



An
Bord
Pleanála

Inspector's Report ABP-317784-23

Development

PROTECTED STRUCTURE:

Construction of an ESB substation
and all associated site works.

Location

The Jesuit Centre for Spirituality,
Manresa House, 426 Clontarf Road,
Dollymount, Dublin 3, D03 FP52

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

3825/23

Applicant(s)

Society of Jesus Ireland

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Lorna Connelly and Liam McHugh

Observer(s)

Deirdre Nichol and David Smyth

Date of Site Inspection

24th July 2024.

Inspector

Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located within the northeastern corner of the grounds of Manresa House, a large, detached building in use as a Jesuit Centre of Spirituality and retreat centre which is set on a large site containing extensive grassed areas and mature trees and accessed off Clontarf Road. The appeal site itself measures 0.173 ha and is located within a sloped area of dense undergrowth surrounded by mature trees. The appeal site contains an access road to Manresa House to the north beyond which is the side elevation of a number of dwellings, the rear boundaries of No's 423, 424 and 425 Clontarf Road are located to the east and southeast and a meadow associated with Manresa House is located to the west.

2.0 Proposed Development

- 2.1. It is proposed to construct a new single storey, flat-roofed ESB substation and associated landscaping works to make provision for additional electrical capacity for both the existing campus and the wider surrounding area.
- 2.2. The flat roofed substation structure measures 7.6m x 4.9m and is 3.10m high with a 600mm high retaining wall to be built on the southern and western sides of the structure. Material finishes proposed consist of a grey fibreglass roof finish, concrete block cavity walls with a painted plaster finish and painted steel doors. A 3 metre high planted screen is proposed along the south east boundary where the site meets the rear of properties on Clontarf Road. The land at the substation site is to be levelled with the slope to the meadow to the west of the site to be regraded to provide for a stepped approach to the meadow.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. By order dated 19th July 2023, Dublin City Council issued notification of the decision to grant planning permission subject to 10 conditions. The following conditions are of note:

Condition 3 requires that any existing original features, in the vicinity of the works shall be protected during the course of the works to protect the character and integrity of the protected structure.

Condition 4 outlines requirements in relation to finishes and treatments to mitigate the visual impact on the protected structure and nearest residential properties, including that a timber fence and/or planted trellis screen measuring at least 1.8m in height between the substation structure and the party boundary to the east until such time as the landscaping and vegetation is sufficiently mature to replace the fence/trellis as a screen measure.

Condition 5 relates to Parks requirements and includes measures relating to tree protection, bat & bird conservation and requirement of a tree bond.

Condition 9 relates to noise levels during construction and operation in the interests of residential amenity.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The local authority planning report can be summarised as follows:

- The proposal does not result in any detrimental impact on dwellings in terms of reduced daylight or sunlight.
- The proposed structure shall be located in excess of 40m from neighbouring dwellings thereby mitigating against any potential impact in terms of residential amenity.
- Provision of additional planting will provide screening between the substation and the party boundary with the dwellings backing onto the proposal as well as replacing the loss of existing trees / hedging.
- A condition is recommended that a dark coloured panel fence be erected between the structure and the party boundary to the east.
- The substation is over 35m away from nearest dwellings and standard noise conditions should be applied.
- The management and regulation of magnetic fields is not a planning matter.

- The site of the proposal is removed from Manresa House which is a Protected Structure (RPS Ref. No. 1922).

3.3.2. Other Technical Reports

Drainage Division – No objection subject to conditions

Conservation Officer – The proposed substation has no visual impact on the protected structure and there are no objections subject to standard conservation conditions.

Parks – The report notes the following:

- The proposal will result in the removal of 8 trees. The species recorded are not rare or protected. Subject to a compensatory tree & hedge planting scheme the loss is considered acceptable.
- The works impact will include crown reduction along the entrance avenue and works within the RPA of trees to be retained. Vegetation removal may give rise to local but confined habitat loss, such as potential nesting sites and bat foraging. Compensatory planting will mitigate this and all vegetation clearance is advised to be carried out outside of the bird breeding season.
- Topography and proposed screening hedge will help screen views.
- No objection subject to conditions.

3.4. Prescribed Bodies

None

3.5. Third Party Observations

Two observations received which raise issues similar to those in the third party appeal and observation to the appeal.

