



An
Bord
Pleanála

Inspector's Report

ABP-320512-24

Development	Construction of a new, low energy, flat roofed, two storey, two bedroom house of total floor area 158m ² , with a balcony to the south. Associated site works to include a new gated vehicular entrance and associated landscaping and drainage.
Location	Victoria Lodge, Victoria Road, Killiney, Co. Dublin, A96 TF38
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0682
Applicant(s)	Shona Duignan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellant(s)	Richard & Anita Cronin
Observer(s)	None
Date of Site Inspection	24 th October 2024
Inspector	Gerard Kellett

1.0 Site Location and Description.

- 1.1.** The subject site is located within the garden area of Victoria Lodge, Killiney which is a two-storey contemporary designed dwelling. The site is accessed from Victoria Road to the west which road steeply slopes down from north to south. Victoria Lodge is below the adjoining Victoria Road by c4.5metres and set within a narrow valley. The existing garden area is rocky, undulating terrain with rock outcrops. There is an existing 2.1metre stone wall running along Victoria Road. There is an existing mature beech tree to the northern portion of the site. The western and southern boundaries are defined with intermittent hedging and shrubbery.
- 1.2.** The pattern of development in the area is residential in character. To the north of Victoria Lodge is 'Camelot' house which is Protected Structure and comprises an original circular cut granite castellated tower with lancet windows and rampart stretching over Victoria Road. To the west are Killiney cottages which are single storey and Killiney Hill dwellings which are two storey dwellings. The rear gardens of Killiney Hill face the subject site. Killiney Hill dwellings are also designated as Protected Structures in the Development Plan. To the east is Killiney Hill which rises steeply. South of Victoria Lodge is Paddock Wood a contemporary design two storey dwelling, and further southeast of the site is 'Ayesha Castle'.
- 1.3.** The subject site is not a Protected Structure and the status of the roadside stone boundary wall along Victoria Road from 'Camelot' house would appear not to be classed as a Protected Structure in this case. The site is located within the Killiney Architectural Conservation Area (ACA). There are no known Protected Views in the vicinity.

2.0 Proposed Development

- 2.1.** Permission is sought for the construction of a new, low energy, flat roofed, two storey, two bedroom house of total floor area 158m², with a balcony to the south. Associated site works to include a new gated vehicular entrance and associated landscaping and drainage.

- 2.2.** The proposed built form is similar to a box type development. The materials are to be painted render, timber clad and zinc cladding to the walls. The ground floor would comprise bedroom, ensuite and TV study room. The upper floor would comprise a living room, kitchen/dining room, utility room and bedroom. A balcony area is proposed to the southern elevation. There would be a proposed open entrance court/car parking deck which would be level with Victoria Road to the east. It is proposed to construct a 2.2metre high render block wall along the southern perimeter with Victoria Lodge. The proposed total floor area would be 158sqm on a stated site area of 0.05 hectares.

3.0 Planning Authority Decision

- 3.1.** The Planning Authority GRANTED permission on the 22nd of July 2024 subject to 15no. condition(s).

Notable condition(s)

Condition 4: Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no additional development, including development which would otherwise be considered exempt development, shall be authorised on site without a further grant of permission from the Planning Authority or An Bord Pleanála on appeal. REASON: To protect the amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision. The report provides a description of the site, indicates the planning history, identifies the land use zoning designation and associated policy context from the Dun Laoghaire –Rathdown Development Plan 2022-2028.
- No concerns with respect to AA or EIA.
- A further information request was requested by the Planning Authority under Article 33 of the Planning and Development Act 2000 (as amended) which requested the applicant submit details of
 - Contextual photomontages of the site

- Address concerns of overlooking to neighbouring properties.
- Landscaping plans.
- Tree survey & Arborist report.
- Entrance details

3.2.2. Other Technical Reports

- Drainage Report: No objection subject to conditions.
- Transportation Report: No objection subject to conditions
- Conservation Report: No objection subject to conditions
- Parks & Landscape Services Report: No objection subject to conditions

3.3. Prescribed Bodies

- Heritage Council: No report received
- An Taisce: No report received
- Failte Ireland: No report received
- DoHLGH: No report received
- Irish Water: No report received

3.4. Third Party Observations

One number third-party submission was received by Richard & Rita Cronin – No.1 Killiney Hill Road (To the west of the site) making the following points:

- Design
 - Visual impact on the cottages of Killiney Hill road
 - Concerns over the granite walling to Victoria road which should be retained and protected
- Residential Amenity
 - Overlooking
 - Overshadowing
- Other
 - Concerns regarding the large beech tree

4.0 Planning History

PA REF: D11A/0366 – Refers to a grant of Permission for the construction of a two-storey extension (40 sq.m approx on two levels) with an open porch loggia to the eastern side of the existing house (Victoria Lodge), along with modifications to the local affected southern gable of the existing dining room including changes to the fenestrations/wall along with new balcony. The area of the "front" garden in which the extension is proposed is within an Architectural Conservation Area.

