are likely to support small mammals such as mice, shrew and hedgehog. There was no evidence of suitable habitat for otters, roosting bats and very limited habitat for pine martens found on the site. There was suitable habitat for western hedgehog, bird species such as meadow pipit and common lizard. The report makes recommendations for a number of avoidance, mitigation and enhancement measures on site to include the following:
- 7.8.3. The grassland habitat and scrub habitats, are of low local ecological value, but nonetheless supporting some flowering plants providing foraging for insect species, as well as providing resting and hunting areas for fox and small mammals. The hedgerow/treelines are of high local value. They include flowering shrubs, are important for ecological connectivity in the landscape, and provide foraging, nesting and commuting habitats for invertebrates, birds and mammals, including feeding grounds for bats..
- 7.8.4. The mitigation chapter of the Ecological Impact Assessment provides clear mitigation strategies for the protection and preservation and reinstatement of all ecology during the construction and operation phase of the development. The mitigation includes, measures for Habitat Protection and reinstatement measures to avoid and reduce

water borne pollutants entering the environment, measures to avoid and reduce dust emissions, measures to protect birds and other fauna, measures to prevent spread of invasive species and measures to protect bat populations (if present)

- 7.8.5. Based on the level of detail supplied within the assessment, I am confident that all realistic measures have been taken to protect the local habitat and in some places reinstate habitat.
- 7.8.6. Regarding concerns in relation to the local bat populations and the incomplete nature of the assessment as referenced by the appellant and observers on file, I consider the Ecological Impact Assessment has taken a conservative approach and has provided mitigation measures based on an assumption that bat roost are present on site. These mitigation measures include the following:
- 7.8.7. Site-lighting for the construction and operational phases of the development must be directed away from boundary hedgerow vegetation, be limited to work-specific areas and be shielded to minimise spill to avoid impacts to foraging/commuting bats. In all aspects lighting design shall follow best practice and following guidelines, Bats and Lighting – Guidance Notes for Planners, Engineers, Architects, and Developers (Bat Conservation Ireland, 2010). Bats and Lighting in the UK – Bats and the Built Environment Series (Institute of Lighting Professionals, September 2018).Guidance Notes for the Reduction of Obtrusive Light GN01 (Institute of Lighting Professionals, 2011).Guidelines for consideration of bats in lighting projects – Eurobats.
- 7.8.8. Trees should only be felled or lopped where strictly necessary. Where mature or ivy-clad trees are to be felled they will need to be checked for the presence of roosting bats by a licenced bat worker on the day of felling or the preceding day. In the event that any bats are found, they should be allowed to remain in-situ and work should temporarily cease in that area until a bat mitigation strategy can be prepared and agreed with NPWS, and a derogation licence sought.
- 7.8.9. Removal of any mature or ivy-clad trees shall be carried out in between September and mid-November, to avoid maternity and hibernation seasons when bats are most vulnerable to disturbance (and also avoid the bird breeding season). Tree removal will not take place on days where daytime temperatures fall below 10°C (when bats are likely to enter torpor).

- 7.8.10. 4 no. tree-mounted bat boxes, such as Schwegler 2F's14, are to be installed within the site on buildings at least 3m above ground. They must be placed in a dark area. Placement of boxes shall be determined by the bat ecologist undertaking the roost and activity survey. I am satisfied the mitigation measures as proposed can offer adequate protection during the construction and operational phase, so that any potential bat roosts and bat feeding grounds on site are adequately protected and disturbance minimised. The site is on zoned lands with an anticipation of development. The correct measures in relation to bat mitigation as detailed in the Ecological impact Assessment provides clear and unambiguous detail in relation to the protection of bat species.
- 7.8.11. The applicant has also proposed the addition of 6 no Swift Boxes on site. As per best practice, swift bricks will be installed at least 5 metres above the ground, in safe areas where they will not be disturbed, with a clear unobstructed run up to the boxes/bricks. As the bricks tend not to overheat, they can be placed facing in any direction. Care will be taken to ensure no obstacles or plate glass windows are located below the bricks. Guidelines for the bird box scheme follow the guidelines published by Swift Conservation Ireland, and those published by Birdwatch Ireland entitled "Saving Swifts" (2009/2010)
- 7.8.12. Hedgehog highways are to be provided as part of the landscape design of the development . All boundaries and barriers within the site shall remain permeable for hedgehogs. The proposal provides for
- Providing 13 x 13 cm holes at ground level at various locations along the external mesh fencing (Hedgehog holes).
  - Leaving a sufficient gap beneath gates.
  - Leaving brick spaces at the base of brick walls
- 7.8.13. Both standard Construction Phase control measures, and specific mitigation measures, have been outlined to ensure that the Proposed Development does not impact on any species, habitats or designated sites of conservation importance. It is essential that these measures are complied with, in order to ensure that the Proposed Development complies with National conservation legislation.

