



An
Bord
Pleanála

Inspector's Report ABP-320052-24

Development

Demolition of two-storey house and garage and the construction of a two-storey semi-detached dwelling and single-storey garage, together with all associated site works including pedestrian and vehicular access.

Location

The Hermitage, 22 Strand Road,
Dublin 4, D04 F3C5.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

WEB1195/24

Applicant

Brendan Grehan.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellants

Eamonn and Tanya McDonald.

Observer(s)

None.

Dates of Site Inspection

28th January 2025 and 3rd February 2025.

Inspector

C. Daly

1.0 Site Location and Description

- 1.1. The subject site is the final end residential plot on Strand Road and consists of a semi-detached part single part two storey dwelling set back from the street with front and rear garden. There is a single storey flat roof garage fronting the street and with some trees located inside the high front boundary wall. The house is on a largely rectangular plot which is bounded by Strand Road to the west, by an adjacent dwelling to the north and by Sandymount Strand to the west and south. There is a front (western) high wall with pedestrian gate and wide garage door directly fronting the street.
- 1.2. To the rear the site is bounded by a high wall which protects the site from the sea at high tide. There is a slipway access to Merrion Strand via the public road to the south of the site. The slipway rises away from the road and leads to a raised partially paved and partially grass area before the sand on the other side and is adjacent to a flood defence wall and adjacent to the railway.
- 1.3. The site is close to the junction of Strand Road and Merrion Road and the Merrion Gates level railway crossing to the south-west.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Demolition of the existing two storey house and garage,
 - Construction of a two storey semi-detached dwelling (195.0m²) and single storey garage (58.0m²).
 - Boundary wall treatments and all associated site works including pedestrian and vehicular access.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided to grant permission subject to 9 no. conditions. Notable conditions include:

- Condition no. 3: requirement for a 1.6m high opaque screen at the edge of the outdoor first floor terrace closest to property no. 20.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report recommended requesting further information in relation to one item, namely the request for a glint and glare study in relation to the solar panel array. The demolition of the existing dwelling was accepted due to its poor condition and design. The design of the dwelling was considered appropriate to the location. The report noted that its drainage division noted no objection subject to conditions. This report carried out an AA Screening which ruled out the requirement for a full Appropriate Assessment due to the nature and scale of the development and the distance to the nearest European site.

The second Planner's Report noted that the submitted Glint and Glare study is considered robust and noted no impacts on the railway and this was accepted.

3.2.2. Other Technical Reports

- Drainage Division: No objection subject to conditions including that flood mitigation measures in the SSFRA be implemented in full.
- Roads: No objection subject to conditions.

3.3. Prescribed Bodies

- Irish Rail: Further information required. No response following F.I. stage.
- Uisce Éireann: No response.

3.4. Third Party Observations

One no. third party submission was received by the planning authority. The issues raised within the observations are summarised as follows:

- The views of the neighbours have been misrepresented and they do not support the proposed development.
- The side profile is poorly designed and will have a large impact on the adjacent house and on Strand Road.
- The proposal is for a very large intensification of development on the site.

- The design is visually obtrusive and not in keeping with the street.
- Previous reasons for refusal have not been addressed.
- It should be refused under the flooding policies.

4.0 Planning History

Subject site

4166/21: Permission refused by the Planning Authority and on appeal (ABP-313074-22) for demolition of the existing two storey house and garage and the construction of a three storey semi-detached dwelling and single storey garage.

ABP Reasons for refusal: First reason in relation to inadequate information relating to flood risk and the second reason related to negative impact on residential amenity and architectural quality of a residential conservation area due to volume and mass.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 to 2028 (as varied) (the CDP)

The subject site is zoned under Objective Z2 (Residential Neighbourhoods (Conservation Areas)) which is *“To protect and/or improve the amenities of residential conservation areas”*.

Section 14.7.2 of the CDP in relation to this zoning objective states,

“The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively”.

Under this zoning, ‘residential’ use is listed as a ‘permissible use’.

Chapter 9 relates to Sustainable Environmental Infrastructure and Flood Risk.

Section 9.5.3 Flood Risk Management

SI16 *Site-Specific Flood Risk Assessment Proposals which may be classed as ‘minor development’, for example small-scale infill, extensions to houses and small-scale extensions to existing commercial and industrial enterprises in Flood Zone A or B, should be assessed in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management and Technical Appendices (2009), as revised by Circular PL 2/2014 and any future amendments, with specific reference to Section 5.28 and in relation to the specific requirements of the Strategic Flood Risk Assessment. This will include an assessment of the impact of climate change and appropriate mitigation. The policy shall be not to increase the risk of flooding to the development or to third party lands, and to ensure risk to the development is managed.*

Chapter 11 relates to Built Heritage and Archaeology.

Chapter 15 relates to Development Standards.

Section 15.11 relates to House Developments

Appendix 3 (Height Strategy) Table 2 Indicative Plot Ratio and Site Coverage – Conservation Area: Indicative Plot Ratio: 1.5 – 2.0. Indicative Site Coverage: 45-50%.

Appendix 5 (Transport and Mobility: Technical Requirements), Table 2: Maximum Car Parking Standards for Various Land Uses. Zone 2: 1 space per dwelling.

Volume 7 relates to Strategic Flood Risk Assessment. In relation to Sandymount, Section A.5 states the following:

“All existing coastal defences, rock armour, sandbanks, embankments, promenades and sea walls provide significant flood protection to roads, property and buildings behind them, by keeping out the tide and breaking up waves which might otherwise over-top them.

