



An  
Bord  
Pleanála

## Inspector's Report

**ABP-318962-24**

### Development

Amendments to Reg. Ref. D21A/0248 / ABP-312993-22 consisting of new rooftop play area and changes to permitted green roof, new boundary treatment, increase in height of western stair core and central atrium stair core, relocation of heat pump and associated works.

### Location

Former Dun Laoghaire Enterprise Centre, George's Place, Dun Laoghaire, Co. Dublin within the setting of a protected structure (RPS No. 528 Fire Station – Façade Only).

### Planning Authority

Dun Laoghaire-Rathdown County Council

### Planning Authority Reg. Ref.

D23A/0700

### Applicant(s)

The Department of Education

### Type of Application

Permission

### Planning Authority Decision

Grant permission

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Patricia Stewart and Michael O'Reilly Bronwyn Salmon Ann Mulcrone and others
<b>Observers</b>	Assie Sattar and others Lisa Mac Nicholas John and Marguerite Wiles James Hughes and others Gerard Harrington
<b>Date of Site Inspection</b>	2 <sup>nd</sup> July 2024
<b>Inspector</b>	John Duffy

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.2 ha is located at the former Dun Laoghaire Enterprise Centre, George's Place, Dun Laoghaire, Co. Dublin. The site contains a two-storey redbrick building which was formerly in use as a fire station and more recently operated as an Enterprise Centre. The façade of the building is a protected structure (RPS No. 528).
- 1.2. The site is situated on the north-eastern side of George's Place approximately 100 m to the east of the junction of George's Place and Clarence Street. Bentley Villas, a two-storey terrace of six houses is located to the west. Stable Lane, comprising two storey terraces of housing of varying roof heights is located beyond the high northern perimeter wall of the appeal site. A recent housing scheme comprising two terraces of three two-storey brick units adjoins the site to the east at George's Lane. A two-storey over basement house (protected structure No. 1958) is located at the eastern corner of George's Place and George's Lane. There is a part 4 and 5 storey apartment block located south of the former fire station on the opposite side of George's Place.
- 1.3. The site contains a two-storey inverted L shaped building that abuts the southern and eastern perimeters at George's Place and George's Lane respectively. There is a significant area of hardstanding to the rear of the building, which has a vehicular access point onto George's Lane. The northern site boundary has a vehicular access gate between Stable Lane and George's Lane.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises amendments to the parent permission ABP-312993-22 / PA Reg. Ref. D21A/0248, as follows:
  - Provision of a new rooftop play area (360 sqm) to be located on the flat roof of the permitted rear extension element, previously denoted as a green roof. The play area which is set back from the building edge is to have a rubber crumb surface.
  - Provision of new boundary treatment around the perimeter of the proposed play area. At the southern side, a 1400 mm high screen noise wall with 600 mm mesh fencing atop is proposed. At the northern side 2000 mm mesh fencing is proposed.

- Changes to the permitted green roof area are proposed. A 428 sqm green roof is now proposed, compared with a 473 sqm green roof in the parent application.
- To facilitate roof access, increases in the heights of the permitted western stair core enclosure and central atrium stair and lift core are proposed. An approximate 3.6 m height increase is proposed to the central atrium stair core, while an approximate 3.78 m height increase is proposed to the western stair core which is to have a sloping roof profile. The central lift core is proposed to be extended in height by approximately 2.7 m.
- Relocation of permitted heat pump plant enclosure measuring 6.5 m in length, 2.5 m in width and 1.8 m in height, to the eastern side of the proposed extended central stair core and atrium. No alterations are proposed to the plant other than its position on the roof.

The application, in addition to all drawings and plans, is accompanied by:

- Planning and Conservation Report
- Letter from Chairperson of Dun Laoghaire Educate Together National School (ETNS) in relation to the proposed development
- Appropriate Assessment Screening Report
- Noise Impact Assessment (NIA)
- SUDS Management Plan
- Utility Information Report
- Part L Review Report
- Sunlight, Daylight and Shadow Assessment
- Verified Photomontages
- Design Report
- Lighting Plan

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 11<sup>th</sup> January 2024 the Planning Authority decided to grant permission subject to 5 conditions for all elements of the development as outlined under Section 2.1 of my report.

Noteworthy conditions are as follows:

**C 3:** Limit hours of operation of rooftop area between 7 am and 5 pm Monday to Friday. No amplified music in the roof top play area that may have a significant impact on background noise levels.

**C 4:** Revised plans detailing external treatments to the proposed extended elements of the central atrium and stair core to be provided which may include timber cladding and / or the use of green living walls

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

The report of the area planner reflects the planning authority's decision to grant permission for the proposal subject to five conditions as set out at section 3.1 above. It notes the site's planning history, the policy context, reports received and third party submissions made in respect of the planning application. The principle of the proposed amendments to the parent application are considered acceptable. Report notes the transitional nature of the zoning whereby lands directly to the west are zoned Objective A (Residential). Reference is made to the letter provided by the Board of Management of the school which provides a justification for the proposed development. The report acknowledges that the proposed use of the roof space for play purposes would significantly increase the quantum of play space for the school and that this constitutes an improvement and is acceptable. It considers that the set back of the play space from the roof edges is such to ensure that the play area itself is sufficiently set back from neighbouring properties so that privacy of residents is maintained. The proposed wall at the south-western roof boundary of the play area along with proposed boundary treatments are considered appropriate and will not cause overshadowing impacts. Report recommends a condition limiting the operational hours of the roof play area to those of the school in order to mitigate any perceivable impacts upon neighbouring residential amenity. Having regard to the NIA including mitigation measures specified therein concerning, inter alia, use of rubber crumb play surface and limiting noise

levels from school bell and PA system on the roof, along with the EHO report provided, the report considers the addition of a play area on the roof will not cause any undue noise impacts. The report considers that the relocation of the plant at roof level, the extended western stair core and the extended central lift stair core and atrium would not result in undue overbearing or overshadowing impacts on neighbouring properties as these elements are sufficiently set back from the respective boundaries to ensure any increases in height will not result in undue impacts to the residential amenity of surrounding properties. While the report of the Conservation Division is noted it is considered the concern raised of visual amenity / impact on the protected structure from the proposed extended elements may be addressed by way of condition requiring submission of revised finishes as expressed in the Division's report. Similarly in terms of the reports received from the Drainage Division and the Environmental Enforcement Department, if a grant of permission is recommended a condition will be included stating that save for the amendments granted on foot of this permission, the development is to be carried out in accordance with the terms and conditions of the extant permission.

