



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321433-24

### Development

PROTECTED STRUCTURES:  
Demolition of single-storey garage and  
construction of two mews dwellings  
with all associated site works.

### Location

29-30 Baggot Street Lower, Dublin 2

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

3288/24

### Applicant(s)

Randalswood Construction Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Randalswood Construction Ltd.

### Observer(s)

None

### Date of Site Inspection

14<sup>th</sup> October 2025

### Inspector

Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The subject site is located to the rear of no. 29 and no. 30 Baggot Street, Dublin 2. No. 29 and no. 30 Baggot Street are part of a Georgian terrace and both properties are protected structures. Both no. 29 and no. 30 Baggot Street are in office use. The rear curtilage of both properties has access onto a rear laneway named Little Fitzwilliam Place.
- 1.2. The appeal site relates to the development of the rear gardens of these properties which face onto Little Fitzwilliam Place, and this rear laneway is approximately 47m in length. The subject site (comprising of the rear gardens of no. 29 & no. 30 Baggot Street) is located at the end of this laneway which is a cul-de-sac.
- 1.3. There are a number of modern structures located to the rear of no. 29 and no. 30 Baggot Street, and this includes a single storey structure located to the rear of no. 30, and an external staircase and bike shed located to the rear of no. 29. There is a single storey garage structure located to the rear of no. 30 Baggot Street. The structure has a metal galvanized roof.
- 1.4. The laneway mainly comprises of rear vehicular accesses accommodating car parking for their main buildings. There is a multi-storey car park located on the opposite side of Little Fitzwilliam Place for its entire length.
- 1.5. The overall size of the appeal site is 500 sq. m.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the construction of 2 no. mews residential units with access from the laneway.
- 2.2. Proposed Unit 1 has a maximum height of 3-storeys and is a 4-bedroom residential unit. The floor area of this unit is 130 sq. metres and private open space of 40.5 sq. metres is provided.
- 2.3. The proposed Unit 2 is two-storeys in height and is a 2-bedroom unit. The floor area of this unit is 80 sq. metres, and the private open space provision is 40.3 sq. metres.

- 2.4. The remaining private open space for the existing property no. 29 Baggot Street is 33 sq. metres and the remaining private open space provision for no. 30 Baggot Street is 26 sq. metres.
- 2.5. The proposed elevation finishes of Unit 1 onto the laneway is primarily glazing and also includes selected red brick. The proposed elevation materials of Unit no. 2 onto the laneway is grey metal cladding at ground floor level and selected red brick at first floor level.
- 2.6. The rear elevations of the proposed mews houses are matching and comprise of glazing at ground level and selected red brick at first floor level.
- 2.7. The proposal includes no car parking provision.
- 2.8. Amended proposal accompanied the F.I. response. The amended proposal relates primarily to design, finishes and layout, and the amendments include the following.
- Scale of Unit 1 front elevation reduced to a slender 3-storey height.
  - Materials and elevation treatments onto laneway amended to incorporate less glazing.
  - Provision of bike storage for both Unit 1 and Unit 2 is located adjacent to Unit 1.
  - Private open space for Unit 2 reduced from 40.3 sq. m. to 31 sq. m.
  - Remaining private open space for no. 30 Baggot Street increased from 26 sq. m. to 44 sq. m.

### 3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to **refuse** permission for the following reason.
1. The existing laneway of Little Fitzwilliam Place from which the proposed mews dwelling would gain access is currently substandard and contrary to the relevant provisions of the Dublin City Development Plan, 2022-2028, including those outlined for access for mews development in Chapter 15.13.5.4 of the development plan. The proposed development would result in the reversal of vehicular movements including deliveries, emergency vehicles and refuse

vehicles onto or off Little Fitzwilliam Place and that this arrangement would endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for similar type development along the laneway, and would, therefore, be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

3.2.1. The Planning Officer's report dated 15<sup>th</sup> April 2024, notes the following.

- Principle of residential development acceptable on the site.
- The design approach in current application is more appropriate than previous application.
- Concerns in relation to visual appearance and design in respect of height. The structure appears bulky and the solid to void ratio is unsatisfactory.
- The impacts on no. 28 Baggot St. and the mature tree on the site are unclear from submitted drawings.
- Inadequate provision of private open space for existing houses.
- Relocation of bike and bin storage recommended.
- Conservation and retention of original party wall to rear of no. 29 and no. 30 recommended.
- F.I. requested to address access in relation to fire tender vehicles.
- Non-provision of car parking acceptable.
- No AA or EIA issues arise.

