



An
Coimisiún
Pleanála

Inspector's Report

ACP-322835-25

Development	Construction of 4 dwellings with all associated site works
Location	Glenview, Thormanby Road, Howth, Co. Dublin, D13 HX28
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/1160E
Applicant(s)	Mack Lennon & Nadia Pitt
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party vs. condition No. 1 Third Parties vs. Grant
Appellant(s)	1. Mack Lennon & Nadia Pitt 2. Stephen & Sharon Murphy 3. Hazelhatch Homes Management
Observer(s)	None
Prescribed Bodies	Department of Housing, Local Government and Heritage
Date of Site Inspection	15 th of September 2025
Inspector	Stephen Ward

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	8
5.0 Policy Context.....	9
6.0 The Appeals	13
7.0 Assessment.....	22
8.0 Water Framework Directive Screening.....	40
9.0 AA Screening.....	41
10.0 Recommendation	42
11.0 Reasons and Considerations	42
12.0 Conditions	43
Appendix 1 – Form 1: EIA Pre-Screening.....	51
Form 2: EIA Preliminary Examination.....	53
Appendix 2 - Water Framework Directive Screening Determination.....	56

1.0 Site Location and Description

- 1.1. The site is located along the western side of Thormanby Road, approximately 1km southeast of Howth Harbour. It has a stated area of 0.1938ha and is triangular in shape (tapering towards its northern end). The site currently comprises a large garden area to the rear of the existing 'Glenview' house and the site levels fall from south to north.
- 1.2. The site is bounded by the Hazelhatch estate to the west, which is a small gated residential development of 7 no. dwellings arranged in 2 blocks. As well as 'Glenview', Dungriffin Road to the south mainly comprises detached dwellings on large sites. To the eastern side of Thormanby Road, Cannon Rock View is a small residential development comprising 10 no. detached dwellings.

2.0 Proposed Development

- 2.1. In summary, permission is sought for a residential development comprising:
 - 4 No. 3-Bedroom two storey (part single storey) detached dwellings.
 - Single storey service / storerooms to rear garden to No. 2 – 4.
 - Private pedestrian gate to dwelling No. 1 from Thormanby Road located to the northern end of site at street level with concealed bike store.
 - All landscaped incidental areas of open space.
 - All associated siteworks (including demolition of 1 No. small outbuildings and part of north-eastern boundary to 'Glenview') new boundary walls, landscaping, front and side screen / boundary / retaining walls and pedestrian gates.
 - All dwellings accessed from a proposed shared surface vehicular and pedestrian laneway from and parallel to Thormanby Road with a recessed screened refuse wait area at southern side of junction with Thormanby Road.
- 2.2. The proposed dwellings front onto Thormanby Road. They have balconies at first floor level and have flat, 'blue' roofs with solar panels. The external finishes mainly comprise brick cladding at ground level and metal cladding at first floor level.

- 2.3. It is proposed to connect to the existing public foul water sewer and watermain. The surface water strategy incorporates SuDS measures and attenuation prior to discharge to the existing surface water sewer.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 28th May 2025, FCC made a decision to grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two FCC planning reports, i.e., the initial assessment which requested further information and the subsequent assessment of the applicant's response.

Following an initial assessment of the application, a Further Information Request was issued on the following points (as summarised):

- 1) Boundary treatment with Thormanby Road to consider a more sympathetic interface.
- 2) Proposals for facilitate future improved cycling and pedestrian infrastructure along Thormanby Road.
- 3) Clarification of surface water proposals, including discharge to the existing dedicated surface water network (not combined).
- 4) Uisce Eireann confirmation regarding the proposed water and wastewater connections.

Following the applicant's response, the assessment outlined in the two FCC planning reports can be cumulatively summarised under the following headings.

Zoning

- The proposal is acceptable in accordance with the 'RS' zoning objective.

Layout & Design – Impact on visual and residential amenity

- The design approach would contrast with the established period dwellings on the road, but similar infill development is a feature of the area.
- The design would ensure that infill development respects the character of the area in accordance with CDP objectives DMSO31 and DMSO32.
- The further information submitted has adequately addressed concerns about the roadside boundary interface.
- Compact Settlement Guidelines –
SPPR 1 – Due to the design, layout and interface with existing dwellings, there would be no direct overlooking to harm residential amenity.
SPPR 2 – Private open space would exceed the required 40m².
- The development would provide a high-quality living environment in compliance with CDP objective DMSO19.

Transportation

- Sightlines from the proposed entrance would exceed the required standards.
- Parking proposals are acceptable in accordance with SPPR 3 of the Compact Settlement Guidelines.
- The further information response has adequately addressed concerns about facilitating improvements to cycle/pedestrian infrastructure on the adjoining road.

Water Services

- The further information response has adequate information relating to the surface water strategy; connection to the dedicated surface water sewer; and connection to the Uisce Eireann water/wastewater network.

Part V

- A certificate of exemption has been granted.

EIA Screening

- The development is not of a scale or nature that would require EIA.

AA Screening

- There is no realistic pathway to Natura 2000 sites and the development, individually or in combination with other plans and projects, would not have a significant effect on any European Sites.

Conclusion

- The reports conclude that the proposed development would accord with the policies and objectives of the Fingal County Development Plan 2023-2029.
- It is recommended to grant permission, and this generally forms the basis of the FCC decision.

3.2.2. Other Technical Reports

Water Services – The initial report requested further information relating to surface water proposals and connections. The subsequent report confirms that there are no objections subject to conditions.

Transportation – The initial report requested further information in relation to the roadside boundary interface and facilitation of pedestrian/cycle improvements. The subsequent report confirms that there are no objections subject to conditions.

Parks & Green Infrastructure –

- Highlights the location of the site within a ‘Highly Sensitive Landscape’; within the Buffer Zone of the Howth SAAO; and adjoining CDP protected views along Thormanby Road.
- Raises the feasibility of retaining existing vegetation, particularly along the eastern boundary.
- No public open space has been provided. CDP Objective DMSO54 allows for a financial contribution in lieu of open space.
- Boundary details should be clarified.
- Revised landscape details should be agreed.
- No hedgerow works shall take place between 1st March and 31st August.

Public Lighting

- Details to be agreed at compliance stage.

3.2.3. Conditions

The decision to grant permission was subject to 17 no. conditions, the majority of which are of standard nature. The notable conditions can be summarised as follows:

4 – Dwelling to be used as single dwellings, not for short-term letting.

10 – Revised landscaping details to be agreed.

11 – All bathroom/en-suite rooms to be fitted with obscure glass.

16 – Financial contribution (€20,540.63) to be paid in lieu of 350m² shortfall in public open space.

17 - Financial contribution (€113,381.69) to be paid in accordance with the FCC Contribution Scheme.

3.3. Prescribed Bodies

Uisce Eireann – The initial submission requested applicant to submit a Pre-Connection Enquiry. The subsequent submission outlined that Confirmation of Feasibility has been issued regarding wastewater and water connections. Standard conditions should apply.

3.4. Third Party Observations

The planning authority received 4 no. submissions in the initial 5-week consultation period and 1 submission on the further information received. The issues raised are mainly covered in the third-party grounds of appeal (see section 6.1.2 of this report), but any additional issues can be summarised as follows:

- The projected housing demand for Howth (500 units by 2029) has already been exceeded.
- The proposed houses will not meet an affordable demand.
- No assessment of geological and hydrogeological impacts.

- Utilities serving the Dungriffan Road properties (including surface water and wastewater) run through the appeal site and will be affected.
- Drawings of Plant Room PA27 are not included and may impact on existing properties through noise and environmental impacts.

