



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500864-DF-26**

<b>Development</b>	Construction of 27 dwellings with all associated site works
<b>Location</b>	Somerville House, Thormanby Road, Howth, Co. Dublin, D13 Y773
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/1114E
<b>Applicant(s)</b>	Winterbrook Homes (Somerville) Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Winterbrook (Somerville) Homes Ltd
<b>Observer(s)</b>	Colm Flanagan and Ann Brady Edward and Mary Brennan Lesley Geoghegan and others Hillwatch Ian & Sarah Robertson Tom & Frances Casey Suzanne Maguire Mariners Cove Action Group

Alan & Siobhan Brown  
Deirdre McMahon & Gerry McColgan

**Date of Site Inspection**

8<sup>th</sup> May 2026

**Inspector**

Aisling MacNamara

## 1.0 Site Location and Description

- 1.1. The site is 0.922ha located in the urban built up area on Thormanby Road, Howth in County Dublin.
- 1.2. The site contains an existing historic dwelling Somerville house located towards the front part of the site. The rear of the site is in undeveloped paddock. The rear boundary of the site adjoins Howth SAAO.
- 1.3. The northern / side boundary and the southern/ side boundary adjoin existing residential properties.

## 2.0 Proposed Development

2.1. Permission is sought for the following:

- Construction of 27 no. own door dwellings comprising mixture of 10 no. apartments (4 no. 2 bed and 6 no. 1 bed) and 17 no. houses (9 no. 3 bed and 8 no. 4 bed)
- New vehicular entrance via Thormanby Road, internal access road
- 32 no. vehicular parking spaces (inclusive of accessible / visitor spaces)
- 5 no. motorcycle parking spaces
- New site boundary arrangement
- Refurbishment of existing two storey Somerville House (5 bed)
- Reuse of the existing vehicular entrance from Thormanby Road as a pedestrian access route to provide permeability and improved public access to Howth SAAO area and Howth cliff walks
- All ancillary and site infrastructure works including landscaped public open space of 997sqm, tree removal / planting , general landscaping, boundary treatments, provision of new pedestrian / public access to cliff walk via eastern site boundary, bicycle parking stores, bin stores, ESB substation, foul / surface water drainage, SuDS and attenuation areas.

The area of the site is 0.922ha.

Floor area of existing building to be retained is 303sqm.

Floor space of proposed works is 4844sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 3<sup>rd</sup> February 2026, the planning authority made the decision to refuse permission for 4 reasons:

1. *The proposed development by reason of density and restricted layout, scale, height, and massing, would constitute overdevelopment, would be unduly obtrusive, overbearing, and out of character with the pattern of development in the area. Taken together with the insufficient information submitted, this infill site results from the inappropriate over development of the site, thus the development fails to comply with Table 14.4- Infill Development of the Fingal Development Plan 2023-2029, which seeks to ensure new infill development provides a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width and respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.*
2. *The development is located within an area of the County with the zoning objective 'RS' - 'Provide for residential development and protect and improve residential amenity'. The proposed development by way of its restricted nature would not create a sense of visual harmony and would significantly detract from existing residential amenity. In addition, the proposal would have a negative visual impact on the area and set an undesirable precedent for similar development at this location. The proposed development would therefore be contrary to the aims and objectives of the Fingal Development Plan 2023-2029, and contrary to the proper planning and sustainable development for the area.*
3. *Having regard to the location of the proposed development on a prominent site within a Coastal Landscape Character Area that is categorised by the Development Plan as having exceptional landscape value and to be highly sensitive to development and the location of the site within the buffer zone of the*

*Howth Special Amenity Area Order (SAAO), the proposed development in its current form fails to integrate appropriately within the surrounding sensitive context, would be visually intrusive within the surrounding context and would represent an incongruous form of development within the established character of the area. The development in its proposed form would contravene Objective GINH059 of the Fingal Development Plan 2023-2029 and as such would be contrary to the proper planning and sustainable development of the area.*

4. *Having regard to the lack of adequate information submitted in the application, with regard to the transportation provision, car parking, landscaping and tree protection, ecology considerations and design statement, the Applicant has failed to demonstrate compliance with the provisions of the Fingal Development Plan 2023-2029 and the Objectives contain therein, The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The Case Planner's report of 3<sup>rd</sup> February 2026 sets out an assessment of the proposal and recommendation to refuse permission as per the decision.

### **3.2.2. Other Technical Reports**

Housing Department 15/12/2025 – states the Part V proposal is acceptable, 30% should be accessible and designed with universal design

- Heritage Officer 07/01/2026 – Archaeological Impact Assessment required – seek further information
- Parks and Green Infrastructure Division 10/12/2025–
  - Additional information required. SuDS attenuation may impact trees. Assess feasibility of retaining additional existing trees and hedgerows. Cross sections of southern boundary should be provided to assess interaction between retained trees and hedgerows and proposed boundary treatments. An area of public open space shall be provided along eastern boundary to provide amenity space for residents as well as additional buffer planting to the SAAO. The proposed entrance to the SAAO

shall be omitted and full details including an elevation of this boundary shall be provided.

- Total of 1862.5sqm public open space required based on bedspaces, with min 15% required as on site public open space 1060sqm. The applicant states 997sqm public open space proposed to west of Somerville House which is not acceptable.

- Significant removal of vegetation from site is concern taking into account Howth SAAO objectives DMSO125, DMSO126

- Water Services Department 07/01/2026

- Flood risk – additional information required – address public observations regarding pluvial flood risk

- Surface water drainage – additional information required in relation to surface water drainage proposals – the design of the system and application of SuDS requirements. Tanks under public road not permitted (submit taking in charge layout)

- Transportation Planning Section – Gives consideration to access, car parking, bicycle parking, layout, road safety audit, swept path analysis, surface water, setbacks, taking in charge, EV charging, traffic impact assessment. Additional information required in relation to following:

- Clarify taking in charge proposals.

- Give consideration to site layout. Shared surface should not start at entrance but transition within development, transitions should be legible for all, provide road line and signage details, provide road width dimensions, clarify engineer details, confirm appropriate space for required car parking manoeuvres at car parking spaces.

- Further develop the vehicular access layout and detail in accordance with DMURS and NTA guidance. Give further details of attenuation soakaway and clarify if suitable for installation under access roadway. Provide further details of bicycle parking for apartments and show aligns with CDP.

### 3.3. Prescribed Bodies

- Uisce Eireann – confirms that Confirmation of Feasibility has been issued to applicant advising that water / wastewater connections are feasible. UE request grant of permission be conditioned.

- Department Housing, Local Government and Heritage –
  - Archaeology – recommends condition for pre development archaeological testing.
  - Nature Conservation – the development has potential to disturb roosting habitat of population of bat species listed under Annex IV of EU Habitats Directive, has potential to disturb nesting birds protected under S22 The Wildlife Acts 1976-2023. Has potential to disturb badger sett due to the scrub habitat in the proposed development. Badgers and their setts are protected under The Wildlife Acts 1976-2023. The potential impact would be caused by removal of mature trees and older buildings which may host protected resting places of bat species, removal of trees potentially disturbing breeding places of nesting birds, removal of undergrowth or scrub habitat commonly used as location for badger setts, a resting place of protected species under The Wildlife Acts. To mitigate impact, Department recommends conditions:
    - A bat survey, if potential bat roost identified, developer must apply for derogation licence.
    - Subject to any requirement to obtain a Felling Licence from Forest Service, any removal of mature trees to take place should not occur within the period 1 March to 31 Aug.
    - A badger survey be undertaken before any works take place. If any active badger setts are located, the NRA Guidelines for the treatment of setts prior to construction of road schemes is adhered to.

### 3.4. Third Party Observations

Third party observations were received. A summary of the issues raised are set out in the case planners report.

## 4.0 Planning History

### 4.1. The relevant history relating to the site is as follows:

**F24A/0794E, ABP321299** – Refuse April 2025 - permission for demolition of dwelling and removal of vehicular entrance; construction of a residential development of 41 homes;

provision of vehicular entrance, internal access road, parking spaces and motorcycle parking spaces and all ancillary site and infrastructural works.

Note the proposed development was revised at appeal stage reducing the number of units to 36 no. proposed units in revised layout and design.

1. *Having regard to the architectural merit of Somerville, an existing habitable building, its condition, and its valuable contribution to the streetscape of Thormanby Road, the Board is not satisfied that an adequate justification for the proposed demolition of the house has been provided and therefore, the proposed demolition would be contrary to the Fingal County Development Plan 2023–2029. Specifically, the demolition of a structurally sound, habitable building which contributes to the character of the area conflicts with Objectives SPQH044 and DMS0256, which promote retention and retrofitting over demolition, as well as Heritage Policies HCAP22 and HCAP23, which seek to preserve historic and vernacular buildings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2023-2029 (variations 1 and 2, adopted 30<sup>th</sup> March 2026)

Under the Core Strategy Table 2.14, the population of Howth is targeted to grow from 8399 in 2022 to 10039 in 2029 with projected housing demand of 887 units.

The subject site is zoned “RS – Residential” which has zoning objective, “to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”.

The site abuts High Amenity (HA) zoned lands where the objective is ‘to protect and enhance High Amenity Areas’.

Site is within Howth SAA (Special Amenity Area) Buffer Zone.

There is an objective to preserve views on Howth Head.

There is a Specific Objective - Protect & Preserve Trees, Woodlands and Hedgerows along Thormanby Road. Land use zoning map No.10 shows two number ‘Tree Symbol’s’ on the immediate north and south of the subject site.

Thormandby Road is on the GDA Cycle Network Plan.

Site is located within a 'Highly Sensitive Landscape'. on Sheet No. 14 'Green Infrastructure 1'.

Green Infrastructure objective to develop and implement a Nature Conservation Plan for Howth Area.

Located in Coastal Landscape Character type area. Is categorised as having an exceptional landscape value.

### Relevant Policies and Objectives

#### *Chapter 2 Planning for Growth Core Strategy Settlement Strategy*

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

**Policy CSP23 – Howth SAAO** Protect the Howth Special Amenity Area Orders (SAAO), including the Buffer zone, from residential and industrial development intended to meet urban generated demand.