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

- Parks and Landscape Services: No objections to proposal
- Drainage Planning: Further Information recommended in relation to the proposed green roof, storage volume and how rainwater harvesting is incorporated into the design.
- Environmental Enforcement: Conditions provided in relation to construction waste, liaison with the public, monitoring and operational waste management.
- Conservation Division: No objection in principle. Requests that the finishes for the elements of increased height be examined to ensure proposal does not detract from the architectural character of the protected structure. Timber cladding or use of green /living wall suggested.
- Public Lighting: Notes that no lighting is needed and that none is proposed.
- Transportation Planning: No objection.

### **3.2.3. Prescribed Bodies**

At application stage the planning authority issued details of the application for comment to the following bodies and no subsequent responses were received: The Heritage Council, An Taisce, An Chomhairle Ealaíon, Fáilte Éireann, the Department of Housing, Local Government and Heritage and Irish Water.

#### 3.2.4. **Third Party Observations**

Six submissions were received in connection with the planning application. Issues raised are similar to those in the third party grounds of appeal and the observations received by the Board which are summarised below.

### 4.0 **Planning History**

#### **Appeal site**

**An Bord Pleanála Reference No. ABP-312993-22 / Planning Authority Register Reference No. D21A/0248** refers to a January 2023 decision to grant permission for change of use, conversion, renovation, and internal reordering of the former Enterprise Centre to provide a part 3 storey 18 classroom primary school, to include the provision of all ancillary staff and student facilities.

Under this permission a total of 755 sqm of play facilities is permitted, comprising external space of 295 sqm, 111 sqm of internal play space (additional needs) and an indoor general purpose hall of 349 sqm.

Relevant conditions include:

**2.** The smaller north-west facing windows to classroom numbers 4, 5, 13 and 14 shall be manufactured opaque and permanently maintained to a height of 1.8 metres above finished floor level given their orientation and proximity to Stable Lane. Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

**10.** No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with



the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

**11.** All external lighting details shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenities.

### **East of the appeal site**

Planning Authority Reference PC/H/05/16 – This is a Part 8 application for 12 two bedroom, two-storey dwellings at George's Place, Dun Laoghaire, Co. Dublin which was approved. These units have been constructed.

## **5.0 Policy Context**

### **5.1.1. Dún Laoghaire Rathdown County Development Plan 2022 - 2028**

The Dun Laoghaire Rathdown Development Plan 2022 - 2028 is the current statutory plan for the area, including the subject site. The site is zoned Objective MTC, 'To protect, provide for and-or improve major town centre facilities.'

5.1.2. The front façade of the former Fire Station on the site is a protected structure (RPS No. 528). There is another protected structure, a house (RPS No. 1958) located immediately east of the site. Section 12.11.2 of the Development Plan relates to protected structures.

5.1.3. As denoted by the letters 'ED' on the Development Plan map, the site is designated a Proposed Education Site in the Development Plan.

5.1.4. The site is also subject to a Specific Local Objective (SLO) 31: 'To seek the redevelopment of the obsolete area at the Fire Station in accordance with the objectives of the Interim Dún Laoghaire Urban Framework Plan and the forthcoming Dún Laoghaire and Environs Local Area Plan.'

5.1.5. Section 12.3.2.5 of the Development Plan relates to school development and sets out the criteria for assessing applications for new schools and extensions to schools, and states the following:

5.1.6. The Planning Authority will consider school developments having regard to specific requirements of the Department of Education (DoE) and guidance set out within 'The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities' (2008). In general, new schools shall be developed in areas where new/additional schools are required as identified by the DoE and/or within existing school / education sites. In assessing individual planning applications for new schools and/or redevelopment/extensions of existing schools, the Planning Authority will have regard to the following:

- Overall need in terms of necessity, deficiency, and opportunity to enhance or develop schools.
- Site location, proximity of school to catchment area, size of site relative to outdoor space requirements and the future needs of the school (i.e. sufficient space provided for future expansion).
- Design – In certain instances urban typologies will be encouraged to maximise efficient use of land and to maximise space for outdoor recreational facilities.
- Traffic and transport impact on the surrounding road network.
- Good, safe accessible pedestrian and cyclist routes to and from the school from nearby residential and commercial areas.
- Adequate cycle facilities in accordance with the requirements in the Council Cycle Policy Guidelines and Standards. In all cases it is a requirement to provide showers, changing facilities, lockers and clothes drying facilities, for use by staff and/or students that walk or cycle to work/place of education.
- Safe access and adequate car parking layout to facilitate drop off/pick up. • Adequate signage, lighting, and boundary treatments.
- Impact on local amenities and out of school hours uses/dual functioning of school facilities.
- Conformity with the requirements of appropriate legislative guidelines. • Conformity with land use zoning objectives.
- In all cases, a School Travel Plan shall be submitted with an application for any school development, requirements of which should be ascertained at pre-planning stage.
- Temporary classrooms will be assessed on a case-by-case basis and will generally be accepted for a period not exceeding five years and such

classrooms should not interfere with onsite car/ cycle parking spaces or unduly impact the usability of outdoor play/sports facilities.

