



An
Coimisiún
Pleanála

Inspector's Report

ACP-322813-25

Development

Large Residential Development: Construction of 175 dwellings and a childcare facility with all associated site works
www.winterwoodlrd.ie

Location

Winterwood, Carpenterstown Road, Dublin 15, D15YH4C

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

LRD0056/S3E

Applicant

Winterwood Developments Limited

Type of Application

Largescale Residential Development

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

First Party vs Conditions

Third Party vs Decision

Appellants

1. Winterwood Developments Limited
2. Concerned Residents of Carpenterstown, c/o Kathleen Dalton
3. Colette Quinn

Observers

1. Department of Defence
2. Lucy McGinty
3. Michael Farrell
4. Gayle Briody
5. Brendan & Geraldine Stephens
6. Maurice Fitzgerald
7. Kieron Lynch
8. Celia Clancy & Alan Larkin
9. Lisa Foran & David Bernie
10. Maeve Early
11. Cllr. John Walsh
12. Leanne Berry

Date of Site Inspection

28th August 2025

Inspector

Jim Egan

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1.0 Site Location and Description

- 1.1. The site has a stated area of 1.87ha and is located on the southern side of Carpenterstown Road in the townland of Diswellstown and in the parish of Castleknock, approximately 300m due north-west of the M50. The site comprises a relatively large, detached dwelling, known as Winterwood, and associated outbuildings.
- 1.2. To the east of the site is a recently completed residential development, Balroy Hall, comprising 192 no. apartments 5 no. five-storey blocks (ABP-309126-21 refers). To the south of the site is Hamilton Park, a housing estate of 254 no. dwellings, comprising 170 no. two and three storey houses and 54 no. apartments in 2 no. three and four storey blocks (FW14A/0066 refers). To the west of the site is a c. 1980s housing estate, Burnell Park, comprising 123 no. two-storey houses. Along the site's northern boundary is Carpenterstown Road. Further to the north of the site, on the opposite side of Carpenterstown Road, are further housing estates of Carpenterstown Manor, Park Manor and Bramley Avenue / Bramley Court. The vehicular entrance road serving Bramley Avenue and Bramley Court is located opposite the existing entrance to the appeal site. Houses directly opposite the site on Carpenterstown Road comprise 9 no. detached two-storey dwellings fronting Carpenterstown Road, 4 no. of which are accessed directly off Carpenterstown Road and 5 no. accessed off Carpenterstown Manor. Opposite the northeastern corner of the site is the southern side boundary of No. 8 Park Manor. At the time of inspection, there was a new house under construction within the southern side garden of this property (FW24A/0505E refers), fronting Park Manor, thus siding onto Carpenterstown Road on its south side.
- 1.3. The site is currently served by 1 no. vehicular access / egress point on Carpenterstown Road, located at the centre of the site frontage. The site comprises a considerable number of mature trees of differing height and quality and are particularly notable around the site's boundaries. Existing boundaries include a concrete block wall along the southern boundary to properties on Diswellstown Way and a green steel mesh fence to the eastern boundary with Balroy Hall. As shown on the submitted drawings, the application site (red line) boundary is stepped in off the western property boundary. The submitted site survey indicates that the

application boundary follows a fence line. During a site inspection I observed that only part of a chain link fence remains with the majority fallen over and in bad repair. I also noted that the main western property boundary shared with the rear gardens of dwellings on Burnell Park Avenue comprises a concrete block wall.

- 1.4. During a site inspection, I observed an open drain running along the inside of the western property boundary but outside the application red line boundary. The submitted Arboricultural Report refers to this as a land drain. However, at time of site inspection, the ditch was dry and partially filled with leaves and other plant litter. There is no indication that this ditch continues from the site given that the ditch is bookended by Carpenterstown Road to the north and Diswellstown Way houses to the south. There are no apparent flows out of the site or noted hydrological connections, and from the site inspection and reviewing the planning histories on adjoining sites no hydrological links were noted.
- 1.5. Within the wider area, Carpenterstown Road neighbourhood centre, Castleknock Community College and Tír na nÓg public park are all within c. 350m walking distance to the west of the site and St. Patrick's national school is c. 500m walking distance to the southwest. Within approx. 3km of the site are Castleknock Village, Blanchardstown Shopping Centre, Coolmine Industrial Estate and Blanchardstown Hospital.
- 1.6. The site is c. 1km walking distance of Coolmine train station to the northwest. The no. 37 bus service runs between Blanchardstown and Dublin City Centre, with the nearest bus stop for both route directions being within c. 400m walking distance of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing dwelling and associated outbuildings and construction of 175 residential units and a childcare facility, and all associated site development works.
- 2.2. The proposed residential units comprise 30 no. houses, consisting of 16 no. four-bed three-storey (two-storey with attic level accommodation) semi-detached houses located along the southern site boundary (referred to as Block A), 8 no. three-bed two-storey and 6 no. two-bed two-storey houses clustered towards the centre of the

site (referred to as Block B); and 145 no. apartments (71 no. one-bed and 74 no. two-bed) accommodated within 3 no. part five, part six storey blocks (referred to as Blocks C, D and E), located along the northern and eastern site boundaries. The childcare facility (c. 158sq.m) is located at ground floor level of Block C.

2.3. The proposed development includes a new main vehicular entrance on Carpenterstown Road, internal access roads and footpaths, 111 no. surface car parking spaces, 6 no. motorcycle parking spaces, 387 no. bicycle parking spaces, an ESB substation, and all associated site and infrastructural works to include provision for water services, foul and surface water drainage and connections, attenuation proposal, permeable paving, green and blue roofs, landscaping and boundary treatment works, plant areas, photovoltaic panels, public lighting and electrical services.

2.4. Further information submitted to the planning authority on the 29th April 2025 included the following design amendments:

- All houses in Block A (row of houses along the southern boundary) moved c. 960mm westwards, together with internal reconfiguration, all to satisfy SPPR 2 of the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024).
- The separation distance between Block A and Block B increased from a minimum of c. 13.1m to a minimum of c. 15.85m.
- The separation distance between rear opposing elevations of units within Block B increased from c. 13.7m to c. 16m, to satisfy SPPR 2.
- By association with the above amendments, the area of public open space at the centre of the site (north of Block B) was reduced from c. 2,347sq.m (14% of net developable site area) to c. 2,051sq.m (12.2% of net developable site area).
- Living room windows on the southern elevation of above ground floor level apartments in Block D changed to high level windows, to address concerns of overlooking of opposing living room windows on the northern elevation of apartments in Block E.
- Minor internal reconfiguration of apartment floor plans to clarify storage areas.

Notwithstanding the above amendments, the proposed development was fundamentally unchanged from that initially lodged. The quantum of development remained at 175 no. dwelling units, comprising 30 no. houses and 145 no. apartments.

- 2.5. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application form, and plans and particulars (Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment), and also take account of amendments made at further information stage.

Table 1: Key Statistics

Site Area	c. 1.87ha
Net Developable Site Area	c. 1.68ha
Floor Areas (gross floor spaces)	Total Floor Area: c. 16,521sq.m Residential: c. 16,335.6sqm Childcare facility: c. 158sq.m All service buildings: c. 27.4sq.m
Residential component	Total: 175 residential units 145 apartments (c. 83%) 30 houses (c. 17%%)
Net Density	c. 104dph
Building Height	Block A (houses): 3 storeys (c. 10.244m) Block B (houses): 2 storeys (c. 8.977m) Block C (apartments): 6 storeys (c. 18.7m) Block D (apartments): 6 storeys (c. 18.7m) Block E (apartments): 6 storeys (c. 18.7m)
Aspect (apartments)	<u>Dual Aspect</u> Block C: 46 no. Block D: 22 no. Block E: 22 no. Total = 90 no. (62.1% of total)

	<p><u>Single Aspect – North</u></p> <p>None</p> <p><u>Single Aspect – South</u></p> <p>Block C: 15 no. (10.3%)</p> <p>Block D: None</p> <p>Block E: None</p> <p>Total = 15 no. (10.3% of total)</p> <p><u>Single Aspect – East or West</u></p> <p>Block C: None</p> <p>Block D: 20 no.</p> <p>Block E: 20 no.</p> <p>Total = 40 no. (27.6% of total)</p>
Open Space	<p>Public: c. 2,051sqm</p> <p>Communal: c. 967sqm</p> <p>Private: Rear gardens to houses and apartment balconies (various sq.m)</p>
Part V provision	<p>Total: 35 units (20%)</p> <ul style="list-style-type: none"> • 31 no. apartments (14 no. one-bed and 17 no. two-bed) spread across the 3 no. apartment blocks. • 2 no. two-bed houses in Block B.
Car Parking	<p>Total: 111 spaces</p> <p>Houses: 54 spaces</p> <p>Apartments: 57 spaces</p> <p>This figure of 111 spaces is inclusive of the following:</p> <p>Car Share / Car Club: 2 spaces</p> <p>Accessible: 3 spaces</p> <p>EV enabled: 12 spaces (with a note that all on-street and in-curtilage parking will be ducted for future EV charging)</p>
Motorcycle Parking	<p>Motorcycle: 6 spaces</p>

Bicycle Parking	Total: 389 spaces	
	Long-term: 292 spaces (secure bicycle lockup) <ul style="list-style-type: none"> Houses: 50 spaces Apartments: 230 spaces Creche: 2 spaces 	Short-term/ visitor: 97 spaces (secure / Sheffield style) <ul style="list-style-type: none"> Apartments: 75 spaces Creche: 12 spaces Cargo Bike: 10 spaces

Table 2(a): Summary of Residential Unit Mix

Apartments (145 units, c. 83% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	71	74	-	-	145
% of Total	c. 49%	c. 51%	-	-	100%
Houses (30 units, c. 17% of the scheme)					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	-	6	8	16	20
% of Total	-	c. 20%	c. 27%	c. 53%	100%
Overall Unit Mix					
Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Total	71	80	8	16	175
% of Total	c. 40%	c. 46%	c. 5%	c. 9%	100%

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

Unit Type B/ P	1 bed / 2P	2 bed / 4P	3 bed / 5P	4 bed / 7 bed	Total
Apartments	71	74	-	-	150
Houses	-	6	8	16	20
Unit Type Total	71	80	8	16	170
% of Total	c. 40%	c. 46%	c. 5%	c. 9%	100%
Total Bedspaces	142	320	40	112	614

- 2.6. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by a range of reports and supporting documentation. A full list of reports is contained in the applicant's Cover Letter, with revised reports listed in the applicant's Cover Letter submitted at further information stage.

3.0 Planning Authority Opinion

- 3.1. An initial pre-application consultation under Section 247 of the Planning and Development Act 2000, as amended (2000 Act) is indicated to have taken place on 26th September 2024 between the applicant and the planning authority.
- 3.2. The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale Residential Development (in respect of a development comprising 180 no. residential units and associated site works) on 10th December 2024. The record of that meeting is attached to the current file.
- 3.3. Further to that meeting, the Planning Authority issued an opinion under Section 32D of the Act stating that the documents that had been submitted constituted a reasonable basis on which to make an application for permission for the proposed LRD subject to specific further consideration and amendment. I note that the Opinion issued by the planning authority is not dated however under Section 2.2 of the applicant's Planning Report / Statement of Consistency it is stated that the opinion was received electronically from the planning authority on the 8th January 2025.

The detailed assessment contained within the Opinion highlights areas for the applicant to consider or address when making a future planning application. These can be summarised as follows:

Planning

- Address concerns regarding the height of the proposed apartment blocks, particularly Block C, having regard to the provisions of Section 3.2 of *Urban Development and Building Height Guidelines for Planning Authorities* and zoning objective for the site, with particular reference to impact on light to existing properties.

- Consider providing adequate community facilities. A Social Infrastructure Audit is required.
- Engage with the Fingal Childcare Committee with respect to childcare provision in the locality justifying the absence of childcare facility in the proposal.

Design and Layout

- Design should be reflective of transitional nature of the site, which comprises low rise to the west and taller building to the east.
- Consider strong elevational treatment to Block C to provide an active frontage to Carpenterstown Road.
- Consider maintaining a minimum 8m separation distance between any window and the western site boundary.
- With regards daylight and sunlight, consider providing some integrated balconies rather than an over reliance on ‘tacked-on’ balconies.
- Compensatory design measures to overcome substantial number of single aspect north facing units.
- Clearly demonstrate that there would be no overlooking from western elevations of Block C to the gardens of adjoining dwellings.
- Provide a contiguous elevation along Carpenterstown Road.
- Consider robust material finishes, with minimal use of render.
- Consider reducing extent of roads from the internal layout in favour of more open space.
- Block C – Consider moving the block southwards to provide for an increased area of communal open space to the north and increase setback to existing houses to the north. Review compliance with TGD Part B with regards single core layout. Review the narrow lobby at the main entrance to improve functionality and consider adding a shelter over the main entrance.
- Blocks D and E – Consider moving or rotating the blocks to improve communal open space proportions along the eastern boundary and to increase setbacks

to apartments under construction to the east. Consider adding a shelter over the main entrances.

- Block B (houses) – consider a revised configuration in the context of roads and open space.
- House Types A, B and C – review internal layouts, storage provision and compliance with TGD Part M.
- Include details on compliance with county development plan with regards accessible housing and age friendly housing.

Housing Department and Part V

- Confirmation that Part V proposal submitted was deemed acceptable by the Housing Department. Developer to liaise with the Housing Department with respect to a Part V agreement in this regard.

Landscape, Park and Green Infrastructure

- Address concerns with regards provision and layout of public open space and identification of incidental / communal open space.
- Open space areas not to be dominated by SuDS features.
- Where play equipment cannot be provided on the site, a contribution in lieu will be sought.
- Clarification required with respect to existing and proposed boundary treatment.
- Revised landscape plans to address traffic calming measures, street tree locations in the context of lighting and services, tree pit dimensions, demonstration of no net canopy loss, location and scale of swales, in-cut car parking in public open space to be removed, demonstrate how SuDS features contribute positively to overall design and quality of open space, provide cross sections of relationship between the site and land to the west.

Transportation and Access

Cycle Parking

- Schedule to be provided.

- Further details with regards diversity of spaces, universally accessible, quality and location within curtilage of apartments, innovative design for terrace units.
- Each apartment to be provided with an individual storage compartment to accommodate bicycles, buggies and ancillary equipment.

Vehicle Parking

- Site is within 500m of a future bus connects redesign radial route and considered an urban neighbourhood on the threshold of a the 1km walking distance to a commuter rail station.
- Concern regarding provision of a cul-de-sac to serve Block B aligned parallel to the main access road.
- Consider a redesign of layout / parking for Block B to remove parking from the front of the development.
- Engineering drawings for roads and footpaths to be provided. Public lighting and tree pits are not to clash.
- Consider inclusion of landscape pinch points in the road network and further consideration for the transition from roads to shared surfaces.
- Circulation areas around parking and parking space dimensions to demonstrate compliance.
- Road surface make-up to be compliant with local authority's taking in charge policy.

Other

- Land within the front set back to be reserved for future active travel.
- Stage 1 and 2 Road Safety Audit required.
- EV charging to be provided as per requirements of CDP.
- Secure motorbike parking to be provided.
- Provision of car club parking.
- Parking not in curtilage not to be designated if development is to be taken in charge.

- Swept path analysis to be provided.
- Construction access to be confirmed in CEMP.

Water Services

- Applicant to enter into a connection agreement with Uisce Eireann.
- SuDS strategy generally acceptable. Justification required around soil type to be used with regards Qbar calculation.
- Details of detention basin to be submitted.
- Confirm location and feasibility of existing surface water pipe to which connection is proposed.

3.4. The application includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.

3.5. For An Coimisiún's clarity, copies of the minutes of the pre-planning meetings and the planning authority's LRD Opinion are included in the case documentation.

4.0 Planning Authority Decision

4.1. Summary of Decision

4.1.1. The planning authority granted permission for the proposed development on 27th May 2025, subject to 28 no. conditions. This is a first party appeal against conditions and a third-party appeal (2 no. appellants) against the planning authority's decision to grant permission.

4.1.2. The majority of attached conditions are standard in nature (construction, operational, technical, procedural, and financial). Conditions specific to the first party appeal are Condition 14 (costed financial contribution in-lieu of the play provision) and Condition 27 (costed financial contribution in-lieu of open space).

4.1.3. I have cited these in full for An Coimisiún's ease of reference:

Condition 14

A financial contribution of €239,316.00 in lieu of the shortfall of 539 sq.m of play provision shall be provided to allow provision in the area.

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

Condition 27

Prior to Commencement of development a financial contribution in the sum of €335,223.16 be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall of 5,712sqm of open space.

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

4.2. Planning Authority Reports

4.2.1. Planning Report

The initial planner's report, dated 9th April 2025, recommended that 3 no. items of further information be sought. These items are summarised below:

1. Surface water proposals were revised following the LRD opinion stage – clarification required with respect to the following:
 - a. Location, size, gradient and invert of existing public network to which a connection is proposed.
 - b. Discharge rate and discrepancy between submitted surface water layout drawing and report.
 - c. Provision of hydrocarbon separator.
 - d. Usage of below ground attenuation only as a last resort.
 - e. Location of a below ground attenuation tank or hydrocarbon separator should be accessible, within a public area, not a public road.

- f. Interception and attenuation calculations / design for all permeable paving areas.
- 2. Requested to submit a public lighting plan – location plan, calculations, isolux contour drawing, ducting layout / access chambers / section pillars, product data sheets, local authority LED technical details sheets, circuit schematics, protection measures for lighting in home zone shared surface areas.
- 3. The Site Layout Plan was revised following the LRD opinion stage. clarification required with respect to the following:
 - a. Separation distances between houses in Block B in the context of SPPR 2 of the Sustainable Development and Compact Settlement Guidelines 2024.
 - b. Opposing habitable room windows in Blocks D and E are provided with a separation distance of c. 10.7m. Design to be amended to address same.
 - c. Depths of rear gardens to houses in Block A in the context of SPPR 2 of the Sustainable Development and Compact Settlement Guidelines 2024.
 - d. Revised apartment floorplans to address inaccuracies with internal storage dimensions.
 - e. A floor plan for the 5th floor of Block C not provided.
 - f. Alternative compensatory design solutions for units that do not meet minimum daylight requirements.

Further information was received on the 29th April 2025.

The planner's report dated 27th May 2025 considered that all items of further information had been adequately addressed and that outstanding issues with regards lighting and layout could be conditioned. The planner's report recommended that permission be granted subject to conditions.

4.2.2. *Other Technical Reports*

Housing Department: Report dated 21st February 2025 raised no objection, noting that a submitted Part V proposal was acceptable. The report also made comments with regards universal design and age-friendly requirements.

Environmental Waste: Report dated 10th March 2025 raised no objection subject to the inclusion of conditions with regards the requirement to submit an updated Construction and Demolition Resource Waste Management Plan (RWMP) and Operational Waste Management Plan (OWMP).

Public Lighting: Report dated 14th March 2025 raised no objection but recommended condition with regards the submission of details on public lighting. This was reflected in the further information request issued by the planning authority. A further report dated 14th May 2025 recommended conditions with regarding lighting details.

Parks and Green Infrastructure: Report dated 19th March 2025 raised no objection subject to the inclusion of conditions with regards contributions in lieu of open space and play provisions, landscape plan, boundary treatment and tree pruning / tree protection. A further report dated 13th May 2025 reiterated the earlier submission and included updated calculations in respect of payment in lieu of open space to account for a lesser area of open space shown on the amended site layout plan submitted as further information.