4.0 Planning History

4.1. Recent Planning History for Manresa House (within which the appeal site is located):

3803/21: Permission granted for a new single storey building located to the northeast of the protected structure, to provide for new reception, dining, cooking and associated ancillary spaces, a new single-storey structure forming a covered route from the existing Retreat Building to the proposed new building and all associated site works.

3964/15: Permission refused for extension to existing retreat house for reasons relating to impact on protected structure.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject site contains two land zonings. The proposed substation is to be located on lands zoned Z15 'Community and Social Infrastructure', which has a stated zoning objective to protect and provide for community uses and social infrastructure. The access road to the site of the proposed substation is zoned objective Z1 'To protect, provide and improve residential amenities'. 'Public Service Installations', which include all service installations necessary for electricity etc, is a permissible use on lands zoned Z1 and Z15.
- 5.1.2. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk
Section 9.5.12 refers to Energy Utilities and states that the Council will support energy utility providers in their efforts to deliver, reinforce and strengthen existing electricity and natural gas transmission/ distribution grid infrastructure, electricity interconnection and electricity storage in order to ensure security of electricity supply and support the growth of renewable electricity generation.
- 5.1.3. Chapter 10 Green Infrastructure and Recreation includes policy GI41 to protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment
- 5.1.4. Chapter 11: Built Heritage and Archaeology

Policy BHA2 relates to development of protected structures and seeks to ensure, inter alia, that any development affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials; Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development; Have regard to ecological considerations for example, protection of species such as bats.

Manresa House is included on the Record of Protected Structures, RPS No. 1922.

5.2. Architectural Heritage Protection, Guidelines for Planning Authorities, 2011

Section 8.5 refers to Exterior Fixtures and Features noting that their location should not detract from the appearance of the protected structure.

5.3. Natural Heritage Designations

- 5.3.1. The eastern boundary of the appeal site is located approx. 13 meters from the North Dublin Bay SAC (site code 000206) and North Bull Island SPA (site code 004006) and North Dublin Bay Proposed NHA.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal has been received from the occupants of No. 424 Clontarf Road. The grounds of appeal can be summarised as follows:

- Failure to consider the presence of bats, pine martens and badgers in the assessment which should consider the hibernation period of bats, pine marten habitats and foraging and feeding routes of badgers.
- The impact of noise and vibration from the substation on private amenity space has not been considered and no condition has been applied to the decision in relation to vibrations.
- There are inconsistencies in the arboriculturists report and a lack of clarity in relation to the number of trees to be removed.
- The planners report fails to address the substantive issues raised in the observations.

6.2. Applicant Response

A response to the appeal received includes a report relating to ecological assessments by Malone O'Regan Environmental, a letter from J.N. & G. Traynor & Partners relating to the need for the substation and a revised Arboricultural Assessment, Impact Statement and Method Statement by Arbeco Limited. The response can be summarised as follows:

- The substation location was chosen as being the lowest and least obtrusive location within the Manresa Campus as it is at a lower level and out of sight of the protected structure on the site and avoids impacting on its setting.
- Retention of existing trees and hedgerows and supplementary planting with a hornbeam/beech hedge parallel to the rear boundary walls of properties on Clontarf Road will mitigate the visual impact from these properties.
- The need for the substation arises from the need for EV charging as a result of increased demand since a previous application for development on the site was lodged.
- The proposed location, close to Clontarf Road, will also increase available power and strengthen the electrical network in the local area and may obviate the potential requirement for a substation to be located on the coast side of Clontarf Road.

- ESB require the connection close to their existing network and also require permanent, 24 hour vehicular access for servicing and maintenance. The selected siting is the most suitable as it is located as close as possible to the main entrance.
- An Ecological Assessment has been prepared in response to the appeal which finds no evidence of pine martens or badgers and that the site is of low ecological importance for bats with the trees on site considered unsuitable for roosting or hibernating bats. This is supported by the Local Authority Parks Department Report and Condition 5 of the planning authority's decision provides for bat and bird conservation measures.
- In relation to noise and vibration, the solid concrete structure and its distance from neighbouring houses will provide noise and vibration attenuation. Condition 9 of the planning authority's decision addresses noise.
- Many ESB substations are located in apartment developments adjacent to living accommodation with no reports of adverse impacts.
- Anomalies in the Aboricultural Assessment, Impact Statement and Method Statement are acknowledged and clarified in the drawings attached to the appeal response.