4.0 Planning History

Appeal Site

P.A. Reg. Ref. F24A/0500E: On 22nd July 2024, FCC refused permission for the construction of 7no. 3 Bedroom two and three storey (part single storey) dwellings. The reasons for refusal were as follows:

- 1) The Planning Authority are not satisfied the development in its proposed form would integrate appropriately within the surrounding context without undue negative impact to the surrounding amenities by virtue of the proposed design, height and scale. The proposed development would not be in accordance with Objectives DMSO31 & DMSO32 of the Fingal Development Plan 2023-2029 or the proper planning and sustainable development of the area.
- 2) Having regard to the pattern of development in the area, it is considered the proposed development of 7no dwellings in the rear garden of the existing two storey dwellings represents an inappropriate overdevelopment of a restricted site and would be visually obtrusive when viewed from the public road. The proposed development would not be in accordance with the proper planning and sustainable development of the area.
- 3) The development as proposed would be gated which would be contrary to Objective DMSO30 of the Fingal Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
- 4) The applicant has not supplied a valid proposal in relation to social & affordable housing. The application would therefore be contrary to Part V of the Planning & Development Act 2000 (as amended) and the proper planning and sustainable development of the area.

Other Sites

ABP Ref. 304958-19 (P.A. Reg. Ref. F19A/0185): On a site to the northeast, the Board granted permission (19th November 2019) for the construction of three dwellings on a similarly triangular site along the eastern side of Thormanby Road.

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

Zoning

The site is zoned 'RS – Residential', the objective for which is to '*Provide for residential development and protect and improve residential amenity*'.

The Vision for this zone is to 'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

Core Strategy

A range of policies and objectives are included to support housing and the Core Strategy, including (as summarised):

Policy CSP1 – Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens.

Policy CSP2 – Supports compact growth and regeneration in accordance with the NPF and RSES.

Policy CSP22 - Consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.

Landscape

The site is within the 'Coastal' Landscape Character Type, which is 'highly sensitive' and of 'Exceptional' value.

The Howth SAA (Special Amenity Area) Buffer Zone extends to the opposite (eastern) side of the Thormanby Road, while the SAAO (Special Amenity Area Order) is located further to the east.

The northern end of the site adjoins a section of Thormanby Road with an objective to 'Preserve Views'.

Sustainable Placemaking and Quality Homes

Chapter 3 sets out the strategy to guide successful healthy placemaking and ensure quality housing. Further detail is set out in Chapter 14 (see below).

Connectivity & Movement

Chapter 6 recognises and supports a collaborative approach that needs to be taken by all stakeholders to ensure the delivery of a sustainable transport network including key transport projects, new walking and cycling infrastructure, behavioural change initiatives and improved roads access. Relevant policies and objectives include the following (as summarised):

CMP2 – Concentrate compact growth around existing and planned transport services ensuring that travel demand and car-based travel is reduced.

CMP25 – Implement a balanced approach to car parking, using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

The adjoining Thormanby Road is part of the (GDA) Cycle Network Plan.

Green Infrastructure and Natural Heritage

Chapter 9 aims to develop and protect a network of interconnected natural areas, biodiversity, and natural heritage.

Infrastructure and Utilities

Chapter 11 deals with 'Infrastructure and Utilities'. It outlines a range of policies and objectives to develop and protect water and waste infrastructure, and to protect air, noise, and light conditions.

Objectives DMSO202 & DMSO203 outline SuDS requirements and to have regard to the objectives set out in Fingal's Guidance Document – Green/ Blue Infrastructure for Development, as amended. (Appendix 11).

Development Management Standards

Chapter 14 outlines 'Development Management Standards' in an aim to ensure that development occurs in an orderly and efficient manner which contributes to the Core Strategy and related policies and objectives. Relevant aspects include the following:

Section 14.4.1 and DMSO4 outlines key principles to consider in the achievement of healthy placemaking.

Section 14.5.2 and 14.5.3 promote building density and height in accordance with national and regional policy and guidance.

Section 14.6 outlines a range of design criteria and standards for various types of residential development based on national guidance documents, including:

DMSO19 - Require that applications for residential developments comply with all design and floor area requirements set out in relevant national guidelines.

Section 14.8 outlines a range of housing development standards for floor areas, separation distances, and private amenity space.

Section 14.9 outlines further general requirements for residential developments.

Section 14.10.1 'Corner/Infill Development' outlines that the development of infill housing on underutilised infill and corner sites in established residential areas will be encouraged where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. While recognising that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill, such development provides for the efficient use of valuable serviced land and promotes consolidation and compact growth. Contemporary design is encouraged, and all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden area and car parking.

DMSO31 – New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

DMSO32 – Applications for residential infill development on corner/side garden sites will be assessed against stated criteria.

Section 14.13 deals with Open Space based on the principles of 'Hierarchy and accessibility', 'Quantity', and 'Quality'. The following elements are noted:

Objective DMSO51 – Requires a minimum public open space provision of 2.5 hectares per 1000 population.

Section 14.13.2. - It is the intention of the Council to ensure, except under exceptional circumstances, that public open space provision exceeds 12% of a development site area.

DMSO52 – Public open space shall be provided in accordance with Table 14.12.

DMSO53 – Financial Contribution in Lieu of Public Open Space.

Tables 14.17 and 14.19 outline bicycle and car-parking standards.

5.2. Natural Heritage Designations

The closest Natura 2000 site is Howth Head SAC, which is c. 200 metres to the east and c. 600m to the southwest. This designated area generally coincides with the Howth Head proposed Natural Heritage Area.

5.3. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix, Form 1 and Form 2). 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.

6.0 The Appeals

6.1. Grounds of Appeal

6.1.1. First Party Appeal

The applicant has submitted an appeal in relation to Condition No. 1 of the FCC decision to grant permission. Condition no. 1 is a standard condition which requires that the proposed development shall be carried out in accordance with the plans, particulars and specifications lodged with the application and the additional information submitted.

More specifically, the appeal relates to the requirement for boundary treatment and alignment to facilitate a cycleway reservation along Thormanby Road in accordance with the applicant's further information response proposal. It includes proposals for 'minor modification' to the permitted arrangement and requests that the modification be included as a condition of any permission.

The grounds of the appeal can be summarised under the headings below.

Context

- There is no objective in the CDP for a future (cycleway) upgraded road reservation on Thormanby Road. It will therefore not be commenced or completed within the CDP lifetime.
- The Greater Dublin Cycle Network Plan (GDCNP) indicates a secondary looped route along this section of Thormanby Road, which is noted in the CDP. The GDCNP does not include delivery timeframes for this long-term plan. Along with the absence of a CDP Objective, the delivery of this cycleway can be considered aspirational.
- The National Cycle Design Manual was the basis for the 14.3m upgrade width specified in the FCC Further Information request. The Planning Report submitted with the application identified that a reduced width of 13m could be achieved in accordance with the Cycle Design Manual. The Design Manual also acknowledges that design standards change over time, and this is likely to happen given: the long-term delivery of the project; the need for further detailed

design and consultation; and the high degree of protection for Howth because of SAAO and European Site designations.

- A review of three recent unsuccessful applications along Tormanby Road (including the previous application on the appeal site) indicates that similar reservations were not sought.
- The requested reservation is in conflict with CDP Policy GINHP21 – Protection of Trees and Hedgerows, which will result in many difficult and contentious locations to be addressed along the cycleway (e.g. at ‘Somerville’ where the road width between attractive planted boundaries is just c. 11.5m (P.A. Reg. Ref. F24A/0794E refers)).
- The requirement for a reservation is inappropriate in this instance. A more appropriate approach may be to reduce speed on the road to allow cyclist and vehicular traffic to safely co-exist as per Section 4.2.9 of the Cycle Design Manual.

Proposed modifications and rationale

The permitted arrangements include a low-level planted area in two linear tapering sections either side of the proposed junction. The proposed modifications would relocate the permitted low stone walls to generally follow the back of the existing footpath, allowing the proposed raised planter to be maintained at the level of the proposed access road. The rationale for the proposal can be summarised as follows:

- There is a strong possibility that the permitted low-level planted areas may be subject to anti-social behaviour as they are not visible from the proposed road.
- There is also a possibility that these areas will be subject to illegal parking.
- The proposed layout maintains sightlines as required under DMURS.
- The proposed layout ensures that the reservation of 14.3m is still achievable.
- The difficulty of managing small incidental open space was acknowledged by FCC in accepting a financial contribution in lieu of on-site provision. The proposed solution allows the incidental space to integrate better with the proposed development.

