Inspector's Report PL-500971-DF-26

Development	Demolition of structures, construction of 87 dwellings and creche with all associated site works.
Location	Site at Porterstown Road, Porterstown, Dublin 15, D15 Y95T
Planning Authority	Fingal County Council
Planning Authority Ref.	FW25A/0416E
Applicant(s)	J & C Porterstown Road Development Company Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party Normal Planning Appeals
Appellant(s)	Frances & David McClelland
Observer(s)	An Taisce Paul Donnelly TD Cllr. John Walsh Christine Moore obo CPHS Vincent Mahon Svetlana Hensman Margaret & Donal Finn.
Date of Site Inspection	17th September 2026
Inspector	Dan Aspell

1.0 Site Location and Description

1.1.1. The site is at Porterstown Road, Porterstown, Dublin 15. It is irregularly shaped and generally extends east-west between Porterstown Road and Diswellstown Road. The site comprises a field and vacant building ('Keane's Cottage'). Site boundaries comprise mature trees & hedgerows, hedges, and fences.

1.1.2. To the west is Porterstown Road, with a dwelling ('Annaly House') across the road to the west. To the north-west is a sports pitch associated with St. Mochta's National School. To the north-east is 'The Courtyard' residential development. To the east is Diswellstown Road. Further east, across Diswellstown Road is the 'Windmill Court' residential development. Along the southern boundary is a dwelling ('Gleangaribh'), its access, and an associated area of open land. Further south is an area of mature tree growth, and beyond that is the Royal Canal. The Dublin-Sligo / Western Commuter railway line is further south.

1.1.3. The building on site is known as 'Keane's Cottage'. It is not a Protected Structure or on the National Inventory of Architectural Hertiage, nor is it in an Architectural Conservation Area. There are 4 no. Protected Structures between 35m and 85m to the west / south-west of the site. These are The Royal Canal (Record of Protected Structures Ref. 944a); 'Kennan's Bridge (Ref. 698); 'Keepers Cottage' (Ref. 699); and 'Former Clonsilla School' (Ref. 700). There is a pump approx. 10m to the north of the site along Porterstown Road (NIAH Ref. 11361002).

1.1.4. Keane's Cottage is 2-storey. Gleangaribh, to the south-east, is single storey. Annaly House to the west, is 2-storey. The Courtyard development to the north-east is 2- and 3-storey. Windmill Court is between 4- and 7-storeys.

1.1.5. Approximately 30m south of the site the Porterstown Road crosses the canal over Kennan's Bridge and the railway line. Over the Canal the road narrows to a single-lane. The rail crossing is controlled by an automatic barrier. There are footpaths and cycle lanes along Diswellstown Road.

2.0 Proposed Development

2.1.1. The proposed development generally comprises the following:

- new vehicular access and pedestrian/cycle access off Porterstown Road, and new pedestrian & cycle ramp between the north-east corner of the site and Diswellstown Road;
- demolition of vacant dwelling and outbuildings;
- construction of a creche and 87 residential units;
- a single-storey facilities building; ESB sub-station & switch room; bin stores, and ancillary storage;
- 49 no. car parking spaces; cycle parking; and motorcycle parking;
- balconies, terraces; hard & soft landscaping; boundary treatments; and green / blue roof;
- Works to connect new wastewater and stormwater pipes to sewer along Porterstown Road.

2.1.2. The site area is stated as 0.97ha. The development comprises 8 no. 3-storey houses (3-bed units) and 79 no. apartments in two blocks (29 no. 1-beds and 50 no. 2-beds). Block A is 4- and 5-storey and Block B is 5-storeys.

2.1.3. Revised details were submitted in response to further information. The applicant submitted a Planning report; Ecological Impact Assessment; Arboricutural report; EIA Screening report; AA Screening report; Site Specific Flood Risk Assessment; Landscape & Visual Impact Assessment; Social Infrastructure Audit; Building Lifecycle report; Construction Environment Management Plan (CEMP); Construction Management Plan (CMP); Resource Waste Management Plan (RWMP); Energy & Utilities Statement; Engineering Services report; Traffic & Transport Assessment; Stage 1 Road Safety Audit (RSA); Mobility Management Plan (MMP); Public Lighting report; Design Statement; Daylight & Sunlight Assessment report; Landscape report; Housing Quality Assessment; Operational Waste Management Plan (OWMP); Outline Bicycle Parking Management Plan; verified views & computer generated images; and related architectural, engineering and landscaping drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council issued a notification to grant permission subject to 39 no. Conditions. I address conditions below.

3.2. Planning Authority Reports

3.2.1. Planning report: The Planner reports recommended permission be granted. I note the following points:

- Principle: Site is zoned 'RS'. Residenital is acceptable. Propsoal contributes toward housing targets, and there is sufficient headrooms for further development;
- Clonsilla Framework Plan: Proposal does not prejudice implementation of the Plan;
- Access: Access works on third party lands are proposed. Authorisation is included;
- Density: Proposal is considered 'City – Suburban / Urban Extension location' in terms of centrality, and an 'Accessible Location' in terms of accessibility. Net density is 94upha and is considered appropriate. Density is cognisant of surrounding development. Quantum and scale integrates into area. Proposal is acceptable;
- Mix: Proposed mix accords with Compact Settlement Guidelines SPPR1. Proposal will improve typologies in the area. Proposal is acceptable;
- Part V: Housing deemend proposal acceptable. Report noted Architects Department report points regarding universal accessibility. Report noted Architects report had no objection. Report deemed proposed acceptable;
- Layout: Report sets out details, and noted the layout is designed with possible future connections to existing and future developments. Layout is balanced and high quality;

- Height: Proposal is 3- to 5-storeys. Proposal provides visual legibility, transition, sense of enclosure, and surveillance. Proposal is visually acceptable. Proposed height in this location is acceptable and are compatible with recently permitted height in the location and accords with Building Height Guidelines;
- Design / Materiality: Report discussed materials, fenestration, features, character, style, roofs, design, interface with adjacent roads, visual amenity, and quality which it stated is appropriate;
- Residential amenity: Space standards accord with Apartment Guidelines SPPR2 and the Development Plan. Proposal complies with Compact Settlement Guidelines SPPR1 and Development Plan in terms of separation distances. Block B balconies are inset to avoid overlooking. Overlooking, overdominance and overbearing impacts are not considered to be issues;
- Private amenity space: Proposed spaces meet or exceed layout Apartment Guideline standards, and Compact Settlement Guidelines SPPR2;
- Natural light: Proposal exceeds dual aspect requirements. Proposal is consistent with BRE Guidelines 2022. No undue impacts arise. Reports noted submissions regarding impact on The Courtyard from Block B. Reports noted details of submitted reports and stated that proposal will not result in adverse loss of daylight or sunlight;
- Development standards: Proposal meets floor to ceiling, stair core, internal storage standards;
- Operational waste: Report noted Operational Waste Management Plan and Resources Waste Management Plan. Revised proposals deemed acceptable.
- Noise: Report sets out requirements, and stated that internal noise matters can be addressed by a Noise Impact Assessment, mitigation plan and managed construction times which can be conditioned;
- Social infrastructure: Report noted requirements and submissions in this regard. Report set out details of the area and findings from the Social Infrastructure Audit. Report considered that school and childcare capacity is sufficient, and sufficient social and community infrastructure in the area;

- Creche: Report set out details of creche and play space, and considered the location, design and layout appropriate. Revised creche operational waste is acceptable;
- Conservation & heritage: Report notes applicant submis a 'Summary Report' relating to Ref. FW24A/0365 / ACP-321973) which includes a Historic Building Analysis and an Architectural Heritage Imapct Assessment.Report states that Keane's Cottage has no statutory architectural heritage designation, but there are Development Plan policies and objectives that seek retention and reuse of vernacular and historic buildings. Report noted submissions in this regard, as well as applicant's points, Conservation Officer points and recommendation to incorporate the Cottage and An Taisce's similar points and recommendation. Report noted the Cottage is not a Protected Structure, and that the Conservation Office did not consider the building to be of merit for inclusion in the Record of Protected Structures in the Development Plan. Report concluded that given demolition was accepted by the Board as part of previous development proposed, and the expert opinion within the 'Historic Building Appraisal', that removal represents 'only a slight/moderate loss' to the architectural heritage of the area, and that the planning gain from the development outweighs the merits of retaining the building. Report stated that retaining the building within the apartment complex context and in the absence of its setting will significantly damage its appeal. Report noted the concerns regarding Block A, but stated the site context is undergoing rapid changes related to Metro West corridor, with the proposal bringing much needed residential development within a prime location;
- Open space, boundaries and landscaping: Report stated there would be a shortfall of public open space of 2,756sqm, and that the Parks report recommended this be made up by a financial contribution by conditions;
- Play: Revised proposal retained proposed play space despite being requested to omit it. Report stated applicant cannot provide play equipment as per Development Plan requirements due to minimum separation distance provisions/proximity to apartments (less than 25m). That area is to be taken in charge. Revised landscape plan is required, including showing non-fixed play equipment in that area. The slope around the proposed detention basin

requires revision. Parks report recommended contributions in lieu. This can be addressed by condition;

- Trees & ecology: Report noted historical nature of northern boundary and bat activity around the northern site boundary. Report stated a hedgerow management plan is required which can be addressed by condition.
- Transport & access: Report considered Access & sightlines; Porterstown Road; Diswelstown Road; Royal Canal Greenway; Dart+ West; Clonsilla Framework Plan 2025; Pedestrian & Cycle connectivity; BusConnects; Parking; Internal layout; Traffic & Transport Assessment; EV charging; Road Safety Audit; Mobility Management; Taking in Charge; Construction Management; Public Lighting. Report considered the Transportation Section report. Planner reports highlighted that the development is dependent on the pedestrian and cycle connection to Diswellstown Road. Revised proposal is acceptable subject to conditions;
- Public lighting: Lighitng Section report stated that some information remains outstanding. Revised proposal acceptable subject to conditions;
- Flood Risk: Site is in Flood Zone C. The flood risk assessment shows the site is not at significant risk of flooding. Proposal is acceptable;
- Surface water: Proposal to be gravity-drained to existing network in Porterstown Road. SUDS are proposed. The Water Services report stated no objection subject to conditions. Proposal is acceptable in these regards;
- Water supply & wastewater: Wastewater connections are proposed to existing services in Porterstown and Diswellstown Roads. Updated Confirmation of Feasibility unavailable due to response timelines. Planner report considered this could be addressed by condition due to the zoning, size and location of development;
- Taking in charge: A Taking in Charge drawing is submitted. Shared roads and open space are to be taken in charge. Residential development is to be privately managed. These matters can be addressed by condition;
- Energy: A Climate Action Energy Statement is submitted and is acceptable;

- Ecology: An Ecological Impact Assessment is submitted which concludes that there will be no significant impacts. Mitigation and enhancement measures are set out. These matters can be addressed by condition;
- Appropriate Assessment: An AA Screening report is submitted. Planner report considered that Stage 2 AA is not required;
- Environment Impact Assessment: An EIA screening report is submitted. No EIA required;

Other Technical Reports

3.2.2. Environment Section (Waste Enforcement & Regulation): Reports recommended standard prior to commencement Resource Waste Management condition.

3.2.3. Environment (Air & Noise Unit): No objection subject to conditions. Report summarised as follows:

- Report referred to Strategic Noise Maps, Fingal Noise Action Plan 2024-2028, and BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. Report stated that the latest Strategic Noise Map for Fingal shows the northern side of the proposal is potentially affected by rail noise;
- Report referred to submitted Acoustic Design Statement, and notes applicant proposes enhanced glazing on affected facades to achieve recommended internal noise levels;
- Conditions relating to (1) achieving internal noise levels as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings in all dwellings; agreement of a CEMP; and hours of site development works.

3.2.4. Housing: Part V proposal is acceptable subject to standard conditions. Regarding age-friendly accommodation, report refers to FCC publication “10 ways to create Adaptable and Age Friendly Home” and states that developments of more than 100 units should provide 10% age friendly accommodation.

3.2.5. Transportation: No objection subject to conditions. Reports made the following points:

- Access & sightlines: Sightlines are in 30kmh and 50kmh zones. Existing bridge width and yield requirements slow traffic. Vehicular entrance details comply with DMURS and are acceptable;
- Porterstown Road: Partial upgrade of Porterstown Road is required. Pedestrian crossing proposed. This aligns with proposals in Clonsilla Framework Plan;
- Diswellstown Road: Proposed parking provision is dependent on pedestrian & cycle link to Diswellstown Road. Conditions required that it remain open to public, be delivered in Phase 1, costs, and not be gated.
- Royal Canal Greenway: A future active travel route along the Royal Canal is part of the Greater Dublin Area Cycle Network Plan. Applicant wil be required to engage with the Council and NTA prior to construction to ensure access from the development;
- Dart+ West: Small portion of site temporarily required for construction in this regard. To ensure proposal does not prejudice the project further detailed design agreements are required prior to commencement;
- Clonsilla Framework Plan 2025 and Pedestrian and Cycle Connectivity: Report sets out relevant provisions of the Plan, and noted the plan indicates a route from Porterstown Road to Diswellstown Road is identified as an active travel connection. The shared pedestrian and cycle connection link proposed. Authorisation from Castlethorn is provided. This link will reduce walking times to Cooline train station. Details require agreement;
- BusConnects: Site is considered to be ‘accessible’. Cycle parking and storage for the residential and creche components is acceptable. Details require agreement;
- Internal layout: Potential vehicular access to adjacent lands is shown. Swepth path analysis is provided. Road layout is generally acceptable.
- Traffic and transport assessment: Proposal is sub-threshold for requirement of a TTA, however an assessment is provided. Report sets out shortcomings in the TTA, as well as information from other applications in the area. Report indicates that some level of traffic congestion is inevitable. Report refers to future junction

upgrades in the Clonsilla area related to DART+ West and the Clonsilla Framework Plan;

- Electric vehicle charging: Design details required;
- Motorcycle parking: Design details required;
- Swept path: Design details required;
- Road safety audit: Stage 1 RSA is submitted. Detailed design amenments are required;
- Public lighting: Lighting for the Diswellstown Road link are acceptable;
- Mobility management: A MMP is submitted. It should be provided to residents;
- Taking in charge: The proposed residential component and parking would be managed privately. The remaining parts of the development would be taken in charge. Report sets out Proposal acceptable, subject to agreement of details;
- Construction management: A Preliminary Construction Management Plan is submitted. A Construction Management Plan, Traffic Management Plan, and restricted construction times are required. Conditions are required;
- Conclusion: No objection subject to conditions. Conditions required in relation to: agreement with Council and NTA to ensure proposal will not prejudice delivery of Royal Canal Greenway; agreement with Council and Irish Rail that proposal will not prejudice delivery of DART+ West Project; pedestrian routes; provision of access to future Royal Canal Greenway from the development; boundary treatment details; Road Safety Audits; cycle infrastructure and parking details; mobility management; construction management; taking in charge; construction details; works to public road; maintenance of visibility splays; undergrounding of services; and agreement of related design details all to be agreed.

3.2.6. Public lighting: Some information remains outstanding which can be dealt with by condition. Recommended conditions relating to (approval of public lighting design; product details; column positions; and technical details).

3.2.7. Water Services: No objection subject to standard conditions (no surface water discharge to foul sewer and compliance with Regional Code of Practice);

3.2.8. Architects Department: Report summarised as follows:

- Report refers to Development Plan Objective SPQHO22 ‘Accessible Housing’. States that none of proposed Part V units include Universal Design principles and that 30% of social housing units are to be fully accessible and designed to a Universal Design approach;
- House Type A: Seeks confirmation regarding room widths, and requests additional windows to ground floor living rooms for end of terrace units to activate the elevations and provide passive overlooking of public realm;
- Creche: Requests review of layour regarding lack of lobby, Part M compliance for the lobby, and proposed access to cycle storage.