5.0 Policy Context

5.1. National Policy

National Planning Framework

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Regional Policy

Regional Spatial and Economic Strategy 2019-2031.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the

‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartment’s Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

5.3. Development Plan

The Dun Laoghaire – Rathdown Development Plan 2022 – 2028 is the relevant Development Plan for the subject site.

The subject site is zoned “Objective A” which has zoning objective *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.

The site is located within the Killiney Architectural Conservation Area.

The 2022 – 2028 zoning maps shows a ‘Tree Symbol’ to the north of the subject site which is indicative of a County wide objective to protect and preserve trees and woodlands.

Chapter 4: Neighbourhood – People, Homes and Place,

- 4.3.1.1 Policy Objective PHP18: Residential Density
- 4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation
- 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

Chapter 11 – Heritage & Conservation

- 11.4.2 Architectural Conservation Areas

Chapter 12 – Development Management

- 12.3.3.1: Residential Size and Mix
- 12.3.7.5: Corner/Side Garden Sites
- 12.3.7.7: Infill
- 12.4.8: Vehicular Entrances and Hardstanding Areas
- 12.8.3.3 (i): Private Open Space for Houses

- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries
- 12.8.11: Existing Trees and Hedgerows
- 12.11.3 Architectural Conservation Area (ACA's)
- 12.11.4: New Development within an ACA

Chapter 14 – Specific Local Objectives

SLO 130: To ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.

5.4. Section 28 Guidelines

Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages.

5.5. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- Dalkey Islands (SPA) (004172) within 2km to the east of the site.
- Rockabill to Dalkey Island (SAC) (003000) within 2km to the east of the site.

The nearest Natural Heritage Areas are as follows:

- Dalkey Coastal Zone and Killiney Hill. (proposed NHA) 20metres to the immediate east of the site.

5.6. EIA Screening

Refer to Form 1 in Appendix 1. Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings.

Refer to Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One third-party appeal has been submitted against the Planning Authority's decision to grant permission from the following:

- Richard & Rita Cronin – No.1 Killiney Hill Road (To the west of the site).

The grounds of appeal can be broadly summarised under the following headings:

- Design
 - Height/bulk of the proposed development
 - Visual impact on the streetscape and character of the area
- Residential Amenity
 - Overbearing to property
 - Overshadowing to property
- Built Heritage
 - Existing stone wall should be retained and protected

- Other
 - Impact on existing Beech tree

6.2. Applicant response to the third-party appeal

The applicant has responded to the third-party appeal making the following points:

- New gated entrance has been designed following pre-planning consultation and would have minimal impact to the existing stone wall – Conservation & Transportation Sections of the Local Authority indicated no objection. Condition no.3 of permission addresses concerns.
- Visual Amenity – The visual impact has been addressed by way of contextual drawings submitted which was deemed acceptable to the Planning Authority.
- Residential Amenity – Overshadowing has been addressed as the proposal is located at a lower level to the third party's house.
- The existing beech tree is to be retained and protected. The Arborist report and Tree Protection Plan submitted with the application addresses concerns.

6.3. Planning Authority Response

Response received dated 15th August 2024 requesting the Board to uphold the decision of the Planning Authority.

6.4. Observations

None

7.0 Assessment

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

- Principle of Development
- Design
- Residential Amenity
- Built Heritage
- Other matters

7.1. Principle of Development

- 7.1.1. The subject site is in an area zoned 'Objective A' as per the Dun Laoghaire – Rathdown Development Plan 2022 – 2028 which has a zoning objective '*To protect and / or improve residential amenity*'. The subject site is seeking permission to for a new dwelling to the garden area, north of Victoria Lodge. Therefore, having regard to the above it is my view the proposal would be deemed an infill development site opportunity and as such the principle of the development is acceptable, subject to normal planning considerations below.

7.2. Design

- 7.2.1. The grounds of appeal have raised concerns relating to design and visual impact of the proposed development which I address below.
- 7.2.2. Section 12.3.7.5 (Corner/Side Garden Sites) of The Dun Laoghaire – Rathdown Development Plan 2022 – 2028 refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas and Section 12.3.7.7 (Infill) refers to adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. I consider of relevance to

this appeal includes the size, design, layout, relationship with the existing dwelling and the impact on the amenities of neighbouring residents.