3.2.2. The Planning Officer's report recommended that the following be addressed by way of further information.

1. Reconsider the three-storey height and increase the solid to void ratio.
2. Submit details of proposed finishes to west elevation.
3. Measures to protect mature tree on the site boundary.
4. Revised private open space for existing house, no. 30 Baggot St.

5. Revised details in relation to bin and bike storage.
6. (a) retain existing wall between proposed dwellings, (b) revise the roof design and front elevation of mews to rear of no. 29 Baggot St., (c) revise position of proposed boundary wall to rear of no. 30 Baggot St. and protected structure, and (d) submit material samples.
7. (a) submit fire strategy in relation to access, and (b) provide increased cycle parking.

3.2.3. The Planning Officer's second report dated 12<sup>th</sup> November 2024 assesses the further information received.

In relation to FI **Item 1**, the PA notes that the proposal has been reduced in bulk regarding the 3-storey element and the amended floor to ceiling glazing proportions are acceptable.

In respect of FI **Item 2**, the PA report considers the response in relation to proposed materials is acceptable.

**FI Item 3** – PA accepts the response by the applicant which includes a Tree Survey and Protection Plan. Condition recommended.

In relation to **FI Item 4**, the PA considers the revised private open space provision acceptable.

In respect of FI **Item 5**, the PA report considers that the revised proposals for bin storage and bicycle storage are acceptable.

**FI Item 6** – Conservation Office considers that the response in relation to all conservation matters are acceptable.

In respect of **Item 7**, refusal is recommended on the basis that insufficient access is provided for turning facilities along the laneway to allow service vehicles to access the site. Further the response to fire strategy does not address the issue of safe access and egress for all vehicles and pedestrians.

3.2.4. Other Technical Reports

- Conservation Office –
  - The **first report** (dated 08/04/24) requests FI in relation to (a) resubmission of Heritage Impact Assessment with colour illustrations,

- (b) details for retention of existing wall between proposed dwellings, (c) revise the roof design and front elevation of mews to rear of no. 29, (d) revise position of proposed boundary wall to rear of no. 30 and protected structure, (e) revise bin storage strategy and (d) submit material samples.
  - The **second report** (dated 4/11/2024) confirms that the F.I. response is acceptable in principle.
- Transportation Planning Division –
  - The **first report** (dated 03/04/24) requests FI in relation to (a) submission of a fire strategy in relation to access, (b) provide increased cycle parking provision, and (c) provision of bin storage that can be directly accessed from the lane.
  - The **second report** (dated 4/11/2024) submits that in the absence of a coordinated approach to development along Little Fitzwilliam Place to provide an adequate lane width as well as turning and passing facilities along it, it is considered that the proposed mews development would be contrary to the aims and objectives of the Dublin City DP, section 15.13.5.4 in terms of access to mews development and that the safe access and egress for all vehicles and pedestrians has not been demonstrated.
- Drainage Division –
  - No objections subject to conditions.

### 3.3. Prescribed Bodies

- **TII:** Condition in relation to financial contribution recommended for Section 49 (Luas Cross City).
- **Uisce Eireann:** No objection in principle subject to applicant entering a pre-connection agreement.

### 3.4. Third Party Observations

- None

## 4.0 Planning History

### Subject Site

4.1. **PA Ref. 3188/22** – Permission **refused**, for works to a protected structure comprising of the construction of 2 no. mews to the rear of no. 29 – 30 Baggot St. with access onto a rear laneway. 1 no. mews is two-storey in height, and the second mews is three-storey in height. The proposal also includes the construction of new boundary walls to separate mews dwelling from no. 29 – 30 Baggot St., and rear garden area. Permission refused for the following reason.

1. The proposed design and form of the two mews dwellings is not considered to be of sufficient architectural quality and does not relate to the sites historic setting to the rear of two Protected Structures. The proposed development would therefore cause serious injury to the special architectural character, amenity and setting of the Protected Structures at Nos. 29 and 30 Baggot Street South, the historic mews laneway and the adjacent Conservation Area and would therefore be contrary to policy BHA2 and Policy BHA9 of the 2022-2028 Dublin City Development Plan. The proposal would set an undesirable precedent for similar developments within the curtilage of protected structures, would devalue property in the vicinity and is contrary to the proper planning and sustainable development of the area.