- *Boooterstown Marsh to Merrion Gates: Existing sea wall and embankment protects railway line.*
- *Merrion Gates: New flood wall and flood gate protects railway line and local houses to the estimated 0.5% AEP tidal flood event.*

- *Merrion Gates to Promenade: Existing garden walls and sea wall protect houses and roadway from flooding to the estimated 0.5% AEP tidal event...*”.

5.2. Planning System and Flood Risk Management Guidelines for Planning Authorities (DEH&LG, 2009) (the Flood Risk Guidelines)

- 5.2.1. These guidelines provides for a precautionary approach using a risk based sequential process to manage flood risk as follows: avoid, substitute, justify, mitigate, proceed.
- 5.2.2. At national, regional and local levels, the guidelines require the planning system to:
 - Avoid development in areas at risk of flooding unless sustainability grounds are proven that justify development that is appropriate and where the risk of flooding can be reduced or managed to an acceptable level without increasing risk elsewhere.
 - When assessing the location for new development based on avoidance, reduction and mitigation of flood risk, use a sequential approach.
 - Flood risk assessment to be used in the process of making planning decisions.
- 5.2.3. Planning Authorities are required to ensure that no development is permitted in areas at risk of flooding, most notably floodplains, unless there are no suitable alternative sites available in areas at lower risk. Where development has to take place, the type of development must be carefully considered with mitigation of risks and management through location, layout and design required to reduce flood risk to an acceptable level.
- 5.2.4. Under Chapter 2, the type of flood zones are categorised as follows:
 - *Flood Zone A – where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding);*
 - *Flood Zone B – where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding); and*

- *Flood Zone C – where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the plan which are not in zones A or B.*

5.2.5. Land uses are classified in the guidelines under Table 3.1 where dwelling houses are noted to be highly vulnerable. The justification test is required for such development in Flood Zone B (Moderate probability of flooding). In Flood Zone A (High probability of flooding), it is stated that “*Most types of development would be considered inappropriate in this zone. Development in this zone should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied. Only water-compatible development, such as docks and marinas, dockside activities that require a waterside location, amenity open space, outdoor sports and recreation, would be considered appropriate in this zone*”.

5.2.6. Chapter 5 describes the Development Management Justification Test.

5.3. **Natural Heritage Designations**

5.3.1. Located immediately east of the site are the following designated sites:

- South Dublin Bay Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000210). The SAC conservation objectives relate to mudflats and sandflats not covered by seawater at low tide, annual vegetation of drift lines, *Salicornia* and other annuals colonizing mud and sand and Embryonic shifting dunes.
- South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (site code 004024). The SPA conservation objectives relates to intertidal habitat (see Appendix 3).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. One third party appeal was received from Ian Doyle, Planning Consultant, on behalf of the Eamonn and Tanya McDonald. The grounds of appeal can be summarised as follows:

- Inappropriate design in that the proposal is overly dominant for such a prominent location in contrast to the existing dwelling.
- The first floor balcony terrace dominates along all prominent elevations.
- The large roof terrace would be overly visually dominant including from the beach.
- The maximisation of on-site amenity is at the expense of Development Plan conservation objectives and the amenities of the area.
- Modern designs along Strand Road mimic the proportions of the period properties and the proposal is out of character for the area.
- The first floor terrace would be visually obtrusive at the end of Strand Road and this would set a new precedent.
- The design of the replacement dwelling is not required by exceptional circumstance or a contribution of significant public benefit.
- Unacceptable impact on residential amenity including in terms of loss of privacy by overlooking from the first floor terrace to the front and rear including to the first floor living room adjacent.
- The appellants were not afforded the opportunity to comment on several important issues at F.I. stage including in relation to the 1.6m opaque screen where full design details should be furnished for agreement prior to commencement.
- There are issues in relation to shared boundaries which have not been agreed between the applicants and the appellants which the appellants did not have the opportunity to comment on at F.I. stage.
- The failure to give the appellants the opportunity to comment on the design changes to reduce the width of the garage access door.

6.2. Applicant Response

6.2.1. A response on behalf of the applicants was received from Duignan Dooley Architects and Planning Consultants which can be summarised as follows:

- The appellants did not object to the previous application.

- Flood risk was assessed to the satisfaction of the Council's Drainage section based on the submitted Site Specific Flood Risk Assessment and passes the requirements of the Flood Risk Management Guidelines and no scientific evidence has been put forward in the appeal.
- The overall scale, mass and volume of the design has been significantly reduced by comparison with the previous application.
- The replacement dwelling will be a high quality design with such designs permissible in conservation areas.
- The first floor balcony will provide passive surveillance of the streetscape and slipway and will be separated by 7.75m from the adjoining property.
- The proposal includes the use of local materials such as natural stone and render finishes which predominate in the area and will create a sense of place.
- There are no particular groups of buildings or streetscape in the vicinity with Strand Road made up of a large mixture of different style and periods.
- In relation to demolition, the existing house does not make a positive contribution to the character of the area and the replacement will have a positive effect on the surroundings, enhancing the architectural quality.
- Drawings have been submitted to show compliance with condition no. 3 in relation to the 1.6m opaque screen.
- An additional privacy screen is proposed.
- The front and rear building lines have been carefully considered to preserve views from the rear of the appellant's property across the site.
- There are 4 construction related conditions attached to the permission.
- The new party wall will be constructed completely independently and will be properly flashed over to ensure sealed junctions.
- Revised drawings are submitted to show compliance in relation to the required reduction of the garage entrance width to 3m.