- The proposed attractive boundary would be closer in character to the existing historic boundary on the eastern side of the road.

6.1.2. **Third-Party Appeals**

The FCC decision to grant permission has been appealed by Hazelhatch Home Management Co. Ltd, which represents the residents of the adjoining Hazelhatch development to the west of the site, and by Stephen & Sharon Murphy of No. 4 Hazelhatch. The appeals request a refusal of permission based on many common issues which can be collectively summarised under the headings below.

Procedural

- The application is contrary to the Planning & Development Regulations 2001 (as amended) as:
 - Contrary to Article 23(1), site layout or plans do not show the areas for each house or the private open space areas.
 - Existing ground levels are not clearly identified.

Density, Design, & Visual Impact

- The gross density is 21 uph, while the net density (excluding access) is c. 30 uph.
- It is proposed to provide 4 large houses with only 1 parking space per house, very cramped private open space of poor quality, and the location, distribution and quality of public open space is negligible.
- It is proposed to provide a mews type development on a low-density car borne outer suburban residential area that is distant from and poorly connected to community facilities/services and mass public transport.
- The development is out of character with existing development, including provisions for gardens, setbacks, and car-parking.
- The requirements of SPPRs 1-4 of the Compact Settlement Guidelines are highlighted.
- The Compact Settlement Guidelines outline that densities in the range of 35-50 dph should apply in the Metropolitan Towns and Village category (>1,500 population – Suburban / Urban Extension. However, there are exceptions,

including cases of very small infill sites such as this that are not sufficient to define their own character and density.

- The proposal fails to meet the criteria for infill development and consolidation as per the CDP (s. 14.5.1, s. 14.10.1, Table 14.4, Objective DMSO31).
- CDP requirements for private open space and tree management/protection (s. 14.8.3 and DMSO125) have not been properly addressed.
- The provisions of the 2009 Guidelines for Planning Authorities on Sustainable Residential Development are acknowledged¹, but the proposed development fails to adequately respond to the character and pattern of existing development in accordance with CDP provisions SPQHO42 & SPQHO43.
- The development is contrary to CDP Objective GINHO54² - which aims to reflect/reinforce sense of place and landscape character types, including the retention of important features or characteristics.
- In relation to other CDP provisions, it is stated that the development would:
 - Conflict with established building lines (s. 14.4.8).
 - Lead to overlooking as a result of inadequate separation distances (s. 14.8.2 and Objective DMSO23).
 - Provide poor quality private open space (Objective DMSO27).
 - Result in overlooking and overshadowing because of proximity and boundary treatment proposals (s. 14.6.6.4).
 - Not demonstrate compliance with DMURS (s. 14.9.3).
 - Would have a negative visual impact on the area/character, which would contravene SPQHO36, SPQHO37, SPQHO38, SPQHO39.
 - Would have a detrimental impact on this section of the road adjoining Howth SAAO where there is an objective 'To protect views' and would be contrary to GINHO56.
- The proposal would set an undesirable precedent for further such development.

¹ Now revoked and replaced by the Compact Settlement Guidelines (2024)

² Appears to be an error, should refer to Objective GINHO57

- On a positive note, the density, height, and overlooking impacts have been reduced compared to the previous proposal.
- A Masterplan should be prepared for the entire site including the existing dwelling.

Impacts on existing properties

- The proposal would impact on existing amenities and would therefore be contrary to the zoning / primary objective for residential areas.
- The removal of trees/hedges poses a danger to the existing dividing boundary and planting on the Hazelhatch side.
- Construction noise and dust will have adverse impacts.
- The site is comprised of solid rock and excavation may have structural impacts. It would be prudent and necessary to complete a survey and construction plan prior to considering the proposed development.
- The scale and massing of the development would have overlooking impacts.
- The Murphy appeal raises specific concerns about impacts on their property as follows:
 - Overlooking – The stated separation distances (as per Drawing No. PA-06) are not measured in accordance with the Compact Settlement Guidelines. The distance between the properties is as low as 8.5m. The distances also do not comply with the CDP (DMSO23). Alternative provisions to ensure privacy are wholly inadequate.
 - Boundary Screening – There are serious concerns about the proposals as per the BSLA Landscape Plan with regard to the effectiveness and maintenance of planting. There are also concerns that virtually all planting on site does not merit retention.
 - Construction – Having regard to ground conditions and the extent of rock, there are serious concerns about the extent of excavation required; the absence of construction mitigation; and the inadequacy of condition no. 6 of the FCC decision to address these specific concerns.

- There are alternative design approaches that could protect existing properties, including a reduction in the number of houses and the relocation of habitable 1st floor rooms away from the western elevations of the proposed houses.

Roads & Traffic

- The proposed entrance is at the apex of a bend in the road as it steeply descends, and where vehicle speeds exceed the 50km/hr limit. Given the minimum sightlines, the development would endanger road users, including pedestrians and cyclists.
- Details of public transport services in the area are outlined, which are considered to be distant, spasmodic and infrequent.
- Inadequate parking will result in parking overspill and traffic hazard. While the provision will comply with national guidelines, this must be tempered by local contextual considerations.
- There are concerns about the redesign of the road space to the front of the development.
- The proposed reduction in width of the footpath at the entrance to Hazelhatch will have an adverse impact on sightlines for motorists.

Water Services

- There would not appear to be a close surface water outfall. On-site attenuation and permeable paving would be required, along with private open space of which there is none.
- Irish Water is pursuing a water supply connection to the River Shannon and demand and supply is finely balanced.

6.2. Applicant Response

The applicant's response to the issues raised in the third-party appeals can be summarised under the following headings.

Procedural

- Regarding the requirements of Article 23(1) of the Regulations, the documentation submitted includes:
 - Floor plans indicating FFLs, eaves, and ridge heights.
 - Plans showing road levels, neighbouring eaves and ridge levels.
 - Cross sections illustrating existing and proposed development.
 - Site plan indicating distances to boundaries.
 - Housing Quality Assessment indicating overall site area, area of each dwelling, and open space.

Masterplan – Alternative Design Approaches

- The scheme has been considered in the context of the client's overall site ownership and supports consolidation in accordance with National Objectives.
- The design approach conforms and exceeds development standards.
- The Compact Settlement Guidelines (Appendix C) suggests that the threshold for Master Plans is 30+ units and for Urban Design Statements is 50+ units.
- A number of alternative designs were considered, and the proposal was considered the optimum solution.

Infill Development, Residential Density and Character of the Area

- Objectives SPQHO37, SPQHO38, and SPQHO39 relate to Para. 3.5.13 of the CDP in relation to 'Compact Growth, Consolidation and Regeneration', which: supports better use of under-utilised land and the delivery of quality housing and increased housing options/typologies; notes that this can be achieved in several ways/scales; and notes the benefits accruing to infill development.
- The development is outside Howth SAAO, and the proposed boundary has been sensitively designed in accordance with SAAO Design Guidelines.
- The Compact Settlement Guidelines recommend that infill development should adopt a nuanced design approach in accordance with Key Indicators of Quality.

- The proposal is consistent with the Compact Settlement Guidelines on delivering a diverse and innovative mix of housing, including 'right-sizing', own-door housing, flexible/adaptive housing, and proximity to services.
- The proposed density of 21 dph reflects the site configuration, context, topography and neighbouring development.
- The proposed 2-storey height is consistent with existing development, and the development has been designed to minimise visual impact, provide passive surveillance of the street, and to integrate with site levels.
- The development conforms to the CDP and national policy with regard to compact development and sustainable densities; meeting future housing needs; and integrating with local character.

Road Safety

- The proposals will enhance visibility and sightlines at a bend in the road, whilst also allowing the future provision of cycleways.
- The development will increase activity (including pedestrian and cyclist activity) which will have a traffic-calming effect as recognised in DMURS.
- Non-compliance with speed limits at this location cannot be controlled by the planning process, but the proposals will assist traffic calming.