- 7.2.3. Victoria Lodge comprises a contemporary two-storey mono pitched roof designed dwelling which is set below Victoria Road to the east. Permission is sought for the construction of a 158sqm dwelling to the northern portion of the garden area of this property that would include a new gated vehicular entrance to Victoria Road and associated landscaping and drainage. There is circa a 2metre difference in ground levels between the garden/site to the north and Victoria Lodge to the south.
- 7.2.4. The proposed built form is similar to a box shaped development. The materials are to be painted render, timber clad and zinc cladding to the walls. There would be a proposed open entrance court/car parking deck which would be level with Victoria Road to the east. It is proposed to construct a 2.2metre render block wall along the southern perimeter with Victoria Lodge.
- 7.2.5. I am of the view that the proposed development by reason of the size, scale and massing, being a box form, mono pitch roof design and the use of the proposed materials, which I consider acceptable relative to Victoria Lodge to the south which is also a contemporary mono pitch roof design would in my view not be out of character with the built environment which is made up of individual designed dwellings. I consider the design acceptable in that regard.
- 7.2.6. I note the concerns raised pertaining to visual impact. I have regard to the contextual photomontages submitted at further information stage which in my view provides an accurate view of the proposed development from the public road, I have visited the site and viewed the proposed development along Victoria Road and from Killiney Hill Road from the approaching north and south. I am of the view that the proposed development by reason of the existing topography of the site being sited in a steep and narrow valley, set down and set back behind an existing 2.1 metre granite stone wall along Victoria Road which I consider acceptable and the proposed ground levels of the site. Therefore, it is my view the proposed development would not appear excessively dominant in the streetscape and could be reasonable assimilated due to the built character of the area and therefore acceptable.

- 7.2.7. Having regard to the foregoing, it is my view that the design of the proposed development would not cause any significant visual impact to the surrounding area and would be in accordance with sections 12.3.7.5 (Corner/Side Garden Sites) and 12.3.7.7 (Infill) of the Dun Laoghaire Rathdown Development Plan 2022 – 2028.

7.3. Residential Amenity

- 7.3.1. The grounds of appeal have raised concerns relating to overbearance and overshadowing which I shall address below.
- 7.3.2. Overbearing has been raised by the appellant to the west. The proposed development would be set back 0.5metres from the common boundary to the No.1 Hill Cottage to the west. It would have a satisfactory separation distance of over 21metres from the western elevation of the proposed development to the existing rear elevation of No.1 Hill Cottages which is positioned at a minimum height of 5metres higher than the subject site. Having regard to these setbacks from the property which in my opinion are acceptable, it is my view that the proposed development would not result in any undue overbearing when viewed from the appellants property. I consider this acceptable in that regard.
- 7.3.3. Overshadowing has also been raised by the appellant to the west. The site would be positioned within a steep and narrow valley between Victoria Road to the east and Killiney Hill Road to the west. The dwellings along Killiney Hill are sited at a minimum of 5metres higher level than the proposed site. Having regard to the difference in levels and the separation distances as previously discussed which I consider acceptable, it is my view that the proposed development would not adversely impact on the adjoining properties by way of undue overshadowing.
- 7.3.4. Having regard to the foregoing, I do not consider the proposed development would cause any significant adverse impact on the residential amenity of neighbouring properties by reason of overbearance or overlooking and therefore in keeping with the proper planning and sustainable development of the area.

7.4. Built Heritage

- 7.4.1. I note the concerns raised by the appellant in relation to the existing stone wall along Victoria road. The proposed development includes the demolition and rebuilding of an 8metre portion of the existing roadside granite stone wall to accommodate the new vehicular entrance. I note from the proposed entrance drawing details the existing granite stone walling would be reused in the construction of the new vehicular entrance, which I deem to be acceptable and would match the existing wall along Victoria Road. I considered the submitted Visual and Heritage Impact Report submitted which concludes a minimum cut will be made in the existing stone wall to provide a shallow, champhered entrance which is similar to Victoria Lodge to the south. The new gate to the entrance would be an oak clad gate, would weather naturally which I consider acceptable and would be similar to other pedestrian and vehicular entrances to the south of the site. The Conservation Officer and the Planning Authority raised no objection subject conditioning any pointing of the granite walling should be recessed.
- 7.4.2. Having regard to the above it is my view that the works to the existing stone wall would not adversely impact on the built heritage of the Killiney Architectural Conservation Area.