3.2.9. Parks & Green Infrastructure Division: Reports summarised as follows:

- Public open space: Shortfall in quantum by 2,756sqm. A contribution in lieu of Class 1 is required;
- Play: Proposed play equipment is too close to apartments. The area is to be taken in charge. Revised landscape plan is required to facilitate natural play and informal games rather than play equipment;
- Sustainble drainage: The detention basin slope needs to be revised
- Trees: Standard conditions for protection of trees during construction, including adherence to submitted Arboricultural Method Statement;
- Hedgerows: Hedgerow along the northern boundary is historical, as per submitted arboricultural report. Standard conditions for hedgerow protection during construction and management of the hedgerow along the northern boundary, including arborist reporting and related bonds;
- Ecology: Report noted observance of bats along the northern boundary, as per submitted bat survey.

3.2.10. Conservation Officer: Report summarised as follows:

- Issues raised by the Conservation Officer on Ref. FW24A/0365E still apply as it is again proposed to demolish existing vernacular house;
- Report stated that Conservation Office cannot support the proposed demolition as it is not in keeping with policy and objectives on vernacular heritage in the Development Plan and National Built Vernacular Heritage Strategy “A Living

Tradition. Report stated that these policies, objectives and national strategy recognise the contribution of vernacular buildings on character. Report stated that retention and reuse of the existing building could be accommodated within the scheme whilst facilitating substantial development of the site subject to a more considered approach;

- Impact on vernacular dwelling: Policies and objectives on retention and re-use of vernacular and historic building stock have been strengthened and expanded from previous plans including the 2017-2023 Development Plan. Report set out details of Development Plan themes in relation to climate action, sustainable development, architectural heritage, and related policies and objectives (Objective DMSO256, Section 14.2.1, 14.19.1.2, Policy HCAP9, Policy HCAP22, Policy HCAP23, Policy HCAP26, Objective DMSO190, and Objective SPQHO44). Report stated that Objective DMSO256 and Section 14.19.1.2 do not require that the building is designated a Protected Structure or within an ACA for the referenced considerations to apply.
- National Vernacular Built Heritage Strategy: Report set out details of the Strategy, including the point that the vast majority of built vernacular heritage should be regarded as having potential for rehabilitation as homes and useful building;
- National Planning Framework: Report referred to the applicant's justification for demolition, and refers to 'National Policy Objective 90';
- Clonsilla Framework Plan: Report set out details from the Framework Plan, including Objective 1, and refers to a concentration of historic structures and vernacular buildings in the area. These include Keane's Cottage; the cottage to the south-east; the former blacksmith's forge and dwelling (known as 'The Forge'); former Clonsilla School; the Royal Canal, Kennan Bridge, Rail Keepers Cottage; gates to the south of the site; water pumps; and vegetation which contributes to the sense of place;
- Demolition: Report states that the proposed demolition does not comply with Policies HCAP9, HACP10, HCAP22, HCAP23, HCAP26 & Objectives HCAO38, SPQHO44, DMSO256 of Development Plan or the direction of the Clonsilla

Framework Plan. Report also states the proposal does not adhere to National Planning Framework 90 or National Vernacular Built Heritage Strategy.

- Reuse: Report stated that the dwelling should be refurbished, adapted and extended for reuse as a dwelling or as part of the proposed creche. The existing extensions could be removed to assist in retention of the main house.
- Impact on adjoining Protected Structures: Report stated that Block A is of concern in relation to visual impact in relation to four Protected Structures (Kennan Bridge (RPS 698); Keeper's Cottage (RPS 699); Former Clonsilla School (RPS 700); and the Royal Canal (RPS 944a), and sets out details of these structures and the surrounding area, as well as relevant Development Plan policies (Policies HCAP12, HCAO24, HCAO38, HCAO49);
- Draft Old School House Masterplan: Report referres to provisions of the draft masterplan in relation to height;
- Building Height Guidelines: Report refers to Guidelines Section 2.8 and the requirement to determine if increased height is appropriate in particular settings, including in relation to character and design;
- Compact Settlement Guidelines: Report refers to the Guidelines Section 3.4.2, and the point that development should positively respond to receiving environment and not result in significant negative impacts on character including historic character. Report set out details of the character of the area, and stated that Block A does not facilitate the gradual transition in height from the 2- and 3-storey scale on Porterstown Road to the higher scales near Diswellstown Road, and asks that the scale along Porterstown Road be lowered. Report stated no comment on scale of Block B;
- Summary: Proposed demolition is not acceptable. Design of Block A should be revised to incorporate retention, and its scale and height needs to be more appropriate to existing context of Royal Canal, Former Clonsilla Schoolhouse, and height stepped down fronting Porterstown Road.

3.2.11. No Conservation Officer report in response to further information.

3.3. **Prescribed Bodies**

3.3.1. Uisce Eireann (UI): Further Information. Submission stated applicant previously received Confirmation of Feasibility (CoF) for 99 no. units in Oct. 2025. Due to wastewater capacity constraints, UI investigations, and the high activity of connection application in the locality, it is not appropriate to rely on the 2024 CoF. Applicant requested to submit revised pre-connection enquiry and CoF.

3.3.2. An Taisce: Submission summarised as follows:

- Submission indicated the proposal may affect Protected Structures (the former Schoolhouse, Porterstown Road), and states the proposal seeks demolition of a vernacular dwellings (Keane's Cottage). Submission states no objection in principle to development of the site, and that concerns relate to the histoic structure on-site;
- Submission states Keane's Cottage is an attractive vernacular house, vacant. 'cared for over its lifetime'; unaltered historic condition; retaings is traditional features, materials, form, setting, and traditional vehicle & pedestrian gate. Submission sets out details of the history of the house.
- Submission states Keane's Cottage is not a Protected Structure, but that a case could be made for its designation, and that An Taisce understands 'moves have been made' to add it to the Record of Protected Structures;
- Submission refers to its historic context of the Schoolhouse on the opposite site of Porterstown Road; the Kennan Bridge over the Canal, and adjacent attendant's cottage; The Forge on Porterstown Road; and a second traditional dwelling to the east. Submission states the loss of Keane's Cottage represents a dimunition of interest for the overall grouping of structure beside the Canal and railway;
- Submission refers to related Development Plan provisions, and states that the house could be easily retained with minimal effect on the overall development.

3.3.3. DAA: No objection in principle. Submission set out details in relation to airport noise, and sets out considerations to be applied (alignment with noise management objectives; noise impact assessment; enhanced disclosure; and post-planning compliance);

3.3.4. NTA: Submission made the following points:

- The zoning and density are appropriate and align with GDA Transport Strategy 2022-2042;
- Pedestrian and cycle connection to Diswellstown Road is welcome / supported; appropriate conditions to ensure the connection if maintained and open for public use at all times should be considered;
- A small portion of site is designated for potential temporary land acquisition associated with provision of a new roundabout adjacent the site as part of DART+ West Project (Ref. NA29S.314232). Applicant has referenced this in their traffic & transportation assessment and layout drawings. It is important that further liaison with NTA and Irish Rail for detailed design is required by condition prior to construction.

3.3.5. TII: Requests Planning Authority have regard to official policy in relation to national roads and recommends standard conditions.

3.4. Third Party Observations

3.4.1. During the planning application stage 16 no. observers made submission to the planning authority. These were Desmond Brown; Gabriel Bradley; David McClelland; Richard Black Solicitors (obo Desmond Brown and Gabriel Bradley); Margaret and Donal Finn; Brenda Finn; Brendan Keane; Clare Keane; Edward Keane; Kevin Keane; Paul Keane; Nuala Fagan; Kevin Brown; Orla Leonard; Christine Moore of Clonsilla & Porterstown Hertiage Society CPHS; and Elena Brunton & Dermot Downey obo. The Village Residents Association.

3.4.2. The issue raised related to: demolition; conservation; visual impact; density; height; design; open space; natural light; overlooking; infrastructure; wastewater; traffic; pedestrian & cycle links; parking; access; environment; ecology; trees & hedgerows; rare flowers; boundaries; integration with / impact on adjoining lands, incl. development potential of same; Royal Canal; previous refusal; precedent; and policy.

4.0 Relevant Planning History

4.1. Subject site

4.1.1. Reg. Ref. FW24A/0365E (ACP-321973-25): Permission refused by the Board in 2025 for construction of 90 residential units consisting of 8 houses and 82 apartments, together with all associated works.

4.1.2. Permission was refused for 1 no. reason. The reason related generally to the proposed density of the development having regard to the Compact Settlement Guidelines classifications, and the reliance of the proposed density (94upha) on a connection from the development to Diswellstown Road.

4.1.3. Reg. Ref. FW21A/0171 (ABP-312190-21): Planning permission refused by the Board in 2023 for development of 99 apartments in a 5 storey apartment block and all associated site works.

4.1.4. Permission was refused for 1 no. reason. The reason related to the the location of the site alongside the planned Royal Canal Greenway and a future public amenity space, and the siting within the high sensitive 'River Valleys and Canal Character Type', and the overall layout and design, in particular the 'Z' shaped long continuous block design and extensive length of external balconies on the northern elevations would result in a visually dominant and obtrusive feature that would detract from the character of the urban landscape and seriously injure the visual amenities of the area, and would be contrary to Objective NH37 of the Development Plan.

4.2. Nearby sites:

4.2.1. ABP Ref. NA29S.314232: Railway Order made in 2024 for DART+ West - Dublin City to Maynooth and M3 Parkway.

4.2.2. The railway order provides for works to Porterstown Road adjacent the proposed development to include footpaths and a roundabout partly within the site.

5.0 Policy Context

5.1. Relevant National & Regional Policy / Ministerial Guidelines

National Planning Framework (2025), incl. in relation to built heritage (NPO17), compact growth (NSO1), and increasing residential density (NPO35).

Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2025. Circular NSP 03/25 and NSP 04/2025, incl. SPPR2

Sustainable Residential Development & Compact Settlements 2024 and Appendices, incl. SPPR1, SPPR2 and Section 3.4.2;

National Biodiversity Action Plan 2023, including its Objectives and Targets

Greater Dublin Area Transport Strategy 2022-2042

A Living Tradition: A Strategy to Enhance the Understanding, Minding and Handing on of Our Built Vernacular Heritage 2021. I note Action 13 which seeks to promote vernacular-friendly repair and maintenance, and Theme 3 ‘Handing on Our Built Vernacular Heritage’

Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities 2021

Design Manual for Urban Roads & Streets (DMURS) 2019

Housing Options for our Ageing Population Policy Statement 2019

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019, incl. Section 5.2.1

Urban Development and Building Height Guidelines for Planning Authorities 2018, incl. Section 2.8 and SPPR3

Universal Design Guidelines for Homes in Ireland 2015, Centre for Excellence in Universal Design

Building For Everyone: A Universal Design Approach, 2012, National Disability Authority

Architectural Heritage Protection Guidelines for Planning Authorities 2011, including in relation to vernacular, heritage and historical buildings

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivery Homes Sustaining Communities 2007

Childcare Facilities Guidelines for Planning Authorities 2001

5.2. Development Plan

5.2.1. The site is zoned primarily 'RS' in the Fingal County Development Plan 2023-2029. There are a large number of Development Plan policies and objectives relevant to the case and raised by the various parties and reports. I note in particular:

Core Strategy, Placemaking and Quality Homes:

5.2.2. Objective CSP19 'Compact, Sequential and Sustainable Urban Growth'; Objective SPQHO22 'Accessible Housing'.

Vernacular buildings and heritage assets:

5.2.3. Objective SPQHO44 'Retention, Retrofitting and Retention of Existing Dwellings': "*The Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses, such as cottages, that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type."*

5.2.4. Section 3.5.15.13 'Vernacular Buildings'

5.2.5. Policy SPQHP59 'Vernacular Buildings': "*Promote the sensitive restoration and re-use of historic vernacular dwellings and outbuildings within Fingal."*

5.2.6. Objective SPQHO103 'Retention of Vernacular Buildings': "*Retain, appreciate and revitalise appropriately the vernacular buildings of Fingal by deterring the replacement of good quality vernacular buildings with modern structures and by protecting and promoting the sympathetic maintenance, adaptation and re-use of vernacular buildings where they contribute to the character of the rural area".*

5.2.7. Objective SPQHO104 'Protection of Vernacular Buildings': "*Discourage the demolition or replacement of vernacular rural buildings and encourage their sensitive restoration and/or conversion where they contribute to the character of the area".*

5.2.8. Policy HCAP9 ‘Re-use of Architectural Heritage’: “*Champion the maintenance, repair, re-use and sensitive retro-fitting of the architectural heritage and older building stock of the County as a cornerstone of its sustainable development policy and will require that adaptative re-use and regeneration adheres to best conservation practice”*

5.2.9. Policy HCAP10 ‘Retention’: “*Continue to support and encourage the sympathetic and appropriate reuse, rehabilitation and retention of protected structures and historic buildings ensuring the special interest, character and setting of the building or structure is preserved.”*

5.2.10. Policy HCAP12 ‘Interventions to Protected Structures’: “*Ensure that direct or indirect interventions to Protected Structures or adjoining development affecting them are guided by architectural conservation principles so that they are sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.”*

5.2.11. Objective HCAO24 ‘Alteration and Development of Protected Structures and ACAs’: “*Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features.”*

5.2.12. Chapter 10 ‘Heritage, Culture and Arts’, incl. Section 10.5.2.5 ‘Vernacular Heritage and Other Built Heritage Assets’

5.2.13. 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”.*

5.2.14. 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).”

5.2.15. 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”*

5.2.16. Policy HCAP26 ‘Historic Townscapes’: “*Recognise the importance of historic townscapes or streetscapes in creating a sense of place when the urban fabric or groups of buildings are read together and how the gradual attrition of historic fabric or detailing, or the demolition and replacement of individual modest buildings can fundamentally alter the character of the place.”*

5.2.17. Objective HCAO35 ''Appropriate Maintenance, Repair and Re-use’: “*Advocate for and support appropriate maintenance, repair, re-use and sensitive retro-fitting of the architectural heritage, vernacular buildings and the older building stock of the County, whether protected or not, to deliver the Council’s sustainable development policy.”*

5.2.18. Objective HCAO49 ‘Royal Canal’: “*Protect and enhance the built and natural heritage of the Royal Canal and ensure that development along it or within its vicinity is sensitively designed and does not have a detrimental effect on the character of the Canal, its built elements and its natural heritage values. Works to the built fabric of Royal Canal should have regard to the Waterways Ireland’s Heritage Plan and Guidelines for Conservation of the Built Heritage – Repair and maintenance of heritage structures on the inland waterways of Ireland 2015.”*

5.2.19. Section 14.19.5 ‘Vernacular Heritage and Other Built Heritage Assets’ incl. Table 14.26 ‘Direction on Development of Vernacular Buildings or Other Built Heritage Assets’

5.2.20. Objective DMSO190 ‘Structures Contributing to Distinctive Character’: “*Where development is proposed for a site that contains a vernacular or historic building, 20th Century building of merit and/or structures that contribute to the distinctive character of the rural or urban areas of Fingal then the scheme should have regard to the direction in Table 14.26”.*

5.2.21. Open Space and Play

5.2.22. Objective GINHO23 ‘Policies’; Objective DMSO51 ‘Minimum Public Open Space Provision’; Table 14.12, , Objective DMSO52 ‘Public Open Space Provision’; Objective DMSO53 ‘Financial Contribution in Lieu of Public Open Space’; Objective DMSO68 ‘Playground Facilities within Residential Development’.

Landscape and environment

5.2.23. Policy GINHP12 ‘Protected Sites’; Objective GINHO33 ‘Annex I and Annex II’; Policy GINHP25 ‘Preservation of Landscape Types’; Objective GINHO55 ‘Protection of Skylines’; Objective GINHO56 ‘Visual Impact Assessments’; and Objective GINHO59 ‘Development and Sensitive Areas’

5.2.24. 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”

5.2.25. Objective GINHO67 ‘Development and High Amenity Areas’: “Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity”.