#### *Chapter 3 – Sustainable Placemaking and Quality Homes*

**Policy SPQHP35 – Quality of Residential Development** Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

**Objective SPQHO31 – Variety of Housing Types** Encourage the creation of attractive, mixed use and sustainable residential communities which contain a wide variety of housing

and apartment types, sizes, tenures and typologies in accordance with the Fingal Housing Strategy, the HNDA with supporting community facilities, amenities and services.

**Objective SPQHO34 – Integration of Residential Development** Encourage higher residential densities where appropriate ensuring proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area with a target minimum amount of 15% (except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) amount of green space, tree coverage and public space associated with every residential area.

**Policy SPQHP36 – Private and Semi-Private Open Space:** Ensure that all residential development within Fingal is provided with and has access to high quality private open space and semi-private open space (relative to the composition of the residential scheme) which is of a high-quality design and finish and integrated into the design of the residential development.

**Policy SPQHP37 – Open Space Hierarchy** Ensure that all residential development in Fingal is served by a clear hierarchy and network of high quality public open spaces providing for active and passive recreation purposes which is easily accessible and integrated with local communities.

**Objective SPQHO35 – Private Open Space:** Require that all private open spaces for houses and apartments/duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 14 Development Management Standards.

**Objective SPQHO36 – Public open Space:** Public open space provision in new residential developments must comply with the quantitative and qualitative standards set out in Chapter 14 Development Management Standards.

**Objective SPQHO37 – Residential Consolidation and Sustainable Intensification** Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

**Objective SPQHO38 – Residential Development at Sustainable Densities** Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.

**Objective SPQHO39 – New Infill Development** New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

**Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

**Objective SPQHO43 – Contemporary and Innovative Design Solutions** Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.

#### *Chapter 6 Connectivity and Movement*

**Policy CMP1 – Decarbonisation of Motorised Transport** Support the decarbonisation of motorised transport and facilitate modal shift to walking, cycling and public transport and taking account of National and Regional policy and guidance, while supporting an efficient and effective transport system.

**Objective CMO32 – Car Parking Standards** Implement appropriate car parking standards for a range of land-use types, where provision is based on factors such as site location, level of public transport accessibility and impact of parking provision on local amenity.

#### *Chapter 9 – Green Infrastructure and Natural Heritage*

**Policy GINHP21 – Protection of Trees and Hedgerows** Protect existing woodlands, trees, and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, ensuring proper provision for their protection and management in line with the adopted Forest of Fingal-A Tree Strategy for Fingal.

**Policy GINHP22 – Tree Planting** Provide for appropriate protection of trees and hedgerows, recognising their value to our natural heritage, biodiversity and climate action and encourage tree planting in appropriate locations.

**Objective GINHO46 – Tree Removal** Ensure adequate justification for tree removal in new developments and open space management and require documentation and recording of the reasons where tree felling is proposed and avoid removal of trees without justification.

**Policy GINHP25 – Preservation of Landscape Types** Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

**Objective GINHO54 – Soils** Reduce land take, soil sealing and loss of natural soils in urban and rural areas.

**Objective GINHO56 – Visual Impact Assessments** Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

**Objective GINHO57 – Development and Landscape** Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

**Objective GINHO58 – Sensitive Areas** Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks, and campsites, and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

**Objective GINHO59 – Development and Sensitive Areas** Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm.
- Introduces incongruous landscape elements.

- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

**Policy GINHP26 – Preservation of Views and Prospects** Preserve views and prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.

**Objective GINHO60 – Protection of Views and Prospects** Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

**Objective GINHO61 – Landscape/Visual Assessment** Require a Landscape/Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects.

**Policy GINHP27 – Howth and Liffey Valley Amenity Orders** Protect and enhance the special amenity value of Howth and the Liffey Valley, including its landscape, visual, recreational, ecological, geological, and built heritage value, as a key element of the County's Green Infrastructure network and implement the provisions of the Howth and Liffey Valley Special Amenity Area Orders (SAAO).

**Policy GINHP28 – Protection of High Amenity Areas** - Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

**Objective GINHO74 – Pattern of Coastal Development** Strictly control the nature and pattern of development within coastal areas and ensure that it is designed and landscaped to the highest standards and sited appropriately so as not to detract from the visual amenity of the area. Development shall be prohibited where the development poses a significant or potential threat to coastal habitats or features, and/or where the development is likely to result in altered patterns of erosion or deposition elsewhere along the coast.

*Chapter 10 – Heritage, Culture and Arts*

**Policy HCAP21 – Built Heritage Assets** Protect and enhance the historic environment and built heritage assets, including elements of historic street furniture, paving and historic boundary treatments.

**Policy HCAP22 – Retention and Reuse of Existing Building Stock** Seek the retention, appreciation and appropriate revitalisation of the historic and vernacular building stock, and 20th century built heritage of Fingal in both the urban and rural areas of the County by deterring the replacement buildings with modern structures and by protecting (through the use of Architectural Conservation Areas and the Record of Protected Structures and in the normal course of Development Management) these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type, a distinctive piece of architecture or have an innate value. (See also Table 14.26)

**Policy HCAP23 – Heritage-led Regeneration** Require that adaptative re-use of older buildings and historic centre heritage-led regeneration adheres to best conservation practice and principles. There will be a presumption against the demolition of older buildings where restoration or adaptation is a feasible option.

#### Chapter 11 Infrastructure and Utilities

**Objective IUO15 – Surface Water Management Plan** Require the preparation of a Surface Water Management Plan as part of all new developments which shall include the following:

- Identify and assess the existing surface water movements through the development before considering and developing a surface water management system using SuDS, having regard to our Fingal Guidance Document –Green/ Blue Infrastructure for Development, as amended (Appendix 11).
- Incorporate SuDS along the route of the water movement to enhance the water quality effects of nature-based systems at the different stages – Treatment Train approach from source to discharge.
- Require applications for new developments to submit details of surface water management plans during construction to ensure compliance with the water quality standards and to protect the water quality and flow regime of surface and groundwater resources.

#### *Chapter 13 Land Use Zoning*

**Objective ZO2 – Transitional Zonal Areas** Have regard to development in adjoining zones, in particular, more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.

*Chapter 14 – Development Management Standards*

**14.5.1 Achieving Consolidation**

Table 14.4: Infill Development

**Infill Development**

Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms.

Proposals for infill development will be required at a minimum to:

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

## **14.6.5 Open Space Serving Residential Development**

### **14.6.6.3 Separation Distances**

Objective DMSO23 – Separation Distance

### **14.8.3 Private Open Space**

Objective DMSO27 – Minimum Private Open Space Provision

### **14.10.1 Corner/Infill Development**

Objective DMSO31 – Infill Development

Objective DMSO32 – Infill Development on Corner / Side Garden Sites

## **14.13 Open Space**

### 14.13.2 Quantity

Objective DMSO51 – Minimum Public Open Space Provision

Table 14.12: Recommended Quantitative Standards (Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities 2009)

Objective DMSO52 – Public Open Space Provision

Objective DMSO53 – Financial Contribution in Lieu of Public Open Space

### 14.13.3 Quality

#### 14.13.3.1 Design of Public Open Spaces

Objective DMSO63 – Location of Open Space

Objective DMSO64 – Design of Open Space

#### 14.13.3.2 Playground Facilities

Objective DMSO68 – Playground Facilities within Residential Development

Objective DMSO69 – Requirements for Equipped Playgrounds

#### 14.13.3.3 Private Open Space

Objective DMSO71 – Overshadowing of Private Open Space

Objective DMSO72 – Boundary Treatment to Private Open Space

#### **14.17.2 Bicycle Parking**

Table 14.17: Bicycle Parking Standards

#### **14.17.5 Road Network and Access**

Objective DMSO115 – Restriction of New Access Arrangements

Objective DMSO118 – Road Safety Measures

#### **14.17.7 Car Parking**

Table 14.18: Car Parking Zones

Table 14.19: Car Parking Standards

#### **14.18.1 Tree Policy**

Objective DMSO125 – Management of Trees and Hedgerows Protect, preserve and ensure the effective management of trees and groups of trees and hedgerows.

Objective DMSO126 – Protection of Trees and Hedgerows during Development

#### **14.20.3 Sustainable Urban Drainage Systems (SuDS)**

Objective DMSO202 – SuDS

Objective DMSO203 – FCC SuDS Guidance Document

Objective DMSO204 – Surface Water Run-Off from Domestic Driveways

Objective DMSO205 – Surface Water Management Plan

### **5.2. Howth Special Amenity Area Order (SAAO)**

The site adjoins the Howth Special Amenity Area Order (SAAO) 1999.

Map A:

- Site is located outside of boundary of the Special Amenity Area. The site adjoins land designated 'other areas within the Special Amenity Area'.

- Site is located within Special Amenity Area Buffer Zone (to be designated in the County Development Plan)

Schedule 1 – Objectives for the enhancement of the area

Objective 1.3 To protect the special amenity area and to ensure that its resources are used in an effective and sustainable manner.

Policy 1.3.1 The Council will designate a Buffer Zone for the special amenity area in the County Development Plan (as shown in Map A). In considering planning applications within the buffer it will be Council policy:

- in respect of natural beauty, to preserve prospects of the Special Amenity Area and to preserve open views from the Special Amenity Area.

- in respect of special recreational value...

- in respect of nature conservation, to protect existing natural and semi natural habitats and where appropriate to encourage the creation of new semi natural habitats in order to enhance the habitat diversity of the peninsula.

Schedule 2 – Objectives for the preservation of the character or special features of the area

Objective 2.1 to preserve views from public footpaths and road.

Schedule 3 Objectives for the prevention and limitation of development

Part 2. Development in other areas (as defined by Map A)

Objective 3.4 to preserve the beauty and distinctive character of the semi-natural and other open areas within the special amenity area.

Howth Special Amenity Area Order Design Guidelines – sets out design guidelines including guidelines for protecting the landscape and principles of siting and design.

### 5.3. **Relevant National Ministerial Guidelines**

- National Planning Framework First Revision (April 2025)
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).
- Design Standards for New Apartments, Guidelines for Planning Authorities (2025)

- Design Manual for Urban Roads and Streets (DMURS) (2013 as amended)

#### 5.4. **Regional policy**

- Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (2019–2031)

#### 5.5. **Natural Heritage Designations**

The closest European Sites are as follows:

- Howth Head SAC adjoins the site to the immediate east.
- Rockabill to Dalkey Island SAC c.830 metres to the east.
- Howth Head Coast SPA c 490m to the east.
- North-west Irish Sea SPA c.780m from site.
- Proposed Natural Heritage Area: Howth Head is to east of site.