- Extensions to schools will generally be accepted where they will replace existing temporary classroom structures on site. School extensions should be located having regard to adjoining amenities and amenities within the school site.
- Dual function of sports facilities/halls etc. outside of school hours will be encouraged where the use of such facilities will be of a benefit to the wider community, however any outside hours usage of the school should not be to the detriment of adjoining residential amenities. Full details of all anticipated uses outside of school hours should be provided with the planning application.

5.1.6. Appendix 17 of the Development Plan contains the Interim Dún Laoghaire Urban Framework Plan. Section 17.5.6 relates to George's Place and states that the site offers an opportunity to provide a mixed-use redevelopment that includes educational uses.

## 5.2. **National Planning Policy**

The following are considered to be of relevance to the proposed development:

- National Planning Framework (2018)
- The Provision of Schools and the Planning System - A Code of Practice for Planning Authorities, the Department of Education and Science and the Department of the Environment, Heritage and Local Government (2008).
- Technical Guidance document TGD-025 on the Identification and Suitability Assessment of Sites for Primary Schools (2012).

## 5.3. **EIA Screening**

The assessment of the proposed primary school development relating to the subject site under ABP-312993-22 considered that given its nature, scale and serviced urban location there is no real likelihood of significant effects on the environment arising, and the need for environment impact assessment was excluded at preliminary examination.

See completed Forms 1 and 2 below in relation to the proposed development. Having regard to the nature of the proposed development comprising provision of a roof-top play area with boundary treatment, changes to the permitted green roof, increased heights of permitted stair and lift core enclosures along with relocation of permitted heat pump plant enclosure at roof level and associated works on a brownfield site measuring approximately 0.2 ha in Dún Laoghaire town centre where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The appeal site is not located within or in the vicinity of any European site. The South Dublin Bay SAC is located approximately 0.85 km from the site while the South Dublin Bay and River Tolka Estuary SPA is situated approximately 0.4 km from the site. South Dublin Bay proposed NHA is also located approximately 0.4 km from the site.

### **6.0 The Appeals**

- 6.1. Three third party appeals with supporting information attached from the following parties are submitted against the planning authority's decision to grant permission:

1. Patricia Stewart and Michael O'Reilly (Crofton Mews, Stable Lane)
2. Bronwyn Salmon (Crofton Mews, Stable Lane)
3. Ann Mulcrone (Connaught Place), Conor Mulcrone and Naoise Mulcrone (Connaught Place), Mabel and Liam Fitzpatrick (Connaught Place), Vivienne Fitzpatrick (mews to rear off Connaught Place), prepared by Reid Associates.

As similar points are raised in the three third party appeals, the key points are collectively summarised below.

#### Principle of development / Condition 10 of the extant permission

- The proposed development is precluded by Condition 10 of the parent permission (ABP-312993-22) which requires that no additional development

shall be erected at roof level in the interests of visual and residential amenities. This condition is not divisible from the extant grant of permission.

- The proposed development materially contravenes Condition 10 which specifically restricts any further development at roof level.
- If the Board had intended to allow flexibility it would have done so and the text of the condition would have been worded accordingly. There is no provision in the condition which allows for further amendments to the roof area.
- The planning authority has misinterpreted Condition 10 by allowing further development at roof level.
- The proposal to expand into the roof space / area undermines the mitigation measures as set out in Condition 10.
- The only way to overcome Condition 10 would be to apply for the entirety of the development in its new iteration however the applicant has not done this. A new de-novo permission for the entire school development should be sought.
- The applicant recognises the contentious nature of the roof development as a play area, omitting it at the outset in order to secure planning permission for the school.

#### Impacts on Residential Amenity

- In its previous decision to grant permission for the school the Board balanced the public value of the school and the mitigating measures in regard to protection of the residential amenities in the area.
- The restricted nature of the site and the proposed number of children at the school (approximately 440) means playtimes must be operated by way of a rota system. The number of break times at the roof play area will exacerbate the negative effects on residents.
- Condition 3 of the planning authority's decision in terms of limiting use of the rooftop play area and no amplified music fails to address the impacts of noise and disturbance over the course of an entire day disaffecting residents who are retired or are working from home. This condition is unimplementable. Any amplified noise in a quiet residential area is unacceptable.

- The school bell, the PA system and music from the rooftop will be heard frequently by residents diminishing further their amenity.
- Proposed development would significantly dominate and obtrude upon the mews dwellings at Stable Lane.
- The proposal would exacerbate overshadowing, loss of light and reduce skylight and sunlight.
- Overlooking impacts.
- Proposed development proposes a significant and visually overbearing scale, height and mass and intrusive form of development on surrounding residents at Stable Lane, Connaught Place, Crofton Road and George's Place. This is further exacerbated by noise impacts, external lighting of playground and its continuous use throughout the day.
- The NIA does not include impulsive noise. This undermines the noise report findings.
- The mews dwellings on Stable Lane East were not assessed as noise sensitive properties. They along with properties at Connaught Place will be affected by noise which will travel to windows serving habitable rooms.
- Mitigation proposed is inadequate and it is reliant on the screen wall and fence which will not protect properties.
- Noise will be more dominant having regard to the height of the roof relative to surrounding properties.
- Daylight and Sunlight analysis was undertaken on the basis of using the permitted development as a baseline. This is unsatisfactory as it masks the fact that the permitted development impacts significantly on neighbouring properties resulting in non-compliance with relevant criteria.
- In respect of Nos. 3A, 4, 5 and 6 Stable Lane the previous results submitted for the extant permission showed that 93.75% of ground and first floor windows would not comply with BRE Guidelines for daylight at these properties.