6.3. Planning Authority Response

The response from the Planning Authority can be summarised as follows:

- The decision of the planning authority is requested to be upheld.
- If permission is granted a Section 48 development contribution condition is requested to be applied.

6.4. Observations

One observation has been received from the occupants of No. 425 Clontarf Road which includes a copy of the observation made to the planning authority and can be summarised as follows:

- The impact of the proposed location of the substation on the enjoyment of adjoining homes and gardens has not been considered. The large Manresa site provides multiple alternative locations for the 22sq.m. proposed building.
- The planners report fails to consider the impact of the development on private residential amenity and the impact of overbearance which could be addressed by relocating the substation to another location on the Manresa site.
- There are inconsistencies in the number, location and species of trees to be removed. The Board is requested to confirm the trees to be removed if permission is granted.
- No rationale for the development has been provided and the capacity of the substation is unknown. The additional electricity demand should be described as part of the application and the amount of increase in Maximum Import Capacity to justify the need for the new substation should be provided.
- An assessment of need for the additional capacity to serve the surrounding neighbourhood should be carried out and suitable locations considered.
- There are discrepancies in the planning application supporting documentation which were not addressed in the assessment of the planning application.
- The Conservation Officer's report referred to in the Planning Officer's report is not available for public inspection, clarity is required whether the report exists.
- The Conservation Report submitted with the planning application inadequately addresses the impact of the substation on adjoining properties.
- The assessment failed to consider the impact of noise and vibration on the garden of No. 425. It is requested that a condition relating to both noise and vibration be attached if permission is granted.
- The Planning Officers consideration of the need for EIA failed to consider the site is adjacent to Bull Island and failed to consider in-combination effects taking account of development on the Manresa site and development at 257-259 Mt Prospect Ave.
- There are concerns in relation to impacts on fauna, including bats, badgers, fox, pine marten and bird species. The ecological survey and a bat survey

submitted with an appeal at 257-259 Mt Prospect Ave noted the presence of badgers and bats.

- There is a need for an assessment of potential impacts on SAC and SPA, both individually and in combination with other development.

6.5. Further Responses

None received.

7.0 Assessment

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

- Need for the Substation
- Impact on Visual Amenities
- Impact on Residential Amenities
- Impact on Built Heritage
- Aboricultural Impacts
- Ecological Impacts

7.2. Need for the Substation

7.2.1. In relation to concerns regarding the need for the substation and consideration of suitable alternative locations, the first party states that the need arises from increased demand for electricity, including for EV charging and that visitors to the retreat centre require on site EV charging. The first party has outlined that the location of the substation has been chosen to be as close as possible to the main entrance in order that the ESB's requirements for 24 hour access and a wayleave to the substation can be facilitated. The drawings submitted with the planning application show a wayleave over the access road indicated as 'ESB Access Route'.

7.2.2. Notwithstanding the concerns raised in the observation relating to the unknown capacity of the substation, I note that there is no planning requirement to justify the need for additional electricity capacity and I am satisfied that the applicant has provided adequate justification for the proposed development and for locating it as proposed. If permitted the development would be subject to conditions restricting potential impacts on residents, for example in relation to noise. I note that the use public service installation is a permissible use on the land use zonings pertaining to the site and I am satisfied that the development is acceptable in principle in this urban area, subject to other relevant planning considerations.