### 6.0 **EIA Screening**

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

### 7.0 **The Appeal**

#### 7.1. **Grounds of Appeal**

A first party appeal is received from the applicant. The key issues raised are summarised as follows:

The appeal submission includes the following:

- Appeal submission responding to the reason for refusal.

- Technical Appendix (in the form of a standalone report and drawings) prepared by TENT engineering in response to the planning authority's roads and surface water drainage department's recommendations for further information.
- Appendix Response to third party submissions to the application.
- Architectural Design Statement in support of the planning application.

The main submission contains the grounds of appeal. It contains details regarding the site location and description, planning history, pre planning, the proposed development, planning policy context including Fingal County Development Plan and sets out issues in relation to ecological considerations and responses to consultees.

Ecological considerations: No signs of badgers or large terrestrial mammals were identified. Bat survey identified no recorded roosting and low foraging / commuting. Clearance works will be outside of nesting season. Proposal screened out for AA and EIAR.

Responses to consultees: No fundamental issues raised. Issues addressed in TENT report and drawings. Details can be addressed at construction stage. No external department / prescribed body had any issue with proposed development. Design balances competing requirements.

The planning authority has mis applied the Compact Settlement Guidelines for Planning Authorities.

Site earmarked for development in the Core strategy Urban Settlement Study 2021.

Proposal addresses ACP reason for refusal.

The development standards applied are consistent with s 28 Ministerial Guidelines, which Parks Dept and CE has failed to apply.

Proposal complies with zoning, CDP compact growth objectives and policies including CSP14 and CSO41.

Only trees of character that are necessary to facilitate safe access are to be removed. Trees within centre of site do not contribute to character of streetscape or SAAO.

Sightlines are achieved and DMURS standards complied with.

Site is in Flood Zone C and flood risk assessment is submitted.

Best practice SuDS will be implemented.

Matters raised in internal reports could have been addressed by further information / are 'pre construction' details.

Development is low rise mid density and respectful of site sensitivities and residential amenity, is suitable for its location at 'accessible location' in a suburban area within Dublin City and Suburbs Consolidation Area.

The response to the reasons for refusal are as follows:

Reason 1:

Complies with Compact Planning Guidelines. Planning Authority have applied incorrect applicable density standard. Site is within Dublin City and Suburbs and not small villages / towns. The proposed density 31/ha is at the lower end of the density range for Dublin City and Suburbs Consolidation Area – reflects sensitivity of site, accessibility, character, amenity and natural environment, proposes a responsive built form. Need for compact development/ new housing models. Represents appropriate balanced development of the site. Scale and mass (2-3 storey) is acceptable and in keeping with immediate adjacent three storey apartment development. Plot ratio and site coverage are appropriate. Meets housing design standards, private open space, public open space standards. There is no evidence that proposal result in overlooking, overbearing, overshadowing impacts.

Reason 2:

No details of visual disharmony arise. No details to show how detracts from residential amenity. All minimum separation distances to neighbouring properties are met or exceeded as per Guidelines. No undue overlooking arises. Development is 2-2.5 storey and any overshadowing / overbearing is within reasonable levels and would not result in adverse residential impacts. Verified views provided. Fail to see how would have negative visual impact. View along Thormanby Road is not adversely impacted. House is retained and new residential development will not dominate view and is not materially different to other new / contemporary development on road in recent years.

Reason 3:

The proposed development is located in Coastal Landscape Character Area. Not visible from coast itself and not visually sensitive site. The site is not visually prominent and is well screened and will remain well screened following the proposed development. It is not visually obtrusive. The development has been reduced in scale and pulled back from

SAAO. Regard to be paid to the assessment of previous Inspector. Regard to be paid to verified views.

Reason 4:

Submitted 75 documents. Sufficient documentation has been submitted. Engaged proactively. Car parking is acceptable having regard to Compact Planning Guidelines, climate objectives. Detailed information submitted for trees and landscaping. Notes public open space requirements of Compact Planning Guidelines. Satisfied the proposed buffer area between built development and SAAO is sufficient for retention of trees of significance. An updated ecological assessment is undertaken. No bats / badgers identified, any mitigation measure can be addressed by condition. Sight lines require tree removal. Architectural drawings and design statement demonstrate appropriateness of development:

- The retention of Somerville House.
- Is of scale and height consistent with area (max 2.5 storey).
- Is high architectural standard.
- Meets standards of Compact Settlement Guidelines.
- Respects ecological buffer associated with Howth SAAO.
- Proposes loss of minimum number of trees necessary to achieve a sustainable and sensitive density and replaces trees as appropriate.
- Is not visually dominant or obvious from Howth SAAO or the visually sensitive coastal area of Howth and does not alter the visual character of the SAAO or Coastal area of Howth.
- Does not adversely impact on residential amenity of neighbouring homes, no undue overlooking, overshadowing, overbearing effect.
- Meets the open space standards in the 2024 Guidelines that allow for 10% open space in metropolitan areas such as Howth and note Guidelines allow for contribution in lieu of public open space where site is proximity to existing open space amenity area (contiguous to SAAO and less than 1km to beach / coast).

## Conclusion

The proposal is acceptable compact development of brownfield / infill site and complies with policies and objectives set out national, regional and local planning context. Having regard to strategic objectives adopted by FCC and where applicable superseded by s.28 Guidelines, the principle of development is supported by the CDP. Have demonstrated compliance with development management standards in CDP as may be applicable noting s.28 Guidelines. Previous concerns of planning authority and Commission have been addressed. Note open space provision is not provided in one single area and because of the nature of the site and its constraints this is not achievable if the site is to be redeveloped in compact manner at minimum densities, the existing house and setting retained, building heights of area reflected and safe access provided.

### **7.2. Planning Authority Response**

The planning authority has responded to the appeal. The issues raised are summarised as follows:

Infill development acceptable in principle within RS zoning objective.

Note SPQH042 and SPQH039 of CDP.

The proposed development is not acceptable at this location. The proposal is over development by reason of density, scale, height, massing and overall layout.

Negative impact on site and surrounding area and Howth SAAO.

Fails to address reasons for refusal under F24A/0794E.

Concerns regarding integration with existing character of area.

Located in proximity site within coastal landscape character area that has exceptional landscape value and highly sensitive to development and location in buffer zone of Howth SAAO, the development fails to integrate into context and is visually intrusive and incongruous. Proposal contravenes GINH059.

Adverse impact on visual amenities of area, sense of place, undesirable precedent.

Request ACP uphold decision of planning authority.

In event of grant, provision should be made for:

- Financial contribution and / or a provision for any shortfall in open space and / or any special development contributions in accordance with Council's section 48 Development Contribution Scheme.
- Inclusion of bond / cash security for residential development of 2 or more units.
- Conditions where tree bond or contribution in respect of shortfall of play provision facilities are required.

### 7.3. **Observations**

Third party observations have been received from residents and interest groups of the surrounding area. The key issues raised are summarised as follows:

#### Character of area and visual impact:

Out of character with pattern of development in area. Constrained site adjoining Howth SAA, highly sensitive coastal landscape.

Negative visual impact, visually obtrusive, incongruous.

Excessive density.

Overdevelopment of site.

Site is an infill site, not a 'brownfield' site.

Adverse impact on 'sense of place'.

Does not respect architectural form, height, scale and massing etc of surrounding area.

Issues in relation to plot ratio, site coverage, roofscape, building line, fenestration, building typology, monolithic terrace, setback to boundaries, substantial hard surfacing, fails to respect sylvan character.

Fails to acknowledge location in transitional zone.

Exceeds capacity of the site indicated in CDP Draft Plan capacity assessment.

The development of this site at high density is not required – already significant number of new houses granted permission in Howth.

### Landscape:

Highly sensitive lands (within Howth SAA buffer zone, adjoins SAAO, proximity to High Amenity zoned land, number of views crossing Howth SAA in proximity, designated 'highly sensitive landscape', located in coastal character type of exceptional landscape value.

Adverse impact on surrounding landscape and natural beauty and amenity of area.

Adverse impact on Howth Special Amenity Area and Buffer zone.

Impact on protected views in SAAO.

Fails to integrate into highly sensitive lands.

Does not include a landscape and visual impact assessment by suitably qualified person.

Ridge level at rear higher than that previously proposed (and considered unacceptable by Inspector on visual grounds).

Development will be visible after implementation of latest FCC management plan for headland which will remove screening gorse – development will be visible from protected views / prospects.

### Residential amenity:

Adverse impact on residential amenity.

Overbearing

Overlooking

Overshadowing

Out of character designs

Proximity of works to boundaries and adjoining properties.

Impact arising from car headlights at entrance.

### Trees/ ecology:

Tree removal – unacceptable level of tree and hedgerow removal.

Adverse impact on wildlife, biodiversity.

Excavation/ risk of severe ecological damage - adverse impact on SAC.

### Built heritage:

Adverse impact on Somerville period residence - dominating impact of buildings, lack of adequate setback, removal of trees, alterations to existing features.

Adverse impact on character of the street.

Consider alternative development options - consider access via Casana View.

Period house provided with inadequate private open space.

Historic stone boundary walls likely to be impacted during construction / excavation.

### Parking and accessibility:

Inadequate provision of parking.

Will result in traffic hazard and obstruction of existing roads.

Substandard public transport system.

Impact on existing road infrastructure – congested roads, no road improvements planned, existing roads are adequate.

Cycling not a viable option.

Lack of clarity regarding shower and changing rooms facilities to encourage cycling, lack of detail regarding future management.

Lack of amenities in area.

### Internal design and layout:

Substandard public, communal and private open space.

Layout is unattractive, constrained, dominated by roadways and parking.

Hedging or composite fencing is to be erected where boundary wall height is not adequate.

These treatments are not suitable – detracts from heritage appearance of walls, maintenance issues, planting takes time to establish.

### Roads:

Does not comply with DMURS and road safety standards (entrance design, sightlines)

Hazards resulting from new entrance on Thormanby Road.