5.2.26. Other

5.2.27. Section 14.6.6.3 ‘Separation Distances’ and Objective DMSO23 ‘Separation Distance’

5.2.28. Section 14.19.1.2 ‘Existing Buildings/Structures’

5.2.29. Objective DMSO256 ‘Retrofitting and Re-Use of Existing Buildings’: “*Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.”*

Other:

Clonsilla Framework Plan May 2025

5.2.30. The site is in the Clonsilla Framework Plan area (CFP). The CFP states it is advisory in nature and allows sufficient flexibility to manage change depending on circumstances.

5.2.31. Regarding the subject site, it indicates a 'new connection' / active travel link' through the site between Porterstown Road and Diswellstown Road along the northern site boundary. It also identifies the water pump (NIAH Ref. 11361002) at the site.

5.2.32. Regarding the wider area, it identifies Porterstown Road as a 'movement pinch point / lack of pedestrian facilities'. It states Kennan Bridge is a pinch-point for pedestrians and vehicles and is to be replaced as part of DART+ West project. It identifies character areas along Porterstown Road and Diswellstown Road.

5.2.33. Regarding Diswellstown Road, it indicates wayfinding measures for the Road (Key Project 8). It also identifies it as a character area characterised as 'tree-lined'.

5.2.34. Regarding Porterstown Road, it indicates the Road is to be a pedestrian focussed / 'mixed traffic zone', detailed in Key Project 7, the purpose of which is to redefine the Road as pedestrian and cyclist friendly, potentially making the road a mixed-traffic zone to the proposed DART+ West active travel bridge. It also identifies the Road as a character area, which it states is defined by its narrow width, a number of historic and vernacular structures, and the lack of a footpath on the eastern side.

Old School House Masterplan 2025

5.2.35. The subject site is across the Porterstown Road from the masterplan area, however the application red line area appears to extend within the masterplan boundary. The Masterplan states it is non-statutory and contains information to guide development. It indicates a greenway extending from the masterplan area eastward toward the subject site. I note the masterplan indicates a roundabout along the Porterstown Road with access into the south-western corner of the subject site (Figure 5-3).

Kellystown Local Area Plan 2021 (extended to 2032)

5.2.36. The LAP area is to the south of the site across the railway line.

Fingal Dublin Agglomeration Noise Action Plan 2024 to 2028.

5.3. Natural Heritage Designations

5.3.1. Rye Water Valley / Carton SAC is approx. 5.6km to the west. The southern and south-eastern edges of the site are within a pNHA designated within the County Development Plan ('Royal Canal' Ref 002103).

6.0 Environmental Impact Assessment (EIA) screening

6.1.1. Having regard to:-

1. the criteria set out in Schedule 7/7A, in particular:

(a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure;

(b) the absence of any significant environmental sensitivity in the vicinity;

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended);

2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including EIA Screening report and Article 103(1a) statement;

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment;

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

7.0 The Appeal

7.1. Grounds of Third-Party Appeal

7.1.1. A lengthy third-party appeal was received, from Frances & David McClelland of Porterstown Road, the main points of which are summarised as follows:

- Demolition of cottage: Appeal references landscape character type, landscape and visual impact;

- Visual impact: Appeal references historical features in the area including hedgerows; boundaries; the Canal; Old School site; Canal tow path; railway level crossing; and railwayman's cottage, and states that removal of Keane's Cottage will disrupt the integrity of the historic landscape;
- Hedgerows: Photographs provided of hedgerow section proposed for removal, and references visual and ecological impacts;
- Views: Photographs provided of views toward Kennan's Bridge;
- Density & massing: Proposal does not respect the character of the area in terms of prevailing scale, mass and form of buildings in the area, and fails to meet Development Plan Objective CSP19. States Block A facing Porterstown Road is overbearing and out of character with the area which is primarily 2-storeys in height;
- National & Regional policy: Appeal indicates that there is potentially conflict between the Development Plan and NPF objectives in relation to retention of historic vernacular architecture and objectives to increase the provision of homes. Report refers to related provisions in The Eastern & Midlands Regional Spatial & Economic Strategy and Compact Settlements Guidelines;
- 'Windmill' Strategic Housing Development: Appeal refers to differences between proposed development and existing Windmill Court development to the east, and makes the point that whilst the architecture of both developments is similar, the context is different at the subject site as stated;
- Architectural Heritage Protection Guidelines: Appeal refers to provisions of the Guidelines and states the proposal is in breach of same. Details of nearby heritage features set out and states they and Keane's Cottage are viatal pieces of the heritage landscape of Clonsilla;
- Development Plan: Appeal states the 'RS' land use zoning which seeks to enhance residential amenity should 'apply to the landscape character type' and that the proposal has bypassed the zoning objective due to a looming and incongruous apartment block;

- Density: Quantum and scale does not integrate appropriately, especially at Porterstown Road access, and removal of the historic cottage is unnecessary and avoidable;
- Planning context: The principle of the development of site has been set over a long period to a suburban use and character but the manner in which it has taken place has not. Appellant does not accept similar development will continue on the Old School site;
- Visual interest: Site loses visual interest by isolating/removing the cottage rather than designing around it. 5-storey Block A will dominate views from Old School site; Conservation Officer agrees impact is understated. The current format is an attack on the area and is being imposed;
- Landscape & visual impact: Building Height Guidelines (SPPR3) require sensitive integration with topography/key views. Applicant LVIA admits only "slight/moderate" heritage loss but appellant rejects this. Appeals cites Dunlaoghaire House and St Mochta's School as precedents for successful retention/incorporation;
- Submitted Landscape & Visual Impact Assessment: Appeal comments on GLVIA3 (Landscape Institute Guidelines for Landscape and Visual Impact Assessment) criteria, and states the proposal does not justify its impact. Appellant states no dispute in relation to impact near Diswellstown Road but instead impacts around Porterstown Road. The claim of having a neutral or no impact is subjective. Viewpoint 9 analysis is tantamount to admission of substantial, permanent visual harm;
- Design: Design is typical of brownfield infill, and is not reflective of River Valleys and Canal Landscape character type or High Value/Sensitivity landscape classification. It contravenes multiple GI/Landscape policies (GINHP25, GINHO55–59) on landscape preservation, skylines, visual assessments and prioritises maximising unit numbers;
- Retaining Keane's Cottage: Proposal not attuned to the area. Site is being treated like any other brownfield infil site in a neutral urbanised location without respecting this historic place. Appeal does not accept arguments in Planner Report or applicant. Appeal notes conflicting positions of Conservation Officer

and Planner reports. Appeal states that proposal cannot possibly be considered to integrate and enhance the character and public realm of the area or that the development will be assimilated. Appeal seeks a compromise from the Commission. Report sets out details of heritage artefacts that would be impacted and states that the scale of Block A as inappropriate. Appeal refers to conflicting positions of Conservation Officer report and submitted Architectural Hertiage Impact Assessment;

- Development Plan: Appeal sets out details of relevant Development Plan provisions. Policies HCAO35, HCAP9, HCAP10, DMSO256 support retention/reuse of vernacular buildings whether protected or not. States applicant uses terms inappropriately and misleadingly. Appeal refers to Objective DMSO190, Table 14.26 and Objective SPQHO44;
- Development Plan changes: Appeal makes the point that the current Development Plan has strengthened protection of vernacular buildings, and sets out extensive commentary regarding the justification for demolishing the Cottage, the planning history of the area, the Draft Clonsilla Framework Plan, the heritage of Clonsilla and Fingal;
- Retention of cottage: Appeal says that issues with the small windows, fire, stairs, and ceiling height are features and that building regulation issues are solvable. Appeal states that restoration is not for people to sleep there, and proposes a variery of uses, including as a feature on the Canal Greenway, a coffee shop, or a centre for celebration, or visitor centre uses. Appeal states that Clonsilla is the Cinderella of Fingal;
- Demolition justification. Appeal challenges claim that demolition has been justified, and refers to more enlightened approaches to built heritage since the applicant's Historical Building Appraisal Report was drafted in 2021. Appeal also makes the point that declining to include the building on the RPS does not mean it demolition is justified, where demolition is contrary to numerous Development Plan provisions relating to vernacular and heritage buildings;
- Conclusion: Proposal contravenes / breaches the Development Plan; Clonsilla Draft Framework Plan; Architecural Heritage Protection Guidelines; Part IV of

the Planning & Development Act 2000; land use zoning; Compact Settlement Guidelines; Building Height Guidelines; and the GLVIA3;

7.1.2. The appeal goes on to make further points on the following matters:

- Open space: Appeal references lack of open space in the area, and shortfall of 2,470.5 sq m public open space and 348 sq m playspace on the site, and lack of alternative provision in Clonsilla;
- Residenital amenities: Scale, density, massing will harm residential amenity. Visual impact, overlooking, crowding of units, insufficient green space, trees & hedgerows, limited road and footpath area; unsafe crèche drop-off area, no playground, reduced parking, and proposal will impact value of adjoining property;
- Quality of life: No village green or community space in Clonsilla despite rapid apartment growth. No social community space or public open space in Clonsila Village;
- Road safety: Proposed crossing onto Diswellstown Road will give rise to uncontrolled crossing at a junction. There is a blind bend opposite the 'Windmill' development with significant collision risk cited with local road death statistics;
- Ecological impacts: Accepts site will not affect European Sites and that no Appropriate Assessment. Appeal describes the site as rewilded. Proposal will eliminate foraging and flight paths of all wildlife, including foraging and roofs for 3 no. bat species. Appeal refers to protection of biodiversity in the Development Plan, including a commitment to Biodiveristy Corridors of which the Royal Canal is on;
- Proposed Natural Heritage Area: If the pNHA was confirmed a much more riguourous assessment of effects would be required required along the Canal;
- Environmental impacts: Sets out related general commentary in this regard, including in relation to biodiversity in the area, in particular around the Canal. Rejects Envirograde EIA conclusion that there would be no impact on any habitat, species, or biodiversity.

7.1.3. The appeal includes photographs of the area as referenced in the appeal.

7.2. **First-Party Response to Third-Party Appeal**

7.2.1. A first-party response to the third-party appeal was received from Thorton O'Connor Town Planning, summarised as follows:

- Previous reasons for refusal: Response refers to previous application on the site (FW24A/0365E / ACP-321973-25) and states that it was granted by the Council, recommended for grant by the Planning Inspector, and refused by the Board on grounds of density / access;
- Density / access: Response states the current proposal for for fewer units. Site is in 'City – Suburban / Urban Extension' category (Compact Settlement Guidelines Table 3.1) where densities of 40-80upha are generally applied, and up to 150upha at accessible locations (Table 3.8). Site is 550m from nearest bus stop, and it states is marginally outside the required 500m distance threshold. Details of bus services are set out. Response sets out details of previous applications, and states that the Council and Board previously took the view that for the site to be considered as an 'accessible' location a new connection to Diswellstown Road would be required. In the previous application the Council were satisfied to condition this, however the Board took the view that addressing this matter by condition was not satisfactory and as such the proposal was refused on grounds of density. Response states that the applicant engaged with an adjoining landhowner and now proposes the connection as part of the application, and differs from the potential connection shown in the previous application. Response notes this increased the site area. Response states that the site is now 150m from the nearest bus stop due to the connection. The response states that accordingly densities of up to 150upha are acceptable, and the proposed 94upha is appropriate;
- Planning Authority assessment: Response sets out details of Planning Authority assessment (zoning, design, layout, building height, natural light, proposed demolition, proposed demolition, environmental impact, and Diswellstown pedestrian & cycle connection) and highlights the Council found the proposal acceptable;
- Demolition of Cottage: Response addresses appellant concerns, and states that demolition was accepted by the Council and Board in both recent

applications, as well as in the current/third application by the Council. Response states the applicant has not diminished the significance of the Cottage, but that the rationale for demolition was formed around the remaining historic fabric and need to provide housing. Details regarding the condition, layout, dimensions, ventilation, vacancy, building regulations, fire, access, floor to ceiling heights, and natural light are set out. Response reiterates points made in the John Cronin & Associates 'Historic Building Appraisal'. Response accepts that demolition is regrettable however that there is a paramount need to provide residential development and the site is zoned residential. Response quotes extensively from related reports on the site planning history. Response discusses details of Policy HCAP9, Objective HCAO35, Policy HCAP10, Objective DMSO256, Objective SPQHO44, Objective DMSO190 and Table 14.26 are set out.

- Density & Height: Response addresses appeal points, and details of the height and density. Response summarises how Building Height Guidelines requirements are addressed, including in relation to transport, accessibility, separation distances, and residential amenity. Response also states that: the proposal has been designed with the surrounding emerging pattern of development in mind; that opening up the site to create a more welcoming sense of place; and that the site can absorb the scale of development whilst not causing any negative impacts on the character, amenity or natural environment;
- Environmental matters: Response notes appellant does not accept EcIA conclusions that there will be no impact on habitats, species or biodiversity and refers to the EcIA author's expertise. Response states that the majority of site habitat types are widespread and lower value, with only the trees and hedgerows being locally important / higher value and as such the majority of the boundaries are to be retained. Response states there are no indication of badger on site. Additional planting is proposed to compensate for local birds. Response takes account of the retained tree and hedgerow features act as commuting and foraging habitat for birds and bats, and that the proposed design, mitigation and CEMP takes account of this as per the EcIA. Response states the Canal habitat is unaffected by the development, including as a result

of construction mitigation. Response also states that landscaping plan was designed to offset some habitat lost for a range of species

7.2.2. The response included photos, drawings excerpts, and CGIs of the site.

7.3. **Planning Authority Response**

7.3.1. The Planning Authority response stated that the matters raised in the appeal were addressed in the Planner Report; requested the Board uphold the decision; and requested the attachment of financial conditions.

7.4. **Observations**

7.4.1. Seven valid Observations were received by the Commission, from: An Taisce; Paul Donnelly TD; Cllr. John Walsh; Christine Moore on behalf of 'Clonsilla & Porterstown Hertiage Society (CPHS); Vincent Mahon; Svetlana Hensman; Margaret & Donal Finn, summarised as follows:

7.4.2. <u>An Taisce</u>

- Site is opposite a Protected Structure (fomer Schoolhouse, Porterstown Road);
- Supports appellants concerns, in particular the demolition of Keane's Cottage. No objection to development of site. Previous application was refused on appeal on grounds unrelated to the existing dwelling;
- Reiterates points made in submission to Council relating to condition, history of the house, surrounding historic features, and policy context. Observation notes a nearby iron pump;
- States the house is not on the NIAH, but states that this is not a statement of non-importance or non-worth as the NIAH is ot definitive / comprehensive;
- Notes the existing gateway is shared with the neighbouring dwelling to the east;
- Sets out additional contextual points regarding retention of historic and vernacular buildinsg, including reference to other examples in the region, and points made in the Conservation Offiver report;
- Conclusion: Should the Commission grant permission, a condition should be attached for retention, incorporation, and reuse of the dwelling.

7.4.3. Observation included photographs of the site and sample vernacular dwellings.

7.4.4. Paul Donnelly TD

- Supports development of site, but deeply concerned at loss of Keane's Cottage as a very important part of vernacular history of Clonsilla. Cottage is from 1790s and is oldest structure in Porterstown and should be a Protected Structure;
- Observer at a loss as to why demolition was allowed when the Conservation Officer report stated the developer had not provided sufficient justification. Observer sets out details from Conservation Officer report, including Objective DMSO256 and Section 14.19.1.2 and states that a building does not have to be a protected structure to be retained.
- The cottage should be refurbished. There has been no consideration for its adaptation;
- The building is attractive and contributes to the character of the place.