7.3. Impact on Visual Amenities

7.3.1. The third party and observer raise concerns with regard to the visual impact of the proposed development when viewed from their properties (No. 424 and No. 425 Clontarf Road) which adjoin the appeal site boundary. Clontarf Road, in the vicinity of the appeal site, is characterised by two storey dwellings on relatively large gardens, many of which have been renovated and extended. The rear of these properties is located below the level of the proposed substation, with the appeal site sloping upwards from the rear boundary of these properties. The existing ground levels on the appeal site are approximately 11.35 at the top of the slope where it meets the meadow at southwest boundary, 7.4 in the vicinity of the proposed substation and 3.7 at the entrance from Clontarf Road. The top of the existing wall separating the appeal site from properties on Clontarf Road has an indicated level of 7.85. The proposed development seeks to carry out works which include regrading so that the proposed substation will have a ground level of 7.4, a finished floor level of 7.55, and a flat roof with a height of 3.1m above finished floor level. The substation building will measure 7m x 4.35m and have a floor area of 22 sq.m. The area where the substation is proposed to be located contains dense growth, including trees. Whilst some trees are proposed to be removed to facilitate the development, the wider area will retain its woodland character. Mitigation measures consist of planting a hornbeam hedge parallel to the eastern site boundary at the rear of dwellings on Clontarf Road. Condition No.4 attached to the planning authority's decision requires a fence or planted trellis at least 1.8m high between the substation and the eastern boundary until landscaping is sufficiently mature and a requirement that the roof of the structure be green in colour. I note that the drawings

indicate that this boundary will measure 3m above ground level at a height of 10.4 and extending 2.55m above the existing boundary wall between the site and the rear of properties on Clontarf Road.

7.3.2. I acknowledge that the proposal to remove trees will amend the view of the appeal site from the rear of properties on Clontarf Road bordering the site. The Planning Authority Parks Department raised no concerns in relation to visual impact and noted that the topography and proposed screening hedge will help screen views of the substation. I do not consider the impact to be significant in this urban area and I note the presence of trees within the Manresa site and surrounding the area of the proposed development which allow for the retention of the woodland character of this area. I also note the mitigation measures proposed by the applicant which include planting a hedge and further mitigation measures included in condition 4 of the planning authority's decision.

7.3.3. Having regard to the characteristics of the area surrounding the appeal site which includes mature trees and shrubs, to the mitigation measures proposed, and to the scale and design of the proposed substation, I consider the development will not impact unreasonably on the visual amenities of the adjoining dwellings on Clontarf Road and will not be overbearing when viewed from these properties. If planning permission is granted I consider it appropriate to attach a condition in line with condition 4 of the planning authority's decision in relation to material finishes and treatments of the structure and the retaining wall to reduce the visual impact on the protected structure on the site and adjoining dwellings. However, I recommend that any such condition should require that the height of the fence shall be 3m high in the interests of visual amenity and in line with the drawings submitted with the application.

7.4. Impact on Residential Amenities

7.4.1. Concerns are raised by third parties in relation to noise and vibration. The design of the substation building provides for an enclosed concrete structure with an overall floor area of 22 sq.m. and located 3 m from the rear boundary and approximately 40 metres from the rear elevations of the closest houses at 423, 424 and 425 Clontarf Road. I note that ESB substations of the scale proposed on the appeal site are a typical feature of urban development and are not typically considered to represent a

form of development which would create a noise nuisance, or which is considered incompatible with residential development. I am satisfied that the nature and design of the development is such that it is unlikely to result in noise impacts on nearby properties. I note the planning authority included a condition in relation to noise during construction and operation. The observer to the appeal refers to a condition relating to noise which was attached by the Board to planning permission PL29N.246359. That application related to permission for antennae and I do not consider it relevant to the appeal site. I consider it appropriate that, in the event of a grant of permission, a condition in relation to noise limits be attached.

- 7.4.2. In relation to concerns regarding vibrations from the proposed substation, having regard to the nature, scale and design of the development and the separation distance from the nearest dwellings, I do not consider it necessary to attach a condition in relation to vibrations.

7.5. Impact on Built Heritage

- 7.5.1. The observer to the appeal raises concerns that Dublin City Council's Conservation Officers report is not available for public inspection and that the Conservation Report submitted with the planning application inadequately addresses the impact of the substation on adjoining properties.
- 7.5.2. The planning application submitted with the appeal included a Conservation Report to assess the impact the proposed works may have on the protected structure. The proposed substation is situated approximately 200m from Manresa House which is a protected structure. The Conservation Report notes that the roof level is below the level of the meadow and that the substation will not be viewed from or impact upon the existing buildings on site, including the protected structure. The report concludes that the proposed development will not adversely impact on the character, setting and fabric of the protected structure.
- 7.5.3. I refer the Board to the Conservation Report of Dublin City Council which I can confirm was provided to An Bord Pleanála as part of the application documentation and is included on the appeal file. The report notes that the proposal will have no visual impact on the protected structure and notes no objections subject to standard conservation conditions.