### Excavation:

Concern regarding impact of excavation works – groundwater flooding.

Significant excavation and removal of soil / rock and drop in water table will affect natural drainage, properties and vegetation.

Rock is shallow to the surface. Excavation / reduction in ground levels will result in vibration, dust, noise, damage to existing structures – no environmental plan has been agreed.

Lack of technical evidence to support proposals.

### Flooding:

The area has experienced flooding. Water flowing off East Mountain and through Sommerville onto Thormanby Road.

Loss of trees exacerbates flooding.

Flood risk to area rear of Somerville.

Flood risk caused by reduction in ground levels at eastern boundary of site.

Surface water attenuation measures are insufficient.

### Access to rear land:

Although there is access by the public to the land at the rear of the application from Upper Cliff Road, this does not entitle the application to create a new right of way of the lands owned by the Ronan group.

Proposed rear access to East Mountain and cliff walk will have negative impact (danger of trekkers walking through development, dangers of cliff walk for children).

### Construction:

Adverse impact of construction related parking on surrounding area.

Adverse impact during construction (vibration, noise).

CDP/ SAAO/ Ministerial Guidelines:

### Contravenes CDP and SAAO.

Failure to comply with Compact Planning Guidelines (16m separation required by SPPR1, inadequate car parking).

Material contravention of CDP:

SPQH036

SPQH037

SPQH038

CSP23 (Howth SAAO)

Other:

Undesirable precedent

Misrepresentation of information / incorrect information in submitted documentation. No validity checks evident.

Misinformation in first party response to third party observations.

Erodes desirability and saleability of properties in the area.

Any redesign required would be beyond the scope of the application.

Regression of that previously proposed (and refused) in relation to parking, height at eastern site boundary.

In support of planning authority decision, refusal reasons, request ACP to refuse permission.

Any decision to grant should include conditions to address rats, noise, building height restricted to two storey and single and eastern area of site, building up of boundary wall.

Interest in land/ land registry (Suzanne Maguire):

The boundary is in error- overlap in the boundary. Applicant's referral to 'land grab in recent years' has no basis, not supported by land registry.

## 8.0 **Assessment**

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

- principle of development

- density
- trees
- visual impacts on Howth SAAO
- built form and placemaking
- residential amenity
- open space
- traffic considerations
- mobility and parking
- flooding and surface water management
- natural habitats
- protection of ecological species
- other matters

## 8.2. Principle of development

The site is in an area zoned “RS – Residential” in the Fingal County Development Plan (CDP) 2023 – 2029 which has a zoning objective “to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”. I am satisfied that the proposed residential development of the site is acceptable in principle on RS zoned lands.

## 8.3. Density

Reason number 1 of the planning authority’s refusal indicates that the proposal results in the overdevelopment of the site by reason of issues including density.

It is proposed to construct 27 no. dwellings new units and retain and refurbish Somerville House on site of 0.922ha. The proposed density of the site is 30.4/ha.

### 8.3.1. *Compliance with Sustainable Residential Development and Compact Settlement Guidelines.*

The site is in Howth which is located within the Dublin City and suburbs Metropolitan Area Spatial Plan (MASP) boundary of the Regional Spatial and Economic Strategy for the Eastern and Midland Region. The priorities for growth in this area include the protection of

historic fabric, character, amenity and natural heritage and to realise opportunities for reuse of existing buildings and infill development.

Having regard to the descriptions in Table 3.1, I consider that the site is within a 'city - suburban / urban extension' area where the policy is to generally apply densities in the range of 40dph to 80dph. The proposed density is below this range. The Guidelines state the following: "It may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area."

The site is located in a highly sensitive landscape adjoining the Howth Special Amenity Area. The site contains a historic house and mature trees. It is a constrained infill site surrounded by existing residential properties.

The site is on the R105 which is served by bus (H3,6 to Howth Station and Abbey Street Lower) of approximately 3 buses per hour. The site is c 23min /1.8km walk to Howth Dart Station. It is within a 'peripheral' location.

Having regard to the sensitivities of the site, the heritage on the site, the constraints to development and the 'peripheral' accessibility of the site, I consider that the proposed density below the recommended range is acceptable.

Having regard to the above, I consider that the proposed density is acceptable and is in accordance with the Guidelines and supports compact growth.

### 8.3.2. *Compliance with County Development Plan*

Section 14.6.3 of the CDP sets out density standards. It states the following: "In general, the density and number of dwellings to be provided within residential schemes should be determined with reference to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009."

The Guidelines for Sustainable Residential Development in Urban Areas support higher densities of min 50/ha near public transport nodes, densities of 35-50 at outer suburban sites and minimum densities of 30/ha.

The site contains an existing dwelling and is in proximity to public transport. I consider that the site is within category 'inner suburban / infill'. Balanced development is supported striking a balance between protection of amenities, character and provision of infill. The proposed density is appropriate for the site having regard to the environmental sensitivity of the site and its location within an existing suburban area.

I therefore consider that the proposed density is in accordance with section 14.6.3 of the CDP.

Third party observers have referred to the capacity assessment undertaken in the preparation of the development plan. I consider that any such capacity assessment used to inform the preparation and making of the development plan is not of relevance to this application.

#### **8.4. Trees**

Objective DMSO125 of the CDP is to protect, preserve and ensure the effective management of trees and groups of trees and hedgerow. Objective GINHP21 is to protect existing woodland, trees and hedgerows which are of amenity or biodiversity value and which contribute to landscape character.

The CDP contains a map based objective to protect and preserve trees, woodland and hedgerows along Thormanby Road. There are no trees with an explicit tree preservation order on the site.

An Arboricultural Report is submitted. The proposed development will require the removal of 23 trees, 1 group of cypress trees, 5 ornamental hedgerows and 6 groups of shrubs. Of all planting surveyed, it is proposed to remove none of the existing 2 category A trees, to remove 2 of the existing 5 category B trees, to remove 24 (12 trees, 1 group of cypress trees, 5 ornamental hedgerows and 6 groups of shrubs) of the existing 60 category C entries and to remove 9 of the 9 existing category U poor quality trees. The Arborist Report sets out measures for the protection of trees and hedgerow to be retained.

The majority of existing trees on the site are retained. Most trees removed are lower quality. The majority of trees at the front of the site adjacent to Thormanby Road are retained. These are visible from the road and positively contribute to the character of the streetscape and Sommerville House. Prominent trees are to be removed to create the new vehicular

entrance to Thormanby Road, all of which are poor quality. I consider that the proposed tree removal is justified to allow for the development of the site.

I am satisfied that the proposal is in accordance with objective GINHP21 and DMSO125.

The landscaping plan is submitted. New tree planting is proposed. This additional planting mitigates for tree loss and will positively contribute to the biodiversity and amenity of the area.

#### 8.5. **Visual impacts on Howth SAAO**

The site is in a highly sensitive coastal landscape character type of exceptional landscape value. The site adjoins the High Amenity zoned area where the objective (GINHP28) is to protect these areas from inappropriate development and reinforce character, distinctiveness and sense of place. The rear boundary of the site abuts lands designated Howth Special Amenity Area Order (SAAO). The site is within the Buffer Zone of the SAA. Policy CSP23 is to protect the Howth SAAO including buffer zone from residential development.

Objective GINH059 requires that new development does not impinge on the character and distinctiveness of highly sensitive areas and does not detract from scenic value.

GINH056 requires visual impact assessments for highly sensitive areas. The applicant has submitted a document of Verified Views. The applicant's appeal submission contains an assessment of the impact of the development on views. Objective GIN056 is complied with.

The planning authority's refusal reason 3 relates to the visual impact of the development on the landscape and Howth Special Amenity Area Order. The refusal reason states that the proposal would contravene objective GINH059 of the CDP.

The SAAO states that in this area it is Council policy to preserve prospects of the Special amenity Area and to preserve open views from the Special Amenity Area.

Under the CDP, there are designated preserved views on Howth Head. Policy GINHP26 is for the preservation of views and prospects of places of natural beauty. Objective GINH060 is to protect views and prospects that contribute to the character of the landscape.

Objective GINH061 requires a landscape / visual assessment of applications for significant proposals that are likely to affect views and prospects. The CDP states the following: *In assessing views and prospects it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or*

*obstruct these views and prospects and should be designed and located to minimise their impact.*

I have had regard to the submitted Verified Views and the applicant's assessment. Views 1,2,3 and 8 are from the designated view. I am satisfied that the proposed development will not adversely impact on designated views.

I also note the images of other view points from within the Special Amenity Area including views 11, 7 and 4. The views show removal of some vegetation and visibility of tops of roofs. I am satisfied that any changes are minor and that there is no adverse impact on the open views from within the Special Amenity Area.

The Howth SAAO Design Guidelines sets out design guidelines for development on the SAAO. Design guidelines for boundaries apply to the land in the adjoining SAAO. The objective is to conserve existing boundaries. The trees and hedge along the rear boundary are to be retained. This is in accordance with the requirements of the design guide and maintains the visual quality and biodiversity of the area.

The proposed development will not adversely impact on the character or distinctiveness of the headland landscape or detract from the scenic value of this area. The proposed development will not adversely obstruct designated views or open views from the special amenity area. The proposed development is in accordance with objective GINH060, GINHO59, CSP23 and GINHP28.

Third parties have raised that heathland vegetation is to be removed for management of the area and that this will remove screening and open visibility of the development. I consider that standard management and upkeep of the headland by the relevant authorities is not a matter to be considered as part of the visual assessment.

Third parties have raised that the current proposal is similar in visual impact to the original designs proposed at application stage under F24A0794E/ ABP321298 and not considered acceptable by the Inspector. In this regard I note that the current proposal is a revised layout and design. Each design proposal is considered on its individual merits.

#### **8.6. Built form and placemaking**

The planning authority's refusal reasons number 1 and 2 relate to the visual impact of the development on the surrounding area and the overall design of the development and impact on the character and amenities of the area.

The development is located on lands zoned RS Residential where new development is to have a minimal impact on and enhance existing residential amenity. This is a transitional area contiguous to High Amenity zoned land. Section 13.2 and objective ZO2 of the CDP refers to the need to avoid development that is detrimental to amenities of environmentally sensitive zones.