Car Parking

- The Compact Settlement Guidelines outlines that reduced car parking encourages walking, cycling and public transport.
- The site is defined as being an 'Intermediate Location' in the Compact Settlement Guidelines based on proximity and frequency of bus services. The Guidelines indicate that parking provision should be substantially reduced in accessible locations (*sic*), with a maximum provision of 1.5 spaces per dwelling. The proposal for 5 spaces represents 1.25 spaces per dwelling, which would not exceed the maximum rate.

Private Open Space

- Private open space for each dwelling significantly exceeds the requirements of the Compact Settlement Guidelines.

- The Landscape Plan outlines that the areas will be suitably planted.
- The open space is directly accessible from kitchen/dining/family areas and benefits from a southern and western aspect.
- Dwelling no. 1 benefits from a long side/rear garden and nos. 2, 3, and 4 benefit from balconies with sea aspects.

Separation Distance and Residential Amenity

- The site plan, cross section C-C, and submitted photographs illustrate the relationship with No.4 Hazelhatch.
- The gable of No. 4 is blank (including a blanked-out window), while a window to the front is set back from the gable. As such, there are no opposing windows with the proposed development.
- Obscured glazing is proposed to serve the proposed bathrooms to the rear of proposed house no. 2.
- The bedroom window to the rear of house no. 3 is 14.757m from the front corner window of No. 4 Hazelhatch. This is an oblique arrangement and includes perpendicular obscured glazing to address any perceived overlooking.

Proposed Screen Planting

- The proposed boundary will comprise a 2m-high masonry wall constructed on the applicant's side of the existing boundary to ensure privacy.
- The planting is proposed to enhance amenity, biodiversity, and screening, although it is not relied upon for privacy.
- All planting will be tolerant of coastal locations, non-invasive, and aligned with biodiversity and biosecurity goals.
- Condition No. 10 of the FCC decision requires landscaping details to be agreed.
- The Tree Protection Plan outlines that existing trees are of low quality/value with a minimum (*sic*) of 10 years life expectancy.

Construction Impacts

- The extent of excavation has been minimised, and it is expected that construction will involve raft foundations.

- Condition 6 of the FCC decision requires a Construction Management Plan, and it has been confirmed that this will address any environmental issues raised.

6.3. **Planning Authority Response**

The FCC submission outlines their assessment of the application and requests that the Commission upholds the decision. It also states that the determination should apply:

- A financial contribution and/or a provision for any shortfall in open space and/or any Special Development Contributions required in accordance with FCC's Section 48 Development Contribution Scheme.
- Bond/cash security.
- Conditions should also be included where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.

6.4. **Prescribed Bodies**

A submission from the Department of Housing, Local Government and Heritage outlines that the removal of mature trees has the potential to disturb the roosting habitat of bat species and/or nesting birds. To mitigate potential impacts, it recommends conditions as follows:

- A Bat Survey is to be conducted.
- Removal of mature trees should not take place between March 1st to August 31st.

7.0 **Assessment**

7.1. **Introduction**

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

- The Principle of the Development

- Impacts on Existing Properties
- Traffic & Transport
- Density, Design & Visual Amenity.

7.2. The Principle of Development

- 7.2.1. The site is zoned 'RS – Residential' as per the CDP, the objective for which is to *'Provide for residential development and protect and improve residential amenity'*. Residential development is 'permitted in principle' in this zone as per s. 13.5 of the CDP, and accordingly I am satisfied that the principle of residential development is acceptable in accordance with the zoning objective. Furthermore, I consider that the principle of the development would be supported by CDP provisions to encourage compact development (Policy CSP2), increased density (s. 14.5.2), and infill development (s. 14.10.1).
- 7.2.2. I note that 'Table 2.14 - Core Strategy – 2023–2029 Fingal Development Plan' outlines a projected housing demand of 500 units for Howth. However, this should not be applied as a housing limit, as is reflected in Table 2.14 of the CDP which outlines that there is a total potential yield of 600 units in Howth in addition to an extant permission total of 358 units. Furthermore, the proposal for just 4 houses would not significantly impact on Core Strategy housing projections.
- 7.2.3. A third-party submission to the planning authority questioned the affordability of the proposed units in the context of meeting local demand. However, the cost of the proposed units is not a relevant factor in this case, and I do not recommend that this matter should be considered by the Commission.
- 7.2.4. The third-party appeals also include a view that the development of the site needs to be considered the context of a masterplan for the entire site. However, there is very limited potential for the development of the remainder of the site and, accordingly, I do not consider that a masterplan approach is necessary. Consistent with the applicant's response, I would also acknowledge that the suggested threshold for the requirement for a masterplan is 30+ residential units in accordance with Appendix C of the Compact Settlement Guidelines.

- 7.2.5. In addition to the foregoing, third parties have raised procedural concerns regarding the details and drawings submitted. It has been submitted that there is inadequate information regarding distances to site boundaries, ground levels, and the areas of houses and private open spaces. However, I consider that the application contains adequate information to address these requirements. The application was deemed to be valid by the planning authority and there is adequate information for the purposes of the Commission's decision on this case.
- 7.2.6. In conclusion, I am satisfied that the principle of the development is acceptable subject to further assessment as outlined in the following sections of this report.

7.3. Impacts on Existing Properties

Separation Distances

- 7.3.1. The third-party appeals have raised significant concerns about inadequate separation distances from existing properties and contend that this will result in unacceptable overlooking and overshadowing impacts.
- 7.3.2. In this regard, I note the following relevant provisions of the CDP:
- Section 14.8.2 outlines that a minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced – subject to the maintenance of privacy and protection of adjoining residential amenities. In certain instances, depending on orientation and location in built up areas, reduced separation distances may be acceptable. Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development.
 - Objective DMSO23 outlines that a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.
 - Section 14.6.6.4 outlines that development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties. Issues in relation to excessive overlooking and

overbearance may be addressed through relocation or reduction in building bulk and height. Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments.

7.3.3. While I acknowledge the above references to a 22-metre separation distance between directly opposing rear first floor windows, I would also highlight that reduced distances are allowable subject to suitable design measures. Therefore, I do not consider the 22-metre standard to be mandatory, or that a reduced distance would materially contravene the CDP.

7.3.4. In relation to separation distances within the proposed development, I would highlight the following:

- The upper level of House No. 1 is effectively at ground floor level and therefore the 22-metre standard does not apply. There are no windows in the gable façade of No. 3 Hazelhatch and boundary screening will adequately address any potential overlooking. Given the limited height of the proposed ground floor level, I am also satisfied that there would be no significant overbearing or overshadowing impacts on properties to the west.
- House No. 2 includes 2 small bedroom windows which face onto a communal courtyard within Hazelhatch, and 2 no. bathroom windows which will be served by obscured glazing. House No. 2 will be setback 2.225m to 7.76m from the site boundary and would be of a limited height (c. 6.7m) that is significantly lower than the existing Hazelhatch properties. Accordingly, I do not consider that there would be any significant overlooking, overbearing, or overshadowing impacts on properties to the west.
- Houses 3 & 4 have rear first-floor bedroom windows, with setbacks from the site boundary ranging from 5.712m to 8.533m. I note that the adjoining gable of No. 4 Hazelhatch does not have any first-floor windows, although an east-facing first floor window at the front of No. 4 is c. 14.757m (obliquely) from bedroom No. 1 of proposed House No. 3. A perpendicular screen consisting of opaque glazing is proposed at this interface and I am satisfied that this will prevent any

unacceptable impacts. I acknowledge that the other first floor windows in Houses 3 & 4 face towards the rear garden of No. 4 Hazelhatch, although I am satisfied that the separation distance of >8m is acceptable. Furthermore, House Nos. 3 & 4 would be of a limited height (c. 6.7m) that is significantly lower than the existing Hazelhatch properties. Accordingly, I do not consider that there would be any significant overlooking, overbearing, or overshadowing impacts on properties to the west.