### Visual Impact

- The proposal exacerbates the height difference between the proposed development and the surrounding two storey development at Stable Lane, George's Place and the old Fire Station which is a protected structure. The proposed height of the development bounding a narrow laneway creates a disproportionate height impact on mews properties at Stable Lane. An additional floor of development is proposed.
- The Building Height Strategy of the Development Plan sets a 500 m 'Coastal Fringe Zone' whereby the character of the existing coastline is to be retained. The proposed development should not exceed the height of its immediate surroundings.
- Proposed boundary treatment comprising the mesh and screen walls constitute an unacceptable design standard within the curtilage of a protected structure.
- The terraces of protected structures at Connaught Place and Crofton Road, along with mews dwellings adjoining the site are adversely impacted by the proposed development.
- The proposal is visually dominant, visually incongruous, overbearing and obtrusive.
- Proposed development is excessively dominant and overpowers the former Fire Station
- Character of the front façade of Fire Station is diminished

#### Other

- Contrary to Development Plan policies / objectives including PHP 20 – Protection of Existing Residential Amenity
- Overdevelopment of the roof area
- No justification for an increase in development at roof level which has already reached its sustainable limit in terms of development.

## **6.2. Applicant's Responses**

Tom Phillips and Associates, on behalf of the applicant, has responded to the grounds of each appeal.

As similar points are raised in the responses to the three third party appeals, the key points raised are collectively summarised below, as follows.

#### Amended application

- Condition 10 of the parent permission does not preclude the applicant from applying for planning permission to accommodate additions and alterations to the permitted development.
- The applicant has a right to seek amendments / alterations to the proposed development.
- Submission of planning applications which seek to amend extant permissions is standard practice.
- Noted that Dún Laoghaire Rathdown County Council deemed the current application to be valid.

#### Noise

- A rota system is proposed to manage break and lunch times, therefore not all students will be accessing the rooftop play area at the same time. Use of the rota system is permitted under the parent permission for the ground floor area and the hall; a similar system is appropriate for the proposed rooftop facility.
- An Addendum to the NIA is provided with the appeal response which seeks to address a number of points raised in the appeals.
  - It is noted that impulsivity has been considered as part of the assessment and is clearly identified in it.
  - The NIA was conducted to the nearest noise sensitive receptors which predicted the worst case noise impact without mitigation (3<sup>rd</sup> floor apartments at George's Place). Mitigation measures are provided to ensure the amenity of George's Place is protected. Noise mitigation measures proposed comprise a 1.4 m high solid noise wall, upper limit for noise levels from school bell and PA system at roof level along with a



recommended location for same, rubber crumb play surface and both the PA system and bell not having tonal quality.

- All other noise sensitive locations further away are predicted to have lower onset noise levels as set out in Table 1 of the Addendum report.
- The houses at Stable Lane East were predicted to have similar onset noise levels to the houses at Stable Lane West.
- Three storey houses at Connaught Place have been assessed and are predicted to experience lower onset noise levels than the existing background noise levels.
- Based on residual noise level and the predicted noise impact it is not considered that the noise from the rooftop play area will be impulsive at the noise sensitive receptors.
- In response to the appeals the acoustics consultant considers that noise emissions from the rooftop playground will not cause a negative noise impact at any of the noise sensitive receptors. The increase in noise level will be negligible to that permitted.

#### Height, scale / Visual Impact

- It is inaccurate to describe the proposed development as 'a further floor of development.' The proposal involves the relocation of the permitted heat pump enclosure to another area on the roof (there is no change to the bulk or form of the enclosure) and vertical extensions to stair cores and a lift shaft.
- It is not accepted that the proposed development would be visually obtrusive and incongruous. The proposed vertical extensions are minor in nature and have no material impact on neighbouring properties. The western stair core will have a sloped roof in order to minimise visual impact.
- The central lift and stair core is set back from the roof edge to minimise visual impact. Verified photomontages show the new sloped roof at the western stair core is visible only from the western end of Stable Lane. The central stair and lift core and the heat pump enclosure are not visible from Stable Lane.

- While reference is made in one of the appeals to the Coastal Fringe Zone in terms of building height strategy and an associated buffer of 500 m, the appellant is referring to the previous Dun Laoghaire Rathdown County Development Plan 2016-2022 which included such a provision. This is not applicable to the proposed development; however, it is considered that the overall proposed increase in height above that permitted of the aforementioned elements is minimal.
- The appeal response lists several existing apartment developments and an extant Strategic Housing Development in the vicinity of the proposed development as examples of developments which are significantly higher than the school and the proposed development.

#### Daylight, Sunlight and overshadowing

- A comprehensive Sunlight, Daylight and Shadow Assessment prepared by CSC is provided with the application and a number of houses have been assessed in this regard, including appellants' properties at No. 1A Stable Lane (mews to rear of 1 Connaught Place) and No. 7 Crofton Mews, with the findings being that that the proposed amendments would result in no change in the Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) when assessed against the baseline of the parent permission. Nos. 1 and 2 Connaught Place were not assessed due to the separation distance between these properties and the subject site.
- The Shadow Assessment concludes that proposed revisions to the permitted design have negligible additional impacts.
- Comment from CSC in relation to the appeal grounds note that the matter of impact of the permitted development has already been decided and the report / assessment examines the additional impact of relatively minor adjustments to the design. Therefore, the permitted development is the correct baseline to

reference incremental impact that the minor changes to the original application would have.

- The rooftop fence is permeable to light given its mesh construction and as such it would not cause any significant overshadowing. This boundary treatment facilitates safe access and enjoyment of the rooftop play area.