6.3. Planning Authority Response

6.3.1. The P.A. requested the Board to uphold its decision.

6.4. Further Responses

6.4.1. The appellants submitted a response to the applicant's response to the appeal which can be summarised as follows:

- The applicant has not altered the proposal to address the concerns of the appellants but has done so to comply with the P.A.'s conditions.
- The primary concern of the appellants relates to the visual impact of the first floor terrace on the front elevation and no visualisations have been submitted.
- The appellants did not object to the previous application as they were confident it would be rejected.
- Flooding concerns are reiterated.
- The period architecture is what merits conservation status and the proposal will not protect and enhance such character, fails to harmonise and further develop the uniqueness of the area.
- The introduction of a 1.6m high opaque screen to the front compounds the inappropriateness of the first floor balcony.
- No other dwelling in the area has a wrap around first floor balcony/terrace which is not in keeping with the area. It will not contribute to a sense of place and is completely opposing in style and form to the established character of the area.
- The case for demolition is not made and the existing dwelling makes a positive contribution to the streetscape.
- The opaque screens further compound the inappropriateness of the design the balcony.
- The design response for the garage appears excessive and unnecessary.
- The design response cannot be described as subservient and unassuming and fails to align with the conservation objectives of the CDP.

6.5. Submission of NIS

- 6.5.1. Following the submission of the further responses, I decided to recommend, as a precaution, that the applicant be invited to submit a Screening Report for Appropriate Assessment and where necessary a Natura Impact Statement (NIS) noting the proximity of the site to the adjacent SPA and the qualifying interests of same at Merrion Gates. This was agreed by the Assistant Director of Planning and requested.
- 6.5.2. The applicant subsequently submitted an AA Screening Report and an NIS and this was advertised to the public. It was circulated to the parties with no responses 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 having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows (example):

- Principle of development.
- Demolition.
- Flood risk.
- Visual Amenity.
- Residential amenity.
- Transportation.
- Drainage.
- Other Issues.

7.2. Principle of Development

- 7.2.1. The subject site is zoned under Objective Z2 (Residential Neighbourhoods (Conservation Areas)) which is *“To protect and/or improve the amenities of residential conservation areas”*.

7.2.2. Under this zoning, 'residential' use is listed as a 'permissible use'. Accordingly, I consider the principle of residential development, as proposed, is acceptable on the site.

7.3. Demolition

7.3.1. I note the concerns raised in relation to demolition and replacement. Section 15.7.1 (re-use of existing buildings) and Policies CA6 (Retrofitting and Reuse of Existing Buildings) and CA7 (Energy Efficiency in Existing Buildings). Appendix 18 of the CDP relates to Ancillary Residential Accommodation, Section 9 of which relates to Demolition and Replacement Dwellings. I note the CDP requires a strong justification for demolition and replacement dwellings rather than deep retro-fit of structurally sound dwellings or unless demolition is necessary to facilitate the comprehensive redevelopment of the site.

7.3.2. I note the Demolition Report prepared by Duignan Dooley Architects and Planning Consultants submitted with the application. It found the existing dwelling to be in poor condition and noted lack of compliance with many building and health regulations. Noting also the limited ceiling height at first floor level, I consider this to be a strong justification such that the dwelling is not wholly habitable from a health and safety perspective. I also note that it is less suitable for re-use given its higher risk of flooding by comparison with the proposed comprehensive site redevelopment including robust flood risk measures.

7.3.3. I note Policy BHA10 refers to Demolition in a Conservation Area. It states "There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit". I note that while the existing dwelling aligns with the scale of the adjacent development on the street, that the design form facing the street is poor with lack of interface with same and lack of visual interest or design features to integrate it with the streetscape.

7.3.4. In this context, for design reasons outlined in Section 7.5 below, I consider that the replacement dwelling would constitute a substantial streetscape enhancement including by its creation of visual interest at the end of Strand Road. I consider that the improved flood risk measures and the proposed design would combine to create

a significant public benefit justifying demolition. Noting Policy BHA9 for conservation areas, I consider that the proposed dwelling and garage would contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting.

7.4. Flood Risk

- 7.4.1. I note the concerns of the appellants in relation to flood risk and the site location within Flood Zone A per Volume 7 of the CDP. For Sandymount, its sensitivity to climate change is noted to be extreme due to close proximity to the sea and the varying level of sea defences. It notes residual risks associated with overtopping and ingress through gaps in sea defences are high. In relation to development options, it states “*Residential development, either small scale infill or extensions to existing buildings, with some infill commercial development would be a natural extension of existing development in this area*”.
- 7.4.2. The application includes a Site Specific Flood Risk Assessment (SSFRA) prepared by Roughan and O’ Donovan Consulting Engineers. The Council’s Drainage Section recommended that permission be granted subject to conditions including that the flood mitigation measures proposed in the SSFRA be implemented in full.
- 7.4.3. I have reviewed the submitted SSFRA and I consider it to be robust and in line with the Flood Risk Guidelines. The submitted SSFRA notes that the proposed ground floor FFL would be above the 0.5% AEP flood level (3.11Mod) based on the OPW’s Preliminary Flood Risk Assessment study. Stage 1 of the study concludes that the risk of coastal flooding is high with further assessment required, the risk of pluvial / surface water flooding is low with no further assessment required and that the risk of groundwater flooding will be considered under coastal flooding. Stage 2 of the SSFRA concluded that the site is located within Flood Zone A and while Stage 3 detailed flood risk assessment is not considered to be required, a justification test is required.
- 7.4.4. The submitted justification test follows the steps outlined in the guidelines.

Step 1 The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

- 7.4.5. The SSFRA notes the Z2 zoning where residential development is acceptable and is the existing residential use. I concur that the proposed development meets the requirements of step 1.