- 7.8.14. The Third Party Appellant makes reference to the Deep Sinking, a groundwater fed section of the Royal Canal which could be subject to changes in water quality in the event of pollutants entering the groundwater body underlying the site. However, the suite of standard best practice measures included within the Construction Environmental Management Plan and the EcIA will ensure that there is no impacts of the Royal Canal as a result of groundwater pollution.
- 7.8.15. Regarding zones of influence and the appellants assertion that waterbodies need to be protected with a buffer zone of 48m as outlined within the Fingal Development Plan. I note the 48m buffer is a requirement for all areas outside of Development Boundaries. Clonsilla is located within the designated Settlement Boundary known as Dublin City and Suburbs Consolidation Area and thus a riparian buffer of 10m is required from Watercourses as per the Development Plan. In any case I note that there is an extensive buffer to be retained in full to the south of the site which has an existing 40m buffer riparian zone. In this regard, I consider the proposal complies with all separation distances as required between development and waterbodies for the proposed development.
- 7.8.16. I consider the EcIA to be comprehensive and I concur with the findings of the same. I also consider that through the implementation of the measures included in the Arboricultural Report, associated tree impact and protection plans, Landscaping Report, and associated landscape masterplan and planting schedule, the impact on biodiversity from the removal of the mature trees on site will be ameliorated.
- 7.8.17. In this regard, I am satisfied that the potential of impact on local ecology including local bat population has been well considered and the applicant has adequately addressed this issue.

## **7.9. Traffic and Transportation/ Mobility Management**

Concerns have been raised by the appellants in relation to the level of traffic associated with the development and potential for severe traffic impact on Porterstown Road. The development proposes a new vehicular access and pedestrian/cycle access off of Porterstown Road to the site. There is an existing access to the south of the site that is proposed to be retained for the sole use of the existing cottage dwelling to the east of the site.

7.9.1. The applicant has carried out a Traffic and Transportation Assessment for the development in line with Traffic and Transportation Guidelines 2014. The TTA provides a detailed analysis of the study area, which includes the following junctions:

- Shelerin Road/Clonsilla Road
- Clonsilla Road/Porterstown Road
- R121/ Clonsila Road
- Diswellstown Road/Kellystown Link Road.

The assessment covers traffic volumes across these junctions and their interaction with Porterstown Road. The background traffic data was collected over the 4 junctions on a single day between 0700 and 1900 hours, with results attached in Appendix A of the report. A traffic volume growth rate was then extrapolated to a 2024 base year, applying Transport Infrastructure Ireland (TII) medium-range growth factors (Appendix B of the TTA). These growth factors account for increased traffic due to local development, car ownership, and economic activity.

7.9.2. To accurately assess the proposed development's traffic impact, three scenarios were analyzed:

- Base Year (2024): Reflects the current performance of the local road network.
- Year of Opening (2027): Projects the road network's performance when the development becomes operational.
- Design Year (2042): Considers long-term performance 15 years after the school opens.

7.9.3. A growth rate of 105.5% for light vehicles and 109.81% for heavy vehicles was applied over the three-year period up to 2026. These projections do not consider potential reductions in traffic volumes due to increased remote working (as experienced during the COVID-19 pandemic), leading to a conservative estimate of traffic growth.

7.9.4. The development's traffic generation potential was estimated using the TRICS software database, which models traffic based on surveys from comparable developments across Ireland and the UK. During the morning peak (08:00–09:00),

an estimated 12 arrivals and 23 departures will occur, while in the afternoon peak (16:00–17:00), approximately 11 arrivals and 9 departures are projected.

- 7.9.5. The increased traffic volumes associated with the proposed development are estimated to be less than 5% and less than the 2.5% used by the council. It should be noted that this threshold is incorporated into the Transport Infrastructure Ireland documentation for Traffic & Transport Assessments. This threshold is appropriate to National and Regional roads as envisaged by the Traffic & Transport Assessment Guidelines, however for urbanised areas where small increments in generated traffic can have a significant impact on the immediate road network such as the proposed development the Council use thresholds of 2.5%. The assessment does not take into account the cumulative impact of the development.
- 7.9.6. The applicant has provided a detailed breakdown of availability of all transportation infrastructure in the vicinity of the site. Of note and of particular relevance to the site is the Dart + West project which will also see upgrade works to the Porterstown road and Clonsilla Road junction along with improvement works to Portersown Road. I note the Transportation Section of Fingal County Council considered these projects of relevance in their acceptance of the Transport Impact Assessment submitted. It is stated that future upgrade works in the area will be dependent on Dart + West, Royal Canal Greenway Project and progressing the work of the Framework Plan for the area.
- 7.9.7. The TTA also sets out pedestrian connectivity and bus connections to the site however these will be viewed in the context of mobility management which will be assessed in Section 8.6.13 of this report.
- 7.9.8. It is noted that Fingal County Council are focused on measures to promote sustainable modes of travel and acknowledge that, in the absence of demand management, a certain level of car congestion is inevitable and acceptable. It is stated that junctions may have to operate at saturation levels for short periods. Current policies focus on active travel and public transport enhancements rather than increasing road capacity for private vehicles.
- 7.9.9. Any future upgrades at the access or on the road network would likely focus on prioritizing pedestrians and cyclists over the private vehicle. I note the Kellystown Local Area Plan (just outside site boundary) seeks to close the southern access to