7.4.5. Cllr. John Walsh

- Proposal will demolish Keane's Cottage. Observation sets out details of the Cottage and history. States it was used as a dwelling in 2016 and could be reused;
- Whilst not a Protected Structure, it is a historic vernacular structure which is protected in the Development Plan. Observations sets out details of Conservation Officer report including in relation to urging for attempts to reuse the building;
- Sets out details of related Development Plan provisions, and states that demolition is contrary to the Development Plan;
- States that a Council Area Committee meeting made reference to protection of built heritage of Clonsilla and made reference to Keane's Cottage;
- The height and scale are problematic near the Canal, and the proposal is out of character with the detached dwellings in the area, and should be scaled back to the height of The Courtyard;

- There is a lack of permeability and connectivity. The Diswellstown Road connection has not been fully considered in terms of impact on trees, flora, fauna, and biodiversity;
- A single vehicular access is proposed which will significantly increase traffic on Porterstown Road which is a single lane rural road, and which was not designed for the kind of traffic envisaged. Observation notes proximity of local schools;
- States the proposal disregards Development Plan policy.

7.4.6. Christine Moore on behalf of 'Clonsilla & Porterstown Hertiage Society (CPHS)

- Obseration relates primarily to impact on Keane's Cottage. States the justification does not accurately convey the significance of the vernacular building or its situation in a cluster of heritage structure. States it is on the 'Clonsilla Heritage Map Board';
- Observer does not object to development of the site, but considers the Cottage must be retained, and states this can be done without impacting the number of units planned;
- States demolition is to facilitate the proposed access only, and that the access can be relocated along the northern boundary;
- Reiterates points made by Conservation Officer. States the Cottage could be a feature along the National Famine Way and Royal Canal Greenway;
- The new pedestrian / cycle link to Diswellstown Road would be opposite Windmill estate and would create a traffic hazard by leaving a desire line to cross the road on a blind bend.

7.4.7. Observation included photographs of the site and surrounding area.

7.4.8. Vincent Mahon

- Objects to demolition of Keane's Cottage. The building is attractive. Its door and windows are notable features. Observation notes its position along the Royal Canal and its contribution to amenity of the Canal. Advocates for the development to be modified to not demolish the Cottage.

7.4.9. Svetlana Hensman

- Not opposed to the overall development proposal, but strongly objects to demolition of Keane's Cottage which is oldest building in a cluster of heritage structures along the road and is an example of important vernacular heritage. Its removal is unnecessary, and appears to be removed to facilitate a new entrance. A viable alternative exists where the entrance is repositioned to the north, and without materially impacting the proposed number of units;
- The Cottage should be sensitively repurposed to serve a functional role in the development, such as storage or cycle parking;
- The Conservation Officer report raised objections to the demolition and stated that it contravenes multiple policies and objectives of the Development Plan;
- The Cottage was occupied relatively recently (approx. 2016), which supports its viability for reuse. Retention would enhance the character and distinctiveness of the development and provide a link to the area's heritage. This is particularly relevant given its location along the Royal Canal and proximity to National Famine Way and proposed Royal Canal Greenway;
- Retention and adaptive reuse is more environmentally responsible approach.

7.4.10. Margaret & Donal Finn

- Observers endorse the appellants' points;
- Observers home ('Annaly House') is across road. Proposed 5 storey block would tower over their home just metres away. Applicants have not acknowledge observers home. No mitigation is possible;
- No assessment of impact on observer's home in light impact report. Obervers' home would be completely overshadowed;
- Future residents would be able to look straight into observer's bedrooms, dining room, living room and back yard. Observer's home would be completely overlooked;
- Porterstown is a country road and there is special sense of place that would be lost if Keane's Cottage is demolished;
- Concerned how close the proposed block is to the canal bank in terms of ground stability, wildlife and woodland;

- Observer not opposed to development of the site that is consistent with the needs of the area, and in keeping with Development Plan, but not a 5-storey apartment block.

7.4.11. Observation included a photograph of the observer's home relative to the site.

7.1. **Further Responses**

7.1.1. Further responses were received by the Commission, summarised as follows:

7.1.2. Fingal County Council: No further comment, decision requested to be upheld.

7.1.3. Frances & David McClelland (Appellant): Further responses from the third-party appellants were received, summarised as follows. I consider the submission reiterated the points made as part of the appeal and added further detail and commentary. I note the following additional response points:

- That Keane's Cottage has a local rating on the NIAH;
- Proposal contravenes Development Plan 'Objective NH27', HCAP23, HCAO35, HCAP22, HCAP26, Section 3.3, DMSO256, Section 10.1, Section 10.4, GINHO59, Section 6.6, and the spirit of the Development Plan;
- Proposal conflicts with RSES Policy Section 5.2.1; and NPF Section 2.2, NPO17, NPO60;
- There are already many large apartment complexes around Clonsilla;
- Response states that additional information relating to the Canal and species is in the 'BEC Environmental Consultants Study 2013', including otters, badgers, foxes, rabbits, grey squireel, bats, other animals and bryophytes;
- Response makes points in relation to impact on the adjacent pNHA

7.1.4. The response included a pamphlet produced by Fingal County Council relating to Clonsilla. I note that the pamphlet includes a section on 'Keane's / Kane's Cottage' and sets out details in this regard. The pamphlet states that the Cottage forms part of a cluster of heritage structures which comprise rural Porterstown, and that the cottage was in continuous use until 2016 but is now threatened by development.

7.1.5. Vincent McMahon: Response reiterates points made in earlier objervation, and includes additional points regarding the historical value of Keane' Cottage; that it is no longer habitable; and related details;

7.1.6. Christine Moore, Clonsilla & Porterstown Heritage Society: Response reiterates points made in their observation, and includes the following general points:

- That the connection to Diswellstown Road should be at Dr. Troy / Diswellstown Bridge;
- The applicant is in the minority as to the value of Keane's Cottage, with the Conservation Officer, An Taisce and third parties disagreeing;
- The visual impact and visibility of the building, and the urbanisation of the area.

7.1.7. Margeret and Donal Flynn:

- States their disagreement with contention made in applicant's appeal response. Makes particular comment in relation to the applicant's appeal response commentary regarding characterisation of the impact on the area, in particular the applicant point the proposal will not cause any negative impacts on the character, amenity or natural environment. Response reiterates points previously made;
- States that appellant's home (Annaly House) was not included in assessment of impacts on natural light. Response states that it is inconceivable that their home would not be negatively impacted. Also states their home would be impacted in terms of overlooking, overshadoing and privacy.

7.1.8. An response from Glen Garbh Estate (Plot-B) was deemed invalid.

8.0 **Assessment**

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Principle of development;
- Conservation and heritage;
- Design, form and scale;

- Access and transportation;
- Density;
- Residential amenity;
- Parks and landscaping;
- Related matters raised in the course of the appeal.

8.2. **Principle of development**

8.2.1. The majority of the site is zoned 'RS – Residential' in the County Development Plan. Residential and creche uses are permitted in principle in this zone. I am satisfied the proposed development is acceptable in principle. For completeness I note that some of the proposed access works along Diswellstown Road and Porterstown Road extend to white lands, with a small portion of the extreme west of the application area extending into 'OS – Open Space' lands on the far side of Porterstown Road.

8.3. **Conservation and Heritage**

8.3.1. I have reviewed the application, Conservation Officer report, An Taisce submissions, appeal, applicant responses, other submissions and observations, including from elected representatives. I have considered relevant local, regional and national strategies, policies, objectives and guidance. I note the planning history of the site.

8.3.2. I consider the primary issue for the appellants, An Taisce, observers, and Conservation Officer is the demolition of Keane's Cottage. Secondary heritage issues were raised in relation to the impact of the height, scale and layout of Block A on areas to the south and west. I note in particular the difference in opinion between the Conservation Officer report and the submitted Historic Building Appraisal (John Cronin & Associates 2021).

8.3.3. As a point of clarity, there is conflicting commentary on the file as to whether the building is on the NIAH. The submitted Historic Building Appraisal (dated 2021) stated the building was on the Inventory (Ref. 1361003) and was given a local rating. My review of the NIAH is that the building is not currently on the record.

Demolition of Keane's Cottage

8.3.4. I have considered the Conservation Officer report in detail. The report makes a robust case for retention of the building as part of the development, and highlights numerous Development Plan policies and objectives in support this position. It also sets out details of national and regional strategies, policies, objectives and guidelines which support this position. I have reviewed the submissions from An Taisce which made broadly similar points, particularly in relation to heritage features in the area.

8.3.5. Demolition of Keane's Cottage was not raised by the Planning Authority as a further information item. The Planning Authority and Board twice accepted proposals to demolish Keane's Cottage as part of previous redevelopment proposals (ACP-321973-25 and ABP-312190-21). In reference to the Conservation Officer point regarding a strengthening of protections for vernacular and heritage buildings in recent Development Plans, the most recent of the above cases on the site (ACP-321973-25) was also decided under the current County Development Plan.

8.3.6. I have reviewed the Historic Building Appraisal submitted with the application. It includes a record of the building and its history. It states the building is an extensively altered vernacular dwelling. It notes the roof was likely thatched but is now slate. It states the roof, walls, windows and interior have been altered, and that all of the extensions are modern. It states the previously associated orchard was removed and the main contribution to the character of the area is the gate and entrance which will be unaffected by the redevelopment. It states the demolition and development are in keeping with emerging urbanisation which is becoming established in the area. The report concludes the scheme will not impact significantly on the historic character of what it describes as the existing complex of mature green space, railway, and canal infrastructure to the south. It states that removal of the building will represent a slight/moderate loss to the heritage of the area, and that alongside a high-density scheme the building would lose a lot of its charm and all of its context. The report stated that it provides preservation through record to adequately mitigate the proposed loss. I note the age of the report, however overall I consider that it provides a robust appraisal of the Cottage.

Assessment

Keane's Cottage

8.3.7. I consider the Cottage to be an example of vernacular architecture. The western elevation offers notable character and charm. However the building has undergone significant remodelling over time, and appears to be vacant for approx. 10 years. I consider the exterior to be in reasonable condition, however I note there is damage to the roof which is not watertight. Access to the interior was not available during my site visit; as such I have reviewed the submitted photographs and I am satisfied the interior is in poor repair and has lost many of its original features.

8.3.8. I note the points made by the applicant in relation to the realistic potential to reuse the building as a dwelling or other use, including in relation to window sizes, fire safety, building control, ceiling heights, layout, dimensions, ventilation, and natural lighting. I also note points relating to the limited extent of remaining historic fabric, the substantial alteration to the building, and the impact on the building's setting and character that would arise from the broader redevelopment of the site. Having regard to these points, I am satisfied the applicant has, in general, appropriately assessed the heritage value, significance, and condition of the building, and considered reuse.

Commentary

8.3.9. I note the points made by the applicant. I consider there is some merit in the appellant's points regarding the applicant's justification for demolition; in this regard I consider that some of the points made understate the impact the proposed development would have on the character and heritage of the area. In this regard I note the applicant appeal response which states that: "*The subject site will be able to absorb the proposed scale of development whilst not causing <u>any negative impacts</u> on the surrounding character, amenity, or natural environment…*" (emphasis added). Overall however, having reviewed the Historic Building Appraisal, I am satisfied the applicant sets out a balanced assessment of the value and significance of Keane's Cottage, and the extent of impact on the site and area arising from its demolition.

8.3.10. Conversely, I consider there is some overstatement by the appellants and observers regarding the heritage and conservation value of the building on site and in the context of the cluster of heritage features nearby. Having visited the site and surrounding area I do not consider that Kean'e Cottage either individually or in the context of the nearby heritage features are is of the significance or value stated by the interested parties. In this regard, I acknowledge the Conservation Officer report

points regarding Keane's Cottage, the heritage and character of the area, and the protections for vernacular buildings in the Development Plan. I also note the provisions of the Clonsilla Framework Plan in relation to the heritage and character of Porterstown Road. I note again the Protected Structures in the area, and other features on the NIAH (pump Ref. 11361001 to the north-west of the site). However, having visited the area, I consider the above interpretation overstates the heritage value and character of the site, including in its context, and places excessive weight on consderations for the retention of the building relative to competing policies and objectives of the Development Plan overall.

8.3.11. In this latter regard, I note one observer's point as to why access could not be proposed along the north of the site away from Keane's Cottage. I note in particular the provisions of the DART+ West railway order which provides for a roundabout in the south-west corner of this site which the applicant proposes to integrate with by providing site access from that point. I consider this is an important factor in the proposed site layout and contributes to the proposal to demolish the Cottage.

8.3.12. Further regarding access, I also note the provisions of the Clonsilla Framework Plan and Old Schoolhouse Masterplan. The Framework Plan indicates a pedestrian & cycle / active travel through the north of the site. The Masterplan indicates a roundabout adjacent the subject site. Given the status and provisions of those plans, and the provisions of the DART+ West railway order as detailed above, I am broadly satisfied the proposed access layout satisfactorily resolves the varying provisions of these plans and supports the proposed access layout from Porterstown Road.

8.3.13. More broadly I have paid particular attention to the site location along the railway line, the accessible location, the site land use zoning, and site connectivity to transport services and infrastructure. In this context I do not consider the building is of such heritage value or enjoys such policy protection to warrant its retention over delivery of higher density housing along public transport corridors in line with the above local, regional and national planning policy and related provisions.

Development Plan

8.3.14. There are numerous Development Plan policies and objectives relevant to the reuse of historic and vernacular buildings. I have reviewed each and the points made by

interested parties. I consider that there is a signicant range of provisions set out in the Development Plan. I consider the following:

- I would charactertise the wording of Policy SPQHP59 (‘promote re-use’), Policy HCAP9 (‘champion the reuse of’), Policy HCAP10 (‘support and encourage appropriate reuse’). Policy HCAP26 (‘recognise the importance of’), Objective HCAO35 (‘advocate for re-use’), and Objective DMSO256 (‘support reuse where possible’) as broad support for the retention and reuse of heritage and vernacular buildings, but not requiring retention of the building;
- Regarding Objective SPQHO44, it refers specifically to cottages, however retention is aimed at structurally sound, habitable dwellings in good condition. I am not satisfied the existing cottage qualifies against these criteria;
- Sections 10.5.2.5 and 14.19.5, whilst all buildings contribute to the character of the area in one way or another, I am not satisfied the subject building makes such a contribution to the character of the area to warrant retention in this case. Whilst the subject building is an example of vernacular dwellings, it is set back from, and does not have good visibility from, the road; has been significantly remodelled; and is in a poor state of repair. Whilst I note the heritage features in the immediate area, and the Historic Building Report reference to the ‘complex’ of features in the area, I do not share the view of the Conservation Officer, appellant, observers and An Taisce that either the subject building alone or alongside those features makes such a contriutoin to the character of the area to warrant its retention in this case;
- Regarding Objective SPQHO103, again I consider the quality of the building is significantly degraded, and that its contribution to the character of the area is limited by its condition; position set back from the road; extent of remodelling; and reduced visiability. I also consider the policy reads as relating primarily to one-to-one replacement, rather than strongly applying to redevelopment of sites for a large number of units. The second part of this objective applies to vernacular buildings in the rural area;
- I consider Policy HCAP22 places a firmer requirement to retain the building. It seeks the retention and appropriate revitalisation of vernacular buildings where they contribute to the character of an area, are a distinctive piece of architecture,

or have an innate value. Whilst I consider the criteria are broad and set the threshold for retaining such buildings relatively low ('where they contribute to the character' and 'where they have an innate value') I consider that demolition would materially contravene this Policy as worded;

- I consider that Policy HCAP23 again places a higher level of protection on the building ('presumption against demolition of older buildings where restoration / adaption is feasible'). Based on the available information I am satisfied that restoration or adaptation of the building is, in principle, feasible;
- I consider that Policy HCAP21 ('protect the historic environment and built heritage assets') again places a firmer requirement to protect the building on site. Whilst this must be appropriately balanced against other competing Development Plan objectives, I am not satisfied that demolition of the building could be said to protected the historic environment or built heritage assets.