Water Services: Report dated 20th March 2025 raised no objection with regards flood risk but recommended that further information be sought with regards surface water drainage. This was reflected in the further information request issued by the planning authority. A further report dated 19th May 2025 considered further information received to be broadly acceptable subject to standard conditions.

Architects Department: Report dated 21st March 2025 raised no objection but recommended changes with regards the layout and design of houses and apartments, with the principles of same reflected in the further information request issued by the planning authority. A further report dated 15th May 2025 considered further information received to be broadly acceptable but recommended a condition be included with regards obscuring high level windows on Block C.

Transportation Planning: Report dated 24th March 2025 raised no objection subject to condition with regards cycle / car / motorbike parking, road design, visibility splays, pedestrian and cycle infrastructure/ active travel, road safety audits, taking in charge standards, drainage / attenuation, construction / traffic management plans.

4.3. Prescribed Bodies

Uisce Eireann: Appendix 5 of the submitted Civil Engineering Infrastructure Report contains a letter from Uisce Eireann, dated 8th January 2025, which confirms that a connection to water supply is feasible without infrastructure upgrades by Uisce Eireann but that an onsite booster pump may be required to maintain required pressure. The letter also confirms that a wastewater connection is feasible subject to upgrades, noting that there are network capacity constraints within the trunk sewer catchment area and that in order to accommodate the connection for the proposed development, it will be necessary to identify areas of groundwater infiltration to the sewer network and/or storm water misconnections and carry out repair work to same.

4.4. Third Party Observations

- 4.4.1.** 125 no. observations were made on the application, including observations from 2 no. elected members of Fingal County Council, Cllr. Ellen Troy and Cllr. John Walsh. Observations were also received from the Bramley Residents Association which covers Bramley Avenue, Bramley Court and Bramley Garth to the north of the site; Hamilton Park Residents Association, which relates to the Diswellstown area to the south of the site; and Burnell Park Residents to the west of the site. There was also an observation made on behalf of the Concerned Residents of Carpenterstown signed by 86 no. residents across Burnell Park, Bramley estates and Carpenterstown Road / Carpenterstown Manor.
- 4.4.2.** Individual observations were predominantly made by residents of the abovementioned housing estates in the vicinity of the site. The content of the observations generally reflects the content of the 2 no. third-party appeals and observations made on same. Grounds of appeal are discussed in greater detail under Section 7.0 below.

- 4.4.3.** Further information received on 29th April 2025 was not deemed to be significant. However, the planning authority received 14 no. observations to same, all being from persons / groups who had already made an observation to the application as lodged. As per initial observations received, the content of the further observations generally reflects the content of the third-party appeals received and observations made on same.

5.0 Planning History

5.1. Appeal Site

No recent or relevant planning history. There was a 1992 grant of retention permission (P.A. Ref. 92B/1073) for alterations to the existing dwelling.

5.2. Surrounding Area

Land adjoining to the east

P.A. Ref. FW12A/0054 – refers to a 2012 grant of permission for a 141-bedroom nursing home. Extension of duration granted until 22nd December 2022 (P.A. Ref. FW12A/0054/E1). Permission was not enacted.

ABP-305980-19 – refers to a March 2020 grant of permission for 192 no. apartments and crèche in 5 no. five-storey blocks. The decision was subsequently quashed in January 2021 by Order of the High Court, with the case remitted back to An Coimisiún for determination.

ABP-309126-21 – refers to a 2021 grant of permission for 192 no. apartments and crèche in 5 no. five-storey blocks. Permission was enacted and construction of the development known as Balroy Hall is complete.

ABP-317382-23 – refers to a referral made with regards a point of detail relating to a condition for payment of a special contribution for the provision of public open space in the area.

Land adjoining to the south

P.A. Ref. FW14A/0066 – refers to a 2014 grant of permission for 254 no. dwellings, comprising 54 no. apartments in 2 no. three and four storey blocks and 170 no. two

and three storey houses. Permission was enacted and construction of the development is complete.

P.A. Ref. FW16A/0093 / ABP Ref. 06F.247769 – refers to a 2017 grant of permission for 179 no. dwellings comprising 53 no. apartments in a four-storey block and 126 no. houses. Permission was enacted and construction of the development is complete.

Side garden site to the northeast

P.A. Ref. FW24A/0505E – refers to a March 2025 grant of permission for a two-storey detached house in the side garden of No. 8 Park Manor. The new house was under construction at the time of inspection.

6.0 Policy Context

6.1. Revised National Planning Framework, 2025

The National Planning Framework (NPF) is the Government's high level strategic plan for shaping the future growth and development of Ireland to 2040. The Revised NPF takes account of changes that have occurred since the publication of the first NPF in 2018.

The Revised NPF includes an amended Targeted Pattern of Growth between 2022 and 2040 for the regional assembly areas. For the Dublin City and Suburbs, the revised NPF allocates a minimum target population growth to 1.56 million persons in total by 2040, this being over the 2022 Census figure, compared to a target growth for the same period of at least 1.41 million persons allocated in the 2018 NPF.

Relevant national policy objectives are as follows:

National Policy Objective 4 A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 8 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 and ensure compact and sequential patterns of growth.

National Policy Objective 13 Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

National Policy Objective 16 To ensure that the targeted pattern of population growth of Ireland's cities to 2040 is in accordance with the targets set out in Table 4.1, which includes a minimum target population for Dublin City and Suburbs of 1.56 million by 2040.

National Policy Objective 22 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.

6.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 guidelines are as follows:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Quality Housing for Sustainable Communities 2007
- Sustainable Urban Housing: Design Standards for New Apartments, 2023
- Urban Development and Building Heights Guidelines, 2018
- Childcare Facilities, Guidelines for Planning Authorities, 2001
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management Guidelines, 2008

6.3. Climate Action Plan

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting Ireland's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

6.4. National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes the following five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss:

Objective 1 Adopt a whole of government, whole of society approach to biodiversity

Objective 2 Meet urgent conservation and restoration needs

Objective 3 Secure nature's contribution to people

Objective 4 Enhance the evidence base for action on biodiversity

Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives

Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires An Coimisiún, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of An Coimisiún. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy, where applicable.

6.5. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.6. Fingal Development Plan 2023-2029

Under the county settlement hierarchy, the site is located within the Dublin City and Suburbs Consolidation Area and within the wider Metropolitan Area. The site is zoned 'RS' Residential, the stated objective of which is to '*Provide for residential development and protect and improve residential amenity*'. Permitted in Principle uses include residential and childcare facilities.

Section 9 of the applicant's Planning Report and Statement of Consistency lists in detail the CDP policies and standards and outlines the manner in/ extent to which the proposal complies with same.

I consider the relevant CDP provision to be as follows:

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

- Table 2.14 – Core Strategy
- Policy CSP1 – Core Strategy
- Policy CSP2 – Compact Growth and Regeneration

- Policy CSP12 – NPF and RSES
- Policy CSP14 – Consolidation and Re-Intensification of Infill/ Brownfield Sites
- Policy CSP18 – Promotion of Residential Development
- Objective CSO17 – Mixture of House Types
- Policy CSP19 – Compact, Sequential and Sustainable Urban Growth
- Objective CSO21 – Promotion of Higher Densities

Chapter 3: Sustainable Placemaking and Quality Homes

- Policy in 3.5.11 Quality in Residential Development
- Policy SPQHP35 – Quality of Residential Development
- Policy SPQHP36 – Private and Semi-Private Open Space
- Policy SPQHP38 – Compact Growth, Consolidation, and Regeneration
- Objective SPQHO11 – Housing Need

Chapter 4: Community Infrastructure and Open Space

- Policy CIOSP10 – Childcare Facilities

Chapter 6: Connectivity and Movement

- Policy CMP2 – Managing Demand for Travel
- Policy CMP12 – Public Realm
- Policy CMP14 – Permeable Neighbourhoods
- Policy CMP13 – Accessible Pedestrian and Cyclist Environment

Chapter 9: Green Infrastructure and Natural Heritage

- Objective GINHO20 – development contributions in lieu of new open space or play provision
- Policy GINHP18 – Species Protection
- Policy GINHP21 – Protection of Trees and Hedgerows
- Objective GINHO46 – Tree Removal

Chapter 14: Development Management Standards

- Table 14.3 Brownfield Opportunities and Regeneration
- Table 14.4: Infill Development
- Section 14.5.3: Building Heights
- Section 14.6: Design Criteria for Residential Development in Fingal
- Section 14.7: Apartment Development/Standards
- Section 14.8: Housing Development/Standards
- Section 14.9: Residential Development – General Requirements
- Section 14.13: Open Space
- Table 14.11: Public Open Space and Play Space Hierarchy and Accessibility Standards
- Objective DMSO37 – Age Friendly Housing
- 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 DMSO78 – Community and Social Infrastructure Audit
- Objective DMSO79 – Applications for Childcare Facilities
- Objective DMSO127 – Use of Native Species in New Developments
- Objective DMSO143 – Habitat Facilities for Wildlife Species.

6.7. Fingal County Council Development Contribution Scheme 2021-2025

The above scheme was adopted on 14th December 2020 under Section 48(2)(a) of the Act and became effective from 1st January 2021.

- 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 on Page 7) indicates the rates at which the contribution will be calculated in respect of an open space shortfall.

6.8. Natural Heritage Designations

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Rye Water Valley / Carton SAC (001398) c. 7km west of the site.
- Glenasmole Valley SAC (001209) c.12.5km south of the site.
- South Dublin Bay SAC (000210) c. 12km east of the site.
- North Dublin Bay SAC (000206) c. 13.5km east of the site.
- Wicklow Mountains SAC (002122) c. 16.2km southeast of the site.
- South Dublin Bay & River Tolka Estuary SPA (004024) c. 10km east of the site.
- North Bull Island SPA (004006) c. 13.6km east of the site.
- Wicklow Mountains SPA (004040) c. 16km south of the site.
- North-West Irish Sea SPA (004236) c. 17km east of the site.

The issue of Appropriate Assessment is further addressed under Section 10.0 and Appendix 2 of this report.

The closest Proposed Natural Heritage Areas (pNHA) to the appeal site include:

- Liffey Valley pNHA (Site Code: 000128) is c. 550m to the southeast.
- Royal Canal pNHA (Site Code: 002103) c. 920m to the north.

There is no identified direct ecological pathway or functional link between the proposed development site and a pNHA. There is the potential for indirect pathways via groundwater and the surface water drainage network. However, as outlined under Section 11.0 and Appendix 3 of this report, subject to the implementation of a Construction and Environmental Management Plan (CEMP) and Construction Surface Water Management Plan, and, at operational stage, the connection to foul mains and surface water mains and the provision of onsite attenuation and SuDS

measures, it is considered that the proposal will not result in a risk of deterioration on any waterbody.

7.0 The Appeal

7.1. First Party Appeal

7.1.1. The first party appeal centres on Condition 14 and Condition 27 of the planning authority's notification of decision to grant permission, relating to a financial contribution, payable in lieu of play provision (Condition 14) and payable in lieu of open space (Condition 27). See Section 4.0 of this report above where the relevant conditions are cited in full. An Coimisiún is requested to remove Condition 14 and review / amend the amount payable under Condition 27.

7.1.2. The grounds of appeal are outlined below:

Condition 14 (play provision)

- Condition 14 requires the payment of a financial contribution of €239,316.00 in lieu of the shortfall of 539sq.m of play provision.
- The Fingal County Council Development Contribution Scheme 2021-2025 does not specifically provide for requiring a financial contribution in lieu of playground facilities or the basis for the calculation of such a contribution.
- The planning authority therefore has not applied the terms of the Scheme correctly in this regard.

Condition 27 (open space)

- Planning authority has incorrectly calculated the contribution payable in respect of open space shortfall.
- The CDP requires 12-15% of total site area to be delivered as public open space, aligning with the provisions of the Compact Settlement Guidelines 2024 which seeks public open space at a minimum rate of 10% and maximum rate of 15% of net site area.
- The proposal provides 2,051sq.m of public open space, equating to 12.2% of the net site area, consistent with the CDP and Guidelines.

- CDP Objective DMSO51 requires a minimum public open space provision of 2.5ha per 1,000 population, with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.
- This equates to a total of 310.5 persons and an open space requirement of 7,762.5sq.m.
- Planning authority noted a shortfall of 5,712sq.m of open space.
- Fingal County Council Development Contribution Scheme 2021-2025 sets out the contributions to be levied in lieu of open space provision, broken down as Class 1 (€200,000 per acre / €49.42 per sq.m) and Class 2 (€350,000 per acre / €86.49 per sq.m).
- CDP Policy DMSO57 requires that where the planning authority accepts a financial contribution in lieu of open space, the contribution shall be calculated on the basis of 75% Class 1 and 25% Class 2. Based on a requirement of 7,762.5sq.m in this case, the breakdown is 5,821.87sq.m (Class 1) and 1,940.63sq.m (Class 2).
- Total open space proposed on site is 3,018sq.m, comprising 2,051sq.m of public open space and 967sq.m of communal open space.
- The provision and type of open space is consistent with the description set out under the Compact Settlement Guidelines 2024.
- The shortfall therefore is 4,744.5sq.m and for the purposes of calculating the contribution payable, the shortfall is 3,770.87sq.m (Class 1) and 973.63sq.m (Class 2).
- This equates to a total contribution payable of €270,565.66, below the planning authority's calculation of €335,223.16.
- Requests that An Coimisiún reevaluates the alleged level of shortfall.

7.2. Third Party Appeals

- 7.2.1.** 2 no. third party appeals have been made against the planning authority's decision to grant permission for the proposed development. The appeals are made (1) by

Colette Quinn of 13 Park Manor, Carpenterstown Road, Castleknock and (2) on behalf of the Concerned Residents of Carpenterstown, with Appendix A listing the names and addresses of 100 no. persons for whom the appeal represents, comprising residents across Burnell Park, Bramley estates, Carpenterstown Road / Carpenterstown Manor, and Diswellstown / Hamilton Park.

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

Excessive Density

- The site is not within 1km of Coolmine Railway Station and in any event the station would not qualify as a 'high-capacity public transport node or interchange' within the meaning set out in Table 3.8 of the Compact Settlement Guidelines 2024.
- The site falls within the definition of '*City – Suburban /Urban Extension*' as per the Compact Settlement Guidelines 2024.
- The majority of the site is not within 500m of a high frequency urban bus service therefore the site is not within an 'accessible location'. A density range of 40 to 80 dwellings per hectare applies.
- As such, the proposed development, at 104 dwellings per hectare, exceeds the maximum density set for intermediate suburban / urban extension locations under the Compact Settlement Guidelines 2024 and misapplies the 'accessible locations' standard.

Excessive Building Height

- Proposal for six storey buildings at a suburban, intermediate location is excessive and contrary to the Building Height Guidelines and CDP.
- The site is located in an established residential area of low-density, low-rise, suburban neighbourhood.
- The tallest buildings in the area are five storeys at Balroy Hall with the majority of housing surrounding the site being two-storey.

- Building Height Guidelines state that for suburban locations, developments should include an effective mix of 2, 3, and 4 storey development.
- Proposal does not comply with the development management principles set out under SPPR 3A of the Building Height Guidelines in respect of buildings that are taller than the prevailing building heights of the area, specifically with respect to location relative to high capacity, frequent public transport and also the requirement to prepare a landscape and visual impact assessment.

Residential Amenity of Existing Dwellings

- Proposal is likely to result in a significant negative impact on the residential amenity of neighbouring existing dwellings at Burnell Park Avenue, Carpenterstown Road, Bramley Avenue, Carpenterstown Manor, Balroy Hall and Diswellstown Way.
- Actual and perceived overlooking from Block C on the rear of houses at Burnell Park Avenue to the west and from Blocks D and E on apartments at Balroy Hall to the east.
- Site is located in a highly sensitive landscape and is significantly more sensitive to and has a much lower capacity to absorb visual change than the site of Balroy Hall. Applicant did not submit a Landscape and Visual Impact Assessment. Proposal fails to integrate with established form in the vicinity and by reason of its height and, in terms of Block C, its width, and removal of boundary trees, the proposal will be oppressive and overbearing on views from the public realm and from neighbouring properties, resulting in significant loss of visual amenity in the area.
- Submitted daylight assessment is misleading and underestimates the potential impact of the development on daylight and sunlight to neighbouring residents, particularly in terms of how the assessment applies the 'with and without existing trees' scenario.
- Method of assessing potential loss of daylight to neighbouring dwellings not consistent with the BRE Guide.

Residential Amenity of Proposed Dwellings

- Despite changes made at further information stage, overlooking would occur between houses within Block B (semi-detached and terrace houses).
- By reason of proximity to Balroy Hall and proposed removal of boundary trees, the future residents of the Block D and E would be overlooked from Balroy Hall.
- Roadway and public realm arrangement between Block A and Block B will lead to conflict between drivers and other road users, by reason of lack of footpath on northern side of road, footpath on southern side being less than DMURS minimum width of 1.8m, proliferation of car parking and absence of verges on the southern side, and thus the proposal does not provide adequate standard of amenity or traffic safety for future occupants, indicative of over development.
- Area of communal open space between Blocks D and E and between Blocks D and E and the eastern boundary are inadequate in size and have little amenity value, inconsistent with Quality Housing for Sustainable Communities (2007) and Section 14.13.1 of the CDP.
- Inadequate standard of daylight access to proposed apartments and inadequate compensatory measures, indicative of over development.

Traffic Hazzard and Inadeqaute Parking

- SPPR 3 of the Compact Settlement Guidelines 2024 relates to car parking and is linked to the locational context of a site.
- As above, the site falls within the definition of '*City – Suburban /Urban Extension*' as per the Compact Settlement Guidelines 2024
- Referring to Table 3.8 of the Compact Settlement Guidelines 2024, part of the site (Apartment Block C) is defined as an 'Accessible Location' by reason of it being within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services. The remainder of the site is defined as an 'Intermediate Location' within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

- Based on the above locational context a parking range of maximum allowable car parking provision is 334 no. spaces, being three times the proposed parking provision of 111 no. spaces.
- Under provision of car parking is a deficiency of the scheme associated with overdevelopment of the site.
- Applicant does not provide a clear rationale for parking provision as required by SPPR 3 and fails to demonstrate that the range of travel needs of future residents can be met by the proposed development.
- Proposed parking provision is inadequate to serve the needs of the future residents of the development and would lead to overspill and haphazard parking on adjacent roads, endangering public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users.
- Overspill parking from Balroy Hall is already causing traffic problems on Carpenterstown Road.
- No designated parking or set-down area for proposed crèche.
- Provision of bicycle parking is premature by reason of the lack of cycle lanes in the area.

Social Infrastructure Capacity

- Site is not accessible to high frequency / high-capacity bus or train services.
- Proposal would place significant pressure on already overburdened community facilities.
- Lack of information on capacity of local schools.
- Lack of capacity in local medical facilities.

Landscape and Natural Heritage

- Negative impact of loss of trees and hedgerows on the natural landscape is not consistent with the CDP with regards biodiversity, ecology and green infrastructure, and indicative of overdevelopment.
- Tree removal and associated loss of foraging habitat for bats.

7.3. Applicant's Response

7.3.1. The applicant made a response to the third-party appeals (received by An Coimisiún on 11th July 2025) in respect of the following items:

- Traffic and Car Parking
- Density
- Height
- Negative Impact on Existing Residential Amenity
- Inadequate standards of accommodation
- Inadequate Social Infrastructure Capacity
- Green Infrastructure and Ecological Impact

7.3.2. As relevant, the substantive issues in the appeal response are referred to and discussed under Section 8.0 of this report.