7.5. Other Matters

- 7.5.1. I note the concerns raised by the appellant with regard the protection of the mature Beech tree on the site. The applicant had submitted a detailed Arborist report and Tree Protection Plan to the Planning Authority of which I deemed to be acceptable. It concludes the existing circa 22-metre-high Beech tree (which is category C tree with a minimum of 10 years life expectancy) is to be retained throughout the pre and post construction periods of the development. The Parks and Landscape Section of Local Authority raised no objection subject to the works being carried out in accordance with the recommendation of the Arborist report which I consider robust and acceptable.

- 7.5.2. Having regard to the above it is my view that the existing mature beech tree would be protected and retained throughout the pre and post construction phases and details of same can be secured by way of condition.

8.0 Appropriate Assessment Screening

- 8.1. Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that permission should be granted for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would comply with the zoning objective for the site, as set out in the Dún Laoghaire-Rathdown Development Plan 2022 – 2028, would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out 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 and the development shall be retained in accordance with the agreed particulars.

Reason: **In the interest of clarity.**

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: **In the interest of visual amenity and to ensure an appropriate high standard of development.**

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: **To prevent flooding and in the interests of sustainable drainage.**

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: **In the interest of public health and to ensure adequate water/wastewater facilities.**

5. Existing stone from the boundary wall shall be used in the construction of the new vehicular entrance. Pointing shall be recessed and in keeping with of stone wall along Victoria Road.

Reason: **In the interest of visual amenity and to maintain the character of the Killiney Conservation Area.**

6. (a) Landscaping shall be carried out as detailed on the Landscaping plan dwg no. 089524_LP_02 REVISION A, submitted on 26th June 2024 unless otherwise agreed.

(b) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: **In the interest of residential and visual amenity.**

7. The tree works and protection measures shall be implemented and retained throughout the construction period in accordance with the approved recommendations detailed within the Arboricultural Assessment report by Arborist Associates Ltd, received 26th June 2024.

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

8. The site development and building works required to implement the development shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

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

9. 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.

Gerard Kellett

Planning Inspector

29th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320512-24		
Proposed Development Summary	Construction of a new, low energy, flat roofed, two storey, two bedroom house of total floor area 158m ² , with a balcony to the south. Associated site works to include a new gated vehicular entrance and associated landscaping and drainage.		
Development Address	Victoria Lodge, Victoria Road, Killiney, Co. Dublin, A96 TF38		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____ Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320512-24
Proposed Development Summary	Construction of a new, low energy, flat roofed, two storey, two bedroom house of total floor area 158m ² , with a balcony to the south. Associated site works to include a new gated vehicular entrance and associated landscaping and drainage.
Development Address	Victoria Lodge, Victoria Road, Killiney, Co. Dublin, A96 TF38
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
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).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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,	The development is situated in a urban area and is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.

European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
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 modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____

Appendix 2

AA Screening

I have considered the proposed development of a storage warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. An Appropriate Assessment Screening was undertaken by the Planning Authority as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. The Planning Authority concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description is presented in Section 2 of my report. In summary, permission is sought for the construction of a two-storey dwelling with total floor area of 158sqm on a stated site area of 0.05 hectares. Foul drainage is proposed to drain to the public main and surface water is proposed to drain to a soak pit within the site. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

The proposed development site is not located within or adjacent to any European site. The closest European site is sites being:

- Dalkey Islands (SPA) (004172) within 2km to the east of the site.
- Rockabill to Dalkey Island (SAC) (003000) within 2km to the east of the site.

A summary of European Sites is presented in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)

Rockabill to Dalkey Island SAC (IE0003000)	Habitat <ul style="list-style-type: none"> • Reefs <u>Species</u> <ul style="list-style-type: none"> • Harbour Porpoise - Phocoena phocoena 	2km	No direct
Dalkey Islands SPA (IE0004172)	<u>Species</u> <ul style="list-style-type: none"> • Roseate Tern - Sterna dougallii • Common Tern - Sterna hirundo • Arctic Tern - Sterna paradisaea 	2km	No direct

Due to the enclosed nature of the development site and the presence of a significant buffer area (urban lands) between the site and the designated sites, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed warehouse and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA and SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required in this case.

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely:

- Dalkey Islands (SPA) (004172) within 2km to the east of the site.
- Rockabill to Dalkey Island (SAC) (003000) within 2km to the east of the site.

or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The separation distance between the subject site and the European and the absence of a direct hydrological connection between the sites.