### Overlooking

- The potential for overlooking from the proposed development onto Stable Lane was assessed by Reddy Architecture and Urbanism. This assessment submitted with the application shows that there is no view of the houses along Stable Lane from the rooftop play area, and there is no view of the rooftop from street level at Stable Lane. While there is potential for the top of the proposed fence at the rooftop to be visible from the rooflights of houses along Stable Lane, no overlooking impacts arise given the height of the proposed boundary treatment.

### Impact on former fire station

- No alteration proposed to the built fabric of the fire station.
- The submitted photomontages demonstrate that the impact of the proposed amendments over and above that permitted would have a minimal impact on the building.
- Conservation Division has no objections to the proposed development in principle.
- Condition 4 of the planning authority's decision relates to the material finishes of the central atrium stair and lift core which the applicant is happy to accept.

### Other

- The claims made that the applicant was misleading in the planning strategy for the subject site are untrue.

- Proposed roof top play space is sought to best utilise space on this constrained site and to provide the best possible facilities for future students.
- It is not intended to implement a phased approach for the development. This is an amended application to a permitted scheme which has not commenced.
- It is not intended to play music within the rooftop area.
- Activities in the proposed rooftop play area will be restricted and ball sports would not be permitted.
- Operating hours of the proposed roof top play area will be limited between 7 am and 5 pm.

Each response from the applicant includes the following Appendices:

Appendix A – Notification of Decision to Grant permission and Planner’s Report for Reg. Ref. D23A/0700

Appendix B – Letter from Dun Laoghaire ETNS Board of Management dated 21<sup>st</sup> February 2024

Appendix C – Addendum to Noise Impact Assessment provided by Wave Dynamics Acoustic Consultants.

### **6.3. Planning Authority Response**

The planning authority considers that the appeal grounds do not raise any new matter which would justify a change of attitude to the proposed development.

### **6.4. Observations**

There are five observations on file from residents of Stable Lane and Crofton Terrace, as follows: Assie Sattar and others (Crofton Terrace), Lisa Mac Nicholas (Stable Lane), John and Marguerite Wiles (Stable Lane), James Hughes and others (Crofton Terrace), Gerard Harrington (Stable Lane). As similar points are raised in the five observations, the key points raised are collectively summarised below.

- The proposed development contravenes Condition 10 of the parent permission ABP-312993-22

- Conditions 3(a) and 3(b) of the planning authority's decision relating to operational times and amplified music respectively are vague and unenforceable
- Impact of proposed development on former fire station and its protected façade
- Overlooking impacts leading to a loss of privacy
- Noise impacts arising from proposed roof top play area and bell; noise assessment did not consider impulsive noise and some near-by residential properties not assessed as sensitive receptors
- Contravenes Development Plan including Policy Objective PHP 20 relating to residential amenity
- No restriction in terms of volume of people and activities on the roof top play area
- Adverse visual impact
- Overshadowing leading to a loss of light on nearby properties
- Excessive height, scale and massing of proposal
- Intensification of use at roof level
- Dangerous nature of roof top play area

## 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 having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of the proposed development
- Impact on Residential Amenity
- Visual impact / Impact on former Fire Station
- Other issues

- Appropriate Assessment

## **7.2. Land-use and nature of the proposed development**

- 7.2.1. The application, the subject of this planning appeal, is for amendments to the school development permitted under ABP-312993-22 (Planning Authority Ref. D21A/0248), which has not commenced building works as yet. Noting the aforementioned extant permission for a school on the lands which are designated as a Proposed Education Site in the Development Plan, along with the 'MTC' zoning objective of the site, in addition to Strategic Local Objective 31 as also contained in the Development Plan, I consider that the proposed amendments to the parent permission are acceptable in principle.
- 7.2.2. I note the points raised by the appellants and observers which consider that the proposed amendments to the permitted school development are precluded by Condition 10 of the parent permission (ABP-312993). Condition 10 of that permission requires that no additional development shall be erected at roof level in the interests of visual and residential amenities.
- 7.2.3. It is not unusual practice for amendment planning applications to be made which seek to implement changes to a particular extant permission or parent permission; that is the scenario in this instance. This is acceptable and it is appropriate that proposed amendments to a permitted development are fully assessed and that all interested parties including members of the public have the opportunity to comment on proposed amendments, as has happened in this case.

## **7.3. Impact on Residential Amenity**

### **7.3.1. Noise**

- 7.3.2. The appeal site is bounded by residential uses to the north (Stable Lane and further north Crofton Terrace), south (Harbour Court Apartments at Geroge's Place), east (units at George's Lane) and west (Bentley Villas).
- 7.3.3. A significant issue of concern raised in the third-party appeals and observations is the potential noise level arising from the proposed rooftop play area along with the sounds from the school bell and PA system located at roof level. A NIA was prepared in order to predict the impact the proposed new rooftop play area would have on nearby residential locations. The NIA included attended noise measurements at the noise

sensitive locations to establish existing background noise and project criteria. The noise levels from the rooftop play area in operation were assessed using a BS4142 assessment which predicated a likely adverse impact at Harbour View Apartments, Noise Sensitive Location (NSL) 4 to the south of the site, which is the worst case sensitive receptor due to the apartments on the third floor of the apartment building having direct line of sight to the rooftop play area. NSLs 1 to 3 which consist of nearby residential development to the north, east and west are stated to benefit from acoustic screening from the proposed school building itself given these units comprise two-storey houses, with the first floor of each house at a lower elevation compared to the proposed new rooftop play area, meaning that the noise level predicted at the worst-case façade of each house is lower than that predicated at NSL4. In response to appeal commentary that other residential development in the vicinity, namely housing at Stable Lane East and Connaught Place at Crofton Road had not been assessed in the NIA for noise impacts from the proposed development, an Addendum NIA was provided as part of the applicant's response to the grounds of appeal which assessed the houses at Connaught Place (NSL5) and Stable Lane East (NSL6) in addition to The Lighthouse Apartments (NSL7) to the south-east of the site. The Addendum report found that those dwellings are compliant with the BS4142 criteria.