7.4. Planning Authority Response

7.4.1. A response was received on 21st July 2025 in respect of the first and third party appeals. The key points of which can be summarised as follows:

Response to First Party Appeal

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

Condition 14

- The minimum play provision requirement for this development is 700sq.m.
- The applicant has not provided this requirement in full and there is a shortfall in the required play provision as outlined in the local authority's play policy 'A Space to Play'.
- The requested financial contribution of €239,316.00 in-lieu of the shortfall of 539sq.m of play provision will go towards the continued replacement, upgrading and installation of play equipment in the area to provide functional and suitable play amenities to residents throughout the entire lifespan of the proposed development.

Condition 27

- The planning authority has an established strategy, based on CDP policy (Section 4.5.2.1, Table 14.11, and Objective DMSO51) along with Fingal's open space strategy – *'Keeping it Green – An Open Space Strategy for Fingal'*, which is integral to the planned provision of public open space across the county.
- Objective DMSO51 outlines the overall minimum standard for public open space (2.5ha per 1000 population) which relates to Class 1 and Class 2 public open space, catering for the provision of both active recreational open space and local residential open space requirements and needs of new residential developments.
- Section 5.3.3 of the Compact Settlement Guidelines 2024 states that *'The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.'*
- The applicant's proposal of 2,051sq.m equates to 12% which is the minimum requirement. The Parks & Green Infrastructure Division accept this to the layout of the site and 967sq.m of communal open space being (incomplete sentence in the planning authority's response).
- Use of Objective DMSO51 to conduct a public open space quantum calculation is justified, requiring a minimum public open space provision of 2.5ha per 1000 population, calculated based on an occupancy rate of 3.5 persons per 3+ bedroom units and 1.5 persons per 1-2 bedroom units.
- On this basis, the applicant is required to provide 0.7763ha (7,763sq.m). The applicant has provided 0.2051ha (2,051sq.m) equating to a shortfall of 0.5712ha (5,712sq.m).
- A shortfall in this regard may be dealt with by condition in the form of an in-lieu financial contribution, which ensures that a Class 1 Public Open Space requirement for the new population generated by the proposal is catered for in terms of public infrastructure for active recreation in local parks, neighbourhood parks and regional parks, allowing provision for the acquisition of additional

open space or upgrade of existing facilities, subject to meeting the standards set out in Table 14.11 of the CDP.

- An in-lieu contribution is calculated on the basis of 75% Class 1 and 25% Class 2, in addition to development costs. In this case the breakdown equates to a shortfall of 0.4284ha Class 1 and 0.1428ha Class 2.
- Requests that Condition 14 be retained and remain unchanged.

Response to Third Party Appeals

- The application was assessed against the relevant provisions of the current CDP and existing government policy and guidelines, having regard to the zoning objective of the site as well as the impact on adjoining neighbours and the character of the area.
- The site location was considered as an urban neighbourhood on the threshold of the 1,000m walking distance to a rail station.
- Under the CDP and Compact Settlement Guidelines 2024, the maximum car parking provision is 92 and 180 no. spaces, respectively. The provision of 111 no. spaces is considered acceptable for the scale of development.
- A revised set down arrangement for the creche is sought by condition. Planning authority requests that An Coimisiún retain this and all transportation conditions, if permission is granted.
- Apartment Guidelines accepts daylight compensatory measures for north facing units. Proposed measures in the form of open space interface is considered an acceptable justification.
- The scheme achieves 96% compliance with daylight (spatial daylight autonomy) requirements and favourable compliance with respect to the sunlight exposure assessment. The Compact Settlements Guidelines 2024 acknowledge that poor performance may arise due to design constraints associated with the site or location and that a balance is needed between daylight assessment and a desire to achieve wider planning objectives. Planning authority is satisfied with the justification provided by the applicant.
- Requests An Coimisiún to uphold the decision to grant permission.

7.5. Observations

7.5.1. 12 no. valid observations have been made, 1 no. of which was received from the Department of Defence, with the other 11 no. made in opposition to the proposal and thus in support of the third-party appeals, albeit one of these observations was made on the contents of the applicant's first party appeal. The observations were made by named parties (front cover of this report) with addresses given at Bramley Court, Bramley Garth, Bramley Crecent, Burnell Park Avenue, Burnell Park Green and Diswellstown Way, along with an observation from Cllr. John Walsh, an elected member of Fingal County Council.

7.5.2. Most of the issues raised are similar to those in the grounds of the third-party appeals (excessive building height, causing overlooking, overbearing, overshadowing and a loss of amenity, and traffic safety concerns), while other issues particular to the observations include:

- Increased traffic on the local road network would cause further traffic congestion and road safety issues.
- High ratio of apartments to houses is out of proportion, with little diversity to cater for the elderly or infirm.
- Status of the strip of land along the western perimeter of the property.
- Construction phase parking and noise pollution.
- Operational phase noise and light pollution.
- Crèche facilities are scarce in the area.

7.5.3. In respect of the first party appeal, the observation makes the following point:

- Description of the proposal, specifically the absence of a reference to student accommodation, if relevant, may not be in compliance with the 2021 planning act with regards LRD applications.
- Refers to the Residential Zone Land Tax in the context of the applicant's development contributions appeal.

- 7.5.4. The observation from the Department of Defence does not concern any element of the appeals, rather relates to the construction stage, advising that the operation of cranes should be coordinated with Air Corps Air Traffic Services.

7.6. Further Responses

No further responses have been received on the appeals.

8.0 Planning Assessment

8.1. Introduction

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

- Principle of Development
- Quantum of Development
- Social Infrastructure Capacity
- Design, Layout and Building Height
- Residential Amenity
- Provision of Communal Open Space
- Traffic, Road Safety and Parking
- Biodiversity and Natural Heritage
- Other Matters
- Planning Conditions

- 8.1.2. In respect of the proposed development, I have carried out a screening determination for Environmental Impact Assessment (EIA), Appropriate Assessment (AA) and Water Framework Directive Impact Assessment, which are presented in Sections 9.0, 10.0 and 11.0, respectively.

8.2. Principle of Development

- 8.2.1. The site is zoned 'RS' Residential under the Fingal County Development Plan 2023-2029 (CDP). The stated objective of the RS zoning is to '*Provide for residential development and protect and improve residential amenity*'. Residential and childcare facilities are both uses that are Permitted in Principle in the 'RS' zone.
- 8.2.2. Chapter 2 of the CDP sets out the core strategy and settlement strategy for the county. With reference to Table 2.14 (Core Strategy), the site is located within the Dublin City and Suburbs Consolidation Area (which aligns with the boundaries of the Dublin City and Suburbs referred to under national and regional policy), and at a more granular level, the Castleknock Local Electoral Area. The Core Strategy estimates population growth of c.11,753 persons for the Dublin City and Suburbs Consolidation Area between 2023 and 2029. Of this figure, c. 25.5% (3,005 persons) is allocated to the Castleknock Local Electoral Area, equating to a requirement for an estimated 1,625 additional dwellings for this area during the CDP period. Furthermore, the revised NPF 2025 targets a total population for the Dublin City and Suburbs of at least 1.56 million persons by 2040 compared to a target growth for the same period of at least 1.41 million persons allocated in the 2018 NPF, representing an additional 150,000 persons.
- 8.2.3. There is significant emphasis in the Revised NPF 2025, Eastern and Midland Regional Assembly RSES 2019 and the CDP on compact growth, noting Policy CSP2 of the CDP which seeks to support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.
- 8.2.4. On the basis of the foregoing, I am satisfied that the proposed development is acceptable in principle.

8.3. Quantum of Development

Density

- 8.3.1. The appeal site has a stated area of 1.87ha and with a stated net developable area of 1.68ha. The proposal comprises 175 no. dwellings, which equates to a net residential density of c. 104 dwellings per hectare (dph).
- 8.3.2. There is no prescribed maximum density set out under the County Development Plan. Policy CSP14 supports higher density in Dublin City and Suburbs whilst Policy SPQHP35 and Objective SPQHO34 encourage higher residential densities where appropriate whilst seeking to strike a balance between the protection of existing residential amenities and ensuring a high-quality living environments for residents.
- 8.3.3. Third party grounds of appeal include that the proposed density is excessive at this location and that by reason of its location relative to high frequency public transport, the site should be categorised as a '*City – Suburban/Urban Extension*' (40 to 80dph) rather than '*City – Urban Neighbourhood*' (50 to 250dph) as per the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (referred to hereafter as the Compact Settlements Guidelines 2024).
- 8.3.4. Table 3.1 of the Compact Settlements Guidelines 2024 outlines three area types for the Dublin City and Suburbs, along with a density range for each, namely:
1. City-Centre (100 to 300dph) which comprises the city centre and immediately surrounding neighbourhoods. The Guidelines state that the *City-Centre* area type comprises the city core and its immediately surrounding neighbourhoods within the canals.
 2. City-Urban Neighbourhoods (50 to 250dph) relates to land within the boundary of Dublin City and Suburbs, and which is highly accessible with good access to employment, education / institutional uses and public transport. The category includes (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges, including

locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

3. *City-Suburban/Urban Extension* (up to 150dph) relates to suburban areas with lower density car-orientated residential suburbs and urban extensions comprising greenfield lands at the edge of the existing built-up footprint that are zoned for residential development. Residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and densities of up to 150 dph (net) shall be open for consideration at 'accessible' locations, i.e. sites within 500 metres / 5–6-minute walk of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services.

8.3.5. Policy and Objective 3.1 of the Compact Settlements Guidelines 2024 recommend that the above residential density ranges are applied in the consideration of individual planning applications.

8.3.6. In the planner's reports, the planning authority considered that the site constitutes an 'accessible' location under the '*City-Suburban/Urban Extension*' area type by virtue of the site's location within 500 metres / 5–6-minute walk of a planned high frequency bus services, namely the future Bus Connects radial route No. 34, therefore densities of up to 150dph are acceptable. I note however that in its response to the third party appeals, the planning authority outlines that it considers the site is an Urban Neighbourhood on account of its location at the threshold of 1km walking distance of Coolmine train station.

8.3.7. The appellants contend that only part of the site (Apartment Block C) is located within 500m walk of the relevant bus stop therefore while that part of the site may be suitable for higher density, the remainder of the site is not 'accessible' and therefore a lesser density range of 40 to 80 dph applies. The applicant's Planning Report and Statement of Consistency document makes reference to the Dart+ west project, contending that the delivery of same would place the site within the category of *City-Urban Neighbourhoods*.

8.3.8. I am satisfied that the site is located just at the 1km walking distance of Coolmine train station to the north. Coolmine train station is located on the commuter section of the main Dublin Connolly to Maynooth / Longford line and also on the Dublin

Docklands to M3 Parkway line. Current morning peak time (7am to 9am) services between Coolmine and Connolly Station is at a frequency of c. 3 trains per hour with scheduled waiting times of between 11 and 25 minutes between services, and with a similar frequency on the evening peak time (4pm to 7pm) services in the opposite direction of Connolly to Coolmine. Current morning peak time services between Coolmine and Docklands is at a frequency of c. 2 / 3 trains per hour with scheduled waiting times of between 17 and 30 minutes between services. The evening peak time services in the opposite direction, Docklands to Coolmine, comprises 2 trains per hour with scheduled waiting times of between 27 and 32 minutes between services.

8.3.9. Combining the two services (Coolmine to Connolly and Coolmine to Docklands) shows a frequency of between 5 and 18 minutes at morning peak hours and a frequency of between 5 and 24 minutes for return at evening peak hours. On this basis, I consider that the site is not currently located within 1km of a high-capacity urban public transport node as defined under the Compact Settlements Guidelines 2024, which includes high frequency commuter rail with 10 to 15 minute peak hour frequency.

8.3.10. However, the Compact Settlement Guidelines 2024 refer to an existing or planned high capacity urban public transport node, with Table 3.8 of the Guidelines defining 'Planned public transport' as being transport infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport. In this regard, I note that the Dart+ West project, for which a Railway Order was granted by An Coimisiún in July 2024 (Ref. ABP-314232-22 refers) will include the electrification of the Maynooth and M3 Parkway lines, with increased frequency (up to 12 trains per hour per direction) and increased capacity of service, and will require closure of a number of existing level crossings, including at the Carpenterstown Road crossing at Coolmine train station. I also note that a new station is to be constructed at Spencer Dock southeast of the existing Docklands station, thus on the M3 Parkway line, with the new station to interface with the existing Spencer Dock Luas stop, allowing ready interchange between commuter rail and Luas.

- 8.3.11. The site is also served by the Dublin Bus Route 37, which runs between Blanchardstown and the city centre. The appeal site is within 400m walking distance of the nearest bus stops to the west on Carpenterstown Road for the service running both directions. Current peak hour frequency is c. 10 minutes city bound and c. 20 minutes towards Blanchardstown Centre. Under Bus Connects, the No. 37 service would become the No. 34 service with peak hour frequencies in both directions increased to between 8 and 15 minutes. In this regard, there are two forms of public transport available to future residents of the development, therefore, in my view, concerns in relation to frequency and capacity can be allayed.
- 8.3.12. Having regard to the locational context of Coolmine train station, and with particular emphasis on the approved train line upgrade (Dart+ West) connecting Coolmine station to the city centre, and having reviewed the case documentation and undertaken a site inspection, I consider that the site comes within the scope of *City – Urban Neighbourhood*, therefore, in principle, the site is suitable for densities up to 250dph. A higher density approach is also, in my view, reflective of the emerging character of the area, which involves 4 and 5 storey apartments, responding to national policy on compact growth. The appeal site, at c. 187ha, is relatively large for an urban infill site, and therefore, in my, is of sufficient size to define its own character while still respecting surrounding sensitivities such as residential amenity.
- 8.3.13. Whilst An Coimisiún may consider a higher residential density than that proposed to be desirable, I consider there to be site-specific criteria which constrains a density within the higher range, again noting Policy SPQHP35 and Objective SPQHO34 of the CDP with respect to balancing higher density with protecting existing residential amenity and neighbourhood character. This is further discussed in the following subsections.
- 8.3.14. On balance, I am satisfied that the density of the proposal is appropriate for the site and complies with the requirements of the Compact Settlement Guidelines 2024. Similarly, I consider the density of the proposal to satisfy the requirements of applicable local policy including CDP Policy CSP12, Policy CSP14 and Policy CSP18.

Unit Mix

- 8.3.15. The Compact Settlements Guidelines 2024 does not provide a unit mix standard rather directs planning authorities to the provisions of its CDP and associated Housing Need and Demand Assessment (HNDA). SPPR 1 of the Apartment Guidelines 2023¹ states that housing developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. SPPR 1 also states that a CDP may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA).
- 8.3.16. The CDP does not specify a unit mix standard, however Objective CSO17 and Objective SPQHO11 promote an appropriate mix of house types; Section 14.6.2 (development management standards) states that applications shall include a dwelling mix providing a balanced range of dwelling types and sizes to support a variety of households and Section 14.7 states that apartment proposals will be assessed against the provisions of the Apartment Guidelines, including SPPR 1.
- 8.3.17. The proposed development comprises 175 no. dwelling units, with a mix of 71 no. 1-bed units, 80 no. 2-bed units, 8 no. 3-bed units and 16 no. 4-bed units. This equates to 40% 1-bed, 46% 2-bed, 5% 3-bed and 9% 4-bed units, and in terms of apartments only, 49% of units are 1 bed. I am satisfied that the proposal in respect of mix is consistent with SPPR 1 of the Apartment Guidelines 2023 and CDP Objectives CSO17 and SPQHO11.
- 8.3.18. An observation to a third-party appeal raises a concern that the proposal does not make provision for the elderly or infirm. Objective DMSO37 of the CDP requires that new residential developments in excess of 100 units provide 10% of the units as age friendly accommodation.
- 8.3.19. Section 2 of the submitted Design Statement outlines the design strategy with regards universal design, referring to level access to all parts of the site, mix of unit types and

¹ *Design Standards for Apartments - Guidelines for Planning Authorities (2025)* were published by the Department of Housing, Local Government and Heritage on 8th July 2025. Circular NSP 04/2025, issued on 10th July 2025, outlines transitional arrangements including that the revocation of the 2023 Apartment Guidelines does not apply to appeals or planning applications that were subject to consideration within the planning system on or before the 8th of July 2025. As such, pursuant to Circular NSP 04/2025, the 2023 Apartment Guidelines are the relevant apartment guidelines for this appeal.

outlines that all apartments and house types have been designed to be accessible at ground floor level. The Design Statement also sets out a response to elements of the Planning Authority LRD Opinion and in respect of Age Friendly Housing, the response provided in the statement is that the ground floor plan of the 30 no. houses are age friendly housing and all of the 145 no. apartments are age friendly units as per Objective DMSO37. I am satisfied that the proposal comprises sufficient age-friendly housing, consistent with Objective DMSO37 of the CDP.

Apartment and House Standards

8.3.20. A submitted Housing Quality Assessment (updated at further information stage) shows that the proposed apartment units reach and exceed the minimum standards for overall unit size as per SPPR 3 and room sizes as per Appendix 1 of the Apartment Guidelines 2023, and similarly that the proposed houses are consistent with the standards set out in the Quality Housing for Sustainable Communities 2007, and SPPR 2 (private open space) of Compact Settlements Guidelines 2024. I am satisfied that the proposal is acceptable in this regard.

8.3.21. In terms of aspect, SPPR 4 of the Apartment Guidelines 2023 requires that for central or accessible locations a minimum of 33% of apartments are to be dual aspect. The proposal comprises 90 no. dual aspect apartments which equated to c. 62% of the total number of apartments, exceeding the requirement of SPPR 4. Section 3.18 of the Guidelines notes that where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. In this case, there are no single aspect north facing apartments. 15 no. (c. 10% of total) are single aspect south facing with the remaining 40 no. (c. 28% of total) being either single aspect east facing or single aspect west facing. I am satisfied that the proposal is acceptable in this regard.

Conclusion

8.3.22. In conclusion, I am satisfied that the proposal represents a suitable form of infill development at an appropriate residential density, contributing to an increased provision of new homes and a greater mix and variety of residential typologies available in the area. The proposed development therefore complies with a range of applicable policy objectives at the national, regional, and local levels.

8.4. Social Infrastructure Capacity

- 8.4.1. Third-party appeals and observations to same contend that the applicant's submitted Social Infrastructure Statement (SIS) has not demonstrated the availability of sufficient local school places, healthcare capacity or public transport provision to serve the proposed population.
- 8.4.2. Appendix C to the Compact Settlements Guidelines 2024 contains a list of supplemental information to accompany planning applications. The list includes a 'Community, Social and Cultural Infrastructure Audit' to be submitted in support of LRD applications where such an audit has not been undertaken as part of the statutory plan making process. Appendix 4 to the Fingal CDP 2023-2029 includes an Infrastructure Capacity Assessment. The assessment focuses on higher level strategic infrastructure including water services and public transport. The assessment refers to Objective DMSO78 of the CDP, requiring a Social Infrastructure Audit (discussed under the next paragraph). The Infrastructure Capacity Assessment under Appendix 4 of the CDP also refers to consultation having taken place between the local authority and the Department of Education as part of the plan-making process to ensure that sufficient land is provided to meet the need for new schools and/ or expansion of existing schools, in line with the requirements of anticipated population growth.
- 8.4.3. For developments of 50 or more dwellings, Objective DMSO78 of the CDP requires planning applications to include a Community and Social Infrastructure Audit to assess the provision of community and social infrastructure within the vicinity of the site and identify existing shortcomings in terms of these facilities and assess whether there is a need to provide additional facilities to cater for the proposed development. In this regard, Objective DMSO78 requires a Community and Social Infrastructure Audit to include the following the following:
- *An assessment of existing community and social infrastructure facilities within 1 km of the subject site.*
 - *An assessment of the need in terms of necessity, deficiency, and opportunities to enhance/share existing facilities based future population projections for the area.*

- *A justification as to whether or not a new community facility will be provided as part of the proposed development, based on the findings of the audit.*

8.4.4. A Social Infrastructure Statement (SIS) was submitted with the application. The planning authority did not raise any issue with the content or findings of the SIS nor the capacity of the local area, in terms of social infrastructure, to absorb the new population generated by the proposed development. I am satisfied that the submitted SIS provides sufficient detail to assess the application in this regard.