8.3.15. Having reviewed the above provisions, I am satisfied the proposed development broadly aligns with Policy SPQHP59, Policy HCAP9, Policy HCAP10, Policy HCAP26 and Objective HCAO35. Reading the Development Plan as a whole I am satisfied the development as proposed does not contravene Objective SPQHO44 and SPQHO103, or Sections 14.191.5 and 10.5.2.5. However, I consider the demolition of Keane's Cottage would **materially contravene** Policy HCAP21, HCAP22, and Policy HCAP23. I consider the wording of these provisions provides a higher level of protection for the building. Notwithstanding, I consider the proposed development overall is acceptable, as set out below.

Material contravention – Heritage

8.3.16. **Section 37(2)(a)** of the Planning & Development Act 2000 as amended provides for the Board/Commission in determining an appeal to grant permission even if the development contravenes materially the Development Plan. Section 37(2)(b) states that where a Planning Authority has decided to refuse permission on grounds that a proposed development materially contravenes the Development Plan, the Board may only grant permission in accordance with paragraph 37(2)(a) in specific circumstances. Whilst Section 37(2) of the Act reads that subsection (b) applies only where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, a broader

interpretation has been taken by the Courts. As such, whilst in the subject case the Planning Authority did not refuse permission, I consider Section 37(2)(a) and (b) should be applied in this case.

8.3.17. I have considered the proposed development against the criteria of subsection (b) of Section 37(2). I summarise my considerations in this regard as follows:

- (i) I do not consider the proposed development is of strategic or national importance on account of its scale and nature;
- In relation to criterion (ii) ("there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned"), I have had due regard to the provisions of the Development Plan, including Policy SPQHP59; Policy HCAP9; Policy HCAP10; Policy HCAP26; Objective HCAO35; Objective DMSO256; Objective SPQHO44; Objective SPQHO103; Policy HCAP22; Policy HCAP23, and Policy HCAP21. I consider that there is a conflict between these provisions insofar as the proposed development is concerned;
- (iii) I do not consider permission for the development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government. In this regard, having reviewed the relevant provisions and documents in this regard I see no grounds to grant permission on this basis;
- (iv) In relation to the criterion that the development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan, the DART+ West railway order has been approved since the making of the Development Plan, and I consider that this is a significant factor in determining the access layout of the development and the proposal to demolish Keane's Cottage.

8.3.18. Accordingly I consider that the development as proposed would materially contravene Policies HCAP21, HCAP22, and HCAP23, however that the development would broadly align with the Development Plan overall. Having regard to the foregoing, and to the provisions of the Planning & Development Act Section

37(2) and the related interpretations in case law by the Courts, I am satisfied the Commission can grant permission for the proposed development in this regard.

Conclusion

8.3.19. I acknowledge the vernacular nature of the building; the character of the western elevation; the character and heritage features to the south-east of the site; and the points made by the Conservation Officer, An Taisce, the appellant, and observers. In this regard I have paid particular attention to the policy support for the protection and reuse of vernacular buildings atwithin local and national level.policy and guidelines.

8.3.20. Conversely, whilst these provisions providethe Development Pan provides support for the reuse of vernacular buildings, I consider that planningnatonal, regional and local policy at all levels is strongly aligned toward the redevelopment of residentially zoned lands for compact, higher density development along higher capacity public transport routes.

8.3.21. In this latter regard I note in particularthis regard the proximity of rail and bus services and the approved DART+ West railway order works. I also note the implications for access for the site arising from the DART+ West project which supports vehicular access from the south-west corner of the site which the applicant has sought to alignsought to align with.

8.3.21.8.3.22. The building is not a Protected Structure, not within an ACA, not recorded on the NIAH, and is not within the Development Plan Historic Landscape Character Boundary. As such I consider the heritage value is local, and that its contribution to the area is limited by its position set back from the road, its low visibility, and significant remodelling. I further note the condition of the building and significant issues with its practical renovation and reuse as part of the proposed redevelopment.

8.3.22.8.3.23. I also note that there is significant discussion on the file relating to historic and heritage features in the area including hedgerows, field boundaries, gates, buildings, pump, and the Canal, and how these features define the character and sense of place in the area. The majority of the referenced features would remain in place, including for the most part existing hedgerows and the existing gateway.

8.3.23.8.3.24. I consider the prevailing character of the area is primarily that of a suburban or edge of suburbs area and which is in a state of change. There is modern development to the north. Contemporary development is emerging to the east and

south. Further development is planned to the west and south. I consider that the site is, essentially, at the edge of the City, where very significant suburban development continues to emerge.

~~8.3.24.~~8.3.25. I further note the point made by elected representative that the building should be a Protected Structure. In this regard the applicant demonstrate that the Council declined to make the building a Protected Structure in the current Development Plan.

~~8.3.25.~~8.3.26. The application must be assessed on its merits, and whilst I consider that parts of the building have notable character, I do not consider that the building is of such value or significance, or that its contribution to the wider area is so significant, as to warrant its retention in this case.

~~8.3.26.~~8.3.27. I consider that the proposed demolition would materially contravene a number of Development Plan policies as worded, however I also consider that when the Development Plan is read as a whole the proposed development broadly aligns with the policies and objectives of the Plan, and regional and national guidelines.

8.3.28. On balance, I am satified that the demolition of Keane' Cottage as part of the proposed development is, on balance, acceptable, subject to a standard condition for recording prior to commencement of the architectural heritage proposed for removal.

Conditions

~~8.3.27.~~8.3.29. I note the point from An Taisce which requests the Commission to attach a condition for retention and reuse of the building. The appeallant and observer highlight the potential for other uses including a coffee shop, centre for celebration, or visitor centre uses. I consider the application must be assessed on its merits and given the information available and proposed layout I do not consider these measures could be achieved by condition.

Embodied carbon

~~8.3.28.~~8.3.30. Further regarding the proposed demolition, I note the appellant and observer points regarding embodied carbon. I note the provisions of the Development Plan in relation to reuse, embodied carbon, waste, carbon, the circular economy, demolition of buildings, and climate action. I have reviewed the submitted Building Lifecycle Report, CMP, Energy and Utiliies Statement, Planning Report, and Resource &

Waste Management Plan. I note the Planner reports indicate that a Climate Action Energy Statement is submitted however I see no such document on the file.

~~8.3.29.~~8.3.31. The interested parties generally make the point that local and national provisions relating to embodied carbon support consideration of retention and reuse of Keane's Cottage. I consider that this matter relates to consideration of greenhouse gas emissions as they relate to building materials. Whilst this is required to be considered, so too must greenhouse gas emissions overall, including in terms of more energy efficient new buildings, transport, and land use. My view in this case is that the proposed development would provide for a more efficient use of greenhouse gas emissions over time. I am satisfied the application has addressed the proposed development in these regards.

~~8.3.30.~~8.3.32. Secondary heritage issues in relation to impacts from the height, scale and layout of Block A on neighbouring lands to the south and west were raised by the interested parties. I address those matters below.

8.4. Design, form and scale

8.4.1. I note a number of points made by the appellant, observers, An Taisce and the Conservation Officer report in relation to the form, scale, and height in the context of the character of the area, in particular in relation to the heritage and landscape features to the south and west of the site. I consider the primary concern in this regard is that the height and scale of Block A is inappropriate in these regards on account of the heritage and landscape features, character, and sense of place in the area.

8.4.2. I have also considered the submitted Arboricutural report; Landscape & Visual Impact Assessment; Design Statement; Landscape report; verified views & computer generated images; and related architectural, engineering and landscaping drawings.

Height, form and scale

8.4.3. The Planner report stated no objection to the proposed height and scale. I note the Conservation Officer report points regarding national guidelines and and height and scale, and stated that Block A does not facilitate gradual transition from the 2- to 3-storey scale on Porterstown Road from the higher scales near Diswellstown Road, and seeks for the scale along Porterstown to be lowered, and that the height and

scale should be more appropriate in the context of the Royal Canal and Former Clonsillar Schoolhouse and other heritage features. I note similar points made by the appellant and observers regarding the height and character of the area to the west of the site, including that the scale and height should be reduced to that of The Courtyard development. The applicant's appeal response addressed each of these points, and stated generally that the proposal has been designed with the emerging pattern of development in mind; to open up the site to create a more welcoming sense of place; and that the site can absorb the scale of development whilst not causing any negative impacts on the character, amenity or natural environment.

8.4.4. In broad terms, whilst I acknowledge the range of heritage and landscape features identified by the appellants, observers, and related reports, and the provions in the Development Plan to protect character, landscape, heritage and sense of place, I do not consider that the heritage features on the site and in the area are of such importance together or in isolation, or have such policy protection, that would make the proposed design, form, scale and height of Block A, or the development overall, to be unacceptable. In this regard the Old Schoolhouse is some 80m to the west to the rear of Annaly House, and the Canal is approx. 30m to the south with mature tree growth between it and the site. The referenced site access gate and adjacent pump are to be retained. I acknowledge however the significant change in form, scale and massing at the site, and the appellant / observer points regarding differences in the site context from the east to the west of the site. On balance I consider the proposed form, scale and massing to be acceptable.

8.4.5. Regarding height specifically, the proposed development ranges in height from 2.5 to 5-storeys. The dwelling to the south-east (Gleangaribh) is single storey and would be approx. 33m from the nearest proposed units (the 2.5-storey dwellings). The dwellings to the north-east (The Courtyard) are 2- and 3-storeys; the closest proposed dwellings would be 2.5-storey dwellings and a 5-storey apartment block, with the apartment block beig approx. 20.5m at closest. Block A would be 4- and 5-storeys along Porterstown Road and would be some 50m from the nearest dwelling. I have had regard to the relevant provisions of the Development Plan and national housing guidelines, as well as the impacts on residential amenity of neighbouring dwellings in terms of privacy/overlooking and natural light. Whilst I consider the

setback of Block B from the existing Courtyard development is tight, I am satisfied that it would be satisfactorily mitigated due to the intervening boundaries.

8.4.6. The Development Plan requires that building heights accord with national guidelines, to respond to the site context, justification, and demonstration that the height is suitable and the positive impacts on the receiving environment. Regarding the Building Height Guidelines, I have reviewed the provisions of SPPR 3 and Section 3.0. I am satisfied the applicant has addressed the relevant considerations of national guidelines and the Development Plan.

8.4.7. Overall, I consider that the provisions of the Development Plan in relation to heritage impacts must also be balanced against other provisions of the Development Plan and regional and national objectives for compact development, increased densities and housing provision along high capacity public transport corridors. Overall, I am satisfied the proposed development broadly aligns with the Development Plan and national guidelines in this regard, including the Building Height Guidelines.

Landscape and visual impact

8.4.8. I note the appellant and observer concerns in relation to the impact of the proposed development in terms of visual impact and landscape character. I have reviewed the application in detail, including the submitted landscape & visual impact assessment and photomontages. I note the heritage features in the area, including a number of Protected Structures to the south and west. The proposed development is 2.5- to 5-storeys. Development to the east is primarily 2-storeys. Development to the north is primarily 2- to 3-storeys, and development to the east is 3- to 7-storeys. The site is in a Highly Sensitive Landscape (Blanchardstown South). The site is not in a 'Historic Landscape Character Boundary' or in the 'High Amenity' land use zoning. The site is within the 'River Valleys / Canal' landscape character type (which covers the entire southern part of Fingal).

8.4.9. I have reviewed the provisions of the Development Plan in this regard. The 'River Valley and Canal Type is a high value and high sensitivity landscape. However, having regard to the overall landscape character of the area, I am satisfied the proposed development is generally consistent with the general form of development in this area located at the edge of the city suburbs, noting the heritage features to the south and east. I am generally satisfied the proposal is acceptable in this regard.

Previous reasons for refusal

8.4.10. A previous application on the site (Ref. FW21A/0171 / ABP-312190-21) was refused by the Board generally on grounds of the impact arising on the context, landscape, amenities and character of the area from the then proposed layout, design and elevations. I am satisfied the subject design is a marked departure from that previous approach and addresses the concerns previously raised by the Board.

8.5. Access and transportation

Access & transportation

8.5.1. I have reviewed the documentation submitted by the applicant, including drawings, RSA, MMP, Public Lighting report, OWMP, Outline Bicycle Parking Management Plan, CMP and TTA. I have also reviewed the Planner, Transportation Section, and Public Lighting section reports, and the submissions from the DAA, NTA and TII. I have reviewed the planning history of the site and surrounding area, including for DART+ West. I have considered the wide range of points made in the appeal, observations and submissions, including in relation to access, traffic, road safety along Porterstown and Diswellstown Roads, proximity to schools, permeability, and connectivity.

8.5.2. The proposal is for 87 no. units with 49 no. car parking spaces. Vehicular, cycle and pedestrian access is to be from Porterstown Road, with pedestrian and cycle access from Diswellstown Road. A footpath is proposed along Porterstown Road.

8.5.3. The Transportation Section report raised no objection including in relation to access, sightlines, internal layout, traffic impact, parking, swepth path, lighting, taking in charge, mobility management or construction, subject to standard conditions. Regarding Porterstown Road, the report acknowledged that partial upgrade of the road was required, but that the proposed development generally aligned with the Clonsilla Framework Plan. The report indicated the proposal was acceptable with regard to Diswellstown Road, DART+ West, BusConnects, and Royal Canal Greenway, subject to conditions.

8.5.4. The NTA, TII and DAA raised no objections subject to conditions. I note points made in the NTA and TII submissions, in particular the NTA points regarding interactions

between the subject site and DART+ West, and the need for ongoing engagement between the Developer, NTA and Irish Rail.

8.5.5. I consider the primary issues in these regards are integration of the proposed development along Porterstown Road and Diswellstown Road; alignment with emerging infrastructural improvements in the area; and alignment with relevant policies, objectives, and plans in the area.

Diswellstown Road

8.5.6. Diswellstown Road is single-lane with pedestrian and cycle routes either site of the road. The No. 7217 bus stop is approx. 155m to the north. Coolmine railway station is approx. 925m walk to the south-east.

8.5.7. A pedestrian and cycle connection to Diswellstown Road is proposed as part of the application. The connection relies on third-party lands and authorisation is provided. I note observer concerns the proposed connection would emerge from the subject site opposite the existing pedestrian link into the existing 'Windmill' residential development, and that this would give rise to uncontrolled crossings along a bend. The referenced link across the road connects to Sheepmoor Lane and on to Coolmine Road which provides access to Coolmine railway station. I acknowledge the likely desire line for future residents of the proposed development heading to and from Clonsilla railway station will likely give rise to some unctontrolled crossings of the road at this point. I also note the vertical and horizontal alignment of Diswellstown Road at this point. No pedestrian crossing over Diswellstown Road is proposed adjacent the site; the nearest controlled crossing is approx. 210m to the north.

8.5.8. I note related points from observers that the proposed connection should be at Diswellstown Bridge (Dr. Troy Bridge), however I consider that this may not be feasible due to the elevation of the bridge relative to the site, and in any event the intervening lands appear to be outside the applicant's control.

8.5.9. Accordingly, I have some concern regarding the potential for uncontrolled crossings of Diswellstown Road by pedestrians and cyclists from the site, and the lack of detailed consideration in this regard by the applicant and Planning Authority internal reports. I note that this matter was not raised as an issue by the Transportation Section report, or the submitted TTA and RSA. The Clonsilla Framework Plan

indicates a new pedestrian and cycle connection through the site but no provisions for controlled crossing of Diswellstown Road. The Framework Plan also provides for improved wayfinding along Diswellstown Road. A pedestrian towpath along the Canal is available along the southern bank of the Canal from Kennan Bridge to Kirkpatrick Bridge, to the east adjacent Cooline railway station. The emerging Royal Canal Greenway currently provides for greenway along the northern bank of the Canal again between Kennan Bridge to Kirkpatrick Bridge.

8.5.10. Overall, there is a controlled crossing available along Diswellstown Road, albeit at a distance to the north. On balance I consider the proposed development is acceptable in this regard, subject to conditions for the detailed design and access proposals, and to ensure that the Diswellstown Road connection remains open to the public.