Objective DMSO31/SPQHO39 relates to infill development. It states that new infill development shall respect the height and massing of existing residential units and infill development shall retain the physical character of the area.

The planning authority considers that the design is inappropriate having regard to Table 14.4 of the CDP, taking account of architectural form, site coverage, building heights, building line, grain and plot width.

The site contains Somerville House which is an attractive historic building set on sylvan grounds. I note that the site does not contain a protected structure and is not within an Architectural Conservation Area. The proposal to retain and refurbish Somerville House will positively impact on the built heritage and streetscape of the area. Its retention and refurbishment addresses the reason for refusal under ABP321299.

The applicant has submitted an Architectural Design Statement setting out the design rationale for the development. The Verified Views show the visual impact of the development from surrounding residential areas and street.

I note the guidance set out in the Compact Settlement Guidelines regarding consideration of character, amenity and natural environment which states that new development should respond to the receiving environment in a positive way and not result in significant negative impacts on character, amenity and natural environment. The guidelines also state the following: "While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design".

There is a mixed pattern of residential development in the surrounding area, ranging from the denser development two storey Casana View, low density dormer houses and bungalows adjoining the site boundaries and the three storey apartment development and two storey detached housing at Mariners Cove.

The proposed development contains a mix of apartments and houses in buildings 2 to 3 storey in height. The buildings are located to the rear of Somerville House, arranged in a linear pattern and set back from the northern and southern boundaries to adjoining residential properties. The layout is practical making efficient use of the land whilst allowing for the protection of the existing open view towards Somerville House from the street including the retention of the front lawn for public amenity space and retention of many of the trees in this front area. The existing attractive stone wall along the front roadside boundary is to be retained and the existing gate is to be repurposed.

Existing ground levels rise to the rear of the site and as such the proposed development will be visible behind the main house due to the removal of the line of existing cypress trees. The contiguous front elevation drawing from Thornbury Road shows that the proposed development is of mass and ridge height similar to that of the surrounding areas. The rear building line is similar to the building lines of the existing buildings to the north and south of the site. The proposed site coverage of the overall development is stated to be 21.4% and the plot ratio is 0.62. Plot width is sufficiently wide to allow for functional private open space. I do not consider that the intensity of development on the site is excessive in this existing urban residential area.

The proposed buildings are traditional contemporary form finished in cream white brick, textured brick, buff brick, green tile detailing and slate roof. The architectural form is typical of many suburban locations and I consider that the proposed form including terraces can be accommodated in this area where there is mixed urban form. The proposed muted palette respects the integrity of Somerville House.

Maximum ground to ridge height of the buildings is c 9.7 to 10.3 however proposed ground levels at towards the rear of the site are below existing ground levels. The buildings are set back from the rear boundary to the SAAO by 14.4m - 20m and the land near the rear boundary is designed as landscaped terrace. Ridge levels at the rear are 106.7 to 108.00 which is similar to the ridge of the adjoining Finaru house near the southeast corner. The buildings are set back from the adjoining houses at the northeast corner which have a lower ridge. Planting along the boundaries will help integrate the development into the area.

Overall, I consider that the scale, mass and height of the development is acceptable. I consider that the development can integrate into the surrounding area without significantly compromising visual amenity or heritage. There is an appropriate transition to the rear High

Amenity lands. The development represents an appropriate balance between promoting development whilst protecting the natural and built heritage on the site.

I consider that the proposal is in accordance with the guidance for infill development in Table 14.4 of the CDP and is in accordance with DMSO31.

#### **8.7. Residential amenity**

Third party observers have raised concerns regarding the impact of the development on their residential amenity.

Specific planning policy requirement (SPPR) 1 of the Compact Settlement Guidelines relates to separation distances between opposing windows. The proposed houses are all located further than 16m from existing opposing elevations. The development complies with SPPR1.

Objective SMSO23 of the CDP relates to separation distances. The objective states that a separation distance of minimum 22m between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. The development complies with this objective.

Having regard to the design of proposed new units and the separation distances to the shared boundary, I am satisfied that the proposed units do not result in any significant overlooking of adjoining properties.

Due to the height of the proposed units, the separation to the boundaries and the orientation of the development on the site, I am satisfied that the proposed development would not result in significant overshadowing or loss of daylight of adjoining properties.

Due to the height and scale of the proposed units, the separation to shared boundaries, including the site configurations on the adjoining properties, I do not consider that the proposed development would result in any significant overbearing effects on adjoining properties.

I am satisfied that the proposed development would not injure the residential amenity of adjoining properties by reason of overlooking, overshadowing or overbearing impacts.

## 8.8. Open space

The proposed open space provision is as follows:

Public open space	997sqm to front of Sommerville House
Private open space (houses)	17 no. houses Private gardens 48.5sqm – 83.5sqm Somerville House 325sqm
Private open space (apartments)	10 no. apartments
Communal open space	Outdoor space located to the rear of apartments.
Other soft landscaped space	Linear pockets at northern boundary c175sqm (accessible for recreation). Terraced planted landscape area 420sqm at rear boundary to SAAO
Site area	0.922ha or 9220sqm 12% = 1106sqm 15% = 1383sqm

### 8.8.17. Compliance with Sustainable Residential Development and Compact Settlement Guidelines

Policy and objective 5.1 relates to public open space. It is a policy objective that development plans include an objective for the provision of public open space not less than a minimum of 10% net site area and not more than a minimum of 15% net site area save in exceptional circumstances. I am satisfied that the proposed open space is within the range. SPPR2 relates to minimum private open space standards for houses. The proposal complies with SPPR2.

### 8.8.18. Compliance with Design Standards for Apartments Guidelines for Planning Authorities 2025

The proposed apartments comply with the minimum recommended floor areas of private open space and design standards.

Communal amenity space is provided to the rear of the apartments. The area of space provided is in accordance with the recommended minimum standards.

#### 8.8.19. *Compliance with County Development Plan*

#### 8.8.20. Public open space

Objective SPQHP37 is to ensure that residential development is served with high quality public open space which is accessible and integrated with local communities. Objective SPQH036 states that public open space must comply with the quantitative and qualitative standards set out in chapter 14 Development Management Standards.

DMSO52 states public open space shall be provided in accordance with Table 14.12. Table 14.12 states that new residential development on infill sites shall provide a minimum public open space of 12% of site area. I consider that the following spaces are universally accessible and provide recreation value – the 997sqm front open space and the small 175sqm play areas along the path to the front of the houses. This equates to 12.7% (1172sqm) of the site area. The quantity of public open space is in accordance with the minimum requirements of Table 14.12.

Table 14.12 and objective DMSO53 indicate that developments are to target a minimum of 15% and where this is not provided, the Council has discretion to accept a financial contribution in lieu of the remaining open space. The 15% target amount is not provided. Should permission be granted, it is recommended that a condition be attached for special contribution in lieu of open space. The amount can be determined by the planning authority. The Fingal County Development Contribution Scheme 2026-2030 under section 48 of Planning and Development Act 2000 (as amended) provides details on the application of contribution in lieu of open space.

Section 14.13.3.1 states that open spaces must be designed to high specification and have quality design. The main public open space is located to the front of Somerville House which is a highly visible prominent location within the overall site. The front space will be supervised from the main access road and indirectly by Somerville House. The space is within easy reach of the houses via a safe and attractive landscaped link along the northern boundary of the site. Younger children are provided with small pocket open space areas benefitting from direct supervision at the front the houses whilst the larger kick about space is easily accessible by older children. The landscaping proposals are comprehensive,

showing proposals for planting, play facilities and hard landscaping. Natural play facilities (boulders, logs etc) are provided at an appropriate scale and size in accordance with section 14.13.3.2.

I am satisfied that the layout of the public open space is acceptable in terms of quantity and quality and is in accordance with Table 14.12 and section 14.13.3.1.

The Council's Parks Department raised concerns regarding the placement of the proposed surface water attenuation soakaway within the public open space and impact on trees. In this regard I note that the submitted Tree Protection Plan shows the tank located outside of the root protection areas. The Parks Department suggests that additional public open space should be provided to the east of the site. I consider that the proposed landscape terrace provides an acceptable transition between the site and the SAAO.

#### 8.8.21. Somerville House private open space

Concerns were raised by third parties regarding the adequacy of the private open space associated with Somerville House.

Objective DMSO27 sets out minimum private open space provision for dwelling houses. Objective DMSO71 relates to overshadowing of private open space and objective DMSO72 relates to boundary treatment to private open space.

It is proposed to now separate the house from its original driveway and grounds and provide it with a much smaller private curtilage wrapping around the house which will be accessed from the new proposed access road for the development. The house will be provided with 325sqm of landscaped open space and the new curtilage is to be treated with 1.2m boundary wall and hedges. Due to the size and orientation of the space, it is likely to receive adequate sunlight. Overall, I consider that the quantity and layout is acceptable, will provide an attractive, private and comfortable open space area for residents of the house and also respects the distinct character of the main house. The proposal is in accordance with objective DMSO27, DMSO71 and DMSO72.

#### 8.9. **Traffic considerations**

Third parties have raised concerns that the entrance and roads design is not in accordance with DMURS standards, including concerns regarding the adequacy of the sightlines at the proposed new entrance and the adequacy of the swept path analyses.

Objective DMSO118 is to promote road safety measures and to avoid the creation of traffic hazards. DMSO115 is to ensure that new entrances are designed in accordance with DMURS.

The site is accessed from the R105 Thormanby Road. This road is served by buses and there are footpaths either side of the road near the site.

It is proposed to redesign the entrance and access arrangements to the site. The existing vehicular entrance and driveway arrangement is to be replaced with a newly relocated vehicular entrance and access road. The existing stone wall along the roadside boundary is to be retained. The existing gate is to be retained and repurposed as a pedestrian gate.

The Design Manual for Urban Roads and Streets requires forward visibility on bus routes of 49m for a 50km/hour design speed. The distance is measured from a 2.4m setback. I am satisfied that clear sightlines can be provided in both directions in accordance with DMURS standards and that the existing wall is located behind the required sightlines. There is no requirement for alterations to the height of the existing roadside wall.

The applicant has submitted engineering drawings of DMURS layout and swept path analysis for different sized vehicles. The applicant has also provided a statement of consistency with DMURS and have carried out a Road Safety Audit.