7.3.4. Section 5 of the NIA relates to mitigation measures required to ensure the proposed rooftop play area would meet project criteria. In this regard a number of mitigation measures are specified to mitigate against noise to the most affected receptor (NSL4). These comprise (i) construction of a noise wall to the south-west perimeter of the rooftop play area to a minimum height of 1.4 m (it is vital that there are no gaps or holes in the barrier), (ii) upper noise levels to be set for both the school bell and the PA system, (iii) a specific location for the school bell and PA system as indicated in Figure 3 of the NIA, and (iv) ensure the installed school bell does not have any tonal characteristics to its ring to reduce the likelihood of negative noise impact on the nearby sensitive receptors. Table 5 of the NIA assesses the proposed development with the implementation of the mitigation measures and it is concluded that the proposed rooftop play area is unlikely to have an adverse impact in terms of noise emissions.

7.3.5. A number of the appeals state that the findings of the NIA is undermined as it fails to factor in impulsive noise. From an examination of Table 4 'Assessment for daytime

period' of the NIA it is clear that impulsivity is addressed therein. Impulsive noise is considered unlikely given that no formal ball sports such as basketball or football will be played within the rooftop play space. I consider this to be a reasonable deduction. The Addendum to the NIA also confirms that based on the residual noise level and the predicted noise impact it is not considered that the noise from the rooftop play area will be impulsive at the noise sensitive receptors.

- 7.3.6. While concerns are expressed that music will be amplified from the rooftop play area the applicant's response to the appeals confirms this will not be the case. If the Board is minded to grant permission, I would recommend inclusion of a condition to address this issue, similar to Condition 3 (b) attached to the planning authority's decision.
- 7.3.7. It is not proposed that all of the school's students would use the rooftop space at the same time. The proposed facility would be used in tandem with the previously permitted play spaces at ground floor level and within the multi-purpose hall. I agree with the applicant that it is reasonable to implement a rota system in terms of access to the rooftop play area, similar to that proposed in the parent application for use of the ground floor play spaces and the multi-purpose hall.
- 7.3.8. I am satisfied that the NIA provided with the application is robust. Appropriate mitigation measures, as summarised at section 7.3.4 of this report are proposed which will serve to reduce noise impact. In terms of the use of the rooftop play facility, I consider that limiting its operational hours to 7am to 5pm, Monday to Friday as required by Condition 3 (a) attached to the planning authority's decision, which would ensure there are no adverse impacts on the residential amenity of the area. Should the Board be minded to grant permission for the proposed development, I recommend that a similar condition is included in the Board Order.
- 7.3.9. In conclusion, I am satisfied that the proposed development will not generate significant noise impacts which would injure the residential amenity of the area.
- 7.3.10. Daylight, Sunlight and Overshadowing
- 7.3.11. Concerns are raised in the appeals and observations that the proposed development would exacerbate overshadowing impacts and cause loss of light and reduce skylight and sunlight to nearby residential properties. An argument is also put forward by the appellants that the Daylight and Sunlight Analysis prepared for the application uses the permitted school development on the subject site as a baseline which is



considered unsatisfactory on the basis that it masks the significant impact the permitted development has in this context on neighbouring properties.

- 7.3.12. Turning to this latter point in the first instance, in my view it is entirely appropriate that the Sunlight, Daylight and Shadow Assessment submitted with the application uses the permitted school development on the lands as a baseline so that any additional overshadowing impacts which may arise from the proposed development are considered and assessed.
- 7.3.13. The Assessment which is prepared in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Third Edition (BRE 2022) examines the impact of the proposed development at roof level of the permitted school would have on existing neighbouring properties in terms of sunlight, daylight and shadow, referenced against the permitted development. Existing neighbouring buildings in adjoining residential areas were tested for Impact/Change for Skylight – Vertical Sky Component (VSC), Impact/Change for Probable Sunlight Hours (PSH) – Annual APSH and Winter WPSH and Sunlight on the Ground (SOG) (Shadow).
- 7.3.14. The Assessment notes that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. The results are set out on page 6 and 7 of the Assessment and confirm that when the new development is in place, 100% of the tested windows comply with the 27%, 0.8 ratio requirements for habitable rooms, with the average VSC change ratio given as 0.99. As such the Assessment finds that the proposed development complies with the BRE guidelines relating to the skylight availability and that the proposed revisions to the permitted development show negligible additional impact.
- 7.3.15. In terms of testing for the amount of sunlight that living room and / or conservatory windows can receive over both annual and winter periods, the Assessment notes that only windows which face within 90 degrees of due south require testing and those that do not face within 90 degrees of due south do not require testing. The results are set out on page 8 of the Assessment and confirm that when the new development is in place 100% of tested windows comply with the annual APSH and 100% of tested windows comply with the winter WPSH requirements for sunlight or overall requirement. The average change ratio for sunlight is as follows: APSH:0.99

and WPSH:1.00. As such the Assessment provides that the proposed revisions to the permitted design show negligible additional impact.

7.3.16. The final part of the Assessment relates to shadowing to amenity spaces, and it finds that 100% of the tested neighbouring amenity spaces pass the BRE 2-hours of sunlight on the 21st of March, with the average change ratio for the tested amenity spaces given as 1.00. Therefore, the proposal complies with the requirements of the BRE guidelines with regards to sunlight/shadow to amenity areas.

7.3.17. Having regard to the findings of the Sunlight, Daylight and Shadow Assessment, I am satisfied that the proposed development would not cause undue overshadowing impacts on the adjoining properties, or on their private amenity areas.