Step 2(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

- 7.4.6. The SSFRA notes that the development will not alter flow paths or existing flood defences and that it will displace a minor amount of coastal flood waters in extreme events “*though these volumes are seen as imperceptible and will have a negligible impact on flood risk elsewhere*” and I concur that this is acceptable.

Step 2(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.

- 7.4.7. The SSFRA notes that the finished floor levels will be in excess of the 0.5% AEP event level plus an appropriate freeboard in line with requirements specified in the DCC SFRA. It notes that the FFLs were derived from ICWWS which included a climate change allowance. Flood resistant design features such as ground floor FFL at 4.07mOD and watertight construction methods for external walls will be incorporated to manage risk associated with wave action and potential increased risk from climate change. I consider that this is reasonable, constitutes an improvement on the current flooding situation on the site and meets Step 2(ii) requirements.

Step 2(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access.

- 7.4.8. The SSFRA notes that the proposed development “*has been designed with regard to flood resilient construction measures and materials...will be subject to a maintenance plan*” with maintenance by competent specialists. I consider that this would ensure that residual risks can be dealt with adequately as required.

Step 2(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in

relation to development of good urban design and vibrant and active streetscapes.

- 7.4.9. I agree with the SSFRA that the proposal constitutes compact and sustainable development, noting the remainder of this assessment, and noting that such small scale infill residential development is encouraged in the CDP per policy SI16 among other policies. I note the garage would be located at FFL 3.045mOD and is not a habitable area of concern. Accordingly, I note that the proposed development meets the justification test in relation to flood risk and I am satisfied that the risk of flooding from the proposed development is acceptable and would not give rise to unacceptable impacts on the site or surroundings.

7.5. Visual Amenity

- 7.5.1. The proposed two storey dwelling and single storey flat roof garage would broadly follow the existing building line while the ground floor level of the house would be somewhat raised, due to flood risk issues. Nevertheless the height of the house would align with the ridge of the adjacent dwelling. To the front, the windows would be of strong vertical emphasis and the flat roofed garage would be positioned in a similar area of the front of the site to the existing garage.
- 7.5.2. I note Section 15.11 for house developments and I note no concerns in relation to minimum floor areas for the proposed house of 195sqm with two bedrooms plus study (or on the basis of three bedrooms). The design would maximise daylight and sunlight to the south and west with large window openings and the terrace. I note that the rear private open space area would of sufficient size and useability (c.60sqm) although, should permission be granted, I recommend that by condition, exempt development provisions be disallowed to the rear due to the limited depth of garden (3.221m at its shortest to the south-west). I note no directly opposing first floor windows in relation to separation distances.
- 7.5.3. I note third party concerns in relation to overdevelopment of the site. In relation to Appendix 3 (Height Strategy) Table 2 Indicative Plot Ratio and Site Coverage for Conservation Areas, I note the plot ratio would be 0.85 and the site coverage would be 58% including the garage (58sqm). While the indicative Plot Ratio is recommended to be 1.5 – 2.0 and indicative Site Coverage is recommended to be 45-50%, noting the constraints of the site, including the location within a

conservation area and the broad need to follow the height and building line in the vicinity, I consider the level of development, particularly at ground floor level to be indicative of sustainable residential development.

- 7.5.4. There would be a balcony terrace located over the garage and which would project forward close to the street at a significant height. To the rear and side, the terrace/balcony at first floor level would wrap around most of the building and the elevations would largely consist of large glass windows and glass balustrades with stone and rendered walls at lower levels. This would enhance passive surveillance to the street, the slipway and the beach.
- 7.5.5. In relation to the visual impact of the balcony/terrace element, I note concerns in relation to its visual impact on the streetscape and that it would be out of character and visually obtrusive with no precedent for a design of this type. I note the position of the site at the end of Strand Road where there is more scope for design flexibility in re-developing the site and less need to reflect the architectural styles along the road.
- 7.5.6. I am of the view that a distinctive design can create a marker for the end of the street before the transition towards the beach of Merrion Road and can provide visual interest, street legibility and enhanced street enclosure and passive surveillance in accordance with urban design principles. This is achieved due to the visually interesting design which relates well to its surroundings. In my view this is with sufficient street animation and a distinctive balcony/terrace element which would provide a marker. I do not consider the pattern of the street to be a significant restraint in this regard noting the absence of a line of protected structures of similar design on this side of the street and noting the differing architectural styles in the vicinity. I do not consider the design form and two storey scale to be excessively visually obtrusive at this end of street location. I am satisfied that no issues arise in relation to precedent with no particular blanket restrictions required in relation to terraces/balconies in the area.
- 7.5.7. I note the visual screen design option presented by the applicant's response to the appeal whereby a 1.6m screen would be placed along the northern elevation of the terrace above the garage. I do not consider this to be required in relation to overlooking issues where there is generally no standard of privacy provided for front

gardens i.e. such space is not considered private open space and there would be no direct overlooking of the front windows of no. 20. I note the additional front screen would compromise the design of the front elevation as it would partially break up the front elevation. Due to its significant scale, this would intrude on the front elevation when viewed from the street to the north to an unacceptable degree. I am not persuaded that it is necessary or that it should be included in the design and should permission be granted, I recommend a condition requiring its omission.

- 7.5.8. I note that the garage and associated front wall would also be visually dominant but not to an excessive extent considering the northern end of the front elevation and policy to retain existing boundaries. I consider that the front elevation as a whole would provide sufficient level of street animation subject to a reduction in the height of the front boundary wall and gates to 1.2 metres.
- 7.5.9. In relation to views from the beach, noting the two storey scale and design, I do not consider that views from the beach would be unduly visually dominant and I am satisfied that the visual impact would integrate with its surroundings to a sufficient degree.
- 7.5.10. For completeness in relation to the concerns raised, I am satisfied that the development would accord with Policy QHSN11 (15 minute city) of the CDP and I note no concerns in relation to Policy QHSN12 (neighbourhood development) as the development would not negatively impact on local character and would not be inconsistent with the objectives of these policies contributing as it would to sustainable place making.