Porterstown Road and keep it open for pedestrian and cycle connectivity which would connect to the Grand Canal Greenway project and wider Kellystown area.

7.9.10. Thus, based on the information supplied, the proposed development's traffic impact can be deemed manageable. The Traffic and Transport assessment has been carried out in accordance with Objective DMS0113 of the Fingal County Development Plan. The Roads and Transportation section of Fingal County Council did not raise objections to the development on grounds of traffic. I am satisfied that Porterstown Road and the wider area is subject to future works under various planned projects and the potential for traffic delays is within reason for a transitional area. The increase in traffic of 2.5% is not considered significant in a national context. I am satisfied that the TTA has been carried out in accordance with best practice and the proposal as presented will not have a significant negative impact on traffic volumes in the local area to warrant a reason for refusal in this instance.

7.9.11. Mobility Management Plan

Policy CMP5 of the Fingal County Development Plan sets out requirements for mobility management plans. The requirement for the submission of a travel plan is to be assessed on a case-by-case basis with location, scale of development and the nature of uses proposed and impact on existing and proposed transport network. The preparation of a travel plan should be carried out at earliest possible stage of the process demonstrating that it is an integral part of the development. The mobility management plan as submitted outlines the scope of sustainable travel within the development and to provides a plan and methodology for up to 200 residents.

7.9.12. The measures within the Mobility management plan include for residents to be made aware through the on-site mobility manager, the limitations of parking on site. The applicant sets out the location of the rail station relative to the site and several bus route options available from the site. As part of the design detail associated with mobility management plan it is proposed to provide 216 secure cycle spaces on ground floor level of the development. A designated Car club and Car sharing initiative will be managed on site Mobility Management Plan targets are also set out within the plan. A new public footpath is proposed outside the eastern boundary of the development. The above measures are intended to improve pedestrian safety and promote sustainable transport measures to and from the site. Based on the

above I therefore consider the mobility management plan as submitted largely accords with Section 6.5.5 of the Fingal County Development Plan.

## **7.10. Other Matters**

### **Surface Water Management**

- 7.10.1. I have reviewed the applicant's Civil Engineering Planning Report (CEPR), Site Specific Flood Risk Assessment (SSFRA), CEMP, and the supplementary information in the appeal response. The topography of the site is relatively flat, with ground levels decreasing from c.63m OD to c.62.25m OD in the centre of the site. Thus, the site slopes gradually from east to the centre and rises slightly again to the west. The infiltration tests undertaken as part of the site investigation for the proposal indicated the subsoil conditions were unsuitable for soakaways and surface water would need to be attenuated on-site and discharged to the public surface water network. The existing surface water network is located in Porterstown Road, to the west of the site.
- 7.10.2. The Fingal Development Plan requires all new developments to incorporate Sustainable Urban Drainage Systems (SuDS). Objective DMS0202 sets out the relationship of SuDS measures and open space areas, in that open space should not be dominated by SuDS features. Objective DMS 0205 sets out the requirement for Surface Water Management Plans to be submitted with applications for new development.
- 7.10.3. The proposed surface water management system comprises three catchment areas, each of which will outfall into a dedicated SuDS and attenuation tank area. The surface water network will collect stormwater via on-road gullies and rainwater from building roofs via guttering and downpipes. The overall system has been sized to store the runoff from a 1:100-year storm event of critical duration plus a 20% climate change allowance and has been designed in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS).
- 7.10.4. Surface water run-off (from buildings and impermeable paving) will be collected and attenuated within green roofs (on Blocks A & B), SuDS features (bioswales, rain gardens) and attenuation tanks. All surface water from impermeable areas will pass through gully traps, petrol/ oil bypass interceptors, and catchpit manholes prior to attenuation. Thereby, reducing the risk of pollution, of collecting silt and debris, and



of system blockages. The discharge from the green roofs, blue roofs swales/ rain gardens, and attenuation tanks, and that collected from permeable paving (via on-road gullies to subsurface pipework), will be discharged by flow control device at greenfield runoff rates to the existing surface water network located in Porterstown Road/Thereby, surface water is allowed to sustainably flow by gravity in the direction it currently drains due to the topography of the area.