7.5.4. I am satisfied that the Conservation Report submitted by the first party with the planning application adequately addresses the impact of the development on built heritage in the vicinity of the appeal site. I consider the scale and siting of the proposed development is not likely to result in negative impacts on the character of Manresa House. Condition 3 of the Planning Authority decision included a condition that any existing original features in the vicinity of the works shall be protected during the course of the works. If the Board decides to grant of permission I consider it appropriate to attach a condition to this effect.

7.6. Aboricultural Impacts

7.6.1. The planning application was accompanied by a Tree Survey which included an aboricultural assessment, impact statement and method statement in relation to the proposed development. The report states that the trees were surveyed on 23rd March 2023 and that the location of the substation requires the removal of 8 trees, identified as tree nos. 825 to 835 inclusive all of which are Category C trees and that their loss will be mitigated in part by the planting of a hornbeam hedge to the east of the structure. Possible intrusion into the RPA of tree no's 252 and 253 is identified with guidance for construction within the rootzone outlined to minimise potential damage to these trees. A tree schedule attached to the report identifies tree no's 825 – 833 to be removed and all are identified as C2 or C3 grade. A Tree Protection Plan identifies trees numbered 825 – 835 inclusive to be removed. The planning authority Parks Department in their report note that the proposal will result in the removal of 8 trees, that the species recorded are not rare or protected and that the loss is considered acceptable.

7.6.2. The third parties raise concerns in relation to inaccuracies in the documents submitted regarding the trees to be removed. The first party response to the appeal acknowledges the inconsistencies and includes a revised Aboricultural Assessment, Impact Statement and Method Statement. The revised report states that a total of 14 trees are to be removed. A Tree Protection Plan and Tree Schedule is included with the report which identify that tree no's 825 – 835 inclusive (a total of 11 trees) are to be removed. The report notes that the underlying scrub is also to be removed which includes trees with a stem diameter less than 15cm and their loss is not dealt with in the report.

7.6.3. I am satisfied that the number of trees impacted by the proposed development has been confirmed on the Tree Protection Plan drawing no. AB2023-06 and Tree Schedule submitted with the response to the appeal with 11 trees identified to be removed. I note a discrepancy in the narrative in the report attached to the tree survey which refers to 14 trees to be removed, however I am satisfied that the clarifications provided in the Tree Protection Plan drawing and the Tree Schedule are adequate to confirm the trees to be removed. Having reviewed the Tree Survey and associated documents I consider the trees to be removed are not of visual or amenity significance and I am satisfied that their removal will not contravene Development Plan policy GI41. I am satisfied with the rationale for the removal of these trees and I consider their removal to facilitate the proposed development is acceptable. I note that the planning authority included a condition relating to a Tree Bond and I consider it appropriate to attach a condition in this regard for the protection of retained trees if the Board decides to grant permission.

7.7. **Ecological Impacts**

Third parties raise concerns in relation to the impact of the development on fauna and birds on the site. The first party response to the appeal includes a report 'Technical Note on Ecological Assessments' which includes desktop and field based surveys carried out on 23rd August 2023. The report includes the following findings:

- No evidence of badgers was identified on site, the nearest known sett is c. 230m. west of the site and given the small scale of the development it is not envisaged that there will be any significant loss in foraging habitat for badgers or result in any significant impairment on badgers commuting.
- No evidence of pine martens was found and the habitats on the site are not considered suitable for this species.
- No trees suitable for roosting bats were identified and the site is of low suitability for foraging and commuting bats.
- The proposed development will not have any significant negative effects of non-volant mammals or bats within the vicinity of the site.

The Local Authority Parks Department report notes that vegetation removal may give rise to local but confined habitat loss, such as potential nesting sites and bat foraging

and that compensatory planting will mitigate this and conditions are recommended in relation to bat and bird conservation which are included in Condition 5 of the permission.

- 7.7.1. Having regard to the small scale of development proposed and the remaining open space and trees, as well as the above findings of the ecology assessment, I do not consider the proposal is likely to have a negative impact on ecology in the area. I note that the planning authority included conditions in relation to bats and the timing of tree removal to occur outside of the bird nesting season. I consider it appropriate to attach conditions to this effect if the Board decides to grant permission. Notwithstanding the absence of bats during surveys, I note that if bats are identified on site during construction the developer will be required to obtain a derogation licence for their removal.