Public Transport

8.4.5. The location of the site in the context of existing and planned public transport is discussed under Section 8.3 above. In summary, having regard to the location of the site relative to Coolmine train station and noting the approved train line upgrade (Dart+ West), I consider the site to be highly accessible, falling within the scope of *City – Urban Neighbourhood* as per the Compact Settlements Guidelines 2024, thus capable of accommodating higher densities, with access to a wide range of facilities.

School Places

8.4.6. With regards school place demand, the submitted SIS used Census 2022 figures to determine average household size, household composition and school going age for the Castleknock-Knockmaroon Electoral Division area. The appeal site is located more or less at a central point within the Castleknock-Knockmaroon Electoral Division, an area which extends east to edge of Pheonix Park, north to the railway line, south to the River Liffey and west to Porterstown Link Road.

8.4.7. The SIS applies an average household size of 3.02 to the proposed 2, 3 and 4 bed units only, thus not including 1 bed units, which, in my view, is reasonable for the purpose of calculating school going age population.

8.4.8. Based on Census 2022, the SIS determined that an average of 21% can be assumed to be of school going age within the surrounding area at present. Based off this figure, the SIS, with reference to *The Provision of Schools and the Planning System - A Code of Practice for Planning Authorities, July 2008*, assigned 15% to primary school aged population, with the remainder, 6%, assigned to post primary.

8.4.9. The submitted SIS outlined that the proposed development would generate 7 - 36 no. primary school places, representing 0.12% - 0.62% of the overall (5,760) existing

primary school places identified within the SIS. The SIS concludes that this demand is capable of being accommodated within the existing schools in the area.

- 8.4.10. I note that under the aforementioned 2008 guidelines it is advised that planning authorities should assume that an average of 12% of the population are expected to present for primary education. Considering the nature of the proposal which would comprise c. 86% 1 and 2 bed apartments I would be of the view that using a rate of 12% for primary school aged population, and indeed a 3.02 average household size, would be a conservative approach in this instance. On this basis, I calculate that the potential upper end population generated by the proposed development (considering the proposed 2, 3 and 4 bed units only) is c. 314 persons. As per the 2008 guidelines, it is assumed that this population would generate a demand for c. 38 no. primary school places.
- 8.4.11. The submitted SIS identifies 6 no. primary schools within 1.5km, of which 2 no. (St. Patrick's National School and Scoil Thomáis) are within 1km of the site, and a further 6 no. schools marginally outside the 1.5km mark. The SIS compares enrolment figures for the 2019/2020 and 2024/2025 school years and shows that enrolment at St. Patrick's National School for 2024/2025 was 87 no. students more than for 2019/2020, whereas Scoil Thomáis was 66 no. students less. The School Building Programme² (updated 31st July 2025) shows that an expansion project for the St. Patrick's NS is at Stage 1 (preliminary design).
- 8.4.12. I note that Scoil Choilm Community National School and St. Mochtas's National School are located c. 1.8km west and c. 2km northwest of the site, respectively. The submitted SIS indicates that for Scoil Choilm Community National School the enrolment for 2024/2025 was 747 no., down by 128 no. students compared to the 2019/2020 enrolment figure, and that for St. Mochtas's National School, the enrolment for 2024/2025 was 835 no., down by 50 no. students compared to the 2019/2020 enrolment figure. Both schools are c. 15 minutes from the site using the No. 37 Dublin bus service. Currently, the No. 37 bus has a peak hour frequency of 20 minutes in the direction towards Blanchardstown, however as outlined under Section 8.3 above, the route is to be upgraded under Bus Connects with peak hour frequency in both directions of between 8 and 15 minutes.

² <https://www.gov.ie/en/department-of-education/services/major-projects/>

- 8.4.13. In terms of post-primary demand. I note that *The Provision of Schools and the Planning System - A Code of Practice for Planning Authorities, July 2008* outlines that the procedure for establishing demand for new second-level schools may in some cases be more complex as it involves not just an assessment of likely population growth but also an appraisal of the capacity of existing post-primary schools, coupled with an assessment of the enrolment patterns in existing and anticipated 'feeder' national schools. The submitted SIS assumes a 6% generation rate for post-primary places, a figure derived by way of analysis of Census 2022. On this basis, demand for secondary school places was calculated to be between 3 - 14 places, representing 0.064% - 0.3% of the overall (4,665) existing post-primary school places identified within the SIS.
- 8.4.14. In a similar vein to the assessment of primary schools, the submitted SIS identifies post-primary schools within a 1.5km area and also those outside that mark but considered applicable due to accessibility from the appeal site. The closest secondary school is Castleknock Community College, a c. 5 minute walk to the west, which, according to the submitted SIS, has a current enrolment (2024/2025) of 1,274 up from 1,136 capacity in 2019/2020. According to the school's website, the number of places available for first years in the 2025/2026 school year is 240. I note that as of July 2025, under the *Additional Accommodation projects being delivered under the Schools Capital Programme*³, approved projects include new accommodation at Castleknock Community College to include 7 no. mainstream classrooms, providing further capacity to the local area.
- 8.4.15. Luttrellstown College is located c. 1.8km west of the site, adjacent to Scoil Choilm Community National School, thus accessible from the appeal site via public transport. The submitted SIS indicates that enrolment at Luttrellstown College for 2024/2025 was 981 no., up by 250 no. students compared to the 2019/2020 enrolment figure. According to the school's website, the number of places available for first years in the 2025/2026 school year is 177.
- 8.4.16. A third-party appeal contends that the submitted SIS does not provide information on whether the application site is located within the catchment from which each of the referenced schools would likely accept pupils; and further contends that the national

³ <https://www.gov.ie/en/department-of-education/services/additional-accommodation-scheme/>

trends on declining enrolment figures is not applicable to Fingal given its demographics as per Census 2022.

- 8.4.17. As outlined above, Objective DMSO78 of the CDP requires an assessment of existing community and social infrastructure facilities, including schools, within 1km of the subject site. The CDP does not require a granular level examination of the catchment of individual schools. However, in my view, this would be a worthwhile exercise given that enrolment policy using a defined catchment is common practice. I note that of the 12 no. primary schools listed in the submitted SIS, the schools which, in my view, are most accessible to the site by walking and public transport are St. Patrick's NS, Scoil Thomáis, St. Mochtas's NS and Scoil Choilm Community NS. These are all relatively large schools and, by reference to current school admissions policy, each has a catchment area which includes the appeal site. Similarly for secondary schools, I note that under their current respective admissions policy, the appeal site is located within the defined catchment for Castleknock Community College and that all four primary schools referenced above are feeder schools to Luttrellstown College.
- 8.4.18. A Statistical Bulletin⁴ published by the Department of Education and Youth in August 2025 outlines that total enrolments in primary schools in 2024/25 stood at 552,116, a decrease of 3,968 on 2023/24. The bulletin outlined that Dublin had the largest increase by number of students with 2,834 extra pupils, equating to a growth rate of 2.1% of over the ten years 2014/15 to 2024/2025. The bulletin also stated that enrolments are projected to continue to fall over the coming sixteen years. The bulletin noted that enrolment at post-primary schools continue to rise and, according to the published post-primary projections, are expected to reach their peak in 2025/26.
- 8.4.19. On the basis of the above, having regard to the nature of the proposal, together with the provision of schools accessible to the site, and the emerging trend on school enrolments, I am therefore satisfied that the development is sufficiently served in respect of primary and post-primary schools.

Childcare

- 8.4.20. The proposed development includes a 174m crèche facility located on the ground floor of Block A. Having regard to the provisions of the Childcare Facilities Guidelines

⁴ <https://www.gov.ie/en/department-of-education/publications/education-statistics/>

this is considered sufficient to meet the demand of 34 childcare spaces. While I note concerns raised in an observation that there is a lack of crèche facilities in the area, the proposed development, in particular given the inclusion of a crèche as proposed, will not exacerbate this situation, and may through the inclusion of a crèche on site enhance this service/social infrastructure within this area.

- 8.4.21. The proposed development includes a 158sq.m crèche facility located on the ground floor of Block C. The facility has two classrooms (80sq.m in total), which, having regard to the provisions of the Childcare Facilities Guidelines, is considered sufficient to meet the demand of c. 34 childcare spaces. While I note concerns raised in an observation that there is a lack of crèche facilities in the area, the proposed development, in particular given the inclusion of a crèche as proposed, and the high proportion of 1 and 2 bed units (85% of total) will not exacerbate this situation, and may through the inclusion of a crèche on site enhance this service/social infrastructure within this area.

Healthcare

- 8.4.22. A third-party appeal contends that the number of medical practices in the local area which are accepting new patients is limited. The submitted Social Infrastructure Statement (SIS) provides a list of 11 no. healthcare facilities within 1.5km of the site. Of the listed facilities, 2 no. are medical clinics / GPs, of which 2 no. are located within 1km, the nearest being the Parks Medical Centre, c. 400m walking distance to the west. I am satisfied that the development is well serviced in respect of healthcare, including GPs.

Conclusion

- 8.4.23. Having reviewed and had regard to several reports on the case file, including the Social Infrastructure Statement (incorporating Childcare Needs Assessment) I am satisfied that there are and will be sufficient services and facilities in the area to cater for the proposed development.

8.5. Design, Layout and Building Height

- 8.5.1. Third party grounds of appeal include that the design of the apartment blocks, particularly in terms of height and, by association, the relationship with the street and surrounding area, is out of character and visually obtrusive.

- 8.5.2. In considering this ground of appeal, I have reviewed the applicant's Architectural Design Statement, all plans, elevations, cross-sections and photomontages of the proposal, the pre-planning consultations and LRD Opinion, and reports of the planning authority.
- 8.5.3. It is evident from same that extensive design work has been undertaken through the pre-planning process by the parties to agree an appropriate architectural approach to developing the site and to secure a high-quality design solution for the proposal.
- 8.5.4. In its assessment, the planning authority describes and assesses the design and layout of the proposal in terms of building design including height, material finishes, and energy efficiency, building set back from site boundaries and from adjoining dwellings, boundary treatments including trees to be removed / retained, and access arrangements. In terms of design and layout, further information was requested by the planning authority in respect of separation distances, both within the site and in terms of the relationship with adjoining dwellings, with reference to SPPR 2 of the Compact Settlements Guidelines 2024. The planning authority was satisfied with the submitted amendments to address same. The planning authority found the design, layout and building heights to be acceptable and no conditions are attached that amend overall layout and design.
- 8.5.5. Further to the planning authority's assessment, I consider that the architectural approach and design process for the scheme has had regard to the policy context established at national level for higher buildings, to the character of the receiving area and the proximity of surrounding buildings, incorporated sufficient setbacks from site boundaries and achieved adequate separation distances to adjacent residential properties, and avoided any adverse impact on same due to the proposal's height, scale and massing. However, from a streetscape perspective, I consider that the north elevation of Block D would benefit from a greater degree of articulation in the form of a higher proportion of glazing. I note that the northern elevation of Block C includes larger living room windows (e.g. Units 39 and 40) which, in my view, provide a more articulated interface with the street and also offer a high level of passive surveillance. In this regard, if An Coimisiún is minded to grant permission, I recommend that a condition is included that requires the living room windows at ground to fourth floor levels on the north elevation of Block D be increased in size to match north facing living room windows of Apartment Units 39 and 40 in Block C.

- 8.5.6. The height of the apartment blocks is a primary concern of the third-party appellants, contending that the proposal is not consistent with the Urban Development and Building Heights Guidelines, 2018.
- 8.5.7. The national context for appropriate building heights for infill sites in accessible locations such as the appeal site (see section 6.0 above), is wholly supportive of taller buildings. Whilst the CDP does not set out a maximum building height, Policy SPQHP35 requires that proposed developments adhere to the requirements set out in the Urban Development and Building Height Guidelines 2018.
- 8.5.8. Section 3 of the Building Height Guidelines 2018 acknowledges that to achieve compact growth, it will also be necessary to increase the scale of new buildings in all parts of cities and towns, with highest densities at the most central and accessible urban locations, particularly in city centres and close to public transport nodes and interchanges, and that higher densities and taller buildings that exceed the traditional scale will be encouraged in the most central and accessible parts of cities and large towns. In this regard and in my view, by reason of the site's size and location proximate to Coolmine train station in the context of the approved Dart+ west project, the national and local policy supports higher buildings and, by association, higher densities on the appeal site, subject to development management standards including safeguarding surrounding residential amenity and contributing positively to the public realm and visual amenity of the area.
- 8.5.9. The surrounding area is generally characterised by medium density two-storey housing estates, however more recent development in the area includes higher density apartment blocks including the five-storey blocks at Balroy Hall immediately adjoining the site to the east and up to four-storey blocks within the Diswellstown / Hamilton Park estate to the south of the site, one of which (Crofton Hall) comprises semi-exposed under-croft car parking and a building height of c. 15.2m.
- 8.5.10. The proposal for the appeal site comprises conventional houses (Blocks A and B) and apartment blocks (Blocks C, D and E). Block A, which comprises attic level accommodation, hence they are referred to as three-storey houses, is aligned along the southern boundary with rear gardens backing onto the rear gardens of existing two-storey houses at Diswellstown Way to the south. Block B is located towards the centre of the site interfacing with public open space to the north and internal roads /

car parking to the east and west. In my view, and as alluded to under Section 8.3 above, the nature of existing housing to the south and west of the site is a constraint to delivering higher density in the form of higher buildings, across the entire site.

- 8.5.11. Apartment Blocks C, D and E are each six storeys high and each with a parapet height of c. 18.7m, dropping to c. 15.7m where the top floor is stepped in. Block C is aligned lengthways parallel to Carpenterstown Road whilst Blocks D and E are aligned parallel to the eastern site boundary and interface with the as-built five-storey apartment blocks at Balroy Hall.
- 8.5.12. The Building Heights Guidelines 2018 sets out information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town. The Guidelines provide 4 no. criteria (to which SPPR 3 relates) for consideration in the designing of higher buildings with the applicant's response to form part of an assessment of a planning application. The applicant's Planning Report and Statement of Consistency includes a response to the development management criteria test in accordance with SPPR 3 of the Building Height Guidelines which I have reviewed, note and concur with.
- 8.5.13. A Landscape and Visual Impact Assessment was not submitted with the application, however a booklet of 9 no. verified views of the scheme were submitted, 3 no. of which relate to internal views of the scheme with the remaining 6 no. relating to views of the scheme from the surrounding area. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear. A third-party appeal notes the absence of an evaluation of a view from the west along Carpenterstown Road. Whilst such a view would be beneficial to my assessment from a streetscape perspective, I am satisfied that the submitted drawings, including a contiguous street elevation, are sufficient to assess the proposal.
- 8.5.14. From a streetscape perspective, Apartment Block C and the northern end of Apartment Block D interface with Carpenterstown Road. To the east of the site, also interfacing with Carpenterstown Road, are 2 no. five storey apartment blocks (part of the recently constructed Balroy Hall) setback from the footpath on Carpenterstown Road by c. 20.6m (western block) and c. 17.7m (eastern block), compared to the setback of Block C and D on the appeal site at c. 10.5m and c. 8.1m, respectively.

- 8.5.15. The submitted site plan shows that there would be a separation distance of c. 30.6m between Block D on the appeal site and the closest block at Balroy Hall, whilst a contiguous street elevation drawing submitted for the appeal site shows that the same block closest to the appeal site has a flat roof parapet height of c. +77.115m, compared to the parapet height of Block D on the appeal site at c. +80.600m. In my view, by reason of separation distance the building height difference and transitioning in height between the appeal site and Balroy Hall can be sufficiently absorbed and thus acceptable. I note the difference in street setback between the proposal and Balroy Hall however given the separation distance between the blocks and established building line to the west of the site, together with the proposed landscaped public realm to the road frontage, I consider same to be acceptable.
- 8.5.16. On the western side of the site, the western side elevation of apartment Block C interfaces with the rear gardens of No. 2, 4, 6 and 8 Burnell Park Avenue, which comprise two-storey semi-detached houses. The top / fifth floor of Block C is stepped in on the western end by between c. 9.5m and 16.25m. At ground through to the fourth-floor level, the block is stepped in to the rear / south, resulting in a staggered set back by between c. 12m and 14m to the rear garden boundaries, and by between c. 24.5m and 25.8m from the rear elevation, of the interfacing properties in Burnell Park Avenue. I consider that by reason of the stepped down approach to five storeys, and the separation distance to adjoining residential properties, the transitional height is acceptable on the east elevation. I also note that a submitted Green Infrastructure Strategy states that existing trees outside the west perimeter of the site are to be retained and protected throughout the development. This element of the proposal is further discussed under Section 8.6 below.
- 8.5.17. Submitted photomontage no. 6 shows the proposed view east from the open space at Burnell Park Green, indicating, in my view, that by reason of the positioning of the apartment blocks towards the north and east site boundaries, the proposal would not be visually obtrusive when viewed from the public domain in this regard.
- 8.5.18. I consider the proposed interface with Carpenterstown Road to be of an acceptable scale and height in the context of the receiving environment, creating a strong urban edge to the street and with a sufficient setback from the road and dwellings to the west to allow an acceptable transition in building height. During a site inspection I observed that the public realm interface between Balroy Hall and Carpenterstown

Road comprises extensive landscaping including tree planting. In my view, this planting provides a high-quality streetscape that softens the visual impact of the apartment blocks. The submitted landscape masterplan for the current application follows suit to provide a continuation of the public realm interface provided at Balroy Hall, including tree planting and the incorporation of a cycle lane. I consider same to be acceptable.

- 8.5.19. A third-party appeal also refers to the site being located within a 'highly sensitive landscape'. This refers to the 'River Valleys and Canal Character Type' as per the County Landscape Character Assessment contained under the CDP. Referring to Green Infrastructure Map 1 (Sheet No. 14) in the CDP, this landscape designation covers a wide area in the south-west end of the county, including the built-up areas in the wider vicinity of the site. Section 9.6.14 outlines that the Tolka and Liffey valleys together with the Royal Canal Corridor are the main landscape features in this area. By virtue of the nature of the proposal in the context of developed land in the wider vicinity, I consider that the proposal does not have any adverse impact on the sensitivities associated with the Liffey Valley, Tolka Valley or Royal Canal as identified in the CDP.

Conclusion

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

8.6. Residential Amenity

- 8.6.1. Concern was raised in third party appeals with respect to loss of outlook, privacy and light by reason of the proximity of the proposed apartment blocks to existing residential properties in the vicinity of the site, and also with respect to residential amenity of future occupiers of the apartments.