7.6. Residential Amenity

- 7.6.1. Concerns have been raised in relation to overlooking of the rear private amenity space and property. I note the balcony at the rear would be located c.4.4m from the side boundary with no. 20 to the north. I also note that Condition no. 3 of the Council's decision to grant permission provided for a 1.6m opaque screen at the edge of the first floor balcony/terrace. Drawings have been submitted in response to the appeal demonstrating compliance with this condition. Subject to a greater screen height of 2m to provide for taller head heights, I consider that a similar condition should be provided for should permission be granted to prevent direct undue overlooking of the adjacent property.

- 7.6.2. I note the positions of the rear facing windows at first floor level and I do not consider that these would give rise to undue overlooking on the adjacent rear private open space of no. 20 or of the adjacent residential property, due to the acute angle, while noting the first floor side facing windows of no. 20.
- 7.6.3. I note that height, bulk, scale and position of the building would not be excessive on the site or in relation to no. 20 to the north, where the front first floor would project by 3m at the northern end, such that I am satisfied there would be no undue overbearing impacts. Also noting the scale and position of the flat roof dwelling proposed on the site, I have no concerns in relation to undue overshadowing of adjacent properties, including no. 20, in the vicinity.

7.7. Transportation

- 7.7.1. Concerns have been raised in relation to the garage design response to the appeal which is considered excessive. Condition no. 4(a) of the Council's decision provides for a maximum width of 3m for the vehicular entrance. While I do not agree that the garage door would be excessive in visual impact terms, I note the 3m maximum width relates to the vehicular entrance only in accordance with CDP policy with which I concur. Having examined the appeal design response to this condition, while it shows a vehicular entrance width of 3m for the garage doors, the design provides for two smaller doors either side of the central garage doors. Provided these doors are separated from the garage doors by permanently fixed pillars as suggested by the design drawings, I note no issue in visual impact or transportation terms in relation to this decision solution. I recommend that additional requirements be added to a condition providing for a maximum vehicular entrance width of 3m to ensure this cannot be defeated by omitting permanent fixed pillars between the central garage doors and additional side doors.
- 7.7.2. I note that the proposed single car parking space would be consistent with Appendix 5 Table 2 (Car Parking Standards) where 1 space per dwelling is provided for in zone 2. I am satisfied that the vehicular entrance on to a suburban road with a 50 km per hour speed limit where sightlines are adequate per DMURS (45m in both directions) would accord with CDP policy and I note no concerns arose from the Council's Transportation section in this regard.

7.8. Drainage

- 7.8.1. I note the submitted Engineering Services Report prepared by Carraig Consultants Civil & Structural Engineers. I note no concerns arose from the Council's Drainage section that could not be dealt with via condition. Flooding has been dealt with elsewhere in this report. Noting the site layout and design including green roof, I consider that drainage can be catered for on site subject to standard conditions and I note no issue in relation to connection to the public water and wastewater service network.

7.9. Other Issues

- 7.9.1. Concerns have been raised in relation to the party wall with the adjacent no. 20 and these concerns have been addressed to the satisfaction of the appellants by the applicant's appeal response that the new party wall would be constructed completely independently. I consider that provided the development takes place within the red line area as suggested by the drawings, that this structural approach is is not a planning issue and the proposed design would not give rise to undue negative impacts on residential amenity in this regard.
- 7.9.2. Concerns have been raised in relation to construction impacts and I note the Council decision included 4 no. conditions to deal with this matter. In relation to the demolition and construction requirements, I note the submitted CEMP prepared by Montane Limited which includes measures in relation to the management of the works, traffic and pedestrian management, environmental management including Natura sites protection, ecology protection procedures, marine environment controls, waste management and disposal, sediment and run-off control, safety management on site and construction management methodology. Given these measures, the type of development proposed and its modest scale, I consider that this matter can be dealt with via condition to control demolition and construction activities in line with best practice and the CEMP to ensure no undue negative impacts on residential amenities or the environment. The CEMP was circulated to the appellant with no response received.
- 7.9.3. Concerns have been raised in relation to the lack of opportunity to comment on the Council's conditions in relation to the 1.6m rear screen and the garage door design. I note that the appellants have commented on the design response provided after

the appeal in this regard with related issues having been assessed above. I am satisfied that no significant planning issues arise that have not been assessed in this report.

- 7.9.4. Noting the submitted Glint and Glare Assessment prepared by Marco Works Ltd, I am satisfied there would be no undue impacts from the solar panels on the operation of the railway in the vicinity.

8.0 EIA Screening

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

9.0 Appropriate Assessment

AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA in view of the sites' conservation objectives. Appropriate Assessment is required (see Appendix 3).
- 9.2. I have had regard to the submitted Stage 1 Screening for Appropriate Assessment report in reaching this determination. This determination is based on:
- The pathways to the European sites given the close proximity to same.
 - The potential for silt, hydrocarbons and pollutants to reach the waters of the adjacent European sites during the construction stage.

- The potential for impacts on water quality and consequently on the qualifying interests of the adjacent European sites.
- The nature and type of construction proposed.
- The Screening Report on file.