- In addition to Hazelhatch, I acknowledge the other existing properties in the surrounding area, including 'Burford' along Dungriffan Road to the south. However, having regard to the location, design and layout of the proposed development, I do not consider that there would be any significant overlooking, overbearing, or overshadowing impacts.

7.3.5. In addition to the above, the Compact Settlement Guidelines acknowledges the common requirement for a 22m separation distance but outlines that the standard does not account for modern methods of design and construction. It concludes that separation distances should, therefore, be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development.

7.3.6. In summary, SPPR 1 of the Guidelines outlines that:

- Statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.
- When considering a planning application for residential development, a separation distance of at least 16 metres 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.
- Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

- 7.3.7. Having regard to the above, I would acknowledge that there are some instances where the 16-metre standard is not achieved, albeit that the windows are in an oblique arrangement and do not directly oppose. In any case, the Guidelines outline that reduced distances can be accepted subject to suitable design measures and as previously outlined, I am satisfied that the proposed design measures are acceptable in this case. Therefore, consistent with SPPR 1, I am satisfied that the residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.
- 7.3.8. In conclusion, I am satisfied that the proposed separation distances are acceptable in accordance with the relevant provisions of the CDP and the Compact Settlement Guidelines.

Boundary Treatment

- 7.3.9. The third-party appeals include concerns that the proposed development, including the removal of existing trees, poses a danger to the existing dividing site boundary with Hazelhatch (to the west). Concerns have also been raised about the proposed new boundary arrangement, including the proposed landscaping.
- 7.3.10. I note that the existing boundary consists of timber fencing with concrete base and posts, and that it is proposed to remove a number of trees along the applicant's side of the boundary. However, other than the removal of vegetation, the existing ground levels/conditions will generally be maintained along this boundary. Ultimately, I do not consider that there is any reasonable indication that the existing boundary would be adversely affected, and I would highlight that the event of any such damage would be a civil matter between the relevant parties. The matter should be addressed as part of a construction management plan to be agreed in the event of a grant of permission.
- 7.3.11. The existing boundary will be supplemented by a new 2m-high masonry wall on the applicant's side of the boundary, together with new planting along the boundary. The applicant's response to the appeal satisfactorily outlines that the proposed planting will be tolerant of coastal locations, will be non-invasive, and will be aligned with biodiversity and biosecurity goals. Furthermore, as previously outlined, I do not

consider that the proposed planting needs to be relied upon to protect the privacy of existing properties.

- 7.3.12. Having regard to the foregoing, I am satisfied that the proposed boundary treatment proposals are acceptable.

Construction Impacts

- 7.3.13. I would accept that the construction stage would result in some level of disturbance and disruption for surrounding properties as a result of traffic and parking, noise & vibration management, excavation, and dust & dirt impacts. However, these are inevitable and common features of urban development projects, and they are clearly temporary in nature. In the event of a grant of permission, I recommend that a Construction Management Plan and a Resource Waste Management Plan should be agreed with the planning authority, and I am satisfied that this would satisfactorily address the construction stage impacts of the development.
- 7.3.14. More specifically, the third-party submissions include significant concerns about the extent of rock on site and the need for significant excavation. Concerns have been raised that this may lead to significant structural and environmental impacts and may impact on existing surface water / wastewater services running through the site.
- 7.3.15. Again, I would highlight that rock-breaking or excavation are not uncommon elements of urban construction. I do not consider that further assessment is required at planning stage, and I am satisfied that appropriate mitigation measures can be included as part of a Construction Management Plan which can be agreed after construction stage site investigations and construction methodologies are finalised. It should be noted that neither FCC nor Uisce Eireann has highlighted any concerns about impacts on existing water services infrastructure. The development is relatively small in scale and total excavation requirements would not be such that would have significant geological or hydrogeological impacts. And while there are no indications of any significant structural impacts, I would again contend that any such impacts would be a civil matter between the relevant parties.

Operational Noise

- 7.3.16. A third-party submission raised concerns about potential operational plant noise associated with the proposed development. I note that service / storerooms are

proposed to the rear of units 2-4, comprising small scale structures of <10m². I am satisfied that these rooms could contain only small-scale plant that would be consistent with domestic use, and which would not significantly impact on residential amenity by reason of noise, emissions, or otherwise. The details of these structures can be clarified as a condition of any grant of permission.

Conclusion

- 7.3.17. Having regard to the foregoing and subject to the conditions of any permission, I am satisfied that the proposed development would suitably protect the residential amenity of existing properties in accordance with the 'RS – Residential' zoning objective for the site.

7.4. Traffic & Transport

Future Cycle Infrastructure

- 7.4.1. Despite submitting proposals to facilitate a future cycle lane along Thormanby Road in response to the FCC Further Information request, the applicant has now appealed the requirement (i.e. condition no. 1 of the FCC decision) that the proposed development shall be carried out in accordance with those proposals. An alternative proposal has been submitted to provide a raised planter area within the setback area in place of the permitted surface-level 'interim planting'. The appeal contends that this will provide an improved interface in the interim period, whilst also maintaining sightlines and facilitating the future provision of a cycle lane.
- 7.4.2. I acknowledge that there is no specific objective in the CDP to provide a cycle lane at this location. However, the CDP includes the Greater Dublin Area Cycle Network Plan (GDACNP) routes, including along Thormanby Road, and outlines the importance of the Transport Strategy for the Greater Dublin Area (which also supports the GDACNP). Furthermore, the CDP outlines a range of policies and objectives in support of sustainable travel, including cycle lanes (Objective SPQHO2), and in any case it is standard practice to facilitate future road/cycle upgrades as part of any development.
- 7.4.3. I acknowledge that the cycle lane would be provided as part of a larger future scheme which would require further detailed design and assessment. Notwithstanding this however, I consider it reasonable and appropriate to require

incremental setbacks to facilitate such future upgrades in accordance with orderly development. And in doing so, I consider that a surface-level setback should be required (as permitted) rather than a raised planter as proposed in the first-party appeal.

Parking

- 7.4.4. It is proposed to provide 5 no. car-parking spaces to serve the 4 no. houses. The CDP outlines parking standards for Zones 1 and 2. Zone 1 includes developments within 1600m of an existing or planned Luas/Dart/Metro Rail station, which would include the appeal site given that it is c. 1.3km from the Howth Dart Station (as the crow flies). For houses with 3 or more bedrooms in Zone 1, a maximum of 1 space applies. In this case, houses 2-4 would be served by 1 space while house no. 1 has 2 adjoining spaces (although the 'Proposed Ground Floor Plan' drawing (PA-05) indicates that one of these is for 'visitor parking'). In any case, I note that the proposed parking exceeds and contravenes the CDP maximums, although I do not consider that this would be a material contravention given the minimal level of exceedance by just 1 space.
- 7.4.5. Otherwise, I note that SPPR 3 of the Compact Settlement Guidelines outlines car-parking standards based on the accessibility of locations. Having regard to the criteria outlined in Table 3.8 'Accessibility' of the Guidelines, I consider that the site should be classified as a 'Peripheral' site where a maximum of 2 spaces per dwellings applies as per SPPR 3. The proposed development would comply with this maximum rate.
- 7.4.6. In conclusion, I consider that the proposed parking is acceptable and would not materially contravene the CDP standards. And contrary to the third-party concerns, I do not consider that the development will result in overspill parking or any associated traffic congestion or traffic hazard/safety impacts.
- 7.4.7. In the event that the Commission concludes that there is material contravention, I consider that permission should be granted in accordance with s. 37(2)(a) of the Act of 2000, which would be supported by compliance with SPPR 3 of the Compact Settlement Guidelines. Alternatively, the Commission could attach a condition requiring the omission of one of the proposed spaces serving House No. 1.