7.3.18. Overlooking

7.3.19. Concerns are raised that the proposed development at rooftop level would result in overlooking impacts onto adjoining residential properties to the north of the site at Stable Lane. This issue is examined in the Design Report provided with the planning application and associated section drawings showing the relationship of Stable Lane to the proposed rooftop play area (Drawing Nos. P19-073K-RAU-17-XX-DR-A-23002 Rev P03.02 and P19-073K-RAU-17-XX-DR-A-23003 Rev P03.02 refer).

7.3.20. The proposed rooftop play area is sufficiently set back from the north and north-western edges of the roof to ensure that there would be no undue overlooking opportunities from it onto the residential terraces at Stable Lane. The aforementioned drawings demonstrate that the proposed play area is not visible from street level at Stable Lane. It is possible to see the top of the boundary rooftop fencing from the rooflights of houses along Stable Lane, however this does not give rise to overlooking impacts having regard to the height of the boundary treatment.

7.3.21. Similarly in terms of nearby residential development adjoining the eastern and western boundaries of the site, the proposed play area is sufficiently set back from the building edge to ensure no undue overlooking impacts arise from the rooftop play area. The proposed noise wall at the front / south-west of the roof prevents overlooking opportunities to the south.

7.3.22. Having regard to the above assessment which finds that the proposed development would not unduly impact on the residential amenity of the area I consider that the proposed development would not contravene Policy Objective PHP 20 – Protection of Existing Residential Amenity.

#### **7.4. Visual Impact / Impact on former Fire Station**

7.4.1. It is stated in the appeal grounds that the proposal involves an additional floor on the permitted development. Concern is also expressed by the appellants and observers that the proposed development at roof level would be visually dominant, visually overbearing and obtrusive having regard to its height, scale and massing.

7.4.1.1. To facilitate the rooftop play area and to provide access to it, necessary changes to the permitted development include relocation of the heat pump and its enclosure to a different position on the roof, erection of boundary treatment to the play area, the extensions of the western stair core, central stair core and lift shaft. I note that no additional massing or height increase is proposed in terms of the heat pump enclosure. These proposed amendments at roof level do not constitute an additional floor of development; they are required to facilitate safe and secure access by the school children and their teachers to the rooftop facility and to ensure they remain safe when using the play area.

7.4.2. In terms of the concerns raised relating to the scale, height and massing of the proposed extended rooftop elements I have reviewed the verified photomontages submitted with the planning application which provide views of the existing site, the permitted school development, and the proposed development from six vantage points around the appeal site. I note that the central atrium stair core and lift shaft would not be visible from Stable Lane. The western stair core is visible from the western part of Stable Lane only as evidenced by the permitted and proposed photomontages in View 3 (and also by View 5 which confirms the proposed changes are not visible from the eastern side of Stable Lane). In my opinion the increased height and bulk of the proposed western stair core is mitigated by its sloped roof design.

7.4.3. Views 1 and 2 are taken from the eastern and western sides of George's Place respectively and show the existing site, the permitted school development and the

proposed development from these locations. The western stair core, rooftop planting and boundary treatment and the central stair core and lift shaft are visible from western side of George's Place. From the eastern side it is possible to see the central atrium stair core and lift shaft. I consider that the proposed lift shaft in particular is quite prominent from these locations and I concur with the planning authority's condition to seek a revised finish for this element of the proposal. Otherwise, while the proposed new elements are partly visible from George's Place, I do not consider that they seriously injure the visual amenity of the area.

7.4.4 Views 4 (from the laneway between Crofton Terrace and Connaught Place), 5 (Stable Lane East) and 6 (George's Lane) demonstrate that the proposed development is not visible from these locations.

7.4.5. To conclude, in my opinion the proposed development comprising the rooftop play area, associated boundary treatment and the increase in the massing, height and scale of the stair cores and lift shaft are not so significant over and above that permitted that they would seriously injure the visual amenities of the area.

7.4.4. Concerns are also raised in terms of the impact of the proposed development on the former fire station and its protected façade. In this regard I note that the proposed development does not impact on the fabric on the former fire station or its protected façade. The proposed central lift core and central stair core are set back approximately 11 m and 13 m respectively from the edge of the building facing George's Place. Having regard to the verified photomontages submitted I consider that the proposed alterations would not significantly impact the building or its façade significantly over and above that already permitted. I note the report of the Conservation Officer which confirms no objection to the principle of the proposed development and which raised an issue in terms of the finishes to the central atrium stair and lift core. Condition 4 of the planning authority's decision addresses this matter by seeking revised finishes for these elements and I recommend inclusion of a similar condition should the Board decide to grant permission.

## 7.5. **Other issues**

### 7.5.1. Reference to coastal fringe and Building Height Strategy (BHS)

Reference is made in the appeals to a 500 m 'Coastal Fringe Zone' in the context of the BHS of the Development Plan whereby the character of the existing coastline is to be retained. I note however that this provision was contained in the previous Dun Laoghaire County Development Plan which expired in 2022.

The current Dun Laoghaire Rathdown County Development Plan 2022 - 2028 at section 4.3.6 of Appendix 5: Building Height Strategy, notes that most of the County's outstanding architectural heritage is located along the coast. The coastal fringe is included in the performance-based criteria that the planning authority use in assessing applications for increased height in the County with Table 5.1 of Appendix 5 outlining criteria for assessing proposals for increased height, which is defined as building or buildings taller than prevailing heights in the surrounding urban areas. The proposed development comprising enlarged stair cores and lift shaft on top of a permitted part 3 storey school building which is located within the Major Town Centre of Dun Laoghaire and approximately 0.4 kms from the coastline does not come within the parameters of this definition. I note that the prevailing height in the immediate area of the appeal site ranges from two storeys to six storeys.