8.0 Appropriate Assessment Screening

8.1. Appropriate Assessment Screening Determination

- 8.1.1. I have considered the proposed development of an ESB substation in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, Appropriate Assessment Screening was undertaken by Dublin City Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Dublin City Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out. The observer to the appeal raises concerns in relation to potential impacts on SAC and SPA, individually and in combination with other development.
- 8.1.3. The proposed development site is a greenfield site containing trees and dense undergrowth within a mixed suburban environment, surrounded by housing, institutional buildings, roads and green space in the immediate vicinity. The development will comprise the construction of a new ESB substation with a floor area of 22 sq.m. and associated site works which include removal of existing vegetation and trees and construction of a new storm water pipe to connect to

existing storm water connection within the appeal site. The development will be accessed from an existing access road and will not require connection to any water supply or waste water infrastructure.

- 8.1.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. A meadow associated with Manresa House adjoins the appeal site to the west and the area is surrounded by mature trees.
- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two European sites are located proximate to the eastern boundary of the potential development site, namely North Dublin Bay SAC (site code 000206) and North Bull Island SPA (site code 004006). The western boundary of these sites adjoins the eastern side of Clontarf Road which is opposite the entrance to the appeal site at a distance of approximately 13 metres from the appeal site boundary. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of North Dublin Bay and North Bull Island.
- 8.1.6. The qualifying interests of North Dublin Bay SAC are identified as Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, *Salicornia* and other annuals colonising mud and sand, Atlantic salt meadows (*Glauco-Puccinellietalia maritima*), Mediterranean salt meadows (*Juncetalia maritimi*), Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks, and *Petalophyllum ralfsii* (Petalwort).
- 8.1.7. The qualifying interests of North Bull Island SPA are identified as Light-bellied Brent Goose (*Branta bernicla hrota*), Shelduck (*Tadorna tadorna*), Teal (*Anas crecca*), Pintail (*Anas acuta*), Shoveler (*Anas clypeata*), Oystercatcher (*Haematopus ostralegus*), Golden Plover (*Pluvialis apricaria*), Grey Plover (*Pluvialis squatarola*), Knot (*Calidris canutus*), Sanderling (*Calidris alba*), Dunlin (*Calidris alpina*), Black-tailed Godwit (*Limosa limosa*), Bar-tailed Godwit (*Limosa lapponica*), Curlew (*Numenius arquata*), Redshank (*Tringa totanus*), Turnstone (*Arenaria interpres*), Black-headed Gull (*Chroicocephalus ridibundus*) and Wetland and Waterbirds.

- 8.1.8. Due to the small scale of the development and the presence of a significant buffer area comprising an access road, residential properties and the R807 regional road between the area of the proposed construction works and the European sites, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. No construction works are proposed on the access road and the proposed ESB substation is to be located approximately 90 metres from the nearest European sites. The proposed development would not have direct impacts on any European site.
- 8.1.9. Construction works can raise the potential for construction related pollution through the disposal of substances and run-off that may affect habitats and/or species. Construction works can also cause disturbance to species as a result of noise, vibration, lighting and other activities. However, having regard to the scale of development and works, to the location of the site within a busy built-up area, the absence of pathways, and the separation distance from Natura 2000 sites, I do not consider it likely that there will be significant construction related pollution or disturbance effects in this case.
- 8.1.10. In terms of vegetation clearance and habitat loss, no part of the development site is located within any European Sites and that there will be no direct loss of habitat. There are no indications that any of the qualifying species relevant to the Natura 2000 sites use the appeal site. Accordingly, it is not considered that there is potential for habitat loss or fragmentation by reason of direct loss, disturbance or otherwise.
- 8.1.11. During the operational phase there is potential for an indirect hydrological pathway between the site and a European Site by means of surface water runoff. This indirect hydrological pathway is considered to be insignificant due to the proposal to connect to an existing surface water drainage system within the site, the limited scale of the development proposed and the distance and existing development between the proposed development and the European Sites in question. Whilst surface water has the potential to ultimately outfall to Dublin Bay, having regard to the minor scale of the proposed development in the context of the overall drainage system, I do not consider that any surface water outfall associated with the proposed development would result in significant effects on the European sites.