7.10.5. The planning authority has not raised any issue regarding the proposed surface water system, or the capacity of the existing public surface water drainage system to accommodate the proposal. As such, I find the proposal to be acceptable as the surface water management system incorporates several SuDS features, has been designed and will be constructed in accordance with the requirements of the GDSDS. The system will be operated and maintained in accordance with the requirements of the planning authority, and I recommend a condition be attached to this effect. I consider the SUDS measures as employed comply with Objective DMS 0203 and Objective DMS0205 of the Fingal Development Plan 2023 to 2029.

7.10.6. Flood Risk

A SSFRA has been undertaken of the proposed development which outlines there is no evidence (from its topography, relatively flat, at c.65m OD) or history of flooding at the site (events in a 2.5km radius are indicated). The Royal Canal is identified as the principal hydrological feature near the site (at c.45m to the south) with the River Liffey lying a further 1.5km further to the south. The River Tolka is identified as c.2km from the site and associated flood extents do not reach the site.

7.10.7. As a highly vulnerable class of development, the SSFRA undertakes a justification test for the proposed development. Based on flood maps, the site is classified as being located within an area designated as Flood Zone C (outside of the extents of a 1 in 1000 year flood event (0.1% AEP)). The risks of groundwater, tidal and fluvial flooding are all low due to separation distance to the coast, rivers, and subsurface ground/ hydrological conditions.

7.10.8. I consider the proposal's design and further mitigation measures address the risks. These include the incorporation of several SuDS features, not excessive amounts of paved surfaces (roads, parking), site and road levels such that overland flows are directed to swales/ gullies/ open spaces, flow routes free of development,

attenuation design capacity for 1 in 100 year storm events, and proper operation and maintenance of the drainage system. I find the methodology used and information relied upon in the SSFRA to be accurate and robust, and note that the planning authority accepted the findings of same. I recommend that a condition be attached requiring the mitigation measures included in the SSFRA to be implemented.

#### 7.10.9. Existing Access

To the very south of the site, the existing vehicular and pedestrian entrance is to be retained in full for the sole use of the existing residence to the east of the site. The appellant on file has sought an easement/right of way be provided for this access. While this request is outside the scope of the current application a relevant condition with regard to the use of this access would be appropriate.

#### 7.10.10. Water Framework Directive

I have assessed the proposed development for the construction 82 residential units and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to a surface water

The reason for this conclusion is as follows:

- The detailed nature of construction management plan supplied and numbers of best practice standard measures that will be employed to prevent groundwater and surface water pollution from the site.
- The largely greenfield nature of the development – (except for a small cottage structure to be demolished)
- Details supplied within the Environmental reports submitted with the application

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **7.11. First Party Appeal V Conditions**

There is a first party appeal on file against 3 conditions attached to the Decision to grant permission of the planning authority, to grant permission for the proposed development. The three conditions appeal include: Condition 10 (a) and Condition 10 (b), Condition 20 and Condition 8(g) (see sections 6.0 for appeal details). The Board is requested to amend and/or remove same.

### **7.11.1. Condition 10 (a) and Condition 10 (b)**

This condition relates to the provision of pedestrian/cycle connectivity from the site with Diswellstown Road. The condition requires the payment of a special development contribution of €300,000 for the provision of the connection and for the lands of the future pedestrian and cycle connection to Diswellstown Road shall be reserved free from any structures or services that might prejudice the future connection. The applicant made efforts to gain a connection which is through third party lands however failed to provide a connection. The applicant contends that as there is no specific policy objective for the provision of this connection within the existing Fingal County Development Plan, the condition is not necessary, enforceable or reasonable. It is therefore argued that the condition has not been correctly applied.

7.11.2. Fingal County Council in their response to the appeal considers the connection is necessary for the success of the scheme and intend to pursue the provision of an active travel link at this location through future Capital Works program. The provision of a connection is set out through a number of policies within the Fingal County development Plan as well as the Transport Strategy. Policies include: CMP13 (Accessible cycle and pedestrian environment), CMO19 (optimising accessibility), CMP14 (Permeable Neighbourhoods). Furthermore its stated the proposed development would link the Porterstown Road to Diswellstown road which is a primary cycle Link identified in the GDA cycle Network.

7.11.3. In my view the potential cycle and pedestrian link is of central importance to the success of the development at this location. The importance of this access has been outlined in detail under Section 7.2 above. In brief, the provision of this access would reduce travel time from 720m to 175m to a high frequency bus route and shorter travel times to Coolmine Train station. The provision of this pedestrian/cycle

connectivity is also a determining factor in accepting the density levels for this site location. As the planning authority have given an undertaking to provide this link under future Capital Works program I consider an appropriate condition to allow for its inclusion within the scheme to be appropriate.