Porterstown Road

8.5.11. Regarding Porterstown Road, it is a relatively narrow road, with footpaths only on the opposite side of the road from the site. The bridge over the canal is a single lane bridge with no foopaths, and the rail crossing to the south is a barrier-controlled. At the time of my site visit (weekday, late morning) there was minimal traffic on the road. The appellants and observers raised concerns with traffic impacts and traffic safety along Porterstown Road arising from the proposed development.

8.5.12. Regarding traffic impact, the appellant and observers raised concerns regarding traffic impacts along Porterstown Road. The Planner and Transportation Section reports stated no objection in this regard. The proposal is sub-threshold in relation to requirements for submission of a TTA, however a TTA is submitted. I have reviewed the submitted TTA and Stage 1/2 RSA. The Transportation Section report set out commentary in this regard and concluded that some level of traffic congestion is inevitable, but refers to future junction upgrades in the Clonsilla area related to DART+ West and the Clonsilla Framework Plan.

8.5.13. Regarding accessibility, a total of 49 no. car parking spaces are proposed. The development is reasonably close to bus and rail services. There are a range of shops and social facilities approx. 370m to the north along Clonsilla Road, and approx. 430m to the north around Porters Road. St. Mochta's national school is approx. 100m to the north and Scoil Choilm Community national school and

Luttrelstown Community College are approx. 400m to the south. I am satisfied the proposal is well connected to existing services and facilities.

8.5.14. Regarding DART+ West, the railway order (ABP Ref. NA29S.314232) provides for significant works along Porterstown Road adjacent the subject site. The works generally comprise: road widening to provide footpaths either side of the road; a roundabout at the south-west corner of the site; access to the Canal towpath; and a pedestrian and cycle crossing of the Canal and railway line to the south-west of the site. The Railway Order provides for the termination of vehicles crossing the railway and Canal. The subject application and railway order application ran concurrently.

8.5.15. In the subject appeal, the TTA states that the proposed layout has been developed to be mindful of the proposed upgrades to ensure they are not impacted. It states that an alternative entrance arrangement was developed to show how the proposal can be integrated with the DART+ West design. This is indicated in TTA Figure 20 and OCSC Drw. No. B1079-OCSC-01-XX-DR-C-0111. The TTA states the proposed development aligns with the proposed DART+ West Porterstown Road upgrades by an additional arm to the junction, and the proposed footpath outside the site also aligns with that indicated in the DART+ West proposal.

8.5.16. Upon completion of the DART+ West project, I note that vehicular movement southward along Porterstown Road over the Canal and Railway line will not be possible. I am satisfied that this end of Porterstown Road will essentially be for local vehicular access only and for pedestrians and cyclists travelling south. A roundabout will be available outside the site for vehicles to turn.

8.5.17. The NTA submission in this case addressed this matter and recommended further liaison in relation to detailed design of the junction, and for engagement with NTA and Irish Rail. The Transportation Section report also addressed this matter, and indicated the applicant has incorporated the railway order works into the proposed layout, and recommended that a condition for further engagement on detailed design be attached.

8.5.18. Having regard to the forgoing, I am satisfied the proposed development does not inhibit delivery of the DART+ West project. I am also satisfied that the proposed development can operate satisfactorily alongside the approved DART+ West project, subject to conditions regarding detailed design of the site access.

8.5.19. In advance of construction of the DART+ West project I have some concerns regarding the restricted nature of the Kennan Bridge crossing over the Canal and the controlled rail crossing, and the potential interactions regarding queuing outside the site, and site access/egress. I note that a single vehicular access/egress to the development is proposed, and that minimal details of road markings outside the site are provided as part of the application. The submitted TTA and RSA did not raise significant concerns in this regard. The Transport Section report stated no objection subject to conditions for detailed design. Having regard to the foreoing, including the vehicular, cycle, pedestrian and public transport connections available and proposed, I consider the above is satisfactory subject to agreement of design details for the proposed access and works to the public road, and integration with the DART+ West project.

Road safety

8.5.20. Regarding traffic safety, I note observer points regarding traffic impact and road safety along Porterstown Road and Diswellstown Road.

8.5.21. Regarding Diswellstown Road, I have addressed matters relating to the potetential for uncontrolled crossings by residents moving between the site and Clonsilla rail station. Controlled crossing of Diswellstown is available. I am generally satisfied with the proposal in this regard subject to conditions.

8.5.22. Regarding Porterstown Road, I acknowledge the road is narrow and restricted, especially when crossing the Canal/rail line. The Transportation Section report states however that the railway and Canal crossings slow traffic outside the site. The old Porterstown Road ends to the south at Scoil Choilm Community national school, and to the north at Clonsilla Road; the road sees significant school traffic in the form of pedestrian, cyclists and cars, and there is significant development in the area. The DART+ West rail order includes for improved pedestrian infrastructure and terminating vehicle traffic from crossing the Canal. I also note improvements to Porterstown Road set out in the Clonsilla Framework Plan. The proposal will provide for a footpath outside and site and a pedestrian crossing. I note the issues and improvements highlighted in the RSA. On balance I am satisfied that the proposal will not give rise to undue road safety concerns, subject to standard conditions.

Clonsilla Framework Plan

8.5.23. I have reviewed the Clonsilla Framework Plan. The Development Plan refers to the Clonsilla Framework Plan (FP 13.C) and states that framework plans will maximise the development potential of their areas and will be advisory in nature.

8.5.24. The Framework Plan states that it is advisory in nature and allows sufficient flexibility depending on circumstances. The Planner and Transportation Section reports indicated the proposed development aligns with, and would not prejudice implementation of, the Framework Plan.

8.5.25. I note the pedestrian & cycle / active travel link shown through the site in the Plan runs along the northern boundary, whereas the proposed link takes a route that crosses the site generally south-west to north-east. The Planner and Transportation Section reports considered the proposed arrangement to be acceptable, subject to conditions regarding design details and ensuring the link to Diswellstown Road remains open to the public at all times. As above I consider the DART+ West project layout influenced the proposed access arrangements for the site, including in terms of providing vehicular access in the south-western corner, and pedestrian/cycle access in the north-east corner, noting the elevation of Diswellstown Road. I consider this arrangement is acceptable and broadly aligns with local policy.

8.5.26. I also note the pedestrian and cycle access through the site comprises the internal access road, shared surface and pathways. I have some concern that what is, essentially, the internal access for the residential and creche development will function as a route for the general public to cross through the development. This matter is raised broadly within the appeal and some observations. I note there is the existing walkway along the Canal for pedestrians and cyclist moving east-west, and that a greenway is proposed in this location. I also note that the proposed development has been designed to integrate with emerging DART+ West proposals, including for a roundabout at the south-western corner of the site. The Plan also indicates that wayfinding measures along Diswellstown Road are to be implemented. I consider that these strategic transport projects will likely divert pedestrian and cycle movement around the site rather than through it. On balance I consider the proposed development is acceptable, subject to conditions.

Old Schoolhouse masterplan

8.5.27. The proposed development is largely outside the masterplan area, however the application red line extends into the masterplan area to facilitate works to Porterstown Road. The Development Plan states that planning applications will be required to adhere to masterplans and identifies the Old School House masterplan (Ref. MP 13.A). The masterplan is non-statutory.

8.5.28. The masterplan indicates a roundabout along the Porterstown Road with access into the south-western corner of the subject site. I am satisfied the proposed site access from Porterstown Road broadly aligns with the location indicated in the masterplan. As set out above a roundabout along Porterstown Road is permitted as part of the DART+ West project. The Transportation Section report indicated that partial upgrade of Porterstown Road is required, and that the Clonsilla Framework Plan indicates that Porterstown Road is to be pedestrian focussed / 'mixed traffic zone'. The Planner and Trasportation Section reports stated no objection in these regards. I am satisfied proposed development broadly aligns with the provisions of the masterplan insofar as relevant.

Kellystown LAP

8.5.29. I note the proximity and provisions of the LAP, and emerging development to the south of the site. I am satisfied the proposed development has not significant impacts on the aims and objectives of the LAP.

Third party lands

8.5.30. Regarding access to adjacent third party lands, I note that two potential connections to the lands to the south and south-east are indicated. Those lands also have independent access to Porterstown Road. I consider that a standard condition for completion of those internal roads to the site boundary are warranted.

Parking

8.5.31. Car, motorbike and cycle parking is proposed to serve the proposed 87 no. units. A mix of 1, 2, and 3-bed houses and apartments are proposed. The application proposes 49 no. car parking spaces. One of these spaces is to be for the creche and the remainder for the proposed dwellings.

8.5.32. Regarding the Development Plan, the site is in car parking Zone 1. Development Plan Table 14.19 sets out car parking standard of 0.5 spaces maximum for 1-2 bed

units and 1 space maximum for for 3- and 3+ bed units. I note the Development Plan provisions relating to accessible, motorcycle, electric vehicle and cycle parking.

8.5.33. I note the provisions of the Compact Settlement Guideines, including SPPR3 which states that in accessible locations car parking provision should be substantially reduced, with the maximum rate of provision for residential development being 1.5 no. spaces per dwelling.

8.5.34. Detailed consideration of the parking provisions and the requirements of the Development Plan and national guidelines is set out in the submitted TTA. I have reviewed the TTA, MMP, Outline Bicycle Parking Management Plan, and related drawings.

8.5.35. The development incorporates pedestrian and cycle connectivity to Diswellstown Road. Bus service and rail services are in reasonably close proximity, as are cycle and pedestrian infrastructure. I am satisfied the site is an accessible location having regard to national guidelines. The DART+ West railway order and associated accessibility improvements have been approved. The future Royal Canal Greenway forms part of the Greater Dublin Area Cycle Network Plan. Cycle parking and storage is to be provided. The proposed parking is to be managed by a management company.

8.5.36. The Planner and Transportation Section reports stated no objection in this regard subject to conditions for detailed design.

8.5.37. On balance I am satisfied the proposed parking aligns with the Development Plan and national guidelines. However, as set out above I consider that an additional parking space or set down area be provided for the creche from within the proposed layout and parking provision.

Lighting

8.5.38. Regarding public lighting, I note the proposals put forward by the applicant, and points made in the Lighting Section report regarding approval of outstanding details. I am generally satisfied with proposals in this regard, subject to standard conditions.

Previous reasons for refusal

8.5.39. I note the previous reasons for refusal on the site (Ref. FW24A/0365E (ACP-321973-25), and the points made by the Board in that case, in particular the level of certainty

needed in terms of securing provision of pedestrian and cycle connectivity to Diswellstown Road, and the classification of the site in terms of accessibility. I am satisfied the proposed arrangement satisfactorily resolves the transportation matters raised in that case.

8.6. **Density**

8.6.1. The proposed net density is approx. 94upha. I note the points made by observers, the appellants, applicant and Planner report.

8.6.2. I also note the previous reasons for refusal (Ref. FW24A/0365E / ACP-321973-25) and issues raised by the Board with regard to accessibility and density. The Board previously took the view that, in the absence of pedestrian and cycle connectivity to Diswellstown Road, the site would be too far away from higher-capacity public transport services to enable higher densities as per the Compact Settlement Guidelines, and that there was not sufficient certainty to provide the access to Diswellstown Road by condition in that case. As above, I am satisfied the applicant has addressed the matter of pedestrian and cycle connectivity to Diswellstown Road in the subject case.

8.6.3. In this regard, the Development Plan generally promotes compact growth and increased densities along public transport corridors, and higher densities (50+ upha) at appropriate locations whilst demonstrating compliance with relevant national guidelines. Having regard to the provisions of the Compact Settlement Guidelines, including Section 3, I am satisfied the development can be considered as a 'City – Suburban / Urban Extension' and 'Accessible' location. The development will connect to Diswellstown Road where bus stops Nos. 7217 and 7218 are approx. 155m to the north. Dublin bus routes no. 37 and 70n operate along Diswellstown Road between the City Centre and Blanchardstown Shopping Centre. I am satisfied services along Diswellstown Road run approximately every 10mins. The Guidelines state that residential densities in the range 40 dpha to 80 dpha (net) shall generally be applied at suburban and urban extension locations, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations. Accordingly I am satisfied that the proposed density is open for consideration.

8.7. **Residential amenity**

8.7.1. I have reviewed the submitted documentation, including Planning report; Design Statement; Daylight & Sunlight Assessment report; Housing Quality Assessment; and related architectural, engineering and landscaping drawings.

Privacy and overlooking

8.7.2. With regard to privacy and overlooking, I note concerns raised by observers (Margaret & Donal Flynn) in relation to their home (Annaly House) which is across Porterstown Road from the site. The house faces the site at an angle and is approx. 15m from the site. Block A would be 4- and 5- storeys facing the house and would be approx. 50m away. The Development Plan (Section 14.6.6.3 and Objective DMSO23) requires a 22m separation distance between first-floor windows, but states that a greater distance may be prescribed having regard to the layout, size and design proposed. Given the foregoing, in particular the separation distance proposed, and that Annaly House is across the road, I am satisfied in this regard.

8.7.3. The dwellings to the north-east (The Courtyard) are 2- and 3-storey. The closest proposed dwellings to the Courtyard would be 2.5-storey houses and a 5-storey apartment block (Block B). The northern elevation of Block B would be approx. 20.5m at closest from The Courtyard. This is below the 22m required in Development Plan Section 14.6.6.3 and Objective DMSO23. However, the mature trees and hedgerows along the site boundary at this point are to be retained, which I consider will satisfactorily mitigate any privacy or overlooking issues. I acknowledge this arrangement would contravene Objective DMSO23, however given the distances proposed, and the available mitigation, I am satisfied with the proposed development in this regard and that the extent of contravention would not be material.

Natural light

8.7.4. Regarding natural light and overshadowing, I have reviewed the information submitted, including the Daylight & Sunlight Assessment (DSA), Planning Authority internal reports, observations and submission.

8.7.5. Regarding impacts on existing residential development, the DSA report considered vertical sky component (VSC), annual & winter probable sunlight hours (APSH &

WPSH), and sun on ground (SOG). It indicated that all impacts measured would be neglible, with the exception of impacts in terms of VSC for 7 no. existing windows which would be minor and 3 no. which would be moderate. All of the minor and moderate VSC impacts were indicated to arise at the ground and first floor of the dwellings at the eastern end of The Courtyard development (identified in the report as Nos. 73-75 The Courtyard) opposite the proposed Block B. The report stated that assessment of the proposed development with existing and proposed trees omitted showed full compliance, and concluded that this demonstrated the impact which existing and proposed trees would have in terms of natural light. The report stated that, given the existing dense tree belts along the boundaries, the compliance rate of 92% for VSC was favourable.

8.7.6. I note the referenced windows face due south toward an open field. I also note that the 3 no. moderate impacts modelled were affected by existing projections and overhangs within The Courtyard. I further note the existing mature trees and hedgerows along the northern site boundary adjacent The Courtyard, and their value in relation to habitats and in relation to mitigating against any privacy / overlooking issues that may arise. Having regard to the foregoing, on balance, I consider the proposal is acceptable in this regard.

8.7.7. I also note the concerns raised by Margaret & Donal Flynn in relation to the lack of assessment of and potential impacts on their home (Annaly House) in terms of natural light. In this regard I note that the house would be some 50m due west of Block A. Whilst Block A would be 5-storeys at maximum, given the relative orientation of the existing house and the proposed block, I am satisfied there would be some impacts at later hours in summer evenings, but given the distances and arrangement proposed I do not consider such impacts would be significant.

Noise

8.7.8. Regarding noise, I note the points made on the file regarding the potential for noise impacts on the proposed development, including within the Planner Report, Environment (Air & Noise Unit) report, and DAA submission. The matters raised included points regarding the Local Authority Strategic Noise Maps and Fingal Noise Action Plan.

8.7.9. Regarding airport noise, the site is in Airpot Noise Zone D, and as such I am satisfied that the proposa is acceptable in this regard.