Sightlines

- 7.4.8. It is noted that the application provides for sight distances of 49 metres in each direction at the proposed exit. This is consistent with the requirements of the Design Manual for Urban Roads and Streets (DMURS) for a 50 km/h design speed.
- 7.4.9. The site is located within the 50 km/hr speed limit zone, and the planning authority was satisfied with the proposed sight distances. I acknowledge that third parties have raised concerns about local traffic conditions, including a sloping approach from the south and vehicles commonly exceeding the 50 km/hr speed limit. However, consistent with the planning authority approach, I consider that the development should be assessed in accordance with the requirements of the existing speed limits (i.e. 50km/hr) rather than any perceived view of higher speeds. Accordingly, I am satisfied that the proposed visibility is acceptable and would not interfere with the safety and free flow of traffic.
- 7.4.10. Concerns have also been raised that alterations to the footpath width at the existing entrance to Hazelhatch will restrict sightlines for motorists. However, it should be noted that the application does not propose any changes to the Hazelhatch entrance. The alterations to the footpath width and alignment are shown only in an indicative fashion in the context of facilitating potential future road/cycle upgrades. Therefore, any such impacts on the Hazelhatch entrance should be assessed in the event that the road upgrade comes forward as a proposed project.

Access Road

- 7.4.11. The internal access road consists of a shared surface finished in a permeable resin-bound material. It is a short route to the front of the proposed dwellings and includes a sharp bend near the entrance which will help to control vehicle speeds. The applicant's Further Information response also included 'Vehicle Swept Path Assessment' drawings to demonstrate that the proposed development will facilitate a range of vehicular movements including parking arrangements and service vehicles. Accordingly, I am satisfied that the design will support traffic calming to facilitate shared use in accordance with the principles of DMURS.

7.5. Density, Design & Visual Impact

- 7.5.1. With regard to density, the CDP (including Policy CSP14, Objective CSO41) supports the principle of increased density and consolidation / re-intensification of infill sites. Section 3.5.11.3 outlines that FCC will support higher densities in appropriate locations in accordance with the NPF, RSES and Guidelines issued under Section 28 of the Planning and Development Act 2000, (as amended). It further states that, in determining densities, regard should be given to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and its companion document Urban Design Manual – A Best Practice Guide. Section 14.6.3 again states that, in general, density should be determined with reference to Sustainable Residential Development in Urban Areas (2009). It also states that development should be consistent with the policies and objectives set out in Chapter 3 ‘Sustainable Placemaking and Quality Homes’ and should promote appropriate densities, having regard to factors including the location of the site, accessibility to public transport and the principles of sustainability, compact growth and consolidation.
- 7.5.2. Accordingly, the CDP does not set out any specific numerical density ranges but rather refers to national guidance as outlined in the guidelines on Sustainable Residential Development in Urban Areas (2009). However, these 2009 guidelines have since been revoked and replaced by the Compact Settlement Guidelines (2024). The Compact Settlement Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence. Accordingly, I consider that the CDP references to national guidance on density should primarily be informed by the Compact Settlement Guidelines in this case.

- 7.5.3. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.
- 7.5.4. In accordance with Table 3.1 of the Compact Settlement Guidelines, I consider that the site falls within the 'City – Suburban/Urban Extension' category. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). I do not consider that this is an 'accessible' location and, accordingly, the range of 40 dph to 80 dph generally applies.
- 7.5.5. The proposed development involves the provision of 4 dwellings on a site area of 0.1938ha, which would result in a density of c. 20.6 dph. I am satisfied that the access road and all other elements of the development should be included in the 'net' site area and therefore the 'net' density should not be increased to 30 dph as suggested in the third-party appeals.
- 7.5.6. Therefore, I acknowledge that the proposed density (20.6dph) is significantly lower than the recommended range (40-80dph). However, Section 3.3.6 'Exceptions' of the Guidelines outlines that, in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out. Given the infill nature and small scale of the appeal site, and its surrounding context, I consider that an exception should apply in this case and that lower densities can be considered subject to further refining and assessment.
- 7.5.7. Section 3.4 of the Guidelines deals with 'Refining Density'. Step 1 of this process is the consideration of proximity and accessibility to services and public transport. While densities within the ranges set out (i.e. 40-80 dph) will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at

intermediate locations and densities below the mid-density range at peripheral locations.

- 7.5.8. As previously outlined in this report, I consider that the appeal site is within a 'peripheral' location and, accordingly, densities below the mid-density range should be encouraged. The proposed density (20.6dph) would be below the mid-density range and as previously discussed, below the lower density range (40dph).
- 7.5.9. Step 2 of the 'refining density' process involves considerations of character, amenity and the natural environment, which are discussed under the headings below.

(a) Local Character

I consider that the area contains a variety of character of buildings (scale, mass, urban grain, building lines, and architectural language), ranging from large detached traditional properties to the south of the site along Dungriffan Road and Thormanby Road, to more modern higher-density development at Hazelhatch (to the west) and Cannon Rock View (to the east). High levels of vegetation also significantly influence the character, and the Howth Special Amenity Area and associated Buffer Zone is located to the northeast of the site.

Given the variety that exists, I do not consider it appropriate or feasible to replicate existing character. The area has capacity to accommodate change, and I am satisfied that the proposal responds in a positive and proportionate way to introduce a contemporary response at this location. Similarly, I do not consider that there would be any unacceptable impacts on the character of the area that would contravene the policies/objectives of the CDP (including SPQHO42, SPQHO43, SPQHO36, SPQHO37, SPQHO38, SPQHO39, and section 14.4.8 (building lines)).

(b) Historic environments (built and landscape heritage)

The site is not within or close to any Protected Structures, Architectural Conservation Areas, or recorded archaeological sites or monuments. I acknowledge that there are buildings of traditional character in the area but, as outlined above, I do not consider that the proposed development would unacceptably detract from their character or setting.

I acknowledge that the site is located within the 'Coastal' Landscape Character Type, which is 'highly sensitive' and of 'Exceptional' value as per the CDP, as well as the

proximity of the site to the Howth Special Amenity Area and its associated Buffer Zone, and the CDP objective to protect views along Thormanby Road. However, the site is on the western side of Thormanby Road as opposed to the SAA and the nearest part of the coast to the east of the road. There are no significant views available between or beyond the road and the appeal site, and I do not consider that the proposed development would detract from the landscape character of the coast or the SAA or that it would be contrary to CDP provisions (including Objective GINHO57).

(c) Environment (Protected Habitats and Species)

The appeal site is significantly distanced from any designated nature conservation sites. The closest Natura 2000 site is Howth Head SAC, which is c. 200 metres to the east and c. 600m to the southwest and this designated area generally coincides with the Howth Head proposed Natural Heritage Area. Furthermore, there are no significant pathways/connections between the appeal site and these designated sites. Accordingly, I am satisfied that the proposed development would not have any significant impacts on protected habitats and species associated with these sites.

Consistent with the submission from the Department of Housing, Local Government and Heritage, I acknowledge that the removal of mature trees has the potential to disturb the roosting habitat of bat species and/or nesting birds. I am satisfied that this can be satisfactorily mitigated through the recommended conditions to include a pre-commencement bat survey and the prohibition of tree removal during the bird nesting season.

(d) Residential Amenity

As outlined in section 7.3 of this report, I am satisfied that there would be no unacceptable impacts on the amenity of surrounding properties.

(e) Water Supply and Wastewater Networks

The proposed development is of limited scale and will have no significant impact on these networks. The Uisce Eireann submissions to the planning authority have confirmed that water and wastewater connections are feasible.

7.5.10. In addition to the 'Step 1' and 'Step 2' considerations outlined above, Section 4.4 and Appendix D of the Compact Settlements Guidelines outline 'Key Indicators of Quality Design and Placemaking' to be applied in accordance with Policy and Objective 4.2. The 'Key Indicators' are considered under the following headings.

(i) Sustainable and Efficient Movement

Although the site adjoins a bus stop, the available services (No. 6 and H3) are infrequent and therefore the site is considered 'peripheral'. Nonetheless, as outlined in section 7.4 of this report, I am satisfied that the proposed development has been suitably designed to support the transition away from private car use and to support ease of movement for pedestrians, cyclists and public transport. Furthermore, I am satisfied that it implements the principles, approaches and standards set out in DMURS to comply with Policy and Objective 4.1 of the Guidelines.