Overbearing

- 8.6.2. The primary elevation of apartment Block C and the northern side elevation of Block D interface with Carpenterstown Road, thus facing the front elevations of 7 no.

existing detached houses on the north side Carpenterstown Road and also the southern side elevation of a new infill dwelling currently under construction in the side garden of No. 8 Park Manor. The separation distance between the apartment blocks and the south facing houses opposite is between c. 30.575m and c. 34.165m, with a c. 22m separation distance between Block D and the side elevation of a new house under construction in the side garden of No. 8 Park Manor. By reason of setback, intervening road, existing street trees and boundary treatments, along with proposed landscaping and tree planting to the northern interface of the appeal site, I consider that the scale of the apartment blocks are acceptable and would not be unduly overbearing to result in a loss of outlook to adjoining residential properties located on the northern side of Carpenterstown Road.

- 8.6.3. By virtue of the top floor set back on the western end of Block C, the interface with the rear of No. 2, 4, 6 and 8 Burnell Park Avenue comprises five storeys with that element having a parapet roof height of c. 15.7m. This five-storey element of Block C is setback between c. 12m and 14m of the rear garden boundaries of No. 2, 4, 6 and 8 Burnell Park Avenue, and between c. 25.9m and c. 28.2m from the rear elevations of the dwellings on these properties. Notwithstanding any stated intention to retain trees along the western perimeter, by reason of the separation distances to boundaries and dwellings and the stepped down element on the western side of Block C, I consider that the development would not be unduly overbearing to result in a loss of outlook to houses at Burnell Park Avenue.
- 8.6.4. In a similar vein, by reason of the separation distances between blocks, I consider that the development would not be unduly overbearing to result in a loss of outlook to apartments at Balroy Hall to the east.
- 8.6.5. However, with respect to the western boundary, I consider that further tree planting within this boundary setback would soften the interface, providing a natural buffer and improving visual amenity. On review of documentation submitted and on inspecting the site, it is my view that the submitted site layout plan and landscape masterplan somewhat misrepresent the existing tree line along the western perimeter. Submitted plans and documentation highlight that the existing trees along the western perimeter (outside the application boundary but within the same land ownership), would be retained and protected during the construction phase. Under the submitted Green Infrastructure Strategy, it is stated that '*The strong green buffer along the site's west*

perimeter, provided by dense tree planting and hedgerows, will provide a natural screen, so that the site does not impose on the surrounding environment’. This statement is somewhat in contrast to the condition assessment of the trees / hedge along the western perimeter as outlined in the Arboricultural Report. Of the 7 no. trees to be protected during construction, 6 no. are identified as being Category U (poor quality) with a life expectancy of between 0 and 10 years, whilst 1 tree is identified as being Category C2 (low quality and value). The survey groups much of the remaining trees and hedge along the western boundary, referenced as Group G181 and G186, with the following assessment for both:

Tree and hedge group located between chain link fence and neighbouring boundary wall. Trees are located on both sides of a land drain. Remnants of what was once a native hedgerow. The ash trees are the overstorey species, all are showing symptoms of ash dieback and in decline. They have been reduced in the past and are of poor quality (U Category). The understorey trees are hawthorn, some of which are suppressed and have died. If retaining the group, remove the ash trees and carry out supplementary planting. Height and stem diameter are average for group. Quantities not recorded, only species mix.

- 8.6.6. During a site inspection, my observations aligned with the above arboricultural assessment. I observed that the perimeter trees are in poor condition, visually, and, in my view, would not constitute a viable, high quality boundary treatment and, contrary to the opinion set out in the submitted Green Infrastructure Strategy, is unlikely to provide a natural screen to the extent that the proposed development would not impose on the surrounding environment. The proposed landscaping plans (referring to the submitted Landscape Masterplan and separate Planting Plan) show some but, in my view, limited, tree planting within the application site boundary at the interface with Block C, this being in contrast to the robust line of trees proposed to the eastern boundary. I also noted the referenced land drain located inside the western property boundary, which, as outlined under Section 1.0 of my report, I observed to be dry with no obvious hydrological connection or function to the wider area. Furthermore, the submitted plans, including the landscape masterplan and boundary plan, are not clear in terms of the boundary treatment, if any, to be provided at the interface with the sliver of land at the western perimeter that is located outside

the red line. In my view, by reason of its current characteristics, including the nature of the former land drain, this area is not suitable for public access. I also note that the submitted Tree Removal Plan and Tree Protection Plan include an annotation that the future management works to the tree and hedge line on the western boundary is to be agreed with Fingal County Council. I consider it prudent that such an exercise be brought forward and agreed with the planning authority prior to commencement of development.

- 8.6.7. On this basis, and as a measure to provide a suitable natural buffer to the western boundary with Burnell Park Avenue particularly at the interface with proposed apartment Block C and as a measure to preserve the residential and visual amenity of the area, if An Coimisiún is minded to grant permission, I recommend that pursuant to Section 34(4)(a) of the Planning and Development Act 2000 (as amended), a condition is included that requires the applicant to submit a restoration plan, including supplemental tree planting, for the area of land along the western perimeter in line with the recommendations of the submitted Arboricultural Report.

Overlooking

- 8.6.8. The third party appeals refer to potential loss of privacy as a result of overlooking from Block C apartments to Burnell Park Avenue to the west, Block C and Block D apartments to Carpenterstown Road to the north, and also from Block D and E apartments to Balroy Park to the east, and vice versa in terms of overlooking from Balroy Park to the proposed apartments of Blocks D and E. In terms of overlooking and perceived loss of privacy, SPPR 1 in the Compact Settlement Guidelines requires that a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. In this case, the apartment blocks will face the front elevation of houses on the opposite side of Carpenterstown Road, the rear elevation of houses on Burnell Park Avenue and west facing apartments at Balroy Hall.
- 8.6.9. Habitable room windows on the western elevation at first to fourth floor levels of Block C are between c. 12m and 14m from the rear garden boundaries of No. 2, 4, 6 and 8 Burnell Park Avenue, and between c. 25.9m and c. 28.2m from the rear elevations of the dwellings on these properties, substantially above the 16m standard. I do note

however that a west facing living room window serving Unit 36 at first floor level (located in the northwest corner of Block C) has a width of c. 3m, a height of c. 2m with a cill level c. 300mm above finished floor level. This same window design is repeated on level two (Unit 48), level three (Unit 60) and level four (Unit 72) above. By reason of the scale of these openings, and notwithstanding my recommendation set out under Section 8.6.7 above with regards additional boundary planting, I consider that there is the potential for perceived overlooking of rear gardens of dwellings at Burnell Park Avenue to the west. As such, if An Coimisiún is minded to grant permission I recommend that a condition is included to require that the west facing living room windows serving Units 36, 48, 60 and 72 are to contain opaque glazing to a height of 1.7m above finished floor level.

- 8.6.10. Detached houses on the north of Carpenterstown Road face south, therefore the north facing windows in Blocks C and D do not oppose any rear windows on those properties. As noted above, a new house is under construction within the southern side garden of No. 8 Park Manor. The southern side elevation of the new house will face the northeastern corner of the appeal site. Habitable windows on the northern elevation of Block D would be c. 20m from the southern side elevation of the new house, above the 16m standard. Separation distances between habitable room windows on the eastern elevation of Blocks D and E and the western elevation of apartment blocks at Balroy Hall would be between c. 23.5m and c. 30.6m, substantially above the 16m standard. On this basis, I am satisfied that the proposal is consistent with SPPR 1 of the Compact Settlements Guidelines 2024.
- 8.6.11. A third party appeal contends that within Block B by reason of layout, there would be loss of privacy to rear facades and rear gardens of west facing and east facing mid-terrace houses (Units 18, 19, 20 and 25, 26, 27) by reason of excessive overlooking from the rear first floor windows of the 2 no. pair of semi-detached houses (Units 22, 23, 29, 30). Concerns regarding overlooking within Block B and compliance with SPPR 2 of the Compact Settlements Guidelines 2024 was addressed at further information stage. While the layout of Block B is somewhat unorthodox the requirement of SPPR 2 for a minimum 16m separation between opposing first floor windows on the rear or side elevation is achieved. I consider the amended layout to be acceptable.

- 8.6.12. I also note that due to separation distance of less than 16m, the planning authority raised concern with regards overlooking between opposing living room windows on the southern elevation of Block D and the northern elevation of Block E. The applicant sought to address this concern by replacing all opposing living room windows with a high-level window with a cill height of c. 1.8m above finish floor level and with a glazed height of c. 650mm. By reason of the cill and window height, I do not consider it necessary to change windows on both elevations to high level windows. In my view, a change to one elevation only would be sufficient, a measure which would allow passive surveillance of the open space proposed between the two blocks, which was also a concern raised in a third-party appeal.
- 8.6.13. In this regard and for the purposes of maximising daylight to north facing windows, I consider it appropriate to require the windows on Block D, which are south facing, to be changed to high level windows, therefore allowing the north facing windows on Block E to revert to the size as per the drawings initially lodged with the planning authority. This can be confirmed by way of condition, if a grant of permission is forthcoming. Also, by reason of the high-level window design in terms of cill height and window height, I do not consider it necessary to require any windows in this regard to contain obscure glazing, which was required by the planning authority under Condition 5. Therefore, if An Coimisiún is minded to grant permission, I recommend that the planning authority's Condition 5 be amended to omit that requirement.
- 8.6.14. Furthermore, the western half of the southern elevation of Block D and the opposing western half of the northern elevation of Block E are stepped in, which results in a separation distance of c. 19m between opposing living room windows from first to fourth floor levels. The amended plans submitted at further information stage show these opposing living room windows changed to high-level windows. Given the separation distance above 16m, I recommend these windows be reverted to the size as per the drawings initially lodged with the planning authority. Again, this can be confirmed by way of condition, if a grant of permission is forthcoming.

Daylight and Sunlight

- 8.6.15. Concerns were raised in a third-party appeal that the proposed development has the potential to result in overshadowing and loss of light to neighbouring properties. In this regard, the appellant raises two issues with the submitted Daylight and Sunlight

Assessment Report with respect to the consideration of existing permitter trees and the application of the Vertical Sky Component (VSC)⁵ method. A third-party appeal also contends that the applicant has not provided adequate compensatory measures where proposed apartments do not achieve minimum daylight standards.

- 8.6.16. Objective DMSO22 of the CDP requires daylight and sunlight analysis for all proposed developments of 50+ units, with Section 14.6.6.1 noting that development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice – (Building Research Establishment Report) 2011 and/or any updated guidance.
- 8.6.17. The Compact Settlements Guidelines 2024 states that for daylight assessment, regard should be had to the provisions outlined in guides like *A New European Standard for Daylighting in Buildings IS EN17037:2018*, *UK National Annex BS EN17037:2019* and the associated *BRE Guide 209 2022 Edition (June 2022)*, or any relevant future standards or guidance specific to the Irish context.
- 8.6.18. The applicant submitted a Daylight and Sunlight Assessment Report based on the aforementioned standards. For external impact, the assessment examines the impact on those existing properties which would be interfaced by the 3 no. proposed apartment blocks, namely two-storey houses at No. 2, 4, 6 and 8 Burnell Park Avenue to the west, No. 1B, 1C and 1D Carpenterstown Road to the north, and two apartment blocks on the western side of Balroy Hall to the east ('The Kennan' and 'The Montpelier').

External Daylight, Sunlight and Shadowing

- 8.6.19. As outlined above, a third-party appeal has raised concern with regards two elements of the methodology used to assess the potential impact of the proposal on the daylight and sunlight received by dwellings that adjoin the appeal site.
- 8.6.20. The appellant contends that the inclusion of evergreen trees in a methodology to establish a baseline value for daylight or sunlight to adjoining dwellings is not consistent with the BRE Guide and that by including the trees, which are to be

⁵ Definition of VSC as per the *BRE Guide 209 2022 Edition (June 2022)* - This is a measure of the amount of light reaching a window. It is the ratio of that part of illuminance, at a point on a given vertical plane, that is received directly from a CIE standard overcast sky, to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. Usually the 'given vertical plane' is the outside of a window wall. The VSC does not include reflected light, either from the ground or from other buildings.

removed as part of the development, the target VSC values are misleading. As such, the appellant contends that a 'With Trees' scenario and 'Without Trees' scenario should have been provided.

- 8.6.21. The *BRE Guide 209 2022 Edition (June 2022)* accepts the inclusion of existing trees under certain circumstances. My interpretation of the BRE Guide is that the inclusion of deciduous trees, by reason of their very nature, is, generally speaking, not encouraged, but that an existing belt of evergreen trees, again, by their very nature, should be included in the assessment of daylight and sunlight. In this regard, I note that Appendix G of the BRE Guide outlines that... *'very little light can penetrate dense belts of evergreen trees, and the shade they cause will be more like that of a building or wall'*. Having reviewed the submitted Arboricultural Report and Tree Survey and having visited the site, I consider it reasonable, for the purpose of establishing baseline VSC values, to include the existing belt of evergreen trees (leylandiis) located along the eastern and western perimeters. While the trees are to be removed as part of the development, they represent, in my view, a significant obstacle to the receipt of daylight and sunlight by adjoining houses at Burnell Park Avenue to the west and apartments at Balroy Hall to the east.
- 8.6.22. A third-party appeal also challenges the application of the VSC method used in the submitted daylight assessment, contending that the level of daylight received by the windows of adjoining dwellings as a result of the proposed development should be assessed against the baseline / existing VSC value rather than a target VSC value established by the applicant.
- 8.6.23. Section 4.1 of the applicant's report outlines the methodology used to assess the impact on VSC, noting that, as per the BRE Guide, where a new development is a distance of more than three times its height away from the lowest neighbouring window or the new development does not subtend more than 25-degrees at the lowest window, then for neighbouring windows "daylighting is unlikely to be significantly affected" and further testing is not required. Section 4.3.1 of the applicant's report outlines that where further testing is required and carried out, and as per the BRE Guide, the proposed development could possibly have a noticeable effect on the daylight received by an existing window of an adjoining dwelling if both the VSC value drops below the guideline value of 27% and the VSC value is less than 0.8 times the existing value.

- 8.6.24. In this regard, Appendix A.1 of the applicant's report contains, in tabular format, the results of the assessment of how the proposed development affects the VSC of windows in adjoining dwellings which were subject to further testing. The methodology includes the establishment of a 'Recommended Minimum VSC', which equates to 80% of the baseline / existing VSC (0.8 times the baseline / existing value). The report outlines that if the Recommended Minimum VSC is above the 27% threshold, a target value of 27% will be applied, or alternatively if the Recommended Minimum VSC is below 27%, then the Recommended Minimum VSC is the appropriate target value. In simple terms, if baseline / existing daylight to a window is already below the recommended guidance value of 27% then the target value is 0.8 times the baseline. The third-party appellant argued that this is not the correct interpretation / application of the BRE Guide and that Appendix F of the BRE Guide contains information on setting alternative target values.
- 8.6.25. In my view, the applicant has implemented the BRE Guide on VSC impact assessment correctly. The calculation of a 'Recommended Minimum VSC' is a simple arithmetical application of the quantitative measure of '0.8 times the existing value' test, rather than seeking to establish an alternative target value method, and consideration of same against the minimum 27% threshold is, in my view, consistent with the BRE Guide, which recognises that daylight to existing windows of adjoining dwellings might already be constrained to a degree, which is particularly relevant in this case where existing evergreen trees on the appeal site appear to have directly informed lower baseline VSC values for windows of adjoining properties.
- 8.6.26. On the basis of the foregoing, I consider that the submitted daylight and sunlight assessment is sufficiently robust for assessment of the impacts of the proposed development on the existing daylight and sunlight received by existing residential properties in the vicinity of the site.
- 8.6.27. The results set out under Appendix A.1 show that in all cases, the proposed VSC value exceeds the recommended minimum VSC (0.8 times the baseline value). The report indicates that none of the assessed properties would experience adverse impacts, with the majority of windows experiencing an improvement due to the removal of existing trees on site, particularly the dense belts of evergreen trees along the western and eastern boundaries.

- 8.6.28. In a similar vein, the report concludes that the sunlight impact assessment recorded no adverse effects, with many windows experiencing improved Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH).
- 8.6.29. In terms of sunlight to amenity spaces of adjoining dwellings, the BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half the area should receive at least two hours of sunlight on March 21st. The submitted daylight and sunlight assessment includes a shadow study including diagrams of existing and proposed shadowing in the vicinity of the site at hourly intervals between 7am and 6pm on March 21st (Spring equinox). The appellant raises concern in respect of how the existing perimeter trees are represented on the shadow diagrams. I note that Section 4.2.2 of the submitted daylight and sunlight assessment outlines that the baseline shadow study takes account of evergreen trees but excludes deciduous trees. Notwithstanding the appellant's concern in this regard, the shadow study with the proposed development in place shows that rear gardens of houses at Burnell Park Avenue to the west and balconies of apartments at Balroy Hall to the east would receive in excess of the BRE recommended standard that at least half the amenity space should receive at least two hours of sunlight on March 21st. I consider same to be acceptable.

Internal Daylight, Sunlight and Shadowing

- 8.6.30. As outlined above, a third-party appeal contends that the applicant has not provided adequate compensatory measures where proposed apartments do not achieve minimum daylight standards. The Compact Settlements Guidelines 2024 outlines that the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high-quality living environment for future residents. The submitted daylight study assessed the Spatial Daylight Autonomy (SDA) as per the BRE Guide in all habitable rooms of the 145 no. apartments across the 3 no. proposed apartment blocks. The submitted report outlines that SDA test assesses whether a space receives sufficient daylight on a working plane during standard operating hours on an annual basis and that for compliance, the target value is achieved across 50% of the working plane for half of the occupied period. As per the BRE Guide, the study examines a 'with trees' scenario and a 'without trees' scenario. With respect to trees in this context, my interpretation of Section 1.3 and Section 5.2.1 of the submitted daylight and sunlight

report is that 'with trees' refers to existing trees to be retained along with proposed new tree planting, while 'without trees' refers to all trees removed and no new tree planting.

- 8.6.31. The study identifies 14 no. apartment units that do not achieve the recommended level of daylight with regards to the BRE Guide and outlines compensatory design solution for each. The numbering of the affected apartments and clarification around compensatory measures was addressed by the applicant at further information stage.
- 8.6.32. Section 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (updated 2023) states that where an applicant cannot fully meet all of the requirements of the daylight provisions outlined in the relevant standards, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specific. Both the Apartment Guidelines 2023 and the Compact Settlements Guidelines 2024 advise that planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development
- 8.6.33. The compensatory measures outlined by the applicant include that all 14 no. affected apartments (each being a 2 bed / 4 person unit) have a total floor area 10% greater than the minimum required; and that the 1 no. affected apartment in Block C has own door access; and that all other affected units (6 no. in Block D and 7 no. in Block E) are east facing and interface with east facing communal open space.
- 8.6.34. I note however that the submitted Housing Quality Assessment (updated at further information stage) shows that apart from Units C31 and D95, all other apartments referenced above have a total floor area c. 4% greater than the minimum standard set out in the Apartment Guidelines 2023. Notwithstanding, I consider that the east aspect and the interface of the apartments with landscaped communal open space is acceptable compensation for the below standard daylight provision. Furthermore, in the context of the classification of the site as an 'Urban Neighbourhood' site and the associated national and local policy support for high density at such locations, together with the site specific sensitivities associated with low-rise, medium density

housing to the south and west, I consider that on balance, the proposal is acceptable, noting that 96.5% of the proposed apartments are compliant with the BRE Guide standard.