The Council's Transport Planning Section has no objection to the street layout however have raised issues with the design of the entrance and pedestrian crossover, the transition to the 'shared surface' of the access road, line marking and signage, road widths, surfaces and manoeuvring space for parking. These design issues have been addressed by the applicants appeal submission which includes an engineers response and revised drawings.

Should permission be granted, it is recommended that a condition be attached to require final design details regarding the entrance and internal roads and parking to be agreed with the planning authority prior to development.

I am satisfied that the entrance and internal road infrastructure is acceptable and would not result in traffic hazard and that the proposal is in accordance with DMSO118 and DMSO115.

## 8.10. Mobility and parking

Concerns are raised by third party observers in relation to the adequacy of the proposed car parking provision for the site and the potential for spill over parking in the area.

The proposed parking facilities for the site are as follows:

Car	<p>Total 32 spaces.</p> <p>13 houses have 1 on site space each (each with EV point)</p> <p>Somerville House has 2 no. on plot spaces.</p> <p>The remaining 11 no. dwellings are served by 12 no. on street spaces.</p> <p>3 no. on street visitor spaces.</p> <p>2 no. on street accessible spaces.</p>
Cycle	<p>122 spaces (177 long stay and 5 short stay in front public open space)</p> <p>Secure covered stores for 24 spaces to serve the apartments as follows:</p> <ul style="list-style-type: none"> <li>- 15 no. long term bike parking (including 1 no. non standard bike) to rear of front apartments.</li> <li>- 9 no. long term bike parking (including 1 no. non standard bike) to rear of rear apartments.</li> </ul> <p>Houses will accommodate 93 spaces in private amenity space in on plot bicycle storage.</p> <p>Visitor stands are provided along internal access road.</p> <p>The TTA states several stands will be designed for e bikes or cargo bikes and will include charging outlets.</p>
motorcycle	<p>2 no. on street.</p>

8.10.1. Assessment of car parking provision

8.10.2. *Compliance with Sustainable Residential Development and Compact Settlement Guidelines.*

Specific Planning Policy Requirement no.3 relates to car parking. Car parking ratios are to be reduced in all urban areas. In peripherally accessible areas, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. The maximum standards do not include accessible spaces.

The total number of spaces (excluding accessible spaces) is 30 spaces. The number of spaces is substantially below the maximum.

Each dwelling is provided with at least one car parking space. The site is on a bus route and in an area served by Dart. Facilities are provided for cycling, accessible parking, visitor parking and motorcycling. The site is approximately 900m from the services at Main Street in the centre and similar distance to the Tesco at Balkill Road. These services are within easy walk. The mobility needs of residents are provided for.

I am satisfied that the proposed car parking is necessary and appropriate. The mobility needs of residents are provided for. The proposal is in accordance with SPPR 3 of the Guidelines.

8.10.3. *Compliance with County Development Plan*

Section 14.17.7 sets out the car parking standards in the CDP. The site is located in Zone 2 car parking area. Table 14.19 sets out the maximum 'norm' standards. Based on these standards there is a 'norm' requirement of 49 car parking spaces. A total of 32 spaces are provided.

I consider that there is a significant departure from the 'norm' standard. I consider that this is a material contravention of the CDP. The Council's refusal reasons do not refer to any material contravention of the CDP. Under section 37(2)(a) the Commission may decide to grant permission even if the proposed development contravenes materially the development plan. The proposal is in accordance with the Compact Settlement Guidelines. Material contravention is recommended under section 37(2)(a).

#### 8.10.4. Assessment of cycle parking provision

#### 8.10.5. *Compliance with Sustainable Residential Development and Compact Settlement Guidelines*

Specific Planning Policy Requirement no.4 relates to cycle parking and storage. I am satisfied that the proposal complies with SPPR4.

#### 8.10.6. *Compliance with County Development Plan*

Table 14.17 of the CDP sets out minimum bicycle parking standards. Long stay parking for the ground floor accessible houses can be provided on site. Long stay and short stay provision is in accordance with the minimum quantity requirements. Should permission be granted, it is recommended that final design details of the facilities be agreed with the planning authority prior to development.

### 8.11. **Flooding and surface water management**

Concerns are raised by third party observers regarding pluvial flood risk at the site.

A Flood Risk Assessment (TENT engineering) is submitted.

Having regard to the information on OPW floodinfo.ie, the site is not in a flood risk zone for coastal or fluvial flooding. The Geological Survey Ireland Groundwater Flooding Probability Maps do not show that the site is at risk of groundwater flooding. There are no OPW recorded past flood events recorded at or near the site.

Objectives DMSO202, DMSO203, DMSO204 and DMSO205 relates to the management of surface water in new developments. Sustainable Urban Drainage Systems shall be incorporated in all new developments having regard to FCC SuDS Guidance Document and that a Surface Water Management Plan is prepared for all new developments.

The applicant has submitted a Civil Planning Report detailing the proposed plan for management of surface water drainage. All proposed drainage is designed in accordance with GSDSDS Regional Drainage Policies Technical Document Volume 2 and The SuDS Manual Ciria C753. The assessment accounts for different site infiltration rates, soil types and bedrock across the site including the higher slope to the rear. Details of calculations are provided. A trial pit has been dug at the front of the site to assess infiltration rates in this area. The report identifies surface water movements and incorporates SuDS along the route and incorporates nature based systems. All paving on foot and cycle paths, roads and terraced area is permeable paving. SuDS is incorporated into all parts of the development

including open spaces, roads, footpath and private areas. Tree pits enhance the quality of the open space. Two underground soakaways are proposed and there is no impact on the quality of open spaces.

The report of Council's Water Services Department indicates that additional information is required in relation to surface water drainage and pluvial flood risk. The applicant's appeal submission contains a TENT engineers response to address the issues raised. These details state that the greenfield QBAR is 5.4L/s and the maximum discharge from the site will be 5.3L/s. Surface water discharge post development will be reduced below existing levels.

Should permission be granted it is recommended that a condition be attached so that all final designs and details are agreed with the planning authority prior to development.

I am satisfied that proposals for the management of surface water on the site are acceptable. I am satisfied that the proposal is in accordance with objectives DMSO202, DMSO203, DMSO204 and DMSO205. I am satisfied that the development will not result in additional flood risk issues associated with storm water.

#### **8.12. Natural habitats**

Policy 1.3.1 of the SAAO states that in the buffer zone it will be Council policy to protect existing natural and semi natural habitats and where appropriate encourage the creation of new semi natural habitats in order to enhance the habitat diversity of the peninsula.

An Ecological Impact Assessment is submitted dated 2025. It includes a statement of authority which indicates that all surveying and reporting was carried out by a qualified and experienced ecologist. The assessment takes account of data from desk top survey and multi disciplinary field surveys.

The important ecological features identified in the assessment are treelines, small mammals and nesting birds, all of which are of local importance. All other ecological features are of negligible importance. Removal of trees will result in a short term slight negative impact. Proposed planting means that there is a long term moderate positive impact. Site clearance will take place outside of peak breeding activity to avoid impacts on breeding birds or small mammals. Mitigation measures are proposed. It is concluded that the proposed development will not cause any significant negative impacts on any features of ecological importance.

I am satisfied that there is no significant adverse impact on natural habitats on the site. Having regard to the zoning of the site for residential development and to the low level of important ecological features on the site, it is considered reasonable to allow development on the site.

### 8.13. **Protection of ecological species**

A submission is received from the Department of Housing, Local Government and Heritage raising issues in relation to nature conservation.

#### 8.13.1. Bats

The Department is of the view that the development has potential to disturb the roosting habitat of bat species listed under Annex IV of EU Habitats Directive caused by removal of mature trees and older buildings which may host protected resting places of bat species. To mitigate potential impact the Department recommends that a bat survey be carried out by a bat ecologist in accordance with best practice guidelines. If bat roosts are identified the developer must apply for a derogation licence.

All bat species are an Annex IV species protected under EU Habitats Directive.

The submitted Ecological Impact Assessment Report provides an assessment of impacts on bats.

Bat surveys at the site were carried out in accordance with Bat Surveys for Professional Ecologists: Good Practice Guidelines. A visual assessment was carried out of structures and trees. Emergence surveys were carried out on the Sommerville House structures on 28 September, 29 September, 16 October and 17 October at sunset and sunrise. The survey found no evidence that the Somerville House buildings are used for bat roost. No cavities, crevices or potential roost features were identified on any of the mature trees. An activity survey was carried out of the paddock area to assess for foraging potential. A single bat was recorded flying briefly feeding around brambles and scrub on southern boundary.

The evaluation found there is no evidence of bats currently roosting within the dwelling or any other structures and that foraging / commuting activity was very low and only a single species. Therefore the site is considered to be of negligible importance for bats.

I am satisfied that mitigation measures can be implemented to appropriately avoid and reduce the effect on bat foraging and / or commuting habitats. Should permission be granted, it is recommended that conditions be attached for bat roost survey prior to

construction and for appropriate lighting at construction and operation stage. I am satisfied that Regulation 54 derogation licence is not required in this instance.

#### 8.13.2. Birds and badger

The Department raises that the development has potential to disturb nesting birds and badgers protected under the Wildlife Act caused by removal of mature trees potentially disturbing breeding places of nesting birds and caused by the removal of scrub habitat potentially disturbing badger setts.

The submitted Ecological Impact Assessment Report provides an assessment of impact on birds and mammals. Desktop and fauna surveys were carried out.

Common countryside birds were observed. No species of conservation importance were recorded. The site is of negligible importance for birds.

No signs of mammals were observed on site. No badger setts, mammal paths or latrines were found. The site is of negligible importance for terrestrial mammals including badgers.

A mitigation measure is proposed for the protection of birds during clearance works.

I am satisfied that works can be carried out that would not result in the killing or injuring or disturbance of a protected bird or mammal under the Wildlife Act.

#### 8.14. **Other matters**

##### 8.14.1. Excavation

Existing ground levels rise in an easterly direction across the site. The site section drawings show proposed ground levels resulting in some filling towards the lower part of the site and some excavation towards the higher rear part of the site to accommodate the proposed finished floor levels which are c 2.5 m below existing ground levels. There would be additional works for laying of services / foundations etc.