7.11.4. The applicant states that the condition does not meet with the key criteria of section 7.3 of the Development Management Guidelines, namely “Necessary, Enforceable and Reasonable.” I consider the provision of this condition meets the appropriate guidelines as follows:

- Necessary – Although no longer a specific objective in the Development Plan, I consider the provision of the pedestrian/cycle access to be very necessary for the success of the scheme. The County Development Plan (namely Policy CMP14) has specific objectives for the provision of permeable links within residential development. Fingal County Council, National Transport Authority and the applicant themselves within their own documentation identified the need for the access and the benefit this access would have to the development proposal. The provision of the access is central to the justification for the level of density proposed in this instance.
- Relevant to Planning- Connectivity/ Permeability/ Active Travel are key planning considerations in assessing planning applications. The principle of providing levels of connectivity through sites is supported from National planning Framework down to Fingal County Development Plan.
- Enforceable/reasonable – The applicant states that a significant obstacle to achieving the connection is that access is gained through third party lands. It is stated the condition cannot be adhered to without encroachment onto third party land.

In my view the condition does not seek for the applicant to encroach onto third party land, the condition seeks a contribution under Section 48 (2) (c ) of the Planning and Development Act and seeks that the applicant keep a specific area of their land within their red line boundary free from structures to allow for the connection. This is an area already identified by the applicant within the site layout plan submitted under drawing Feasibility

of Potential Future Pedestrian/ Cycle Link drawing number 0112S4P01 as part of further information request submitted to the planning authority

- 7.11.5. The applicant states that no breakdown of costs have been provided by the applicant in accordance with Section 48(12) of the Planning Act. As part of the response to the appeal the planning authority has provided a breakdown of estimated costs as follows:

Typical costs of active travel infrastructure based on recent NTA funded projects estimate a 4m wide urban greenway to be in range from 1.8 million to 4 million per kilometre. As the proposed link (for a 4.2m in width and 70m in length) would most likely require some type of retaining structure the upper limit per km was used, which provides a cost of 280,000 euro. This does not include land costs or associated fees. As the applicant was unable to gain consent to provide the connectivity, a contribution to enable the council to provide the link is required. In my view the details of costings have been provided clearly for the proposed link.

- 7.11.6. In conclusion, having considered the importance of the pedestrian/cycle link to the success of the development and considered the relevant planning policy that supports the provision of the link and considered section 7.3 of the Development Management Guidelines, I consider the retention of Condition 10 (a) and Condition 10 (b) to be appropriate in this instance.

7.11.7. Condition 20

Condition 20 requires the payment of a financial contribution in the sum of €144,987.54 to be paid to Fingal County Council in lieu of open space. The applicant considers the attachment of this condition unreasonable and contrary to Development Plan requirements as more than adequate high quality public open space has been provided. Table 4.3 sets out quantitative public open space requirements. The site is a brownfield infill site with an open space requirement of 12%. At further information stage the quantum of open space increased to 12.8%. The planning authority response to this aspect of the appeal, states that Objective DMS051 of the Fingal County Development Plan states that provision of public open

space is 2.5hectares per 1000 people. Open space is divided into Class 1 and Class 2 public open space, which caters for both active recreational open space and local residential open space. The planning authority outlines the manner by which the public open space in the proposal was assessed and requests the subject conditions remain unchanged.

In considering this appeal ground, I have reviewed the detailed landscaping plans and particulars submitted with the application, the Landscape Masterplan drawing submitted with the first party appeal, relevant CDP policy, and the Fingal Development Contribution Scheme.

7.11.8. I note and find the following: Key Statistics in the Proposal

- The proposal has a site area of .95ha, and a public open space provision totalling 1,189 sq m (at the entrance to the site over two areas)
- The Parks report highlights that there is a shortfall of public open space generated through the development of 2470.5m<sup>2</sup>
- I find the two areas of public open space provided are generous in size for an infill scheme with significant on site constraints. The largest block of open space provision measures 1092m<sup>2</sup>.
- CDP Table 14.1 outlines the types of public open spaces (categories within Class 1 and Class 2) and policy in section 14.13 identifies the types of areas that will not be counted in public open space calculations (environmental open space, green corridors).
- Objective DMSO52 requires compliance with Table 14.2, which, of relevance for the proposal, in turn stipulates that a minimum standard of 12% of the site area is to be provided as public open space for new residential development on infill/ brownfield sites.
- The Compact Settlement Guidelines require a provision of public open space in new developments of between 10%-15% of the site area (Policy and Objective 5.1, on-site provision).
- In accordance with CDP Objective DMSO51, the proposal generates a requirement of 3,500sqm for public open space – 39% of open space provision.