Appropriate Assessment

9.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

9.4. Following an examination, analysis and evaluation of the NIS (see Appendix 4) and all associated material submitted, I consider that adverse effects on site integrity of the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts including in relation to impacts on water quality.
- The proposed development will not affect the attainment of conservation objectives for the European sites.
- The effectiveness of the mitigation measures proposed and adoption of the CEMP and flood risk measures.
- Application of planning conditions to ensure the above measures are carried out.
- The submitted Natura Impact Statement.

10.0 Water Framework Directive

10.1. The subject site is located adjacent to the Dublin Bay coastal waterbody (IE_EA_090_0000), within the catchment of the Brewery Stream_010

(IE_EA_09B130400) and above the Dublin groundwater body (IE_EA_G_008). The proposed development comprises demolition of an existing dwelling and a new dwelling with connection to public sewer and public water network. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- The small scale and nature of the development.
- The proximity of the site to waterbodies.
- The connections to the public water and wastewater networks.
- Taking into account the submitted AA Screening Report and the submitted Natura Impact Statement and the mitigation measures proposed.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that planning permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

12.1. Having regard to the location of the subject site within an urban area, the provisions of the Dublin City Development Plan 2022 – 2028 (as varied), to the existing form of development on the site; the nature, scale and form of the proposed development, and pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in principle, would not be unduly visually obtrusive on the street or in its surroundings, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of demolition, flood risk, traffic safety and convenience, impacts on European sites, would not negatively impact on the area and would constitute an appropriate use in this urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of May 2023 and as amended by the further plans particulars received by An Bord Pleanála on the 29th day of July 2024 and 12th May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The proposed development shall be amended as follows:
- (a) A two metre high opaque screen shall be placed at the northern edge (closest to the adjacent property no. 20) of the rear outdoor terrace/balcony area along the full extent of the 1.8 metre long edge as per the position shown in drawing 'Proposed First Floor Plan' drawing no. '23-016-ABP-2.002' submitted to An Bord Pleanála on the 29th day of July 2024.
 - (b) The 1.6 metre high opaque privacy screen shown for the front terrace shall be omitted as shown in drawing 'Proposed First Floor Plan' drawing no. '23-016-ABP-2.002' submitted to An Bord Pleanála on the 29th day of July 2024.
 - (c) The front boundary wall and gates immediately to the north of the garage shall be a maximum of 1.2 metres in height.

Reason: In the interests of residential and visual amenity.

4. (a) All flood mitigation measures stated/proposed in the Site Specific Flood Risk Assessment submitted with the application on the 23rd day of February 2024 shall be implemented in full.
- (b) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.
- (c) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

5. (a) The vehicular entrance to the garage shall be a maximum of 3 metres wide and shall not have outward opening gates.
- (b) The garage doors and adjacent side doors shown on drawing 'Proposed East & West Elevations' drawing no. 23-016-ABP-2.004 and drawing 'Proposed Ground Floor Plan' drawing no. 23-016-ABP-2.00 submitted to An Bord Pleanála on the 29th day of July 2024 shall be separated by permanent concrete or brick pillars such that the vehicular entrance cannot be widened

temporarily or permanently to a width greater than 3 metres when these doors are opened.

Reason: In the interest of sustainable transport and safety.

6. Site development and building works shall be carried out between the hours of 07.00 to 18.00 hours Mondays to Fridays inclusive, between 08.00 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

7. The construction of the development shall be managed in accordance with the Construction Environment Management Plan submitted to An Bord Pleanála on the 12th day of May 2025.

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An 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.

Ciarán Daly
Planning Inspector

23rd July 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-320052-24
Proposed Development Summary	Demolition of two-storey house and garage and the construction of a two-storey semi-detached dwelling and single-storey garage.
Development Address	The Hermitage, 22 Strand Road, Dublin 4, D04 F3C5.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>State the Class and state the relevant threshold</p> <p>Part 2, Class 10(b)(i) and (iv). Threshold: Construction of more than 500 dwelling units and urban development which would involve an area greater than 10 hectares in the case of other [outside a business district] parts of a built-up area.</p> <p>One house on a site area of 0.0295 ha.</p>

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

Inspector: _____ **Date:** _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-320052-24
Proposed Development Summary	Demolition of two-storey house and garage and the construction of a two-storey semi-detached dwelling and single-storey garage.
Development Address	The Hermitage, 22 Strand Road, Dublin 4, D04 F3C5.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Two storey dwelling and garage of 195sqm, vehicular entrance and connection to public water and wastewater network in an urban area.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The urban location of the development is beside sensitive environmental receptors, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Typical of domestic scale development within an existing urban area. Impacts (without mitigation) will be contained within the walled site with any water based run-off to the local waste water treatment network except in the case of overflow.

	Refer to findings of AA which identifies that impacts can be mitigated. Such impacts are not of a significant scale relative to the EIA threshold. The existing development is not of significant cultural heritage value.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Demolition of two-storey house and garage and the construction of a two-storey semi-detached dwelling and single-storey garage.			
Brief description of development site characteristics and potential impact mechanisms	The site consists of a residential site with a dwelling, garage and front, side and rear garden. Total site area is 0.0295ha. The ground floor and garage area is 170sqm. The site is adjacent to South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. The connection to the public water and wastewater treatment system and flood risk mitigation measures are integral to the design.			
Screening report	Yes – Stage 1 Screening for Appropriate Assessment prepared by Russell Environmental and Sustainability Services Limited (by Dr Jane Russell-O'Connor, practicing Ecologist).			
Natura Impact Statement	Yes – Natura Impact Statement prepared by Russell Environmental and Sustainability Services Limited (by Dr Jane Russell-O'Connor, practicing Ecologist).			
Relevant submissions	None.			
The site is surrounded by walls on all sides and is located in Flood Zone A. Flood risk mitigation measures are proposed, which in contrast to the current situation, will appropriately mitigate flood risk.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model (Only potentially relevant downstream sites listed below)				
Screening Matrix				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
South Dublin Bay SAC (site code 000210).	Mudflats and sandflats not covered by seawater at low tide [1140]	Adjacent to site	Weak / indirect potential via groundwater and surface water channels.	Y