I consider that this level of ground works is typical of standard construction and that proposed works can be carried out in a manner that would not compromise the structural integrity of surrounding land or property in accordance with normal best practice construction.

The Arboricultural report sets out measures for the protection of retained trees from excavation works.

Third parties raise that excavation may involve excavation of ground rock or ground water. I consider that this can be appropriately managed at construction stage by standard construction best practice and environmental management.

I note objective GINH054 to reduce land take, soil sealing and loss of natural soils in urban and rural area. I do not consider the amount of soil alterations are excessive having regard to the scale and nature of development and I do not consider that the proposal contravenes the objective.

#### 8.14.2. Boundaries

There is an existing gate located at the rear boundary of the site that provides access from the rear pasture to Howth Head and the cliff walk. The submitted drawings show the retention of this gateway access which can be accessed via the path and terraced steps from the development site. The Council's Parks Department have raised that the access should be omitted and the area planted. Should permission be granted, it is recommended that condition be attached for the omission of this access as per the Council's recommendation.

Concerns are raised from third party observers and the Parks Department regarding the adequacy of the proposed boundaries to the site curtilage, taking account of the existing stone walls and existing vegetation. I am satisfied that final treatments can be agreed by condition and should permission be granted, it is recommended that a condition be attached for the agreement of boundary treatments prior to development.

#### 8.15. Archaeology

The report of the Department of Housing, Local Government and Heritage and the report of the Council's Heritage Officer indicate an Archaeological Impact Assessment is required due to the scale of development on the site. There are no recorded monuments on the site or in its vicinity. Should permission be granted, it is recommended that a condition be attached for the carrying out for the protection of archaeology including pre development testing prior to development.

8.16. Material contravention

8.17. Third parties raise that the proposal represents a material contravention of the provisions of the CDP. These are considered as follows:

	<b>Consideration</b>	<b>Contravention</b>	<b>Material contravention</b>
<p><b>SPQH036 – Public open space</b></p> <p>Public open space provision in new residential developments must comply with the quantitative and qualitative standards set out in Chapter 14 Development Management Standards.</p>	<p>Section 14.13.2 sets out the quantitative standards for public open space. The relevant standards are set out in Table 14.12. The site is an infill site requiring a minimum of 12%. This is achieved.</p> <p>Section 14.13.3 sets out qualitative standards. The relevant standards for public open space are in 14.13.3.1. The standards are achieved.</p>	no	no
<p><b>SPQH037 Residential Consolidation and Sustainable Intensification</b></p> <p>Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.</p>	<p>This is a general aspirational objective to promote residential consolidation and intensification at appropriate locations. The proposal is in accordance with this objective.</p>	no	no
<p><b>Objective SPQH038 – Residential Development at Sustainable Densities</b></p> <p>Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design,</p>	<p>This is a general aspirational objective to promote residential development at sustainable densities in accordance with the core strategy.</p> <p>The core strategy Table 2.14 allows for housing growth in Howth.</p> <p>The site is underutilised. Proposed densities are sustainable.</p>	no	no

architectural quality and integration with the character of the surrounding area.	Proposed urban design is high. Character of the area is protected.		
<b>Policy CSP23 – Howth SAAO</b>  Protect the Howth Special Amenity Area Orders (SAAO), including the Buffer zone, from residential and industrial development intended to meet urban generated demand.	This is a general aspirational objective to protect the SAAO and buffer zone from residential development. It does not preclude residential development. The proposed residential development does not compromise the achievement of this objective. The design safeguards the protection of the SAAO and buffer area.	no	no

I do not consider that the proposal is a material contravention of the above objectives.

As referred to in the report, I do consider there is a material contravention of the parking standards of section 14.17.7 of the plan.

#### 8.17.1. Construction

Concerns are raised by third parties in relation to the impacts of construction on residential amenity and traffic. I am satisfied that this matter can be addressed by condition through the submission of a construction management and demolition plan to be agreed with the planning authority prior to development.

#### 8.17.2. Interest in land / land registry

A third party has raised that the site boundary is in error. The applicant's appeal submission contains a detailed response to submissions. It states that the boundaries have been amended in a minor way since the last application. Having reviewed F24A/0794E, I am satisfied that the red site boundary is altered. I am satisfied that any further dispute regarding land ownership is a civil matter and outside of the scope of this assessment.

#### 8.17.3. Inaccuracies in documentation submitted

Third party observations raise that the information submitted contains inaccuracies.

The applicants appeal submission contains a detailed response to issues raised.

The planning authority has validated the application in accordance with the Planning and Development Regulations 2001 (as amended). I am satisfied that the drawings submitted showing the proposed development are acceptable for the purpose of considering the planning application.

Examples are provided of errors in the submitted level data. I am satisfied that a site topographical survey has been carried out for the overall site with survey equipment. Evidence of this survey is clear in the arboricultural drawings.

The contiguous section drawings through the site to adjoining lands show adjoining buildings in the background. The sections show the proposed development up to the site boundaries. Adjoining properties are also shown on the sections however it is not clear to me which buildings precisely are being shown.

I have cross checked the submitted drawings with the information on the last application F24A/0794E. I have also had regard to the level details in the submitted arboricultural drawing and my observations on site. I am satisfied that I have been able to carry out an accurate assessment of the relationship between the proposed development and existing buildings. Should the Commission consider that clarification or further information is required in relation to topographical survey data and contiguous drawings showing the relationship between the proposed development and the surrounding lands and buildings, additional information can be requested if required.

#### 8.17.4. Property values

- 8.18. Third parties raise concerns in respect of devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## 9.0 **AA Screening**

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Howth Head SAC, Howth Head Coast SPA and North-west Irish Sea SPA or any other European site in view of the conservation

objectives of those sites and Appropriate Assessment (and submission of NIS) is not required.

This determination is based on:

- scientific information provided in the screening report,
- the scale of development on fully serviced lands,
- weak pathway connections to European sites,
- possible impacts identified would not be significant in terms of site specific conservation objectives and would not undermine qualifying features,
- no mitigation measures aimed at avoiding or reducing impacts are required.

## 10.0 **Water Framework Directive**

An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance including best practice in sustainable drainage design.

The development incorporates appropriate surface water management measures including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best construction management including the implementation of an appropriate Construction Environmental Management Plan (CEMP). The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

## 11.0 Recommendation

I recommend grant of permission.

## 12.0 Reasons and Considerations

Having regard to the location of the site on lands zoned under the Fingal County Development Plan 2023-2029 for RS Residential, the infill nature of the site and the height, scale, layout and form of proposed development including proposals for the retention and refurbishment of Somerville House and tree retention and mitigation measures, it is considered that the proposed development would not seriously injure residential or visual amenities in the area or of property, would not seriously injure built or natural heritage and would not seriously injure the scenic and landscape character and distinctiveness of the adjoining land zoned 'High Amenity' in the development plan and would not compromise the protection of the Howth Special Amenity Area. Furthermore, the proposed development would have an acceptable impact in terms of traffic safety and convenience, would not result in flood risk and would not be likely to have a significant effect on a European Natura 2000 site and would not risk the deterioration of any water body.

The proposed development contravenes materially the car parking provisions set out in section '14.17.7 Car Parking' and Table 14.19 Car Parking Standards' of the Fingal County Development Plan because the number of car parking spaces proposed for the development is significantly below the number of spaces required under the plan. However, having regard to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for planning authorities (which state that car parking ratios should be reduced at all urban locations) including the compliance of the proposal with specific planning policy requirement 3 in relation to car parking and to the location of the site in an urban area served by existing pedestrian infrastructure and in proximity to services and public transport, it is considered that the proposal represents a sustainable form of development.

Having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended) and subject to the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2	<p>The proposed development shall be amended as follows:</p> <p>(a) There shall be no pedestrian connection between the proposed development and the adjoining Howth Special Amenity Area land to the rear. The proposed gateway and pedestrian terrace access at the eastern part of the site shall be omitted and replaced with landscaped planting.</p> <p>Details and drawings shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
3	<p>All mitigation measures in relation to ecological heritage as set out in the submitted Ecological Impact Assessment (NMEcology, December 2025) shall be implemented in full.</p> <p><b>Reason:</b> For the protection of ecology.</p>
4	<p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.</p>

	<p>The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
5	<p>Prior to the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.</p> <p><b>Reason:</b> For the protection of bats.</p>
6	<p>All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of those shown for removal in the</p>

	<p>submitted documents including the document submitted on 1<sup>st</sup> December 2025 'Arboricultural Report: Tree Survey, Arboricultural Impact Assessment &amp; Arboricultural Method Statement in relation to development proposal at Somerville, Thormanby Road, Howth' prepared by Charles McCorkell , and with the exception of the following:</p> <p>(a) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.</p> <p>(c) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p><b>Reason:</b> In the interest of visual amenity and to protect trees and planting during the construction period.</p>
7	<p>Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the planning authority a specification and method statement, covering all works to be carried out in relation to the retention and refurbishment of existing built structures on the site, to ensure the development is carried out in accordance with good conservation practice.</p>

	<p><b>Reason:</b> In the interest of the protection of architectural heritage.</p>
8	<p>The landscaping scheme shown on Landscape Design Plan drawing 25-627-PD-01 submitted 1<sup>st</sup> December 2025 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
9	<p>Prior to commencement of development the developer shall submit, for the written agreement of the planning authority, details and drawings of all proposed boundary treatments throughout the development including to the adjoining lands and to the curtilages of proposed sites. This shall include the height, materials and finishes. A colour coded map shall be included delineating all boundary types within the development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
10	<p>Prior to commencement of development, final details of all play facilities shall be agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development and orderly development.</p>
11	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>

12	<p>Prior to commencement of development a Stage 2 Road Safety Audit, including a Final Audit report, for the development, prepared in accordance with the Transport Infrastructure Ireland Road Safety Audit Standards Publication shall be submitted. Where the audit identifies the need for design changes, revised design details shall be submitted to, and agreed in writing with the planning authority. The developer shall carry out all necessary works in accordance with the agreed revised designs.</p> <p>Within one month of completion of the development hereby granted, the developer shall carry out a Stage 3 Road Safety Audit and submit to the planning authority for agreement in writing.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
13	<p>Prior to commencement of development, the developer shall submit final drawings and details for:</p> <p>(a) The internal road network serving the development including roads, turning areas, junctions, parking areas, pedestrian facilities and kerbs.</p> <p>(b) The design of the proposed junction with Thornbury Road and the internal access road including measures for the tie in with the existing pedestrian facilities on Thornbury Road.</p> <p>The design 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 all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>