(ii) Mix and Distribution of Uses

Having regard to the small-scale nature of the site and the residential zoning and character of the area, I do not consider it necessary to include any non-residential within the development. However, I am satisfied that the proposal includes innovative housing types that will improve the diversity, accessibility and inclusivity of the housing stock in the area.

(iii) Green & Blue Infrastructure

There are no existing water features on or within the local surrounds of the site. The proposed surface water strategy has been designed with reference to the SuDS guidance published by CIRA and the Greater Dublin Strategic Drainage System, and includes rainwater harvesting, blue roofs, permeable paving and green pave systems for car parking bays. This has been incorporated into the landscape plan, which also includes rain gardens and SuDS tree pits. The measures will help to attenuate water prior to discharge to the local sewer and will also have a positive ecological impact.

The applicant's response to the FCC Further Information Request confirmed that surface water would be discharged to a dedicated surface water sewer in the adjoining Thormanby Road, as was requested by FCC. Consistent with the FCC conclusion, I am satisfied that surface water proposals are acceptable.

The existing trees on site are the main green infrastructure elements in this case. I acknowledge that the proposed development involves significant tree removal and that third parties have raised concerns in this regard.

However, the application is supported by an Arborist's condition assessment of the trees. The assessment considers arboricultural, landscape, and cultural value, and categorises each tree/hedge as either 'U' (little or no potential), 'A' (High value), 'B' (Moderate value), or 'C' (Low value). A total of 36 trees, 7 hedges and 5 shrub entries were considered. Only 1 no. tree was considered Category 'A' and only 2 no. trees were considered Category 'B', none of which will be removed. The vast majority of other entries (45 no.) were considered Category 'U' or 'C', and 27 of these will be removed (including 20 no. trees). Having reviewed the arborist's report and inspected the site, I would concur with the categorisation of the existing trees, and I am satisfied that only vegetation of low/no value will be removed.

The arborist's report includes proposals for the suitable protection and management of the remaining trees, and the loss of trees will be suitably mitigated by the proposed landscaping plans, which would suitably comply with the requirements of CDP Objective DMSO125. And as previously outlined, I am satisfied that suitable conditions can be attached to protect tree habitats associated with bats and birds. Accordingly, I am satisfied that there will be no unacceptable impacts on green infrastructure.

(iv) Public Open Space

The Compact Settlement Guidelines mainly sets out guidance for public open space strategies in the development plan. It also highlights that Chapter 5 of the Guidelines contains minimum open space requirements. In this regard, I note that Policy and Objective 5.1 of the Guidelines outlines that the requirement in the development plan shall be for not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. It also outlines that in some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. This can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site. It is recommended that a provision to this effect is included within the development plan

to allow for flexibility. In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site.

The CDP requirements (Section 14.13.2, DMSO51, and DMSO52) outline that for all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population (based on an occupancy rate of 3.5 persons in the case of dwellings with 3+ bedrooms (350m² in this case)). In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 12% of a development site area on infill/brownfield sites (i.e. c. 232m² in this case).

The proposed development does not include any public open space, which would materially contravene the above CDP provisions. However, in achieving an appropriate density, design and layout for the site, I would accept that the CDP public open space requirements are not feasible on this small site with challenging levels and configuration. In this regard, I note that CDP Objective DMSO53 allows for a financial contribution in lieu of public open space, as has been applied by FCC in their decision, and I consider it acceptable to attach such a condition in the event of a grant of permission.

In conclusion on public open space, I consider that the absence of any public open space would materially contravene provisions of the CDP (Section 14.13.2, DMSO51, and DMSO52). However, given the nature of the appeal site, I consider that this is acceptable in this case subject to a financial contribution in lieu, and that the Commission can grant permission in accordance with s. 37(2)(a) of the Act of 2000, which would be supported by CDP Objective DMSO53 and Policy and Objective 5.1 of the Compact Settlement Guidelines.

(v) Responsive Built Form

The proposed development follows a relatively simple layout of houses generally overlooking the proposed access road and the existing Thormanby Road public realm. Development patterns and building lines vary in the area, but I am satisfied

that the proposal provides an acceptable resolution to the development of the site. The height, scale and massing respond positively to existing development, and the development will provide a new coherent, legible and strong urban structure. The proposed architecture is innovative and varied, and the proposed materials and finishes are of high quality and durability. Accordingly, I am satisfied that the development will positively contribute to the creation of attractive and well-designed settlements.

7.5.11. Having regard to the foregoing, I am satisfied that the proposal satisfactorily addresses the key indicators of quality urban design and placemaking in accordance with Policy and Objective 4.2 of the Compact Settlement Guidelines.

7.5.12. In addition to the foregoing criteria of the Compact Settlement Guidelines, I note the policies and objectives set out in the CDP Chapter 3 'Sustainable Placemaking and Quality Homes', as well as the criteria for infill development and consolidation as per the CDP (s. 14.5.1 (Table 14.4) and s. 14.10.1 (Objectives DMSO31 and DMSO32)). There is significant overlap between these CDP provisions and the local and national policy provisions outlined in this report to date. Therefore, I consider that the vast majority of issues have already been addressed and need not be repeated. However, I note some additional issues included in Objective DMSO32, which I would address as follows:

- Private open space – I am satisfied that the existing dwelling (Glenview) will retain sufficient private space. Additionally, the proposed houses provide a stated minimum of 107m² private space, which significantly exceeds the requirements of the CDP Objective DMSO27 (60m²) and SPPR 2 of the Compact Settlement Guidelines (40m²). I am also satisfied that the spaces provide a sufficient quality of residential amenity.
- The rear of all units is easily accessible for maintenance etc.
- There will be adequate bin storage space for the existing house, while a screened refuse storage area is proposed at the south-eastern corner of the proposed development.

7.5.13. In conclusion regarding the density, design and layout of the proposed development, I am satisfied that the proposals are acceptable having regard to the relevant provisions of the CDP and the Compact Settlement Guidelines.

8.0 Water Framework Directive Screening

- 8.1. The impact of the proposed development in terms of the WFD is set out in Appendix 2 of this report. There are no surface waterbodies within the site or within the zone of influence of the development. The site is underlain by the Dublin Groundwater body. The WFD status of the Dublin ground waterbody is 'good' and its risk of not achieving its WFD objectives is under 'review'.
- 8.2. As per Appendix 2, I have outlined the potential pathways between the site and the Dublin ground waterbody and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 8.3. The reasons for this conclusion are as follows:
- The nature and limited scale of the proposed works;
 - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
 - The mitigation measures included as part of the application to address potential emissions.
- 8.4. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of 4 houses and all associated siteworks in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located along Thormanby Road, to the southeast of Howth. The closest Natura 2000 site is Howth Head SAC, which is c. 200 metres to the east and c. 600m to the southwest. Other Natura 2000 sites in the wider area include: Rockabill to Dalkey SAC; Baldoyle Bay SAC, North Dublin Bay SAC; Howth Head Coast SPA; North-west Irish Sea SPA; Baldoyle Bay SPA; and North Bull Island SPA. Apart from the underlying groundwater, there are no water features within the zone of influence of the development that would provide a hydrological connection to any Natura 2000 sites. The appeal site is not suitable as an ex-situ habitat.
- 9.3. The proposed development comprises the construction of 4 dwellings and associated siteworks. Surface water and wastewater associated with the proposed development will be discharged to the Uisce Eireann networks. No concerns about impacts on Natura 2000 sites were raised in this case. The planning authority determined that there is no realistic pathway to Natura 2000 sites and that the development, individually or in combination with other plans and projects, would not have a significant effect on any European Sites.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature and limited scale of the proposed development;
 - The distance between the appeal site and the nearest European site and the lack of connections;
 - The screening determination by the planning authority.
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission be **GRANTED** for the proposed development, subject to conditions, and for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029, including the 'RS' residential zoning objective for the site, the pattern and character of development in the area, and the design, scale and servicing of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development at this location, would not detract from the character of the area in terms of impacts on built character, landscape, or views to be preserved, would not detract from the amenities of properties in the vicinity of the site, and would be acceptable in terms of traffic safety and convenience.