8.7.10. Regarding agglomeration noise, Block A would at nearest be some 70m from the rail line, with significant tree growth between it and the development. Available EPA mapping indicates the site is affected by day- and night-time noise from the railway and Diswellstown Road. Regarding railway noise, the proposed dwellings would be within the 55-64dB noise range zone for daytime, and the 45-54dB noise range zone for night-time. Regarding Diswellstown Road, the proposed dwellings would be within the 55-60dB noise range zone for daytime, and the 45-59dB noise range zone at night-time. I note the logarmithmic nature of noise impact measurement, but also differences between these noise sources in terms of nature, frequency, and temporal patterns.

8.7.11. I have had regard to the provisions of the Development Plan and the Dublin Agglomeration Noise Action Plan. I consider that noise impacts on the site are significant, however having regard to the available information as set out above, and given the land use zoning of the site for residential development, I am satisfied that impacts on the proposed development in this regard can be satisfactorily addressed by standard conditions for internal noise mitigation.

Resident amenity

8.7.12. Regarding future resident amenity, I note the information submitted, and the Planning Authority internal reports. I have reviewed the proposed layout, mix, apartment and house standards, dwelling quality, design, amenity space, and housing quality assessment. I have had regard to the provisions of the Development Plan, and relavant national guidelines including the Apartment Guidelines, Compact Settlement Guidelines, and Quality Housing for Sustainable Communities guidelines. I am satisfied the proposed development generally accords with Development Plan requirements and the provisions of these national guidelines, and is acceptable in terms of the quality of accommodation for future residents.

8.8. Parks and landscaping

Public open space

8.8.1. Regarding public open space, I note the points made in the Planner and Parks reports, and the significant shortfall in public open space proposed (approx. 2,756sqm). I also note the points made by the appellants and observers in relation to the lack of public open space in the area.

8.8.2. The application indicates 2 no. areas of public open space along Porterstown Road; 2 no. areas of communal open space within the site (adjacent Block A and Block B), and the vehicular access through the site as a shared surface. Two play areas are indicated, one within the main area of public open space and one within the communal open space adjacent Block A. The applicant and Parks FI report indicate the total quantum of public open space proposed is approx 907sqm (approx. 9% of developable site area). Within this, the total play space proposed is 187sqm. Total communal space provision is approx. 579sqm.

8.8.3. The Parks report in response to further information indicated Development Plan Objective DMSO51 requires provisions of 0.36625ha public open space within the site. It also indicated Objective DMSO52 requires that a minimum of 0.116ha public open space is provided (12-15% site area). However, 0.0907ha public open space is proposed. As such I consider there is a shortfall of 0.27555ha in relation to Objective DMSO51; I consider this represents an approximate 75% shortfall. I am satisfied there would also be a shortfall of 0.0253ha in relation to Objective DMSO52; I estimate this represents an approximate 22% shortfall. Development Plan Objective DMSO53 provides for contributions in lieu of public open space. The Parks report in response to further information indicated contributions in lieu were acceptable.

8.8.4. I consider that given the size and nature of development proposed; the extent of shortfall in public open space against Development Plan requirements; and the lack of public open space in the immediate area, provision of open space on the site is preferrable. However the Development Plan provides for a contribution in lieu and this has been accepted by the Planning Authority. I have had regard to the Development Plan and Compact Settlement Guidelines in this regard. Whilst I consider the above arrangement generally accords with the Development Plan, including Objective GINHO20, I consider the extent of shortfall **materially contravenes** Objectives DMSO51 and DMSO52.

Material Contravention – Public open space

8.8.5. **Section 37(2)(a)** of the Planning & Development Act 2000 as amended provides for the Board/Commission in determining an appeal to grant permission even if the development contravenes materially the Development Plan. Section 37(2)(b) states that where a Planning Authority has decided to refuse permission on grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph 37(2)(a) in specific circumstances. Whilst Section 37(2) of the Act reads that subsection (b) applies only where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, a broader interpretation has been taken by the Courts. As such, whilst in the subject case the Planning Authority did not refuse permission, I consider Section 37(2)(a) and (b) should be applied in this case.

8.8.6. I have considered the proposed development against the criteria of subsection (b) of Section 37(2). I summarise my considerations in this regard as follows:

- (i) I do not consider the proposed development is of strategic or national importance on account of its scale and nature;
- (iii) I do not consider permission for the development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government. In this regard, having reviewed the relevant provisions and documents in this regard I see no grounds to grant permission on this basis;
- (iv) I do not consider permission for the development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. In this latter regard I note the emerging development with the Kellystown LAP, including open space.

8.8.7. In relation to criterion (ii) (“there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”), I have had due regard to the provisions of the Development Plan, including Objectives DMSO51, DMSO52, DMSO53, and GINHO20. I consider that

there is a conflict between the provisions of DMSO51 and DMSO52 on one hand, and that of DMSO53 insofar as the proposed development is concerned.

8.8.8. Accordingly I consider that the provision of contributions in lieu is acceptable and is provided for in the Development Plan, but that this approach would materially contravene Objectives DMSO51 and DMSO52 as worded. Having regard to the foregoing, and to the provisions of the Planning & Development Act Section 37(2) and the related interpretations in case law by the Courts, I am satisfied the Commission can grant permission for the proposed development in this regard.

Play space

8.8.9. Regarding impacts on the amenity of the proposed development, I note the Planning Authority Parks and Planner reports points regarding the proposed play spaces and separation distances from the proposed Block A apartments, and conditions to omit the play spaces in favour of contributions in lieu. The Planning Authority concerns in this regard arose in relation to play provision beign less than 25m from the proposed apartments, and that this would contravene Development Plan Objective DMSO68.

8.8.10. Neither Objective DMSO68 or the Development Plan refer to a requirement for 25m separation distance from play spaces. Objective GINHO23 seeks to support and implement “Space for Play – A Play Policy for Fingal”. That document is referenced as Fingal’s play policy. Bullet point no. 28 on page no. 30 of that document states, in relation to ‘LEAPs’ (Local Equipped Area for Play) that “A minimum of 25 metres should normally be provided between the activity zone and the nearest dwelling”. Two play areas are proposed adjacent Block A. All of these play areas are within 25m of the proposed apartments. I note the submitted taking in charge plan only shows that the westernmost play space is to be taken in charge. ‘LEAPs’ are stated as providing for children who are beginning to venture independently from the home, younger children accompanied by carers, and older children.

8.8.11. I note the provisions of the Development Plan which enable the payment of contributions in lieu in relation to public open space and play space. However, I consider that given the shortfall in open space proposed in the development, that the proposed open spaces should be redesigned to provide appropriate forms of play space as provided for in the Development Plan rather than contributions in lieu for play space.

Other

8.8.12. Regarding the proposed detention / attenuation basin, the Parks reports stated the the slope around the basin required revision on grounds of safety. I consider that a condition should be attached to require revision of the proposed design and layout to ensure greater safety in this regard.

8.9. **Related matters raised in the course of the appeal**

Water

8.9.1. I have reviewed the available information, including Planning Authority internal reports, correspondence with Irish Water, and related points from the appellants, applicant, and observers.

8.9.2. Regarding flood risk, I note the proximity of the site to the Royal Canal. The site is in Flood Zone C. I have no significant concerns in this regard.

8.9.3. Regarding surface water, the proposal is to connect to existsing surface water drainage infrastructure in Porterstown Road. Sustainable Urban Drainge Systems for the site are proposed in the form of drainage to ground, blue roofs (Blocks A & B), green roofs (refuse stores), detention basin, pourous paving, filter drains, underground attenuation, silt traps, oil separator and flow control. A 20% climate change factor is included. Greenfield runoff rates are achieved (2.31lsha). The Water Services Section stated no concerns subject to condition.

8.9.4. Water supply and wastewater connections are proposed to existing infrastructure in the Porterstown and Diswellstown Roads. I note the points on the file from Irish Water regarding the submitted Confirmation of Feasibility (CoF). The applicant stated that an updated CoF was not available from Irish Water due to their timelines. The Planner Report stated that this could be addressed by condition. Given the site location, scale of development, and information provided, and noting the discrepancies in numbers on the CoF submitted, and the points made by Uisce Eireann regarding the time elapsed since the CoF was issued, I am satisfied these matters can be addressed by standard Irish Water conditions.

8.9.5. I am satisfied the proposal is acceptable in these regards subject to standard conditions relating to surface water, water services connections and Usice Eireann.

Waste

8.9.6. I have reviewed the submitted OWMP for the dwellings and creche, and RWMP. I note the proposed facility building & staging areas adjacent Block A, refuse store for Block B, and bin stores for the proposed dwellings. I have had regard to the swepth-path analysis submitted. The Environment Section (Waste Enfocement & Regulation) recommended a standard prior to commencement RWMP condition. The Planner Report stated no objection in this regard. I am satisfied with the proposal in this regard subject to standard RWMP conditions.

Social / affordable housing

8.9.7. Regarding Part V, the applicant proposes 18 no. units comprising 1 no. 3-bed dwelling, 8 no. 2-bed apartments, and 9 no. 1-bed apartments. Drawings are submitted. The Housing Section and Architect's Section reports stated no objection. I am satisfied this matter can be addressed by standard Part V condition.

8.9.8. Regarding points made in the Housing and Architect's reports in relation to universal accessibility and age-friendly / adaptable homes, I note the provisions of the Development Plan in this regard including Objectives SPQHO22 and DMSO4. The proposed Part V units are to be spread between ground and fourth floor, with all above-ground units accessible by lifts. I am satisfied that the proposed dwellings generally comply Development Plan and national guidelines requirements for apartments and houses, and generally align with the Council aims to promote accessible residential development as set out in the Development Plan.

Creche

8.9.9. I have reviewed the proposed creche, including in the context of related Development Plan provisions and the requirements of national guidelines. I note the proximity of the site to existing local centres and the size and mix of the proposed development. I note the creche internal layout, classroom mix, class sizes/ages and associated facilities, including the external creche play space along the northern boundary. I am generally satisfied with the proposal in this regard, including in terms of the size, layout, location, play facilities, and access.

8.9.10. I note observer comments regarding creche drop-off arrangements. Users will have to enter the development and there is no dedicated set down area adjacent the creche. One car parking space for the creche is proposed. The proposed parking

spaces are adjacent the creche. Creche cycle parking is proposed. I note the content of the submitted Mobility Management Plan. As above I consider that the 2 no. car parking spaces opposite the creche should be provided for the use of the creche as a parking or set-down space. I consider that this can be addressed by condition.

Boundaries and landscaping

8.9.11. I have reviewed the submitted landscape plans; landscape report; Arboricutural report; Landscape & Visual Impact Assessment; Design Statement; and verified views & computer generated images.

8.9.12. Regarding landscaping, I have reviewed the submitted plans and drawings and I am generally satisfied with the approach to site landscaping, subject to conditions relating to revised details for play space and boundaries.

8.9.13. Regarding boundaries, the existing northern, eastern and western boundaries generally comprise mature tree and hedgerow growth. The southern boundary is partly open and partly comprises a hedge and fences. The northern boundary is to be retained. The eastern and southern boundaries are to comprise hedgerows, groundcover, railings and tree planting. The western boundary is to be opened up and finished with landscaping, planting and and landscaped. The section of the southern boundary onto where the proposed dwellings back onto is to comprise a 2m high rendered wall.

8.9.14. I consider the removal of existing hedgerow to facilitate access to and opening up of the site to Porterstown Road is acceptable. However, in relation to the boundary with Diswellstown Road, I note the proposed layout, landscaping and boundary treatments, and the lack of CGIs from this side of the site. Having reviewed the available information I do not consider the proposed approach to boundaries and landscaping has had due regard to the difference in ground levels between the site and the Diswellstown Road, where the latter is considerably elevated above the proposed site levels. I consider that a revised approach to the eastern boundaries and landscaping is required, and that this can be addressed by condition as above.

Ecology

8.9.15. I note points made by the appellants and observers in relation to the use of the site by a wide range of local wildlife, including bats. The appellants stated they did not accept the conclusions of the EcIA. I note the document referred to in the appeal in

this regard ('BEC Environmental Consultants Study 2013') however that document is not submitted with the appeal. I have reviewed the applicant appeal responses, as well as the submitted EcIA, Arboricultural report, and CEMP. The Planner and Parks reports stated no objection in these regards subject to standard conditions.

8.9.16. The EcIA is prepared by Enviroguide. The authors' credential are included. It indicates the site largely comprises improved agricultural grassland, with areas for buildings, boundaries of native and non-native trees, and a short stretch of hedgerows. The EcIA incorporated bat, bird, mammal, amphipian, invertebrate, and general fauna surveys. It considered that the southern edge of the site is within a pNHA designated within the County Development Plan ('Royal Canal' Ref 002103).

8.9.17. Regarding bats, the EcIA incorporated bat surveys. It concluded the trees on site held negligible potential for roosting but that The Cottage had a few entry points, and that the treelines and hedgerows provided good/moderate connectivity for the wider area for foraging and commuting bats. The report indicates that bat activity was observed at the site, with foraging highest in the north-western corner along the western boundary and commuting to the south-west toward the Canal. The observed bats were the most common in Ireland (Leisler, common pipistrlle and soprano pipistrelle). The report considered that the Canal is likely of ecological value than the site itself. No emergence was observed during roost surveys.

8.9.18. The report set out construction and operational phase impacts and mitigation. Construction phase mitigation comprised standard measures including CEMP, RWMP, best practice hygiene & biosecirty measures; invasice species removal (sycamore and cherry laurel); tree protection; clearance timing; waste management; light disturbance; pre-construction surveys; and dust prevention. Operational phase mitigation comprised supplementary planting; invasive species management; lighting; hedgehog highways; swift boxes; and bat boxes. The report states that the mitigation is standard and will ensure no impact on species, habitats, or designated sites of conservation importance.

8.9.19. I note the wording of the EcIA conclusions of 'no impacts' is not accurate, however having reviewed the substantive points made in the report I am broadly satisfied with the findings and recommendations within the EcIA, Arboricultural report and CEMP and that the pertinent matters in relation to ecological impacts have been addressed,

including in relation to bats. I note in particular that the mature trees and hedgerows along the northern site boundary are to be largely retained. I acknowledge that a section of hedgerow (approx. 40m) along the western boundary will be removed for access, and that bat activity was focussed primarily along the northern boundary and the north-west corner. I am satisfied that with the proposed mitigation that impacts in these regards are acceptable and will provide for the retention of the primary location of bat foraging and commuting activity within the site (along the northern boundary and at the north-western corner) and adjacent the site (along the Canal). I am satisfied with the proposal in these regards subject to standard mitigative conditions.

Proposed Natural Heritage Area (nPNHA)

8.9.20. I note the southern / south-eastern edge of the site is within a pNHA designated within the County Development Plan ('Royal Canal' Ref. 002103). This was addressed in the EcIA. The main works proposed within the pNHA comprise landscaping and boundaries. Development Plan Policy GINHP12 seeks to protect proposed pNHAs. Objective GINHO28 seeks to ensure development does not have a significant adverse impact on pNHAs, or on rare and threatened species including those protected by law and their habitats. I note similar provisions in Objectives GINHO33 and DMSO148. Having regard to the information submitted, including the EcIA; the relatively minor overlap between the pNHA and the site; the relatively minor works proposed in that area, and the minimal impacts on the Canal area, I am satisfied the proposal is acceptable in this regard.

Ground stability

8.9.21. I note concerns raised by observers in relation to potential impacts on ground stability arising from the proposed development on the banks of the Royal Canal, and that the Canal is a Protected Structure. The Canal would be some 40m from the main works proposed. I acknowledge the level differences between the site and Canal, and the Protected Structure status of the Canal, however given the distances proposed and nature of the proposed works along the southern boundary of the site, I have no significant concerns in this regard.