	<p>Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110], NPWS, 22nd August 2013.</p>		<p>Risk of emissions from particulate matter, hydrocarbons, pollution during construction into the adjacent site.</p> <p>No direct loss of habitats and the site is contained by high walls.</p>	
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999], NPWS, 9th March 2015.</p>	<p>Adjacent to site</p>	<p>Weak / indirect potential via groundwater and surface water channels.</p> <p>Risk of emissions from particulate matter, hydrocarbons, pollution during construction into the adjacent site.</p> <p>In relation to fauna, no risk of disturbance impact from construction given that there was very little bird life observed or heard on the site and no evidence of sea birds or waders associated with this site. There was also no evidence identified of mammals on the site, in particular Otter.</p> <p>No area for wintering birds to congregate.</p>	<p>Y</p>

Step 3. Describe the likely effects of the of the project (if any, alone <u>or</u> in combination) on European Sites				
<p>There is a risk that silt, hydrocarbons and pollutants from construction escape the site and transfer to the adjacent European sites. There is a potential risk from construction activities from surface and storm water run-off and indirectly into groundwater and the nearby drainage network. In the absence of mitigation, any silt, hydrocarbons or pollutants that may enter the local wastewater network will flow to the Ringsend wastewater treatment plant and not to the European site except in cases of overflow.</p> <p>The European sites are noted to be subject to pressures associated with development and pollutants in surface water run-off as well as discharges from industry and overflow from foul sewers (EPA, 2025) such that there is potential for cumulative impacts.</p> <p>Due to the proposed SUDS measures and connections to the public foul and surface water network there is unlikely to be any potential impacts during the operational phase.</p>				
AA Screening matrix				
Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Site 1: Name (code) South Dublin Bay SAC (site code 000210).		Impacts	Effects	
<u>Qualifying Interests:</u> Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110], NPWS, 22nd August 2013.		<p>I note that watercourses, groundwater and surface runoff would be the main potential pathways for impacts to this adjacent site.</p> <p>Risk of impacts on water quality and habitat quality from emissions from particulate matter, hydrocarbons, pollution during construction into the adjacent site.</p> <p>In the absence of mitigation, any silt or pollutants that may enter the local wastewater network will flow to the Ringsend wastewater treatment plant and not to the European site except in cases of overflow due to pressures on the local system where it may enter the SAC area.</p> <p>Potential impacts on water and habitat quality if pollutants escape the site</p>	Potential adverse effects on the maintenance of the qualifying interests listed in column 1.	

	and/or drain to groundwater during construction. No potential disturbance impact.	
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site 2: Name (code) South Dublin Bay and River Tolka Estuary SPA (site code 004024)	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<u>Qualifying Interests:</u> Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193]	<p>I note that watercourses, groundwater and surface runoff would be the main potential pathways for impacts to this adjacent site.</p> <p>Risk of impacts on water quality and habitat quality from emissions from particulate matter, hydrocarbons, pollution during construction into the adjacent site.</p> <p>In the absence of mitigation, any silt or pollutants that may enter the local wastewater network will flow to the Ringsend wastewater treatment plant and not to the European site except in cases of overflow due to pressures on the local system where it may enter the SPA area.</p> <p>Potential impacts on water and habitat quality if pollutants escape the site and/or drain to groundwater during construction.</p> <p>No potential disturbance impact.</p>	<p>Potential adverse effects on the maintenance of the qualifying interests listed in column 1.</p>

Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999], NPWS, 9 th March 2015.		
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		
Further Commentary / discussion (only where necessary)		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. There is a risk that the proposed development would have significant effects in combination with other developments (where the local foul network overflows) on the above two European sites.</p> <p>An Appropriate Assessment is required on the basis of the possible effects of the project ‘alone’ and ‘in combination’.</p>		

Appendix 4

Appropriate Assessment and AA Determination

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the demolition of the existing and the proposed new house and garage in view of the relevant conservation objectives of the South Dublin Bay SAC (site code [000210](#)) and the South Dublin Bay and River Tolka Estuary SPA (site code [004024](#)) based on scientific information provided by the applicant

The information relied upon includes the following:

- Natura Impact Statement prepared by Russell Environmental and Sustainability Services Limited (by Dr Jane Russell-O'Connor, practicing Ecologist).
- Data from the National Parks and Wildlife Service.
- The Construction Environmental Management Plan prepared by Montane.
- Site Specific Flood Risk Assessment (SSFRA) prepared by Roughan and O'Donovan Consulting Engineers.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

No submissions were received following the circulation and advertisement of the receipt of the NIS, AA Screening Report and Construction Environmental Management Plan.