- 8.1.12. No additional operational impacts are anticipated due to the nature of the proposed development. The contained nature of the site with no direct ecological connections or pathways and distance from receiving features connected to North Dublin Bay SAC and North Bull Island SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.1.13. Having regard to the existing nature of the site and the surrounding pattern of urban development and activity, no ongoing ex situ effects on the qualifying interests of European Sites are anticipated, in terms of disturbance or loss of roosting/foraging habitats.
- 8.1.14. An observation to the appeal raises concerns in relation to cumulative impacts on Natura 2000 sites. The proposed development would not be considered to have a significant cumulative impact in respect of the existing surface water loading. Similarly, it is not considered that any disturbance as a result of the construction works or operational stage would be significant due to the limited scale of the development. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.
- 8.1.15. Given the size and scale of the proposed development, the location of the proposed development in an established urban area that is suitably serviced, and the works involved, I am of the view that the proposed development will not lead to a likely significant effect on the qualifying interests of any nearby European Site.
- 8.1.16. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Dublin Bay namely, North Dublin Bay SAC and North Bull Island SPA or any other European Site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site;

- The location of the development in a serviced urban area, the distance from European Sites and the urban nature of intervening habitats;
- Distance from and absence of indirect connections to the European sites.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions.

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, to the nature and scale of the proposed development, the character and limited ecological value of the appeal site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the provisions of the Dublin City Development Plan 2022-2028, would contribute to the provision of necessary infrastructure in the area, would respect the existing character of the site and the surrounding area, would not result in an unacceptable loss of trees or biodiversity, would not seriously detract from the character or setting of Manresa House Protected Structure and would not seriously injure the amenities of property in the vicinity, The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- a) The colour of materials to be used on the elevations, rainwater goods, door and roof shall be dark or green so as to blend in with the landscaping and background.
- b) A timber fence and/or planted trellis screen measuring at least 3 metres in height shall be erected between the substation structure and the party boundary to the east until such time as the landscaping and vegetation is sufficiently mature to replace the fence/trellis as a screen measure.
- c) The retaining walls shall be finished so as to blend in with existing and proposed landscaping.
- d) The substation's roof will be designed to contain a green roof to mitigate its visual impact subject to any technical constraints of the ESB.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The following conservation requirement shall be complied with:

- (i) Any existing original features, in the vicinity of the works shall be protected during the course of the works.

Reason: To protect the character and integrity of the protected structure.

4. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

- (a) Trees identified to be removed on the Tree Protection Plan drawing no. AB2023-06 and Tree Schedule submitted to An Bord Pleanála on 08th September 2023.
- (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.
- (c)

Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of

the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

5. The developer shall comply with the following nature conservation requirements:

- a) No felling or vegetation removal shall take place during the period 1st March to 31st August. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
- b) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site, and in the interests of amenity, ecology and sustainable development

6. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site

7. Drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. 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 and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

11. 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 the An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Bernadette Quinn
Planning Inspector

19th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317784-23		
Proposed Development Summary	Construction of an ESB substation and all associated site works.		
Development Address	The Jesuit Centre for Spirituality, Manresa House, 426 Clontarf Road, Dollymount, Dublin 3, D03 FP52.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10 (b)(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10	Proceed to Q.4

		hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317784-23	
Proposed Development Summary	Construction of an ESB substation and all associated site works.	
Development Address	The Jesuit Centre for Spirituality, Manresa House, 426 Clontarf Road, Dollymount, Dublin 3, D03 FP52.	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for an ESB substation in an existing urban area is not considered exceptional in the context of the existing urban environment.</p> <p>The development would be connected to existing surface water drainage. No wastewater is proposed to be discharged.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed ESB substation on a site measuring 0.173 ha. and with a floor area of 22 sq.m. is not considered exceptional in the context of the existing urban environment.</p> <p>Having regard to scale of the proposed development and to the existing and permitted development in the vicinity of the site significant cumulative impacts are unlikely.</p>	<p>No</p>

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The eastern boundary of the appeal site is located approx. 13 meters from the North Dublin Bay SAC (site code 000206) and North Bull Island SPA (site code 004006) and North Dublin Bay Proposed NHA.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	<p>No</p>
<p>Conclusion</p>		
<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA is not required. 		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)