Conditions

8.9.22. In addition to the foregoing, should the Commission be minded to grant permission I also consider the following regarding conditions:

- Heritage: As set out above I consider that a standard condition for recording of the architectural heritage on the site proposed for removal is warranted.
- Transport: I note the Transrportation section report recommended conditions relating to: boundary treatments; cycle infrastructure & parking; construction details; agreement of details of pedestrian routes; works to public road; maintenance of visibility splays; and undergrounding of services. The report also recommended conditions for agreement of; mobility management plan; Road Safety Audits; construction management; and taking in charge. I am satisfied these matters can be addressed by standard conditions. I also consider that standard conditions relating to naming & numbering; ransom strips; keeping open connection /ungated, phasing of development relative to proposd Diswellstown Road link. I am satisfied these matters can be addressed by standard conditions in each regard.
- NTA, TII and DART+ West: I note the conditions recommended in the NTA and TII submissions, and Transportation Section report, for compliance-stage engagement with Planning Authority, NTA and Irish Rail in relation to DART+ West and Royal Canal Greenway works and design of the proposed access junction at Porterstown Road. I consider that these matters can be addressed by a condition for the agreement of the phasing and detailed design of the proposed accesses with the Planning Authority;
- Public lighting: I note the Lighting section report. Standard condition for agreement of lighting details;
- Taking in Charge: I note the Transportation section report and taking in charge proposals submitted. Roads and public open space are to be taken in charge, with the remainder of development to be managed by a management company. I note points made in the Parks report regarding the proposed play area and its omission by the Planning Authority by condition. I am satified these matters can be addressed by standard conditions regarding a final landscape plan, contributions in lieu, and taking in charge.
- Noise: I note the Environment (Air & Noise Unit) report. Standard conditions relating to internal noise;

- Parks: I note the Parks section reports. Stadnard conditions for contributions in lieu for public open space, revised landscape plan to include for revised play space and revised eastern boundary; and final CMP to include for invasive alien species (Sycamore and cherry laurel);
- Trees & hedgerows: I note the Parks section reports. Standard condition for tree and hedgerow management during construction and adherence to Arboricultural Method Statement;
- Ecology: I note the Parks section reports. Standard condition for EcIA mitigation;
- Water services: I note the Water services section report. Standard conditions relating to Irish Water, agreement of details, no surface water discharge to sewer and compliance with Regional Codes of Practice. Also, condition for revised detailed design of proposed detention / attenuation basin to ensure appropriate safety.
- Waste: I note the Environment Section (Waste Enforcement & Regulation) report. Standard RWMP condition.
- Construction management: I note the Transportation and Parks sections reports. Standard CEMP, CMP and CTMP conditions;
- Part V: I note the Housing Section and Architect's Section reports. Standard Part V condition;
- Financial: I note the Planner reports. Standard conditions for Section 47, Section 48, and Section 49.

8.9.23. In relation to the conditions attached by the Planning Authority, given the information submitted with the application, and my assessment above, I consider that conditions 2, 3, 4, 7, 8, 9, 10, 16, 17, 18, 25, 29, 30, 34, 35 and 37 are not necessary. I am satisfied the conditions above satisfactorily address outstanding details raised by the Planning Authority internal reports and interested parties.

9.0 Appropriate Assessment screening

9.1.1. Refer to Section 8 and Appendix 2 of this report.

9.1.2. 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 any European Sites including the Rye Water Valley / Carton SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. The subject site is located approx. 38m from the Royal Canal Main Line (IE_09_AWB_RCMLE). The proposed development comprises 87 no. dwellings and a creche. No water deterioration concerns were raised in the planning appeal. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1.1. I recommend permission be **Granted**, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the policies, objectives and provisions of the Fingal County Development Plan 2023-2029, including to the ‘RS Existing Residential’ land use

zoning objective for the area, which seeks to provide for residential development and protect and improve residential amenity; as well as to the relevant provisions of the Sustainable Residential Development & Compact Settlements 2024 and Design Standards for New Apartments Guidelines 2025; and having regard to the nature, scale, form, height, layout and design of the proposed development; the surrounding environment, including heritage features within and near the site; and pattern of development in the area; on balance it is considered that the proposed development would generally align with the provisions of the County Development Plan and the provisions of relevant national guidelines, and would not impact unduly on residential or visual amenities, character, road traffic conditions, or the local environment, and that, therefore, the proposed development would generally accord with the proper planning and sustainable development of the area, subject to the conditions below.

13.0 **Conditions**

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 14th day of January 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2	A full architectural and photographic survey of all buildings or elements of buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development. Two copies of this record shall be submitted to the planning authority prior to the commencement of development. Reason: In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.

3	All roads and footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing and revised taking in charge drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Reason: In the interest of permeability and proper planning and sustainable development.
4	The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.
5	(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of 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. (b) The pedestrian and cycle link from the development to Diswellstown Road shall not be gated and shall remain open to the public. Reason: In the interest of amenity and of traffic and pedestrian safety.
6	(a) The development shall be carried out on a phased basis, in accordance with a final phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

	(b) The first phase shall include the proposed pedestrian and cycle connection from the development to Diswellstown Road. Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.
7	Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:- (a) Housing & Apartments: 47 no. car parking spaces shall be provided within the site. The location(s) and layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Reason: To ensure adequate off-street parking provision is available to serve the proposed development. (b) Creche: 2 no. car parking spaces shall be provided within the site. The location(s) and layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. These spaces shall be located as close as possible to the creche building entrance. Reason: To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.
8	Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete Stage 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team and agreed in writing with the planning authority. Reason: In the interest of pedestrian and traffic safety.
9	A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; (b) proposed locations of trees and other landscape planting in the development,

	including details of proposed species and settings; (c) details of proposed street furniture, including bollards, lighting fixtures and seating; (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. (e) revised planting and boundary details for the eastern boundary to ensure appropriate screening of the Diswellstown Road; (f) a revised landscape plan showing provision of appropriate play space within the proposed public / communal open spaces; (g) revised layout and dimension details for the proposed attenuation / detention basin to ensure appropriate levels of safety for residents. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. Reason: In the interest of visual amenity.
10	Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s). Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.
11	(a) All entrance doors in the external envelope shall be tightly fitting and self-closing. (b) All windows and rooflights shall be double glazed and tightly fitting. (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes. Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning

	authority prior to commencement of development. Reason: To protect residential amenity.
12	(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. (c) A final taking in charage drawing shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.
13	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. Reason: In the interest of public health and surface water management.
14	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. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
15	(a) An accurate tree & hedgerow survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree and hedgerow on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained. (b) Measures for the protection of those trees and hedgerows which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning

	authority before any trees are felled. Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.
16	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services. Reason: In the interest of public health.
17	(a) All foul sewage and soiled water shall be discharged to the public foul sewer. (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits. Reason: In the interest of public health.
18	Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit. Reason: In the interest of amenity and public safety.
19	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. All existing over ground cables shall be relocated underground as part of the site development works. Reason: In the interests of visual and residential amenity.
20	The mitigation measures contained in the submitted Ecological Impact Assessment report (Section 6.0) prepared by Enviroguide and submitted to the Planning Authority on the 25th September 2025, shall be implemented. Reason: To protect the local biodiversity and habitats.
21	Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended

	construction practice for the development, including hours of working, noise and dust management measures, tree & hedgerow protection, invasive species, and off-site disposal of construction/demolition waste. Reason: In the interest of public safety and amenity.
22	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of traffic safety and convenience.
23	A final Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, tree & hedgerow protection, and project roles and responsibilities. Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.
24	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of proper planning and sustainable development.

25	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. Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.
26	The developer shall pay to the planning authority a financial contribution as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment. Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.
27	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme

	made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
28	The developer shall pay to the planning authority a financial contribution in respect of re-opening of the navan to dublin railway line – phase 1 - clonsilla to dunboyne (pace) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.
29	(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. (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. (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. Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

-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.-

Dan Aspell
Planning Inspector
22nd September 2026

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	PL-500971-DF-26
Proposed Development Summary	Demolition of structures, construction of 87 dwellings and creche with all associated site works
Development Address	Site at Porterstown Road, Porterstown, Dublin 15
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q2.
	~~☐ No, No further action required.~~
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
~~☐ Yes, it is a Class specified in Part 1.~~ ~~**EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**~~	
☒ No, it is not a Class specified in Part 1. **Proceed to Q3**	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
~~☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.~~ ~~**No Screening required.**~~	
~~☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.~~ ~~**EIA is Mandatory. No Screening Required.**~~	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Class 10(b)(i) Construction of more than 500 dwelling units. Class 10(b)(iv) Urban development.

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 ☒	**Screening Determination required (Complete Form 3)**
~~**No ☐**~~	~~**Pre-screening determination conclusion remains as above (Q1 to Q3)**~~

Inspector: _____ **Date:** __ 17th September 2026___

Form 3 – EIA Screening Determination

A. CASE DETAILS			
An Bord Pleanála Case Reference	**PL-500971-DF-26**		
Development Summary	Demolition of structures, construction of 87 dwellings and creche with all associated site works		
	Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	Y	N/A	
2. Has Schedule 7A information been submitted?	Y	Contained within EIS Screening report	
3. Has an AA screening report or NIS been submitted?	Y	AA Screening report	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N	N/A	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Y	EIA Screening report. Article 103(1a) statement	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** **Mitigation measures –**	**Is this likely to result in significant effects on the environment?** **Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	**N**	Project smaller in scale to development to east and to south in Kellystown LAP. Project larger in scale to development to west.	**N**
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	**N**	Site is greenfield in urban area. Demolition of existing cottage proposed. Existing site use is residential. Residenital and creche use proposed. Majority of	**N**

		hedgerows to be retained. No direct impact to Royal Canal.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	**N**	Project is located on an suburban site and will utilise the site efficiently; other non-renewable resources or those in short supply will not be used.	**N**
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	**N**	Project comprises residential and creche development. Existing vacant dwelling to be demolished.	**N**
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	**N**	Residenital and commercial construction and operational waste to be stored temporarily on site. No significant solid waste, pollutants or hazardous / toxic / noxious substances will be produced.	**N**
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	**N**	No contaminants on site identified. CEMP, CMP and RWMP submitted. Demolition, construction and operation of the proposed residential and creche will not give rise to contamination or release of pollutants onto the ground, waters or sea.	**N**
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	**N**	Some noise arising from the proposed dwellings and creche may arise however this would be localised and minor in nature.	**N**
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	**N**	The scale and nature of the proposed dwellings and creche will not give rise to significant risks to human health. CEMP, CMP and RWMP submitted.	**N**
1.9 Will there be any risk of major accidents that could affect human health or the environment?	**N**	The nature and scale of the residential and creche development incorporates no components or substances which would present any risk of major accidents.	**N**
1.10 Will the project affect the social environment (population, employment)	**N**	The project will add dwellings in a largely residential area, as well as a creche which will provide additional services and facilities.	**N**

		The submitted social infrastructure audit identified no significant issues in this regard.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	**N**	The surrounding suburban area is predominantly long established suburban area. Lands adjacent are also zoned 'RS'. Lands to the south form part of the Kellystown LAP. The Old School Masterplan area is to the west. The site is in the Clonsilla Framework Plan area.	**N**
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	**Y**	Site overlaps with pNHA (Royal Canal Ref. 002103). The main works proposed within the pNHA comprise landscaping and boundaries. This was addressed in the EcIA. No impacts on Canal. No significant impacts on integrity of pNHA. Rye Water Valley / Carton SAC is approx. 5.6km to the west.	**N**
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	**N**	EcIA and CEMP submitted. Proposed development would have impacts on non-protected local species. Protected bat species activity detected on site. Forarging and commuting activity primarily between northern and norther-western boundary and Canal. Majority of northern and north-western boundary to be retained. Mitigation set out in EcIA and CEMP.	**N**
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	**N**	Keane's Cottage is proposed to be demolished. It is not a Protected Structure, or in an ACA, or on the NIAH. It has local landscape, historic and cultural importance only. The adjacent boundary gate and pump would be retained. The Cottage is recorded in the submitted Historic Building Appraisal.	**N**
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources	**N**	Site is in a suburban area within Dublin City. The	**N**

which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		Royal Canal is approx. 40m to the south.	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	**N**	The Royal Canal is some 40m to the south. No direct impacts arise. The site is in Flood Risk Zone C.	**N**
2.6 Is the location susceptible to subsidence, landslides or erosion?	**N**	Site is greenfield and relatively level. The Royal Canal is at a lower level but is some 40m to the south.	**N**
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	**N**	The adjacent roads (Porterstown Road and Diswellstown Road) are local roads.	**N**
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	**N**	To the north-west is a sports pitch associated with St. Mochta's National School. Minimal impact on the school is expected. Scoil Choilm Community national school and Luttrelstown Community College are approx. 400m to the south.	**N**
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	**N**	The scale, nature and extent of the project, the settled urban location, and lack of neighbouring projects identified make cumulative effects unlikely. The cumulatice effects of adjacent works related to the DART+ West project have been considered.	**N**
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	**N**	The scale, nature and location of the site within Dublin make transboundary effects unlikely.	**N**
3.3 Are there any other relevant considerations?	**N**	**No**	**N**
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**Y**	EIAR Not Required	
~~**Real likelihood of significant effects on the environment.**~~	☐	~~EIAR Required~~	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

1. the criteria set out in Schedule 7, in particular
   (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
   (b) the absence of any significant environmental sensitivity in the vicinity;
   (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including EIA Screening report and Article 103(1a) statement;

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment;

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ Date _____

Approved (DP/ADP) _____ Date _____

APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Demolition of structures, construction of 87 dwellings and creche with all associated site works			
Brief description of development site characteristics and potential impact mechanisms	Site measures approx. 0.93ha and comprises greenfield land. Site is approx. 5.6km east of Rye Water Valley / Carton SAC.			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	Planning Authority screening			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	**Qualifying interests Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connection**	**Consider further in screening Y/N**
The submitted Appropriate Assessment screening report from ESC Environmental Ltd identifies a large number of European Sites within a 15km zone of influence based on the source-pathway-receptor model. It concludes that no potential impacts arise due to the size and scale of the site and the qualifying interests and conservation objectives of those Sites. I identify the following Sites on grounds the source-pathway-receptor model. These European Sites were also considered and discounted in the submitted Appropriate Assessment screening report				
Rye Water Valley / Carton SAC (001398)	https://www.npws.ie/protected-sites/sac/001398	Approx. 5.6km	No feasible connection.	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites Based on the abovementioned documents I consider the following. There is no potential for direct effects. The habitats within the site are not of value for qualifying species of Natura 2000 sites within the Zone of Influence. The agricultural site does not provide suitable habitats/environments for these QI Species of the above SACs and SPAs. No ex-situ impacts on qualifying species of the above SPAs and SACs are considered likely. Potential for significant indirect effects was not identified due to the lack of hydrological pathway to Rye Water Valley / Carton SAC. This due to the site proximity to the Royal Canal and the eastward flow direction of the Canal toward Dublin, and lack of potential impact on habitats (QI of SAC) or birds (QI of SPA) which may depend on them. This is the case for both construction and operation phases. Regarding in combination effects, there is evidence that there are other plans and projects that could lead to significant in-combination impacts on the 2 no. Natura 2000 sites cited above, nor on any other Natura 2000 sites. I note the planning history set out in this report above. The matrix below identifies possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects).				
AA Screening matrix				
Site name Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site***			
	Impacts	**Effects**		
Rye Water Valley / Carton SAC (001398) 1014 Narrow-mouthed Whorl Snail Vertigo angustior; 1016 Desmoulin's Whorl Snail Vertigo moulinsiana; 7220 Petrifying springs with tufa formation (Cratoneurion)*;	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.		

The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		
No	**Likelihood of significant effects from proposed development (alone): No**	
No	**If No, is there likelihood of significant effects occurring in combination with other plans or projects? No**	
No	**Possibility of significant effects (alone) in view of the conservation objectives of the site No**	
	Impacts	**Effects**
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development alone or in combination would not result in likely significant effects on European site(s) including the Rye Water Valley / Carton SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		