NAME OF SAC/ SPA (SITE CODE): South Dublin Bay SAC ([000210](#))

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110], NPWS, 22nd August 2013.</p>	<p>Maintain favourable conservation condition in relation to habitat areas.</p>	<p>Emissions to ground and surface water from demolition and construction may result in indirect habitat loss or deterioration of the site (including water quality). Increased siltation or pollution from hydrocarbons and silt. Potential adverse effects on the species of mudflats and sandflats, the salicornia and other annuals colonising mud and sand and on the embryonic shifting dunes.</p> <p>Due to the proposed SUDS measures and connections into existing networks, it is unlikely there will be potential impacts during the operation of the development.</p>	<p><u>Construction Phase</u> Best practice pollution control measures including erection of a fenced Geotextile netting silt trap around the construction area; no major demolition or construction works during high tide; all demolished material to be removed from the site on a daily basis; measures for the control of contaminated run-off waters; pollution prevention measures in relation to chemicals; Application of industry standard controls, CEMP, Supervision by Environmental Manager.</p> <p><u>Operational Phase</u> Green roof and permeable paving around the building, attenuation tank with flow control, SUDS measures that will aim</p>

			to improve the quality of the surface water discharged from the site, no increase in capacity required for foul effluent treatment.	
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to water quality and that the mitigation measures are designed to protect and enhance water quality.</p>				
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>Emissions to ground and surface water may result in deterioration in water quality and resulting deterioration in habitat. Increased siltation or pollution from hydrocarbons and silt. Potential adverse effects on the species of mudflats and sandflats, the salicornia and other annuals colonising mud and sand and on the embryonic shifting dunes and on the birds and wetlands listed as QI's of the SPA.</p> <p>Mitigation measures and conditions</p> <p>I note the NIS, prepared by a practicing ecologist, identifies that the above listed mitigation measures including the implementation of best practice pollution control measures and measures for the control of surface water run-off would be sufficient such that they would prevent any potential significant impacts on the European site. I am therefore satisfied that the proposed development will not prevent the qualifying interests of the European site from achieving favourable conservation status in the future. No issues are noted in relation to in-combination effects given the SUDS measures proposed for the operational stage.</p> <p>(ii) Disturbance of mobile species</p> <p>Measures in relation to mobile species are not required to protect the qualifying interests given their location relative to the site as noted in the NIS based on the site survey.</p>				

Mitigation measures and conditions

To note, the CEMP includes noise control and other best practice measures to avoid disturbance to birds during demolition and construction.

(iii) Spread of invasive species

None identified on the site.

Mitigation measures and conditions

The CEMP includes best practice measures should such species be encountered during demolition or construction stages.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS.

NAME OF SAC/ SPA (SITE CODE): South Dublin Bay and River Tolka Estuary SPA (site code [004024](#))

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
			NIS SECTIONS 4.5, 5.0 and 5.1
Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130]	Maintain favourable conservation condition in relation to habitat areas, the wetlands.	Emissions to surface water from demolition and construction may result in indirect habitat loss or deterioration of the site (including water quality). Increased	<u>Construction Phase</u> Best practice pollution control measures including erection of a fenced Geotextile netting silt trap around the construction area; no major demolition or

<p>Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999], NPWS, 9th March 2015.</p>		<p>siltation or pollution from hydrocarbons and silt. Potential adverse effects on the birds and wetlands listed in column 1 via impact on water quality.</p> <p>Due to the proposed SUDS measures and connections into existing networks, it is unlikely there will be potential impacts during the operation of the development.</p> <p>The NIS also notes effects on the Atlantic salt meadows and Mediterranean salt meadows of Booterstown Marsh.</p>	<p>construction works during high tide; all demolished material to be removed from the site on a daily basis; measures for the control of contaminated run-off waters; pollution prevention measures in relation to chemicals; Application of industry standard controls, CEMP including measures to prevent disturbance of fauna during the project such as noise control measures and site clearance control measures, Supervision by Environmental Manager.</p> <p><u>Operational Phase</u> Green roof and permeable paving around the building, attenuation tank with flow control, SUDS measures that will aim to improve the quality of the surface water discharged from the site, no increase in capacity required for foul effluent treatment.</p>	
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to water quality and that the mitigation measures are designed to protect and enhance water quality.</p>				

<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>Emissions to ground and surface water may result in deterioration in water quality and resulting deterioration in habitat. Increased siltation or pollution from hydrocarbons and silt. Potential adverse effects on the species of mudflats and sandflats, the salicornia and other annuals colonising mud and sand and on the embryonic shifting dunes and on the birds and wetlands listed as QI's of the SPA.</p> <p>Mitigation measures and conditions</p> <p>I note the NIS, prepared by a practicing ecologist, identifies that the above listed mitigation measures including the implementation of best practice pollution control measures and measures for the control of surface water run-off would be sufficient such that they would prevent any potential significant impacts on the European site. I am therefore satisfied that the proposed development will not prevent the qualifying interests of the European site from achieving favourable conservation status in the future. No issues are noted in relation to in-combination effects given the SUDS measures proposed for the operational stage.</p> <p>(ii) Disturbance of mobile species</p> <p>Measures in relation to mobile species are not required to protect the qualifying interests given their location relative to the site as noted in the NIS based on the site survey.</p> <p>Mitigation measures and conditions</p> <p>To note, the CEMP includes noise control and other best practice measures to avoid disturbance to birds during demolition and construction.</p> <p>(iii) Spread of invasive species</p> <p>None identified on the site.</p> <p>Mitigation measures and conditions</p>	

<p>The CEMP includes best practice measures should such species be encountered during demolition or construction stages.</p>	
<p>In-combination effects I am satisfied that in-combination effects has been assessed adequately in the NIS.</p>	
<p>Findings and conclusions The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and pollutants into the adjacent waters of the European sites. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects would be adequately controlled via the SUDS measures for the operational stage of development.</p> <p>Reasonable scientific doubt I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p>Site Integrity The proposed development will not affect the attainment of the Conservation objectives of the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>	

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts including in relation to impacts on water quality.
- The proposed development will not affect the attainment of conservation objectives for the European sites.
- The effectiveness of the mitigation measures proposed and adoption of the CEMP and flood risk measures.
- Application of planning conditions to ensure the above measures are carried out.
- The submitted Natura Impact Statement.