- 8.6.35. A sunlight exposure assessment was also carried out on all habitable rooms within the proposed development. The assessment was carried out on 21st March as recommended by the BRE Guide, showing that 84% (122 no.) of the proposed 145 no. apartment units meet the criteria for sunlight exposure as set out in the BRE Guidelines. Furthermore, I note that the BRE Guide, with reference to BS EN 17037, outlines that the recommendation that a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1st February and 21st March applies to rooms of all orientations so that if a room faces significantly north of due east or west the standard is unlikely to be met. 19 no. of the units which fall below the standard are north facing units contained in Block C. The submitted assessment outlines that the dual-aspect design of those units was informed by daylight and sunlight considerations. Having regard to the high rate of compliance with the BRE Guide, the design and public realm interface of Block C north facing units, I consider the proposal to be acceptable in this regard.
- 8.6.36. This submitted study also assessed the level of sunlight on March 21st within the proposed amenity areas and the results demonstrate that all spaces will exceed the criteria as set out in the BRE Guidelines.
- 8.6.37. On the basis of the foregoing, the submitted Daylight and Sunlight Assessment demonstrates that the value of daylight and sunlight received by the proposed apartments and that the impact of the proposed development on the value of daylight and sunlight experienced by existing residential properties in the vicinity are generally above the minimum values set out in the relevant guidance, with acceptable rationale and compensatory measures where relevant, in my view, where compliance is not achieved. I consider therefore that the proposal in this regard is consistent with the Compact Settlements Guidelines 2024 and, by association, consistent with Section 33.2.2. of the County Development Plan.

Light and Noise

- 8.6.38. An observation to the third-party appeals raises concern with regards the loss of residential amenity of nearby residents as a result of noise and light pollution.

- 8.6.39. The operational phase of the project will likely result in noise and light impacts associated with the increased intensity of the residential and crèche use (e.g. traffic generation and use of communal and private open spaces).
- 8.6.40. However, these are anticipated to be typical of such mid-scaled, mid-density residential schemes, as proposed. Lighting impacts will be mitigated by the provision of a public lighting plan designed to comply with industry guidance and provided to the satisfaction of the planning authority.

Conclusion

- 8.6.41. By reason of layout and design, including building heights and separation distances, I consider that the proposed development would not result in any undue loss of amenity to adjoining properties including by reason of overlooking, overbearing, loss of daylight or sunlight, and noise and light impact, and would provide a high standard of residential amenity to future occupiers of the development.

8.7. Provision of Communal Open Space

- 8.7.1. Grounds of appeal from third parties include that the provision of communal open space in the form of narrow strips offers little amenity value to future residents.
- 8.7.2. For semi-private open space standards, the Compact Settlement Guidelines 2024 refer to the Apartment Guidelines 2023.
- 8.7.3. Section 4.10 of the Apartment Guidelines outlines that the provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents, and in particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people.
- 8.7.4. The Guidelines set out minimum standards for communal open space, which, in the context of the appeal site, the minimum standard is 5sq.m and 7sq.m per 1 bed and 2 bed / 4 person apartment units, respectively. Referring to the submitted Housing Quality Assessment, this equates to a requirement for 361sq.m for Block C, 256sq.m for Block D and also 256sq.m for Block E. In terms of communal open space provision, the submitted site layout plan shows c. 407sq.m for Block C, c. 291sq.m for Block D and c. 269sq.m for Block E, all above the minimum requirement.

- 8.7.5. The Guidelines outline that communal open space may be provided adjoining a linear apartment block and that consideration should be given to sunlight and the management of the space. Policy SPQHP36 of the CDP seeks to ensure that all residential development within Fingal is provided with and has access to high quality private open space and semi-private open space.
- 8.7.6. The areas of communal open space are arranged in a linear format along the west and south sides of Block C and along the eastern side of Blocks D and E. The submitted Daylight and Sunlight Assessment demonstrates that sunlight to all amenity spaces will exceed the criteria as set out in the BRE Guidelines (daylight and sunlight further discussed under Section 8.6 above). The submitted landscape plan shows that each communal amenity space would comprise seating, walking tracks and landscaping, whilst the submitted Boundary Plan shows that these communal areas will be fenced off from public access. Whilst I do note that access to the creche would be via the communal open space on the western side of Block C, in my view, the space, by reason of accessibility and passive surveillance, the proposed landscaping scheme, would still provide reasonable amenity for residents. In terms of management, the site layout plan indicates that the spaces would be readily accessible for maintenance and, with reference to a submitted taking-in-charge plan, would be part of the development controlled / maintained by a management company.
- 8.7.7. On the basis of the foregoing, I consider that the provision and layout of communal open space is acceptable, consistent with the Apartment Guidelines 2023 and Policy SPQHP36 of the County Development Plan.

8.8. Traffic, Road Safety and Parking

Car Parking

- 8.8.1. Third party appeal grounds and observations include strong opposition to the quantum of car parking proposed, arguing that the site falls within the definition of 'City – Suburban /Urban Extension' as per the Compact Settlement Guidelines 2024 and, as such, the maximum allowable car parking provision is 334 no. spaces, being three times the proposed parking provision of 111 no. spaces. By association, it is argued the applicant has failed to demonstrate that the range of travel needs of future

residents can be met by the proposed development and that the development would lead to overspill and haphazard parking on adjacent roads, endangering public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users.

- 8.8.2. The applicant's appeal response sets out that the quantum of car spaces to be provided is consistent with the classification of the site as an 'Urban Neighbourhood' site under the Compact Settlements Guidelines 2024 and also consistent with the County Development Plan's 'Zone 1' car parking standards.
- 8.8.3. With respect to the CDP, two distinct parking zones are outlined, which seeks to allow greater flexibility in the application of car parking standards on sites in areas with varying levels of road and public transport provision. Zone 1 relates to developments within 800m of Bus Connects spine route, or 1600m of an existing or planned Luas/Dart/Metro Rail station or within an area covered by a Section 49 scheme, or in lands zoned Major Town Centre; while Zone 2 relates to all other areas within the county. In the case, and as outlined under Section 8.3 of this report, the appeal site is at the 1km mark of the Coolmine train station, which, in the context of the approved Dart+ west project, qualifies the site as a location within Zone 1 for parking standards. Zone 1 is a maximum standard and for residential developments is 0.5 spaces per 1 and 2 bedroom units and 1 space per 3 and 3+ bedroom units. This would generate a maximum car parking allowance of 100 spaces.
- 8.8.4. SPPR 3 of the Compact Settlements Guidelines 2024 relates to residential car parking, requiring the following, whilst also noting that, in my view, as per Section 8.3 of this report, the site falls within the category of *'City-Urban Neighbourhood'*
- In city centres and urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced or wholly eliminated.
 - The maximum rate of car parking provision for residential development in the city centre and urban neighbourhoods shall be 1 no. space per dwelling.
 - Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision.

- The maximum car parking standards include visitor provision but do not include bays assigned for use by a car club, designated short stay on–street Electric Vehicle (EV) charging stations or accessible parking spaces.

- 8.8.5. The maximum car parking provision as per SPPR 3 is 175 no. spaces, plus allowance to provide for accessible, car club and EV charging spaces as per the CDP. There are 111 no. car spaces proposed to serve the development, which includes 3 no. accessible spaces, 2 no. car club spaces and 12 no. EV charging bays. I consider that the number of spaces proposed is consistent with SPPR 3 which seeks to minimise, substantially reduce or wholly eliminate car parking with the City Centre and Urban Neighbourhoods. Furthermore, on the basis that the number of spaces proposed is well below the maximum standard, I do not consider that a rationale and justification for the number of car parking spaces proposed is required.
- 8.8.6. Having regard to the site's location within the urban area, its proximity to public transport and associated planned bus connects and Dart+ West upgrades and a wide range of services and facilities, including the National Transport Authority's Greater Dublin Area (GDA) Cycle Network which has route along Carpenterstown Road, it is my view that the proposed level of car parking is acceptable and would encourage a transition to more sustainable modes of transport, consistent with Policy CMP2 of the County Development Plan and NPO 22 of the Revised NPF 2025, with respect of demand management.

Traffic

- 8.8.7. Observations on the third party appeals further contend that the proposed development would result in further traffic congestion by reason of additional traffic on the local road network.
- 8.8.8. In terms of road capacity, the submitted Traffic Impact Assessment (TIA) included traffic analysis of 5 no. existing main / critical junctions on the local road network together with the proposed development entrance to determine if the junctions will operate within capacity for the year of opening (2027), the design year 1 (year of opening plus 5, 2032) and the design year 2 (year of opening plus 15, 2042).
- 8.8.9. The TIA found that based on network and development flows, two junctions out of 6 no. analysed required more detailed assessment as per the 2014 Traffic and Transport Assessment Guidelines. The two junctions were the development

entrance and the Carpenterstown Road / Bracken Park Drive / College Gate junction to the east of the site.

- 8.8.10. The analysis concluded that the Development Entrance priority junction will operate well within capacity on all opposed movements on the day of opening and 15 years thereafter. Queuing and delays are predicted to be at minimal levels, with a minimum of 91% space capacity predicted to exist in 2027 with all predicted development in place. By 2042 with all predicted development in place, a minimum of 90% space capacity is predicted to remain. And in terms of the Carpenterstown Road / Collage Gate / Bracken Park Drive signalized junction, this junction is at present heavily trafficked, and operates below capacity. By 2027, the junction will be below capacity, with maximum RFC's not exceeding 89%, with the proposed development making a minimal difference to traffic levels. By 2042, the junction will continue to be below capacity at all times without the development in place, with the flows generated by the proposal again making a minimal difference to the incident network flows on that date.
- 8.8.11. With respect to traffic generated by the proposed development, the planning authority considered that the impact from the development would not be significantly negative on the receiving environment. I am satisfied that the submitted TIA demonstrates that the traffic generated by the proposed residential development will not impact adversely on the public road network. Furthermore, and as outlined in the previous subsection, it is my view that the proposed level of car parking is acceptable and encourages a transition to more sustainable modes of transport, consistent with the CDP and SPPR 3 of the Compact Settlements Guidelines 2024.

Crèche Parking

- 8.8.12. Grounds of a third-party appeal include that the proposal provides no designated parking or set-down area for the proposed crèche.
- 8.8.13. Condition 17(a)(ii) on the planning authority's decision requires a revised site layout plan showing car parking for the proposed crèche and design consideration to eliminate reversing manoeuvres in the vicinity of the crèche entrance and provide for parallel set-down. The requirement of Condition 17 in respect of the set-down is reiterated in the planning authority's appeal response and the planning authority

requests An Coimisiún to retain the transportation conditions if a grant of permission is forthcoming.

- 8.8.14. Table 14.19 of the CDP sets out car parking standards, outlining that for Zone 1 locations a maximum of 0.5 car spaces per crèche classroom is allowed. Table 14.17 of the CDP sets out minimum bicycle parking standards, outlining that the minimum provision required for a crèche is 1 long-stay and 5 short-stay spaces per classroom. The proposed crèche has two classrooms, generating a maximum car parking provision of 1 space and minimum bicycle parking requirement of 12 spaces (2 no. long-stay and 10 no. short stay). The submitted site layout plan does not assign any car parking to the proposed crèche. It is my view that this is acceptable considering the urban location and trend of higher density development in the area, together with national and local policy agenda in favour of a modal shift away from private car usage. Furthermore, I consider the provision of a crèche set-down to be contrary to demand management in this regard and as such I recommend if a decision to grant permission is forthcoming that Condition 17(a)(ii) of the planning authority's decision be removed.
- 8.8.15. Documentation refers to 2 no. long-stay bicycle parking spaces and 12 no. short stay spaces allocated to the crèche. The 2 no. long-stay spaces are shown as a bicycle storage room within the internal floor area of the crèche, which I consider to be acceptable. The short-stay spaces appear to be located on the southern side of Block C, removed from the entrance to the crèche, and therefore, in my view, unlikely to be convenient to crèche users. I note that Condition 17(a)(i) on the planning authority's decision requires a revised site layout plan showing 10 no. short-stay bicycle parking spaces to be provide for the crèche. I consider this to be reasonable however I recommend that if An Coimisiún is minded to grant permission, this element of Condition 17 be altered to require the spaces to be provided adjacent to the crèche entrance.
- 8.8.16. Furthermore, Condition 17(a)(i) requires that 5% of the crèche bicycle parking shall be cargo bike parking, which equates to 0.5 cargo bike space. Section 14.17.2 of the CDP refers to publicly accessible bicycle parking and states that as part of the cycle parking quantum for various land uses in Table 14.17, provision for cargo bikes is required and that this will vary depending on the type and location of the development but should be considered as part of the Development Management and design

process and shall be determined by the Planning Authority. In this regard, considering the nature of the crèche use and in the absence of a set down area, I consider the requirement for 5 no. of the short-stay bicycle spaces to be designed for cargo bike parking. If An Coimisiún is minded to grant permission, I recommend that Condition 17 is amended accordingly.

Bicycle Parking

- 8.8.17. Concern is raised in the third party appeals that the provision of bicycle parking is premature by reason of the lack of cycle lanes in the area.
- 8.8.18. SPPR 4 of the Compact Settlements Guidelines 2024 requires 1 bicycle space per bedroom. The 30 no. houses are provided with accessible back gardens or bike storage units. The three apartment blocks comprise a total of 145 no. 1 and 2 bed units with a total of 219 no. bedrooms, generating a minimum requirement of 219 no. bicycle parking / storage with further visitor parking. Table 14.17 of the CDP requires visitor / short-stay bicycle parking for apartments at a rate of 0.5 per unit, equating to a requirement of 73 no. visitor spaces.
- 8.8.19. The proposal provides 230 no. secure bicycle spaces for the apartments, exceeding the SPPR 4 minimum requirement, and a further 75 no. short-stay visitor parking spaces, which exceeds the CDP requirement. The submitted Road Safety Audit recommends, as a road safety measure, that the proposed off-road cycle track is tied in with the main carriageway at the boundary of the application site.
- 8.8.20. The provision of bicycle parking spaces to serve the development supports the national and local policy framework on modal shift and further supports the delivery of the NTA's cycle network for the Greater Dublin Area, and is therefore, in my view, acceptable.

Conclusion

- 8.8.21. Subject to conditions as outlined above, I consider the proposal to be acceptable in terms of pedestrian, cyclist and vehicular safety and convenience, and to be of a scale and intensity of use that is not likely to cause undue congestion or to have an adverse impact on the traffic conditions of the surrounding area.

8.9. Biodiversity and Natural Heritage

- 8.9.1. The site comprises a relatively large, detached dwelling set within extensively landscaped grounds. The proposal includes the removal of 157 trees and a further 12 tree groups. A third-party ground of appeal contends that the loss of trees and hedgerows is not consistent with the CDP with regards biodiversity, ecology and green infrastructure, and indicative of overdevelopment. Reference is made to the results of the ecological survey work which identified bats in terms of roosting and foraging habitat and impact of the proposed development on same.
- 8.9.2. I have reviewed the Ecological Impact Assessment (including a Bat Fauna Impact Assessment), Arboricultural Report (comprising a Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement), Tree Removal Plan, Landscape Masterplan and Green Infrastructure Strategy, which accompany the application. The EclA outlines that a site visit, which included a habitats and flora survey, was carried out on the 25th July 2024, and that bat surveys were carried out on the 25th July 2024 and the 15th August 2024, which included internal building inspections.
- 8.9.3. The identified habitats, classified according to Fossitt (2000) are (mixed) conifer woodland (WD3), buildings and artificial surfaces (BL3), recolonising bare ground (ED3), amenity grassland (GA2), ornamental/non-native shrub (WS3), scattered trees and parkland (WD5), flower beds and borders (BC4), and scrub (WS1).
- 8.9.4. No floral species or habitats of conservation concern were identified. No non-native or invasive species subject to restrictions were identified within the site. Multiple non-native species not subject to restrictions were identified within the site. No protected terrestrial mammals were noted on site. Bird species were recorded (10 species), one of which (Goldcrest) is amber listed (no red listed species). The bat survey recorded a Soprano Pipistrelle (*Pipistrellus pygmaeus*) bat roost within a tree along the western boundary of the site and noted that this treeline (outside the application red line boundary) is to be retained. The survey also recorded foraging activity of Common pipistrelle (*Pipistrellus pipistrellus*) and Soprano pipistrelle (*Pipistrellus pygmaeus*) was also noted on site, concentrated to the west of the site and north of the house.
- 8.9.5. The Arboricultural Report outlines that of the 169 trees and groups to be removed, 1 tree is of high quality and value (A Category), 7 trees are of moderate quality and

value (B Category), 103 trees and 12 groups of trees are of low quality and value (C Category), and 46 trees are of poor quality (U Category).

- 8.9.6. The EclA considers the potential impacts of the proposal at construction and operation phases on biodiversity (on-site and within a zone of influence), birds, bats, and mammals. The overall development of the site is likely to have direct negative impacts upon the existing habitats, fauna and flora. Direct negative effects will be manifested in terms of the removal of the majority of the site's internal habitats. The removal of these habitats will result in the loss of species of low biodiversity importance.
- 8.9.7. Mitigation devised to address the potential impacts are described. Key among which include the implementation of a Construction Environmental Management Plan (CEMP), time-restricted development works such as removal trees outside the nesting season, and provision of nest boxes. Mitigation measures specific to bats are also proposed, informed by a separate Bat Fauna Impact Assessment (Appendix 1 of the EclA. The bat assessment noted that no confirmed bat roosts were recorded in any on-site trees proposed for felling, structure, or vegetation, therefore concluded that a NPWS derogation licence is not required. However, the assessment identifies that the house and a number of trees to be removed are of moderate bat roosting potential and therefore recommends a pre-construction survey. Other recommended bat specific mitigation measures are the provision of bat boxes, installation of a bat sensitive lighting scheme and submission of a post construction bat assessment to the planning authority. The EclA also recommends the appointment of an Ecological Clerk of Works (ECoW) to oversee the construction phase and to oversee the implementation of all mitigation.
- 8.9.8. The EclA concludes that with the implementation of mitigation measures, as and where necessary, no significant effects on biodiversity are likely the proposed development will result in 'a long term moderate adverse not significant residual impact' on the ecology of the area and locality. The EclA also finds that no significant cumulative impacts are likely in relation to the proposed development.
- 8.9.9. As outlined under Section 8.6 above, I recommend that a condition is included on a grant of permission, if one is forthcoming, that requires the applicant to submit a restoration plan, including supplemental tree planting, for the area of land along the

western perimeter of the larger landholding. In this regard, and as noted above, the submitted EclA identified a bat roost within a tree on the western perimeter and notes that this tree line is to be retained. For this reason, I recommend that the pre-construction bat survey, recommended as a mitigation measure under the EclA, is extended to the area along the western perimeter, with the results to inform the restoration plan and revised tree protection plan, where necessary.

Conclusion

- 8.9.10. I consider the EclA to be comprehensive, and I concur with the findings of the same. Apart from bat foraging, the site has been demonstrated to have no key ecological features. There are no protected habitats, plants or mammals (except the bats) at the site. I am satisfied that the proposal will not have an adverse impact on biodiversity at the site or in the area. I recommend the implementation of the mitigation measures in the several biodiversity related reports be subject to conditions in the event of a grant of permission.