#### 7.5.2. Overdevelopment

Appeal commentary suggests the proposal results in overdevelopment of the roof space. There is sufficient space at roof level to accommodate all components of the proposed development including a green roof and the heat pump plant enclosure. In my view the proposed development seeks to make more use of the roof area by introducing an additional quality outdoor play space at this level. I share the view of the Board of Management of the school as set out in its letter submitted with the application, that the proposal will facilitate physical and recreational activity and allow for the creation of outdoor classrooms, contributing to the overall well-being of the students.

#### 7.5.3. Traffic impact

A concern is raised that the proposal would exacerbate traffic congestion in the area. Given the nature of the proposed development it is not envisaged that traffic would be affected in any way. No increase in the total number of students attending the permitted school is proposed.

#### 7.5.4. Nature of rooftop play area

An observer has expressed concern that the proposed play area would be a danger / hazardous given its rooftop location. I note that the play area is set back from the building edges and I am satisfied that the proposed 2 m high boundary treatment comprising fencing, and a wall at the south-western perimeter is appropriate and sufficient. The concern was raised in the context of ball games being played at this level and that there could be a risk of falling from a height. I note from the information provided at application stage and in the applicant's response to the appeals that no formal ball games will be played on the proposed rooftop play area.

#### 7.5.5. Lighting

A lighting plan is provided for the proposed rooftop play area and details the location of proposed wall mounted emergency exit signs in addition to combined wall mounted emergency and general spot lights. The lights are to be controlled by switches at each stairwell; a timeclock will ensure that roof lighting is on during school hours only. I consider the proposed lighting scheme to be acceptable and I do not anticipate negative impacts would arise given that the roof lighting would not be operational outside school hours.

### 7.6. **Appropriate Assessment**

7.6.1. An Appropriate Assessment Screening Report is provided with the application and it considers that the European Sites located within a potential Zone of Influence of the proposed development are South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located 0.85 kms and 0.37 kms from the site respectively.

7.6.2. The AA Screening notes that:

- The proposed development is not directly connected with, or necessary to the conservation management of the European Site considered
- The proposed development is not likely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European Sites considered

- The proposed development, either alone or in combination with other plans or projects, is not likely to have significant effects on a European Site
- It is possible to conclude that significant effects can be excluded at screening stage

Having regard to the above, the AA Screening concludes that an Appropriate Assessment is not required.

7.6.3. I note that the Board under ABP-312993-22, which is the parent permission relating to the site, considered that the school development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site.

7.6.4. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located on a brownfield site within Dun Laoghaire town centre.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 8.0 Recommendation

8.1. The proposed development would be in accordance with the MTC land-use zoning objective that applies to this site as set out in the Dun Laoghaire Rathdown County

Development Plan 2022 – 2028, and, having regard to the planning history of the site and the nature, form and scale of the proposed amendments to the permitted school, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential and visual amenities of the area, would not detract from the architectural heritage of the area, and would not constitute overdevelopment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the conditions of ABP-312993-22 (planning application register reference number D21A/0248), except as otherwise may be required in order to comply with the following conditions.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>(a) The rooftop play area shall not be in use outside the periods 0700 hours to 1700 hours Monday to Friday.</p> <p>(b) No amplified music shall be permitted within the rooftop play area.</p>



	<p>(c) The noise mitigation measures recommended in the submitted Noise Impact Assessment shall be implemented in full.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Prior to commencement of development, revised details and drawings detailing external finishes for the extended elements of the central atrium stair and lift core which may include timber cladding and / or the use of green living walls, or an alternative suitable finish shall be submitted to and agreed in writing with the planning authority:</p> <p><b>Reason:</b> In the interest of visual amenity and to safeguard the amenities of the protected façade of the former fire station.</p>

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

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John Duffy  
Planning Inspector  
8<sup>th</sup> July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318962-24		
<b>Proposed Development Summary</b>	Amendments to Reg. Ref. D21A/0248 / ABP-312993-22 consisting of new rooftop play area and changes to permitted green roof, new boundary treatment, increase in height of western stair core and central atrium stair core, relocation of heat pump and associated works.		
<b>Development Address</b>	Former Dun Laoghaire Enterprise Centre, George's Place, Dun Laoghaire, Co. Dublin within the setting of a protected structure (RPS No. 528 Fire Station – Façade Only).		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>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?</b>			
<b>Yes</b>		Class	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	X	10(b)(iv) of Part 2 of Schedule 5	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-318962-24	
<b>Proposed Development Summary</b>	Amendments to Reg. Ref. D21A/0248 / ABP-312993-22 consisting of new rooftop play area and changes to permitted green roof, new boundary treatment, increase in height of western stair core and central atrium stair core, relocation of heat pump and associated works.	
<b>Development Address</b>	Former Dun Laoghaire Enterprise Centre, George's Place, Dun Laoghaire, Co. Dublin within the setting of a protected structure (RPS No. 528 Fire Station – Façade Only).	
<p><b>The Board carries 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.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>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>The site is zoned MTC – Major Town Centre. The proposed development consists of amendments to a permitted school development and is not exceptional in the context of existing environment.</p> <p>Construction waste can be managed through standard Waste Management Planning. Localised construction impacts will be temporary.</p>	No
<p><b>Size of the Development</b></p> <p>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</p>	<p>No. The total site size is given as approximately 0.2 ha</p> <p>No.</p>	No

existing and/or permitted projects?		
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No. The South Dublin Bay SAC is located approximately 0.85 km from the site while the South Dublin Bay and River Tolka Estuary SPA is situated approximately 0.4 km from the site. South Dublin Bay proposed NHA is also located approximately 0.4 km from the site.  There are no other locally sensitive environmental sensitivities in the vicinity of relevance.	No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.		

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

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

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

(only where Schedule 7A information or EIAR required)