7.11.9. I consider the landscaping strategy for the proposal (presented in the Landscaping Report, Landscape Masterplan and Planting Schedule, Arboricultural Report, and Tree Protection Plan) will result in a high-quality, well-designed scheme. I find the overall open space in the scheme in terms of its design, layout, and type (public, communal, and environmental) to be a distinguishing feature in the proposal, contributing to the character of the scheme, and the ensuring high levels of residential amenity for future residents. I consider the Compact Settlement Guidelines allow for a greater flexibility in terms of the provision of public open space within new developments, allowing up to 15% of the site area to be provided on site.

I note the distinguishing Classes of open space provision as set out in the Fingal County Development Plan. A Public Park as it relates to Table 14.11 of the Fingal Development Plan is considered Class 1 Public Open Space – Class 1 public open space is to be provided “off site.” The requirement to provide a contribution in lieu of public open space is clear and unambiguous in the context of the existing Fingal County Development Plan 2023 to 2029.

While I acknowledge the applicant’s opposition to the finding of any shortfall in public open space provision, I consider that the applicable CDP policy and objectives and the terms of the Development Contribution Scheme are clear. The shortfall is in respect of the non-provision of Class 1 public open space and a financial contribution in-lieu of same is required in accordance with CDP Objective DMOS52.

I concur with the planning authority and recommend the requirement for the applicant to pay a financial contribution to address same remains. As the basis for the condition is not a section 48(2)(c) special development contribution, the financial contribution arising comes within the scope of the standard section 48 development contribution and does not necessitate a specific condition of the planning authority’s decision.

7.11.10. Condition 8 (g)

Condition 8 (g) requires the payment of a financial contribution in the sum of €154,512 to be paid to Fingal County Council in lieu of 348 meters of play provision.

The applicant contends that the application of this special contribution is not lawful as the Development Contribution Scheme makes no reference to contribution payable in the absence of the provision of play equipment. The applicant states that

a full suite of play equipment has been provided on site, however it has not been possible to provide the play equipment at a distance of 25m. It is stated that the 25m threshold relates to a Space for Play document and not a County Development Plan requirement. Having regard to Table 1: Play Space Hierarchy and Accessibility Standards of the Space for Play document, the requirement for 25m distance refers to “Locally Equipped Area for Play” and not a “Local Area for Play” as the proposal clearly is. Therefore it is concluded that the 25 meter separation distance is not relevant in this instance.

The planning authority sets out that a special contribution for play area is set out in the Development contribution scheme and the 25m buffer is set out within Objective DMS 068. A breakdown of costs for the delivery of the play area has also been provided.

7.11.11. Policy Objective DMS 068 of the County Development Plan states the following with respect to the provision of Playground Facilities within residential development:

*Provide appropriately scaled children’s playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated, built and completed, where feasible and appropriate, in advance of the sale of any units.*

7.11.12. The requirement for 25m between residential units and play equipment is not set out within the above policy. Table 14.11 of the Fingal County Development Plan 2023 to 2029 sets out Classes of Public Open Space -with Class 2 identifying Pocket Parks and Small Parks. The Pocket Parks requires “Local Area for Play”, for an area between 500sqm and 0.2ha. In this regard, I consider the scale of public open space fits the criteria of Pocket Park in this instance. Fingal County Councils Play Policy – “A Space for Play” states that the 25m distance is with respect to “Locally Equipped Area for Play” which falls into the category of Small Park. Having regard to the foregoing I concur with the assessment of the applicant in this instance and consider the application of Special Development contribution for play equipment was in error and not applicable in this instance.



7.11.13. In the interests of clarity for the Board, I highlight that the above assessment is specific to the proposed development and is not intended to serve or be interpreted as a precedent on the matter.

7.11.14. I recommend Condition 8 (g) special development contribution be removed from the schedule of conditions.

## **8.0 AA Screening**

8.1.1. Stage 1 – Screening Determination for Appropriate Assessment

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

8.1.3. This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.
- Distances from European sites.
- Absence of any meaningful pathways to any European site.
- No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **9.0 Pre Screening for Environmental Impact Assessment**

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

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

- Class 10(b) relates to infrastructure projects that involve:
  - (i) Construction of more than 500 dwelling units,
  - (ii) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
  - (iii) Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations.
  - (iv) The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations. In respect of the latter, 'business district' is defined as a district within a city or town in which the predominant land use is retail or commercial use. I do not consider that the appeal site (with a site area of c..93ha) comes within this definition and is instead another part of a built-up area where the 10ha threshold applies.

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

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

9.1.5. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 3 below of this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the

nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.

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

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

a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.

b) The location of the site on zoned lands (Zoning Residential RS), and other relevant policies and objectives in the Fingal Development Plan 2023-2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).

c) The infill nature of the site (greenfield/ brownfield) and its location in urban neighbourhood area which is served by public services and infrastructure.

d) The pattern of existing and permitted development in the area.

e) The planning history at the site and within the area.

f) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).

g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.

h) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.

i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan,

Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment,, and Mobility Management Plan.