8.10. Other Matters

Procedural Issue

- 8.10.1. An observer to the first party appeal queries whether the application is in compliance with the legislative requirements of the Planning and Development (Large Scale Residential Developments) Act 2021, on the basis that the breakdown of proposed accommodation type (house, student accommodation, or both) is not clear.
- 8.10.2. The proposal description / public notices refer to 175 no. residential units to comprise 30 no. houses and 145 no. apartment units. Having reviewed the submitted plans and particulars, including the public notices and application form, I do not consider there to be any ambiguity in how the proposal description relates to the meaning of a Large-Scale Residential Development as set out under Section 2 of the Planning and Development (Large Scale Residential Developments) Act 2021.

Construction Phase

- 8.10.3. An observation to the third-party appeals raises concern with regards the impact of the construction phase on nearby residential amenity. Noise, vibration, and light impacts are likely during the site development works. These works are short term in

duration, and impacts arising will be temporary, localised, and be managed through implementation of the outline/ final Construction & Environmental Management Plan and Construction Traffic Management Plan.

8.10.4. Existing Dwelling

The proposal includes the demolition of an existing dwelling. The dwelling is not included on the local authority's record of protected structures nor is it located within an Architectural Conservation Area. The CDP seeks to minimise the loss of embodied carbon in existing structures, noting Policy CAP8 which supports the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. In this case, proposed management of demolition material has been set out in a submitted outline Construction & Demolition Waste Management Plan, which aims to ensure maximum recycling, reuse and recovery of waste. Following demolition, the proposal would comprise the construction of 175 no. dwellings. A submitted Building Lifecycle Report outlines the low energy approach including materials and energy technologies. On balance, I consider that the proposal to construct 175 no. high energy efficient dwellings in a built-up urban area represents a net positive environmental gain.

8.11. **Planning Conditions**

8.11.1. The first party appeal centres on Condition 14 and Condition 27 of the planning authority's notification of decision to grant permission, relating to financial contributions payable in lieu of play provision (Condition 14) and payable in lieu of open space (Condition 27). The applicant requests An Coimisiún to remove Condition 14 and review / amend the amount payable under Condition 27.

8.11.2. An observation to the first party appeal make reference to the Residential Zoned Land Tax (RZLT) in the context of the applicant's request for review of development contribution conditions. In my view, any obligation or otherwise in respect of the RZLT has no material bearing on the evaluation of the first party appeal in this regard.

Condition 14 – Contribution in lieu of play provision

8.11.3. Condition 14 requires the payment of a financial contribution of €239,316.00 in lieu of the shortfall of 539sq.m of play provision. The applicant contends that the Fingal County Council Development Contribution Scheme 2021-2025 does not specifically

provide for requiring a financial contribution in lieu of playground facilities nor does it provide the basis for the calculation of such a contribution, as such, the applicant contends that the planning authority has not applied the terms of the Scheme correctly.

8.11.4. Referring to the report from Fingal County Council's Parks Division, dated 13th May 2025, which was summarised in the subsequent planner's report, and referring to the planning authority's response to the first party appeal, the planning authority's position on play provision is as follows:

- The minimum play provision requirement for this development is 700sq.m (4sq.m per unit as per CDP Objective DMSO68)
- The applicant is providing a small piece of natural play and 4 no. pieces of adult exercise equipment. The combined safety zones of the 4 no. pieces of adult exercise equipment is 61sq.m.
- Allowing a generous 100sq.m of natural play, there is a shortfall in the required play provision as outlined in Fingal County Councils Play Policy "A Space for Play".
- The applicant cannot provide play equipment as per Objective DMSO68 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".
- A contribution in lieu of play provision will be sought for the shortfall of 539sq.m of play provision.

8.11.5. CDP Objective DMSO68 sets out that playground facilities shall be provided at a rate of 4sq.m per residential unit and that all residential schemes in excess of 50 units shall incorporate playground facilities. Objective GINHO23 seeks to support and implement a number of green infrastructure related policies including *Space for Play – A Play Policy for Fingal*.

8.11.6. *Space for Play – A Play Policy for Fingal* was adopted by the members of Fingal County Council in 2022. Section 4.5.2.6 of the CDP outlines that the policy aims to provide a framework for the provision of safe, accessible, inclusive, natural and engaging play spaces and provides the basis on which the current and future play

provision throughout the County will be developed to the highest quality in line with international best practice.

- 8.11.7. The play policy sets out general characteristics for each level of play provision, including that for Local Equipped Area for Play (LEAP), the level of play provision that aligns with the requirement under Objective DMSO68 of the CDP. One of the characteristics listed is that a minimum of 25 metres should normally be provided between the activity zone and the nearest dwelling, this being the stated reason that the full provision of 700sq.m was not achievable on the site, hence the calculated shortfall of 539sq.m.
- 8.11.8. Objective DMSO50 requires the monetary value in lieu of play facilities to be in line with the Fingal County Council Development Contribution Scheme.
- 8.11.9. While the Scheme does provide for financial contributions to be required in respect of open space shortfall and provides the basis for the calculation of such a contribution, the Scheme does not specifically provide for financial contributions to be required in respect of playground provision shortfall and does not provide a basis for the calculation of such a contribution. It does however include 'Development of New Play Facilities' and 'Redevelopment/Expansion of Existing Play Facilities' in the list of projects in Appendix 11.
- 8.11.10. The planner's reports, reports from the Council's parks division and the planning authority's response to the first party appeal do not provide a breakdown of how the figure of €239,316.00 was calculated. In the planning authority's response to the first party appeal, it is outlined that the contribution will go towards the continued replacement, upgrading and installation of play equipment in the area to provide function and suitable play amenities to residents throughout the entire lifespan of the development.
- 8.11.11. In terms of special contributions, the Scheme states that a 'special' development contribution may be imposed under section 48 of the Act, where exceptional costs not covered by the Financial Contributions Scheme are incurred in the provision of a specific public infrastructure or facility. The works will be specified in the planning conditions. Only developments that will benefit from the public infrastructure or facility in question will be liable to pay a special development contribution

- 8.11.12. The issue is whether the terms of the Development Contribution Scheme have been properly applied. As the scheme does not specifically provide for requiring a financial contribution in lieu of playground facilities provision or the basis for the calculation of such a contribution, I conclude that the terms of the Development Contribution Scheme were not properly applied, and that this condition should be omitted.
- 8.11.13. On this basis of the foregoing, if An Coimisiún is minded to grant permission I recommend that Condition 14 be omitted.

Condition 27 – Contribution in lieu of open space

- 8.11.14. Condition 27 requires the payment of a financial contribution of €335,223.16 in lieu of open space provision, based on a shortfall of 5,712sqm of open space.
- 8.11.15. The applicant's appeal with respect to Condition 27 is focused on the calculation of the shortfall and by association, the calculation of the contribution. The applicant argues that the communal open space proposed (967sq.m) within the site should be accounted for in the calculation of proposed open space, on the basis that communal open space aligns with the description of open space as set out under the Compact Settlement Guidelines 2024.
- 8.11.16. It is also the applicant's position, with reference to Table 14.11 of the CDP, that the proposed 2,051sq.m of public open space constitutes Class 1 Open Space and that the proposed 967sq.m of communal open space constitutes Class 2 Open Space. The applicant contends that these figures should be deducted from the required Class 1 and Class 2 provision, respectively, for the purpose of calculating the contribution payable under Condition 27.
- 8.11.17. In response, the planning authority has outlined the CDP policy context for the public open space strategy, described the hierarchy of spaces (i.e., Classes 1 and 2), and provided a rationale for the development contributions arising in the event of a shortfall being identified (i.e., incorporated into the Development Contribution Scheme). The planning authority outlines the manner by which the public open space in the proposal was assessed, stands over same, and requests the subject conditions remain unchanged.
- 8.11.18. In considering this appeal ground, I have reviewed the particulars submitted with the application, particularly the Landscape Masterplan and Taking in Charge plan,

Landscape Rationale report, relevant CDP policy, and the Fingal Development Contribution Scheme 2012-2025.

- 8.11.19. Note 5 of the Scheme relates to Open Space Shortfall. It states that the Development Plan provides discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. Rates applied are Class 1 Open Space – €100,000 per acre purchase costs and €100,000 per acre development costs, and Class 2 Open Space – €250,000 per acre purchase costs and €100,000 per acre development costs. The contributions collected will be used for the provision of open space, recreational and community facilities and amenities and landscaping works.
- 8.11.20. The proposal has a net site area of c. 1.68ha and a public open space provision totalling c. 2,051sq.m of public open space (comprising c. 1,802sq.m between Blocks B and C, and a further c. 545sq.m between Blocks D and E), equating to c. 12% of the net site area.
- 8.11.21. The proposal also provides communal open space to serve each of the three apartment blocks, laid out as c. 407sq.m for Block C, c. 291sq.m for Block D and c. 269sq.m for Block E, equating to total provision of 967sq.m. A submitted schedule of accommodation outlines that the provision of communal open space exceeds the minimum provision required under the 2023 Apartment Guidelines (5sq.m and 7sq.m per 1 bed and 2 bed / 4 person apartment units, respectively).
- 8.11.22. A submitted Taking in Charge map shows that the three areas of communal open space would be part of the development to be managed / controlled by a management company, thus not taken in charge. A submitted 'Boundary Plan' shows proposed railings with gates to the boundaries of the areas of communal open space, whilst a 'Connectivity' map under Section 3.2 of the submitted Landscape Rationale report indicates a clear distinction between 'public pedestrian routes' and 'communal space pedestrian routes', suggesting that pedestrian access through the areas of communal open space will be restricted to use by residents of the respective apartment blocks.
- 8.11.23. CDP Table 14.11 outlines the types of public open spaces within the categories of Class 1 and Class 2, aligning with the level of financial contribution outlined above.

- 8.11.24. Objective DMSO52 requires compliance with Table 14.12, 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.
- 8.11.25. The Compact Settlements Guidelines 2024 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).
- 8.11.26. Appendix A to the Compact Settlements Guidelines 2024 provide a glossary of terms referred to within the guidelines. 'Public Open Space' is defined as *open spaces that form part of the public realm and are accessible to the public for the purposes of active and passive recreation...*, whereas 'Semi-Private Open Space' is defined as *'An outdoor open area that is exclusively for use by the occupants of a number of residential units (and their visitors). Does not include areas used exclusively for access (e.g. passages) or storage (including bicycle or car parking). Semi-private open space is not part of the public realm'*.
- 8.11.27. In accordance with CDP Objective DMSO51, the proposal generates a requirement for 7,762.5sq.m public open space (2.5 hectares per 1000 population) and under Objective DMSO52 there is a requirement for a minimum of 2,016sqm of on-site public open space (i.e. 12% of the site area).
- 8.11.28. In terms of the CDP classification of public open space, I consider that all the public open space provided within the scheme (2,051sq.m) comes within the definition of Class 2 (i.e., on-site, pocket parks/ small parks within a new residential scheme). The proposal does not provide any Class 1 public open space.
- 8.11.29. In my view, the area of communal / semi-private open space proposed (total area of c. 967sq.m) does not constitute Class 1 or Class 2 Public Open Space as defined under the CDP nor as defined under the Compact Settlements Guidelines 2024, primarily by reason of its function as communal / semi-private open space, not accessible to the general public as public open space / public realm.
- 8.11.30. With respect to the public open space requirement of 2.5ha per 1,000 population, I note that under Section 4.5.2.3 of the CDP it is stated that '*In general, this shall be provided at a ratio of 75% Class 1 and 25% Class 2*'. This would suggest that the 7,762.5sq.m of public open space required in the subject proposal should be

delivered in the form of 75% Class 1 (5,821.87sq.m) and 25% Class 2 (1,940.63sq.m). This was also the position of the applicant, for which I concur. However, as noted above, I do not concur with the applicant that the public open space provision constitutes Class 1 open space nor do I concur that the communal open space provision constitutes Class 2, rather, by reference to Table 14.11 of the CDP and definitions provided in the Compact Settlements Guidelines 2024, it is my view that the main provision of public open space of 2,051sq.m constitutes Class 2.

8.11.31. Furthermore, I consider that this provision of public open space is designed to provide high quality of amenity to the future residents, with sufficient passive surveillance and range of amenities including gym equipment, natural play equipment and seating. On this basis, it is my view that the proposal fully meets the Class 2 obligation and as such the shortfall in public open space (5,712sqm) constitutes a shortfall in Class 1 public open space only and the contribution in lieu should be calculated on that basis.

8.11.32. On this basis of the foregoing, if An Coimisiún is minded to grant permission I recommend that Condition 27 be amended accordingly.

9.0 Environmental Impact Assessment

The Applicant's Cover Letter and Planning Report / Statement of Consistency, as submitted with the application to Fingal County Council, refer to an EIA Screening Report submitted with the application. The planning authority's planner's report, dated 9th April 2025, acknowledged the above but found that an EIA Screening Report was not submitted. Having reviewed the contents of the application, I am satisfied that no EIA Screening Report was submitted with the application.

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

10.0 Appropriate Assessment

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 Water Framework Directive

Refer to Appendix 3. I conclude that on the basis of objective information, that the proposed development, subject to the implementation of a CEMP and Construction Surface Water Management Plan, will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 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.

13.0 Recommended Draft Order

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Authority Register Reference: LRD0056/S3E

Appeal by Winterwood Developments Limited (1st party) against 2 no. conditions and Concerned Residents of Carpenterstown c/o Kathleen Dalton and Colette Quinn (3rd parties) against the decision made on the 27th day of May 2025 by Fingal County Council to grant permission subject to conditions to Winterwood Developments

Limited in accordance with plans and particulars lodged with the Fingal County Council on 14th February 2025 and amended by further information received by the same named Council on 29th April 2025.

Proposed Development

Large Scale Residential Development (LRD) on a site of approx. 1.87ha on lands at Winterwood, Carpenterstown Road, Dublin 15, D15 YH4C.

The development will consist of 175 no. residential units ranging in height from 2 to 6 storeys, a childcare facility, all boundary treatment and landscaping works, site services connections and all site development works to include:

- a) The demolition of the existing two storey house 'Winterwood' measuring approx. 1,102 sqm, and associated outbuildings to include a security hut approx. 8.7 sqm, Bin Store 22 sqm and external storage shed 7.5qm.
- b) The construction of 30 no. houses (A & B) over two to three storeys as follows:
 - 16 no. 4 bed semi-detached houses over three storeys;
 - 6 no. 2 bed mid terraced units over two storeys;
 - 4 no. 3 bed end terraced units over two storeys;
 - 4 no. 3 bed semi-detached units over two storeys.
- c) The construction of 145 no. apartment units in the form of 3 no. new apartment buildings as follows:
 - Block C (6 storeys) comprising 61 no. apartments (33 no. 1 bed and 28 no. 2 bed);
 - Block D (6 storeys) comprising 42 no. apartments (19 no. 1 bed and 23 no. 2 bed);
 - Block E (6 storeys) comprising 42 no. apartments (19 no. 1 bed and 23 no. 2 bed).
- d) 1 no. creche facility approx. 158 sq.m with associated outdoor play space of approx. 65 sq.m at ground floor level of Block C.
- e) Total Public Open Space (approx. 2,347 sqm) and Communal Open Space (approx. 967 sqm). Each residential unit is afforded with associated private open space in the form of a garden/terrace/balcony.

- f) The development will be served via a new vehicular entrance on Carpenterstown Road.
- g) A total of 111 no. surface car parking spaces is proposed for the development to include 57 no. for the apartment units, 54 no. for the houses of which 46 are within the curtilage of the houses, 12 no. EV charging spaces, 3 no. accessible spaces and 3 no. car share spaces (driveyou). In addition 6 no. motorcycle parking spaces are proposed.
- h) A total of 387 bicycle parking spaces are proposed in the form of 291 long term secure spaces and 96 no. secure short term visitor spaces.
- i) 1 no. ESB substation at surface level.
- j) All associated site and infrastructural works to include provision for water services; foul and surface water drainage and connections; internal roads, attenuation proposal; permeable paving; all landscaping and boundary treatment works; green and blue roofs; plant areas; photovoltaic panels; footpaths; public lighting; and electrical services.

Decision

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

Reasons and Considerations

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

- a) Policies and objectives set out in the Revised National Planning Framework, 2025 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Fingal Development Plan 2023-2029, including the location of the site on lands subject to Zoning Objective 'RS' Residential and the permitted uses therein.
- c) Fingal County Council Development Contribution Scheme 2021-2025.

- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) Climate Action Plan 2025, and 2024.
- f) National Biodiversity Plan 2023-2030.
- g) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- h) Sustainable Urban Housing: Design Standards for New Apartments, 2023
- i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- j) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- k) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- l) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- m) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- n) Development Management, Guidelines for Planning Authorities, 2007.
- o) The nature, scale, and design of the proposed development.
- p) The availability in the area of a range of social, community, and transport infrastructure.
- q) The pattern of existing and permitted development in the area.
- r) The planning history within the area.
- s) The reports of the planning authority.
- t) The submissions received by the planning authority from observers and prescribed bodies.
- u) The grounds of first and third party appeals and observations.
- v) The responses to the grounds of appeal by the planning authority and the applicant.
- w) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

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

Conclusion on Proper Planning and Sustainable Development

An Coimisiún considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'RS' Residential zoning objectives and other policies and objectives of the Fingal Development Plan 2023-2029, would appropriately intensify the residential use at the site, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously

injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority on the 14th February 2025, as amended by further plans and particulars received by the planning authority on the 29th April 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) Living room windows serving Units 36, 48, 60 and 72 on the west elevation of Block C shall be fitted and permanently maintained with obscure glass to a height of 1.7m above finished floor level of each respective floor. The use of film is not acceptable. b) The living room windows at ground to fourth floor levels on the north elevation of Block D shall be increased in size to match north facing living room windows of Apartment Units 39 and 40 in Block C. c) South-facing living room windows on the eastern half of the southern elevation of Block D (i.e. serving Unit 95 and those units above) shall be high level windows.