The absence of public open space would materially contravene the Fingal Development Plan 2023-2029 in respect of Section 14.13.2 (quantity of public open space), Objective DMSO51 (Minimum Public Open Space Provision), and Objective DMSO52 (Public Open Space Provision). However, having regard to Objective DMSO53 of the Fingal Development Plan 2023-2029, as well as Policy and Objective 5.1 of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', issued by the Department of Housing, Local Government and Heritage in January 2024, it is considered this would be acceptable in this case subject to payment of a financial contribution in lieu of public open space.

Otherwise, the proposed development would be acceptable in accordance with the provisions of the Fingal Development Plan 2023-2029 and would be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 6th day of May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details including plan and elevation drawings of the proposed store / service rooms shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to

the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

5. 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. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

Reason: In the interests of amenity and public safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The proposed roadside setback, vehicular entrance, and internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, 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), details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

9. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. (a) The existing trees to be retained shall be protected from damage during construction in accordance with the measures outlined in the 'Condition Assessment' report and 'Tree Protection Plan' lodged with the application.

(b) The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

11. (a) A Bat Survey of the site shall be conducted by a suitably qualified Bat Ecologist in accordance with Best Practice guidelines. The results of the survey and any associated mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development or the felling of any trees on site. If any potential bat roosts are identified, the developer must apply for a Derogation Licence in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011.

(b) No removal of mature trees shall take place within the period of March 1st to August 31st.

Reason: In the interest of nature conservation.

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) 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 site offices at all times.

Reason: In the interest of sustainable waste management.

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;

- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) Proposals to protect the existing western site boundary.
- o) Proposals to protect any existing services or utilities running under the site.
- p) Proposals to manage the extent of any rock-breaking/removal that may be necessary, including proposals to prevent any excessive noise, vibration, structural impacts, waste, or any other environmental impacts.

A record of daily checks that the works are being undertaken in accordance with the Management Plan shall be kept for inspection by the planning authority.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 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.

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

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

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

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. Building noise insulation shall be provided to an appropriate standard having regard to the location of the site within Dublin Airport Noise Zone D.

Reason: In the interest of residential amenity and to ensure compliance with Objective DMSO105 of the Fingal Development Plan 2023-2029.

17. 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.

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

18. 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.

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.

19. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement for the proposed development in respect of public open space benefitting the 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 adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

Stephen Ward
Senior Planning Inspector

29th of September 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-322835-25
Proposed Development Summary	Construction of 4 dwellings with all associated site works
Development Address	Glenview, Thormanby Road, Howth, Co. Dublin, D13 HX28
	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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Part 2, Class 10(b)(i) – Construction of more than 500 dwelling units. Part 2, Class 10(b)(iv) - Urban Development consisting of 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.

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 ☐	
No ☒	Preliminary examination required (Form 2).

Inspector: _____ Date: _____

Appendix 1

Form 2 - EIA Preliminary Examination

Case Reference	ACP-322835-25
Proposed Development Summary	Construction of 4 dwellings with all associated site works
Development Address	Glenview, Thormanby Road, Howth, Co. Dublin, D13 HX28
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).	The development is on a very small site of 0.1938 hectares and is a standalone development of just 4 houses and associated siteworks and services. The size of the development is, therefore, significantly below the relevant thresholds (i.e. 500 dwellings or 10 hectares). The residential nature of the development is consistent with existing development. There are no large-scale development proposals in the surrounding area that could result in significant cumulative impacts. The development does not involve significant demolition works. It does not require the use of substantial natural resources, and the water supply requirements are typical of residential development. The construction stage would be relatively simple and short and would not give rise to significant nuisance or pollution. The main operational emissions are surface water and wastewater, and they would be managed appropriately through connections to the existing public systems. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and would not be vulnerable to climate change. It presents no significant risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected)	The site is located c. 1km southeast of Howth Harbour and is generally surrounded by existing residential properties. The site itself consists of a residential garden including existing trees, hedges and shrubs.

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, cultural or archaeological significance).	The nearest Natura 2000 site is Howth Head SAC (also a pNHA) which is c. 200m to the east at its nearest point. Other Natura 2000 sites in the wider area include: Rockabill to Dalkey SAC; Baldoyle Bay SAC, North Dublin Bay SAC; Howth Head Coast SPA; North-west Irish Sea SPA; Baldoyle Bay SPA; and North Bull Island SPA. Impacts on European Sites can be addressed under Appropriate Assessment Screening (See Section 9 of this report). The area is not of significant built heritage value and impacts on the built character of the area can be suitably considered as part of the normal planning assessment. There are no recorded archaeological features on or surrounding the site. The site is within the 'Coastal' Landscape Character Type, which is 'highly sensitive' and of 'Exceptional' value as per the CDP. The Howth SAA (Special Amenity Area) Buffer Zone extends to the opposite (eastern) side of the Thormanby Road, while the SAAO (Special Amenity Area Order) is located further to the east. The northern end of the site adjoins a section of Thormanby Road with an objective to 'Preserve Views'. The impacts of the development on visual/landscape character can be suitably considered as part of the normal planning assessment.
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).	The construction stage will not be significant in terms of duration or complexity, would be typical of previous local development, and can be suitably agreed and controlled through the conditions of any permission. There is no objective evidence or indications that bat species are present on site. However, consistent with the submission from the Department of Housing, Local Government and Heritage, conditions should be included to require a pre-commencement bat survey and no tree felling should take place during the bird nesting season. The main operational effects relate to surface water and wastewater emissions. However, these will be directed to the

	existing public systems and will have only negligible impacts on networks and emissions. Having regard to the nature and small scale 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 environment.
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.

Inspector: _____ Date: _____

Appendix 2

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	322835-25	Townland, address	Glenview, Thormanby Road, Howth, Co. Dublin
Description of project		Construction of 4 dwellings with all associated site works.	
Brief site description, relevant to WFD Screening,		There are no surface waterbodies within the site or within the surrounding zone of influence of the development. The site is underlain by the Dublin Ground Waterbody (EPA code IE_EA_G_008)	
Proposed surface water details		Following on-site SuDS measures, surface water will be discharged to the dedicated public surface water sewer.	
Proposed water supply source & available capacity		It is proposed to connect to the existing Uisce Eireann watermains. Due to the limited scale of the development, it is not considered that there would be significant impacts on existing capacity.	
Proposed wastewater treatment system & available capacity, other issues		It is proposed to connect to the existing Uisce Eireann foul sewer. Due to the limited scale of the development, it is not considered that there would be significant impacts on existing capacity.	
Others?		According to the OPW Flood Maps, there are past flood events and no significant predicted flood risk associated with the site. The closest Natura 2000 site is Howth Head SAC, which is c. 200 metres to the east and c. 600m to the southwest. This designated area generally coincides with the Howth Head proposed Natural Heritage Area.	

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)	
Groundwater	Underlying	Dublin (EPA code IE_EA_G_008)	Good	Under Review	None identified	Yes – Via the overlying soil / rock.	
Step 4: 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.	Ground	Dublin (EPA code IE_EA_G_008)	Via the overlying soil / rock.	Siltation, pH (Concrete), hydrocarbon spillages.	Construction Management Plan will be required as a condition of permission.	No. Having regard to the limited scale of the development and the requirement for appropriate construction management measures. I	Screened out.

						am satisfied that there would be no significant risk to groundwater.	
OPERATIONAL PHASE							
1.	Ground	Dublin (EPA code IE_EA_G_008)	Via the overlying soil / rock.	Hydrocarbon spillage / pollution.	SuDS and surface water management measures, as well as connection to public surface water sewer.	No. I am satisfied that surface water will be adequately managed and that there will be no significant pollution risks for groundwater.	Screened out.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A