## **10.0 Recommendation**

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

## **11.0 Reasons and Considerations**

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Residential zoning objectives and other policies and objectives of the Fingal Development Plan 2023-2029, would appropriately intensify the residential use at the site as per policy CSP-14, would constitute an acceptable mix and quantum of residential development as per the Development Management Standards of Fingal Development Plan 2023 -2029 and Design Standard for New Apartments 2024, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> of February 2025, except as may otherwise be required in order to comply with the following conditions.  
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

4. The following requirements shall be complied with:
  - a) The developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of works.
  - b) The arboricultural consultant shall ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report, tree plans and particulars.
  - c) Any tree felling, surgery and remedial works shall be undertaken in

accordance with applicable BS standards or equivalent standards, supervised by and to the satisfaction of the arboricultural consultant.

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

e) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to ensure the boundary hedgerow along the northern boundary is protected and maintained in good condition throughout the course of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination

Reason: In the interests of arboricultural and environmental protection.

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

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

6. All bathroom/en suite windows shall be fitted permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interests of residential amenity.

7. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority an acceptable bilingual naming scheme which shall reflect local historical place names.

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

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 on Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of public health.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within a finalised agreed Landscape Masterplan and Planting Schedule. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

11. Prior to the commencement of development, a final Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the planning authority for written agreement. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.
- b) A detailed construction traffic management plan shall be submitted for the written approval of the planning authority prior to commencement of the development.

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

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

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

13. The applicant shall comply with the following:

- a) The lands required on the subject site to provide the future pedestrian and cycle connection to Diswellstown road shall be reserved free from any structures or services that might prejudice the future of the connection and a revised layout plan detailing the reservation area and the area to be seeded to the Council shall be agreed in writing.
- b) A special contribution under section 48 (2) (c) of the Planning and Development Act 2000 of €300, 000.00 euro shall be paid to Fingal County Council in respect of the provision of a pedestrian and cycle link from the development to the Diswellstown Road.
- c) The applicant shall continue to engage with the Planning Authority, NTA and Irish Rail in relation to the on going projects of The Royal Canal Greenway and Dart Plus West and the detailed design and works required for access to the development and construction shall be agreed in writing with the Planning Authority prior to commencement for the development.
- d) The boundary treatment details/gates to the pedestrian and cycle link to the Future Royal Canal shall be agreed with the Planning Authority prior to construction and shall be installed prior to occupation of the development.
- e) The detailed design of the upgrade works to the Porterstown Road shall be agreed in writing with the Planning authority prior to construction and all works shall be carried out at the expense of the developer.

Reason: In the interest of orderly and sustainable development .



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

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

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

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

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

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

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

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

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

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

e) A financial contribution in lieu of a shortfall in public open space provision 2471 sqm (0.2471 hectares) is required in accordance with section 48 of the Planning and Development Act 2000, as amended.

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

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

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

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

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

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

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

24. The developer shall pay to the planning authority a financial contribution in respect of the Clonsilla to Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

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Darragh Ryan  
Planning Inspector

4<sup>th</sup> of June 2025

## Appendix 1: Appropriate Assessment – Screening Determination

### Screening for Appropriate Assessment Screening Determination

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

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

#### **Subject Site**

The existing site off Porterstown Road, is located in the townland of Porterstown, in Clonsilla Village, Dublin 15. The village core of Clonsilla is within 500m of the site and includes a number of business premises (e.g. retail shopping, a public house, restaurants / takeaways, and healthcare facilities. The site is a predominantly greenfield site with an existing structures thereon –known as Keanes Cottage to the South West of the site – currently vacant . The irregular shaped site can be considered a large infill site in the area of Porterstown.

The site is accessed via Porterstown Road and is bounded to the east by Diswellstown Road. Porterstown Road provides local access to nearby housing and amenities, its carriageway width varies considerably and narrows at the existing site entrance with a significant ‘pinch-point’ at Kennan Bridge and the level crossing beyond. Footpath provision along the roadway is also inconsistent and non-continuous on both its western and eastern sides with no dedicated pedestrian route over the bridge (noting that the existing towpath crosses from the northern side of the canal to the south at Kennan Bridge).

The site access is shared with an existing access arrangement which is shared with adjacent property. This property lies to the east of the site and is completely outside the redline boundary. The property is occupied. The site is relatively flat, with a slight depression at its centre. There is an extensive mature tree line surrounding the site with a mixture of species throughout.

## **Project**

Construction of 90 residential units consisting of 8 no 3 Storey semi-detached houses and 82 apartments 30 (1 bed) 82 (2 beds) in two blocks. Block A part 4 storey, part 5 storey and Block B is 5 no storeys. Works are proposed to connect new wastewater and stormwater pipes to the existing sewer at Porterstown Road

Demolition of the existing vacant dwelling and outbuildings (207sqm)

Provision of new vehicular access and pedestrian cycle access of Porterstown road, 42 car parking spaces, motorcycle parking spaces, bicycle parking spaces and storage facilities. All other site development works including hard and soft landscaping.