14	<p>(a) 122 no. safe and secure bicycle parking spaces shall be provided within the site in dedicated facilities of permanent construction. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces and the cycle storage facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Details of the operation and maintenance of the cycle storage facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>(c) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
15	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
16	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the</p>

	<p>planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
17	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
18	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and/or for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
19	<p>(a) Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of tree planting for the development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>(b) Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night). A lighting plan shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.</p>

	<p><b>Reason:</b> In the interest of amenity and public safety and for the protection of bats.</p>
20	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
22	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
23	<p>(a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority.</p>

	<p>The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p>(b) If construction lighting is required during the bat activity period (April to September), lighting shall be directed away from all woodland/trees/hedgerow habitat that is to be retained.</p> <p><b>Reason:</b> In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</p>
24	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of reducing waste and encouraging recycling.</p>
25	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
26	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
27	<p>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).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
28	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p>

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

30	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
31	<p>The developer shall pay to the planning authority a financial contribution as a contribution per unit as contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority which 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.</p> <p><b>Reason:</b></p>

	<p>It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
32	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>

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

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Aisling Mac Namara  
 Planning Inspector

29<sup>th</sup> May 2026

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	500864
<b>Proposed Development Summary</b>	Construction of 27 dwellings with all associated site works
<b>Development Address</b>	Somerville House, Thormanby Road, Howth
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units 10 (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	500864	
<b>Proposed Development Summary</b>	Construction of 27 dwellings with all associated site works	
<b>Development Address</b>	Somerville House, Thormanby Road, Howth	
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>		
<b>Characteristics of proposed development</b>  (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).	<ul style="list-style-type: none"> <li>- Proposed residential use is compatible with the urban area.</li> <li>- Modest size and intensity of development</li> <li>- No substantial use of natural resources</li> <li>- Modest production of waste</li> <li>- No significant risk of pollution or nuisance</li> <li>- No significant risk of accidents / disasters or vulnerability to climate change</li> <li>- No risk to human health</li> </ul>	
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<ul style="list-style-type: none"> <li>- Urban area infill site with capacity for development.</li> <li>- Not densely populated.</li> <li>- Adjoins Natura 2000 site – AA screening carried out.</li> <li>- Local ecology on site</li> <li>- Sensitive landscape area with SAO and views on adjoining land.</li> <li>- Receiving environment has capacity for the development (no significant impact on natural habitats or built heritage, no significant impact on sensitive landscapes or views).</li> </ul>	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the following: <ul style="list-style-type: none"> <li>- Modest nature of the development proposal</li> <li>- lack of significant environmental sensitivities on the subject site,</li> <li>- limited magnitude and spatial extent of effects</li> <li>- absence of in combination effects</li> </ul> there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	

<p>There is no real likelihood of significant effects on the environment.</p> <p>x</p>	<p>EIA is not required.</p>

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3: AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment	
Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
Brief description of project	<p>Construction of 27 dwellings with all associated site works</p> <p>Effluent to public sewer to Ringsend WWTP that has capacity and has been upgraded.</p> <p>Surface water on site via SUDS with final outfall to public network (designed to comply with GSDS standards).</p>
Brief description of development site characteristics and potential impact mechanisms	<p>Infill site within urban area.</p> <p>Site abuts Natura 2000 site.</p> <p>Ecological Impact Assessment submitted. Surveys carried out of habitats, flora and fauna. Habitat consists of hedgerows, scrub, dry meadow, ornamental shrub, amenity grassland. No invasive species. No evidence of bat roosts and foraging activity is low. No bird species of conservation importance were recorded. The report states that suburban garden and paddock are rarely of importance for any bird of conservation importance. The site is of negligible importance for bird species.</p> <p>Underlying bedrock is conglomerate, referred to as ‘polymict melange’ on GSI database.</p> <p>No rivers or streams on site.</p>
Screening report	<p>Yes</p> <p>‘NM Ecology Screening for Appropriate Assessment’</p> <p>Concludes:</p> <p><i>There is no risk of direct impacts on European sites. Potential pathways for indirect impacts were considered, but none were found to be feasible. Habitats within the site are unsuitable for any of the species associated with nearby SPAs. Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be concluded that the proposed development will not be likely to have a significant effect on any European sites. The assessment can</i></p>

	<i>conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.</i>			
Natura Impact Statement	No			
Relevant submissions	Department of Housing, Government and Heritage raise nature conservation issues.			
Planning authority	Planning authority concludes that the proposed project individually or in combination with another plan or project will not have a significant effect on any European site.			
<b>Step 2. Identification of relevant European sites within zone of influence using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Howth Head Coast SPA 004113	NPWS Conservation Objective Series 29 Oct 2024  Kittiwake ( <i>Rissa tridactyla</i> ) [A188]	490m	Potential indirect	yes
North-West Irish Sea SPA 004236	NPWS Conservation Objective Series 19 Sep 2023  Red-throated Diver ( <i>Gavia stellata</i> ) [A001]  Great Northern Diver ( <i>Gavia immer</i> ) [A003]  Fulmar ( <i>Fulmarus glacialis</i> ) [A009]  Manx Shearwater ( <i>Puffinus puffinus</i> ) [A013]  Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]	783m	Potential indirect	yes

	<p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Little Gull (<i>Hydrocoloeus minutus</i>) [A862]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p>			
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Rockabill to Dalkey Island SAC 003000	NPWS Conservation Objective Series 07 May 2013  Reefs [1170]  Phocoena phocoena (Harbour Porpoise) [1351]	830m	no	no
Howth Head SAC 000202	NPWS Conservation Objective Series 06 Dec 2016  Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]  European dry heaths [4030]	adjoins	Indirect (adjoins site)	yes

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

**AA Screening matrix**

Site name	Qualifying interests and conservation objectives	Possibility of significant effects (alone) in view of the conservation objectives of the site	
Howth Head SAC 000202	As above	<p>The SAC is not part of the site.</p> <p>Construction: dust, surface water discharges.</p> <p>Operational: Disturbance, surface water management</p>	<p>No risk of habitat loss or fragmentation.</p> <p>Construction: Low risk of surface water runoff from due to site levels. Due to scale of development and elevated location low risk of any significant impacts from dust. Low risk of ground disturbance due to excavation.</p> <p>Operational: No significant risk of habitat disturbance. No surface water discharges to SAC.</p>

		Likelihood of significant effects from proposed development (alone): no	
		Is there likelihood of significant effects occurring in combination with other plans or projects: no	
Howth Head Coast SPA 004113	As above	<p>No direct impacts.</p> <p>Construction: noise, dust, loss of habitat.</p> <p>Operational: no pathways</p>	<p>No risk of habitat loss or fragmentation.</p> <p>Due to distance and location of SPA in exposed coastal urban location and temporary duration of any noise, it is not likely that the QI will be impacted by noise associated with any rock breaking or other construction noise.</p> <p>Habitat is not used for feeding or breeding by QI. No impacts due to loss of existing habitat.</p>
		Likelihood of significant effects from proposed development (alone): no	
		Is there likelihood of significant effects occurring in combination with other plans or projects: no	
North-West Irish Sea SPA 004236	As above	<p>No direct impacts.</p> <p>Construction: noise, dust, loss of habitat.</p> <p>Operational: no pathways</p>	<p>Habitat is not used for feeding or breeding by QI. No impacts due to loss of existing habitat.</p> <p>Due to distance and location and temporary duration of any noise, QI not likely to be impacted by construction noise.</p>

		Likelihood of significant effects from proposed development (alone): no
		Is there likelihood of significant effects occurring in combination with other plans or projects: no
<p><sup>1</sup> Summary description / cross reference to NPWS website is acceptable at this stage in the report</p> <p><sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p><sup>3</sup>if no connections: N</p>		

**Conclusion:**

I conclude that the proposed development (alone or in combination with other plans and projects would not result in likely significant effects on European sites. No further assessment is required for the project. No mitigation measures are required to come to this conclusion.

**Screening Determination**

**Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or project would not be likely to give rise to significant effects on the Howth Head SAC, Howth Head Coast SPA and North-west Irish Sea SPA or any other European site in view of the conservation objectives of those sites and Appropriate Assessment (and submission of NIS) is not required.

This determination is based on:

- scientific information provided in the screening report,
- the scale of development on fully serviced lands,
- weak pathway connections to European sites,
- possible impacts identified would not be significant in terms of site specific conservation objectives and would not undermine qualifying features
- no mitigation measures aimed at avoiding or reducing impacts are required.

## Appendix 4: Water Framework Directive Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	500864	<b>Townland, address</b>	Somerville House, Thormanby Road, Howth
<b>Description of project</b>	Construction of 27 dwellings with all associated site works		
<b>Brief site description, relevant to WFD Screening</b>	No surface water bodies on site.		
<b>Proposed surface water details</b>	SUDS with outfall to public drainage network.		
<b>Proposed water supply source &amp; available capacity</b>	Public main UE CoF dated Oct 2025 states water connection feasible without infrastructure upgrade by UE.		
<b>Proposed wastewater treatment system &amp; available capacity</b>	Public sewer UE CoF dated Oct 2025 states wastewater connection feasible without infrastructure upgrade by UE. Discharge to Ringsend WWTP – UE Capacity Register April 2026 states that there is ‘capacity available’. WWTP upgrade complete.		
<b>Other issues</b>	.		
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>			

Identified water body	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 )  Consider all phases	Mitigation measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	HOWTH_010	Moderate	Review	None identified	Operational – surface water outfall	Proposed drainage is designed and detailed in accordance with 'GDSDS Regional Drainage Policies Technical Document - Volume 2' and 'The SUDS Manual - Ciria C753'.	No residual impact
Ground water	Dublin	Good	Review	None identified	Construction	Condition CEMP	No residual impact
					Operational - Surface water drainage to ground	Proposed drainage is designed and detailed in accordance with 'GDSDS Regional Drainage Policies Technical Document - Volume 2' and 'The SUDS Manual - Ciria C753'.	No residual impact