	<p>d) South-facing living room windows on the western half of the southern elevation of Block D (i.e. serving Unit 100 and those units above) shall revert to the window sizes as per the drawings initially lodged with the planning authority on 14th February 2025.</p> <p>e) All north facing living room windows on Block E shall revert to the window sizes as per the drawings initially lodged with the planning authority on 14th February 2025.</p> <p>f) Privacy screen walls using durable materials shall be installed in balconies located within close proximity of each other (under 8m) within apartment blocks D and E.</p> <p>g) 10 no. short stay cycle parking spaces (to include 5 no. cargo parking spaces) for the use by the crèche shall be included on the western side of Block C in the vicinity of the crèche entrance. Lockers for staff shall be included within the internal layout of the crèche.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the amenities of the area and standard of residential accommodation provided.</p>
3.	<p>All recommendations, mitigation and monitoring measures outlined in the submitted plans and particulars, including the Ecological Impact Assessment, Arboricultural Report, Archaeological Impact Assessment Report, Acoustic Design Statement and Mobility Management Plan, submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment, public health, and clarity.</p>
4.	<p>a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as</p>

	<p>submitted with the application, unless otherwise agreed in writing with the planning authority.</p> <p>b) Details of security shuttering, external lighting, and signage for the childcare facility shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>c) Details of a maintenance strategy for all external finishes within the proposed development shall be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>A minimum of 20% 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.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
6.	<p>Not more than 75 no. residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at that time.</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
7.	<p>Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling</p>

	<p>numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The Developer shall comply with all future site lighting requirements of the Planning Authority in relation to adjusting the lights by re-aiming, the addition of louvres & shields and / or dimming. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
9.	<p>a. Prior to the commencement of development, the applicant shall submit a revised Landscape Masterplan to be agreed in writing with the planning authority, and to include the following:</p> <ul style="list-style-type: none"> i. Details and specifications for natural play, exercise equipment stations, paths through the public open space areas, off path seating and lamp standard locations. ii. Tree planting along Carpenterstown Road shall be revised to tie-in with the adjacent development to the east. <p>b. The revised Landscape Masterplan shall extend to the western property boundary with properties at Burnell Park Avenue. The landscape plan for the land adjoining the western property boundary (i.e. land outside the application red line boundary but within the landownership blue line boundary, as identified on the Site Location Map Dwg. No. WIN-00-LM-DR-JFA-AR-PP1001), shall include a ground restoration plan, revised Tree Protection Plan (dwg. No. 240607-P-12) if necessary, and supplemental tree planting details,</p>

	<p>and shall be informed by a pre-construction tree survey and pre-construction bat survey. Such surveys shall be prepared by suitably qualified professionals, and the surveys shall accompany the submission of the revised landscape masterplan to the planning authority.</p> <p>c. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>d. A tree bond of €20,000 is to be lodged with the planning authority prior to commencement of development in order to ensure that the trees noted for protection along the western boundary in the submitted Tree Protection Plan (dwg. No. 240607-P-12), or as revised by agreement under Condition 9(b), are protected and maintained in good condition throughout the course of development. For the tree bond to be released, a post construction report on the condition of the trees to be retained shall be undertaken by the project Arborist and all recommendations made within this report shall be carried out. On completion of this, the report and a Certificate of Effective Completion signed by the project Arborist shall be provided to the planning authority.</p> <p>e. The applicant shall provide details and specifications for the agreement of the planning authority regarding the east boundary. This boundary shall consist of a block solid bar railing, hot dipped galvanised and powder coated, with anti-vandal fixings, with a pedestrian link to connect with the adjacent development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
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10.	<p>a) All recommendations outlined in the submitted combined Stage 1 and 2 Road Safety Audit shall be implemented prior to occupation of any dwelling unit or respective phase of development, where applicable.</p> <p>b) Upon completion of the development and prior to occupation of any dwelling or commercial unit, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to occupation of any commercial or dwelling unit.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
11.	<p>The internal road network serving the proposed development, including the interface with Carpenterstown Road, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS), and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
12.	<p>Prior to the commencement of development, a final Construction Environmental Management Plan (CEMP) and Construction Surface Water Management Plan 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 and Construction Surface Water Management Plan shall be implemented in full in the carrying out of the development.</p>

	Reason: In the interest of residential amenities, public health and safety.
13.	<p>A final construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
14.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a final 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
15.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p>
16.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All surface water drainage arrangements,</p>

	<p>including the location of a below-ground attenuation tank, must be submitted to the planning authority for written agreement prior to the commencement of development.</p> <p>Reason: In the interest of public health and surface water management.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0700 to 1400 hours 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
19.	<p>All bathroom / en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.</p> <p>Reason: In the interests of residential amenity.</p>
20.	<p>A final Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.</p>

21.	<p>(a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant dwellings permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified dwelling unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified dwelling units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new residential development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
22.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning</p>

	<p>authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
23.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
24.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development, or part thereof, being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
25.	<p>All residential units shall be used as single residential units apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001 (as amended). The residential units shall not be subdivided, used for multiple occupancy living units or for the purposes of short-term letting except where otherwise permitted by way of a separate grant of planning permission.</p> <p>Reason: In the interest of clarity and to ensure proper planning and sustainable development.</p>
26.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
27.	<p>The developer shall pay to the planning authority a financial contribution in lieu of a shortfall of 5,712sq.m of Class 1 open space provision, in accordance with the terms of the Development Contribution Scheme</p>

	<p>made under section 48 of the Planning and Development Act 2000, as amended.</p> <p>For clarity, the calculation of the financial contribution payable will be based on the levy rate for Class 1 open space as set out under Note 5 of the Fingal Development Contribution Scheme 2021-2025</p> <p>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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
28.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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

Jim Egan
Planning Inspector

4th September 2025

Appendix 1 – EIA Form 1

EIA Pre-Screening

Case Reference	ACP-322813-25
Proposed Development Summary	Demolition of existing dwelling and associated outbuildings and construction of 175 dwellings and a childcare facility with all associated site works.
Development Address	Winterwood, Carpenterstown Road, Dublin 15, D15YH4C
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (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.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed	

road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10(b)(i): Construction of more than 500 dwelling units 10(b)(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.
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 type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 1 – EIA Form 2

EIA Preliminary Examination

Case Reference	ACP-322813-25
Proposed Development Summary	Demolition of existing dwelling and associated outbuildings and construction of 175 dwellings and a childcare facility with all associated site works.
Development Address	Winterwood, Carpenterstown Road, Dublin 15, D15YH4C
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development relates to an infill site in a built-up area and comprises the demolition of an existing dwelling and associated outbuildings along with the removal of existing vegetation including trees, and the construction of 175 dwellings, comprising 30 no. semi-detached and terraced houses and 145 no. apartments in 3 no. six storey blocks, located along the northern and eastern site boundaries. The proposal also includes a childcare facility along with all internal roads, footpaths, car parking, landscaping and boundary treatment.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal, noting potential repair works required to the foul network as detailed in a letter of feasibility from Uisce Eireann, dated January 2025, included with the application as an appendix to the submitted Civil Engineering Infrastructure Report. Surface water runoff will be collected and attenuated on-site and then discharged to the public surface water network.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and</p>

cultural or archaeological significance).	projects, on a European Site and appropriate assessment is therefore not required.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____

Date: _____

Appendix 2 - AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Demolition of existing dwelling and associated outbuildings and construction of 175 dwellings and a childcare facility with all associated site works.</p> <p>See Section 2.0 of Inspector's Report.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development relates to an infill site in a built-up area and comprises the demolition of an existing dwelling and associated outbuildings along with the removal of existing vegetation including trees, and the construction of 175 dwellings, comprising 30 no. semi-detached and terraced houses and 145 no. apartments in 3 no. six storey blocks, located along the northern and eastern site boundaries. The proposal also includes a childcare facility along with all internal roads, footpaths, car parking, landscaping and boundary treatment.</p> <p>The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal, noting potential repair works required to the foul network as detailed in a letter of feasibility from Uisce Eireann, dated January 2025, included with the application as an appendix to the submitted Civil Engineering Infrastructure Report. Surface water runoff will be collected and attenuated on-site and then discharged to the public surface water network.</p> <p>There are no watercourses or other ecological features of note on or adjacent to the site that would connect it directly to European Sites in the wider area.</p>
Screening report	<p>An Appropriate Assessment Screening Report prepared by Altamar Marine and Environmental Consultancy was submitted with the application. The report provides a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development including in-combination effects.</p> <p>The report identified the following:</p>

	<ul style="list-style-type: none"> • The nearest waterbody to the subject site is a tributary of the River Liffey, located c. 382m to the east of the site boundary. • Surface water discharge from the site will connect to an existing public surface water network on Carpenterstown Road to a tributary of the River Liffey. This tributary connects to the main River Liffey and ultimately discharges to Dublin Bay. • Foul water discharge from the site will connect to a foul water network on Carpenterstown Road and will be directed and treated at Ringsend WwTP, prior to being discharged to Dublin Bay. • Therefore, there is an indirect hydrological pathway from the proposed development site via foul and surface water drainage to 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, given the minimum distance from the proposed development site to European sites at Dublin Bay, the flocculation of surface water that will occur within the River Liffey Estuary, and the fact that foul will be treated at Ringsend WwTP via the foul sewer network, any pollutants, dust or silt laden run off will be dispersed, diluted, and ultimately treated within the public network prior to reaching the marine environment. • Having taken into consideration foul and surface water drainage from the proposed development, the distance between the proposed development to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites, and the dilution and flocculation effect with other effluent and surface runoff, it is concluded that the proposed development would not give rise to any significant effects to designated sites. • No projects in the vicinity of the proposed development would be seen to have a significant in combination effect on Natura 2000 sites. <p>The planning authority determined that the proposal is not likely to have a significant effect on any European sites, either alone or in combination with other plans or projects.</p>
Natura Impact Statement	No
Relevant submissions	No

Step 2: Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 23rd July 2025)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay SAC (000210)	Coastal habitat (mudflats, sandflats and dunes). Conservation Objectives NPWS, 2013	c. 12km	No direct Connection Indirect hydrological connection to Dublin Bay via groundwater and stormwater infrastructure.	Y
North Dublin Bay SAC (000206)	Coastal habitat (mudflats, sandflats and dunes). Conservation Objectives NPWS, 2013	c. 13.5km	No direct connection Indirect hydrological connection to Dublin Bay via groundwater and stormwater infrastructure.	Y
South Dublin Bay and River Tolka Estuary SPA (004024)	Wintering water birds (14 no. species). Wetland and waterbirds Conservation Objectives NPWS, 2015	c. 10km	No direct Connection Indirect hydrological connection to Dublin Bay via groundwater and stormwater infrastructure.	Y
North Bull Island SPA (004006)	Wintering water birds (17 no. species). Wetland and waterbirds Conservation Objectives NPWS, 2015	c. 13.6km	No direct connection Indirect hydrological connection to Dublin Bay via groundwater and stormwater infrastructure.	Y

Noth-West Irish Sea SPA (004236)	<p>Wintering water birds and sea birds (21 no. species).</p> <p>Conservation Objectives NPWS, 2023</p>	c. 17km	<p>No direct connection</p> <p>Indirect hydrological connection to Dublin Bay via groundwater and stormwater infrastructure.</p>	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>South Dublin Bay SAC (000210)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk to Dublin Bay of construction related contaminants entering ground water or surface water and untreated operational stage surface water entering stormwater infrastructure.</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>North Dublin Bay SAC (000206)</p> <p>Mudflats and sandflats not covered by</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u></p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected</p>

<p>seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimi) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395].</p>	<p>Risk to Dublin Bay of construction related contaminants entering ground water or surface water and untreated operational stage surface water entering stormwater infrastructure.</p>	<p>to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	Impacts	Effects
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk to Dublin Bay of construction related contaminants entering ground water or surface water and untreated operational stage surface water entering stormwater infrastructure.</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed.</p>

		<p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>North Bull Island SPA (004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk to Dublin Bay of construction related contaminants entering ground water or surface water and untreated operational stage surface water entering stormwater infrastructure.</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI species listed.</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined</p>

Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Noth-West Irish Sea SPA (004236) Common Scoter (Melanitta nigra) [A065] Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Shag (Phalacrocorax aristotelis) [A018] Cormorant (Phalacrocorax carbo) [A017] Little Gull (Larus minutus) [A177] Kittiwake (Rissa tridactyla) [A188] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187]	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk to Dublin Bay of construction related contaminants entering ground water or surface water and untreated operational stage surface water entering stormwater infrastructure.</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI species listed.</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined</p>

Little Tern (Sterna albifrons) [A195] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Puffin (Fratercula arctica) [A204] Razorbill (Alca torda) [A200] Guillemot (Uria aalge) [A199]		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development, alone, would not result in likely significant effects on European Sites within the Dublin Bay area, namely the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), Noth-West Irish Sea SPA (004236), or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions. During the construction phase, standard pollution control measures would be put in place, such as those as set out in the submitted Outline Construction Surface Water Management Plan. These measures are standard practice for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Dublin Bay area, namely the South Dublin

Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), North-West Irish Sea SPA (004236), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- nature and scale of the proposed development on a serviced infill site.
- the nature of the receiving environment which comprises a built-up urban area.
- the distances to the nearest European sites and the hydrological pathway considerations.
- the information submitted as part of the applicant's Appropriate Assessment Screening Report
- no significant ex-situ impacts on wintering water birds

Appendix 3 - WFD Stage 1: Screening

WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-322813-25	Townland, address	Winterwood, Carpenterstown Road, Dublin 15, D15YH4C
Description of project		Demolition of existing dwelling and associated outbuildings and construction of 175 dwellings and a childcare facility with all associated site works	
Brief site description, relevant to WFD Screening,		<ul style="list-style-type: none"> Brownfield / infill site within an urban area. With reference to EPA and GSI mapping resources, the following is noted: <ul style="list-style-type: none"> No watercourse within the boundary of the site. There is a former land drain aligned along the western perimeter of the landholding, however there is no current evidence of any hydrological connections or functions to the surrounding area. The nearest waterbody is a tributary of the River Liffey, located c. 380m east of the site. The tributary has an EPA Code IE_EA_09L012350 and Segment Code: 09_1510 and flows into the River Liffey c. 1km to the south. In turn, the River Liffey flows into the Liffey Estuary Upper c. 5.4km to the east, followed by the Liffey Estuary Lower a further 4.5km east, before discharging into Dublin Bay a further c. 7.55km to the east. The proposed development site is located within the Liffey and Dublin Bay Catchment and the Liffey Sub Catchment. The site is located in the Dublin ground waterbody, in an area of high groundwater vulnerability. The soil at this location is underlain by deep well drained mineral soil. Submitted Site Specific Flood Risk Assessment concludes the following: <ul style="list-style-type: none"> Based on available and recorded information, the site has not been subject to flooding in recent history. The risk of tidal flooding is considered low as the subject site lies outside the 0.1% AEP. 	

	<ul style="list-style-type: none"> ○ The risk of fluvial flooding in the area is considered low as the proposed site lies outside the 0.1% AEP. ○ The risk of flooding due to ground water ingress to the proposed development is considered medium. As the proposed development does not have a basement, and the proposed alterations to the existing site will not increase the potential for groundwater flooding, as such the risk is deemed acceptable. ○ The risk of pluvial flooding is considered low, due to the site location and proposed measures for the development. ○ Based on the flood risk identification in Stage 1, the proposed development falls in Flood Zone C. Therefore, the proposed development is deemed 'Appropriate' in accordance with the guidelines of the OPW's publication.
Proposed surface water details	<p>Section 3 of the submitted Civil Engineering Infrastructure Report outlines the surface water drainage proposal, as follows:</p> <ul style="list-style-type: none"> • It is proposed to construct a new surface water drainage system for the development to collect runoff from roofs and paved areas and any additional runoff from landscaped areas which doesn't percolate to ground. It is proposed that the new surface water network within the site will convey surface water flows via permeable paving to a new attenuation tank, all permeable paving will drain towards a central trench laid with a perforated pipe. • The runoff generated from the site will be attenuated using a combination of permeable paving and an attenuation tank located in a central site location. The total runoff from the site will be controlled at the 1 in 30-year greenfield runoff rate for the site (10.2/s) through the use of a hydrobrake located at the outfall from the proposed attenuation tank. All surface water from the proposed development will pass through the SuDS features, including green/blue roof systems, tree pits and permeable paving. • Table 3.3 provides a list of SuDS measures to be employed, with volumes and performance rating.
Proposed water supply source & available capacity	<p>The proposed development would be connected to the public water mains.</p> <p>Appendix 5 of the submitted Civil Engineering Infrastructure Report contains a letter from Uisce Eireann, dated 8th January 2025, which confirms that a connection to water supply is feasible</p>

			without infrastructure upgrades by Uisce Eireann but that an onsite booster pump may be required to maintain required pressure.			
			Uisce Eireann's latest Capacity Register (published August 2025) indicates ' <i>Potential Capacity Available – Level of Service (LoS) improvement required</i> ' in respect of water supply for Dublin City and Suburbs.			
Proposed wastewater treatment system & available capacity, other issues			The proposed development would be connected to the public sewer mains.			
			Appendix 5 of the submitted Civil Engineering Infrastructure Report contains a letter from Uisce Eireann, dated 8th January 2025, which confirms that a wastewater connection is feasible subject to upgrades, noting that there are network capacity constraints within the trunk sewer catchment area and that in order to accommodate the connection for the proposed development, it will be necessary to identify areas of groundwater infiltration to the sewer network and/or storm water misconceptions and carry out repair work to same.			
			Uisce Eireann's latest Capacity Register (published August 2025) indicates 'spare capacity available' in respect of wastewater treatment for Dublin City and Suburbs (served by Ringsend WWTP)			
Others?			None			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Stream (River Waterbody)	c. 380m to the east	Liffey_180 IE_EA_09L012350	The River Waterbody WFD Status 2016-2021 awarded the Liffey_180 a status of 'Poor'	At Risk	Urban Wastewater Urban Run-Off	Groundwater
Royal Canal	c. 780m to the north	Royal Canal Main Line (Liffey and Dublin Bay)	The River Waterbody WFD Status 2016-2021 awarded the Royal Canal	Review	-	Groundwater

		IE_09_AWB_RC MLE	Main Line (Liffey and Dublin Bay) a status of 'Good'			
River Liffey (River Waterbody)	c. 1.38km to the south	Liffey_180 IE_EA_09L01235 0	The River Waterbody WFD Status 2016-2021 awarded the Liffey_180 a status of 'Poor'	At Risk	Urban Wastewater Urban Run-Off	Surface water run-off to existing stormwater mains
Liffey Estuary Upper (Transitional Waterbody)	c. 6.7km to the east	Liffey Estuary Upper IE_EA_090_0400	The Transitional Waterbody WFD Status 2016-2021 awarded the Liffey Estuary Upper a status of 'Good'	Review	-	Surface water run-off to existing stormwater mains
Liffey Estuary Lower (Transitional Waterbody)	c. 11.3km to the east	Liffey Estuary Lower IE_EA_090_0300	The Transitional Waterbody WFD Status 2016-2021 awarded the Liffey Estuary Lower a status of 'Moderate'	At Risk	Urban Wastewater	Surface water run-off to existing stormwater mains
Dublin Bay (Coastal Waterbody)	c. 18.3km to the east	Dublin Bay IE_EA_090_0000	The Coastal Waterbody WFD Status 2016-2021 awarded Dublin Bay a status of 'Good'	Not at Risk	-	Surface water run-off to existing stormwater mains
Dublin ground waterbody, in an area of high groundwater vulnerability	N/A	Dublin IE_EA_G_008	The Ground Waterbody WFD Status 2016-2021 awarded the Dublin groundwater body a status of 'Good'	Review	-	Groundwater

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Construction related contaminants entering ground water.	Liffey_180 Liffey Estuary Upper Liffey Estuary Lower Dublin Bay Dublin ground waterbody Royal Canal Main Line (Liffey and Dublin Bay)	Existing	Water quality degradation. Site is underlaid by deep well drained mineral soil therefore fast percolation of water / pollutants.	CEMP and Construction Surface Water Management Plan, including supervision and monitoring.	No	N/A
2.	Construction related contaminants entering stormwater infrastructure.	Liffey_180 Liffey Estuary Upper Liffey Estuary Lower	Existing	Water quality degradation	CEMP and Construction Surface Water Management Plan, including supervision and monitoring.	No	N/A

		Dublin Bay					
OPERATIONAL PHASE							
3.	Untreated operational stage foul and surface water entering stormwater infrastructure.	Liffey_180 Liffey Estuary Upper Liffey Estuary Lower Dublin Bay	Existing	Water quality degradation	Connection to foul mains. Connection to surface water mains and provision of onsite attenuation and SuDS measures.	No	N/A
4.	Untreated operational stage foul and surface water entering ground water	Liffey_180 Liffey Estuary Upper Liffey Estuary Lower Dublin Bay Dublin ground waterbody Royal Canal Main Line (Liffey and Dublin Bay)	Existing	Site is underlaid by deep well drained mineral soil therefore fast percolation of water / pollutants.	Connection to foul mains. Connection to surface water mains and provision of onsite attenuation and SuDS measures.	No	N/A