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

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

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

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

### **Submissions and Observation**

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

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

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

have a significant effect on any European sites, either alone or in combination with other plans or projects.

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

The identified habitats on site are described as consisting largely of scrub (WS1), dry meadow and grassy verges (GA2), treelines (WL2), hedgerow (WL1) and built land (BL3). The mature treelines (two centrally located) provided nesting area with an amount of plant species diversity in its understory.

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

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

### **European Sites**

There are Six European sites in the zone of influence of the project.

The six European sites are identified as follows:

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

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

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

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

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



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

#### Effect Mechanisms

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

I note and find the following:

- There are no protected habitats or species identified at the site and therefore the likelihood of any significant effect of the project on any European site due to loss of habitat and/ or disturbance of species can be reasonably excluded.
- The distances between the subject site and the European sites via the hydrological pathways are notable of at least c.12km.
- Site development, clearance and construction activities pose a potential risk to surface water/ groundwater quality due to contamination. However, there are no waterbodies at or adjacent to the site and no evidence of vulnerable groundwater conditions.
- The high probability that a pollution event at and/ or pollution from the construction site would be minimal in significance and/ or quantity.
- The potential risk to coastal European sites via contamination of the surface water pathway (and, as applicable, groundwater at site) is therefore considered to be is extremely low and the effect of same is assessed to likely be imperceptible.
- The development works will be managed and implemented in line with the outline CEMP, which includes standardised pollution prevention and surface water control measures.
- Indirect hydrological connections exist between the project and coastal European sites via surface water drainage and wastewater drainage to the public systems, River Liffey, and discharge to the Irish Sea. However, any pollutants, silt laden runoff or dust will likely be dispersed or diluted (within the respective drainage network, estuarine environment, and/ or in the marine environment) to negligible levels prior to reaching the coastal European sites.
- The project incorporates several surface level SuDS features including green roofs, bioswales and permeable paving. These SuDS features will intercept, convey, and dispose of stormwater thereby having an attenuating effect and reducing the volume of surface water runoff.
- The incorporation of SuDS features into the design of the project is required by several policy frameworks (GDSDS, Regional Code of Practice, Flood Risk Guidelines, CDP) and are a standardised embedded mitigation.
- The effects of SuDS have therefore been considered in the undertaking of this appropriate assessment screening as the primary reason for the use of SuDS has not been to protect a European site.
- As such, the potential for likely significant effects during the project's operation phase from surface water impacts through the hydrological connection can be reasonably excluded.
- The high levels of dilution, mixing and/ or dissipation of any contaminant in the receiving surface and/ or sea waters.
- The low probability of surface water and/ or wastewater (post-treatment) contamination which would have the potential to negatively affect the qualifying features of the European sites (e.g., contaminate food sources for marine mammals, seabird species).

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

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

I identify European sites in proximity to the subject site in section 5.4 of this report. As outlined above, the AASR identifies six European sites in the zone of influence of the project. For the reason, I have outlined above, I do not identify any impact mechanisms which could have a likely significant effect on any of the identified European sites. As such, there are no European sites at risk of likely significant effect from the project.

### **Step 4: Likely Significant Effects on the European Site(s) 'Alone'**

For the reasons outlined above, I conclude that the project would have no likely significant effect 'alone' on the qualifying features of any European site. In the interests of completeness, further appropriate assessment screening in-combination with other plans and projects is required.

### **Step 5: Where Relevant, Likely Significant Effects on the European Site(s) 'InCombination with other Plans and Projects'**

I have had regard to the information included in the AASR on plans and projects. I have also reviewed the planning authority's website for applicable appropriate assessment information on relevant plans (CDP), and the planning authority and An Bord Pleanála's planning registers for relevant planning cases (correct as of the date of this assessment). The AASR does not identify any significant in-combination effect.

I consider that the key plan is the CDP which seeks environmental protection and pollution prevention, and the projects are to be constructed to/ operate within industry standards. I conclude that the project would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site.

### **Overall Conclusion – Screening Determination**

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

This conclusion is based on:

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

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

## Appendix 2: Environmental Impact Assessment Pre Screening Form

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	321973-25
<b>Proposed Development Summary</b>	Demolition of existing buildings and structures, and construction of 90 residential units, a café, a childcare facility, and all other site and development works.
<b>Development Address</b>	Site at Porterstown Road, Porterstown, Dublin 15, D15 Y95T
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b) Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Appropriate thresholds in accordance with Class 10(b): -  Class 10(b)(i) – more than 500 dwelling units.  Class 10(b)(iv) – urban development in an area greater than 10ha.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