4.2. **PA Ref. 4017/22** – Permission **granted** for the following (1) minor alterations to existing building comprising (a) removal of existing wall partitions, (b) replacement / relocation of existing electricity /drainage service points, (c) provision of new heating units, (2) the removal of the existing external staircase and filling in of existing door opes to same, and (3) removal of existing staircase serving the basements levels of both properties.



## 5.0 Policy Context

### 5.1. National Planning Context

#### 5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 22 (standards based on performance criteria), NPO 45 (increased density) and NPO 90 (Built Heritage).

#### 5.1.2. Section 28 Ministerial Planning Guidelines

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
  - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
  - Section 5.3: includes achievement of housing standards as follows:
    - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
    - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
    - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations.
    - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
    - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to

standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

5.1.3. Architectural Heritage Protection - Guidelines for Planning Authorities (2004 as amended)

- Section 2.1 defines a protected structure as any structure or specified part of a structure, which is included in the RPS. This includes as well as interior of the structure, land lying within the curtilage of structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures.
- Section 13.5 refers to development within the curtilage of a protected structure, and the following is relevant to the proposed development.
  - *inappropriate development will be detrimental to the character of the structure.*
  - *The relationship between the protected structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the protected structure.*
- Section 13.8 refers to other development affecting the setting of a protected structure within the curtilage of a protected structure, as follows.
  - *When dealing with applications for works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.*
  - *New development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways. The proposed development may directly abut the protected structure, as with buildings in a terrace. Alternatively, it may take the form of a new structure within the attendant grounds of the protected structure. A new development could also have an impact even when it is detached from the protected structure and outside the*

*curtilage and attendant grounds but is visible in an important view of or from the protected structure.*

- *The extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting, and the character and quality of the ACA. Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.*

## 5.2. Dublin City Development Plan, 2022 – 2028

- 5.2.1. The site is located on lands that are zoned Z1 (Sustainable Residential Neighbourhoods) and Z8 (Georgian Conservation Area). The front of the appeal site is zoned Z8 and the stated objective for such land use is

*‘To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective’.*

- 5.2.2. The aim of this zoning objective is to protect the architectural character/design and overall setting of these primarily Georgian Squares / Streets while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged.

- 5.2.3. The rear of the appeal site is zoned Z1 and the stated objective for such land use is

*‘To protect, provide and improve residential amenities’.*

- 5.2.4. The vision for residential development in the city is one where a wide range of high-quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services.

- 5.2.5. Chapter 4 ‘Shape and Structure of the City’ includes guidance on urban density, increased height, urban design and architecture. In terms of urban density Chapter 4 recognises that RSES and Dublin MASP promotes greater densification and more

intensive forms of development along strategic public transport corridors. The following policies are relevant to the proposed development.

- Policy SC1 – Consolidation of the Inner City
- Policy SC11 – Compact Growth and sustainable densities
- Policy SC22 – Historical Architectural Character

5.2.6. Chapter 11 'Built Heritage and Archaeology'.

5.2.7. The existing buildings on the appeal site are protected structures, and they are also located within a designated Conservation Area.

5.2.8. There is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.

5.2.9. The following policies are relevant to the proposed development.

- **Policy BHA2** – Development of Protected Structures, states as follows.

*That development will conserve and enhance protected structures and their curtilage and will:*

*(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*

*(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*

*(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

*(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*

*(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*

*(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*

*(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*

*(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*

*(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*

*(h) Have regard to ecological considerations for example, protection of species such as bats.*

- **Policy BHA9** – Conservation Areas, states as follows.

*To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*

*Enhancement opportunities may include:*

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*

4. *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
5. *The repair and retention of shop and pub fronts of architectural interest.*
6. *Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
7. *The return of buildings to residential use.*

*Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.*

- **Policy BHA14** – Mews, states as follows.

*To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.*

5.2.10. Chapter 15 'Development Management Standards'. Section 15.11 includes guidance on house developments including floor areas, aspect, daylight, sunlight, ventilation, private amenity spaces and separation distances. Relevant sections include as follows.

- Section 15.13.5 Mews
- Section 15.15.2.2 Conservation Areas
- Section 15.15.2.3 Protected Structures

#### 15.13.5 Mews

- Mews dwellings are typically accessed via existing laneways or roadways serving the rear of residential developments.
- The relationship between the historic main house and its mews structure remains a relevant consideration for architectural heritage protection.

- It is an objective of the City Council to protect the character and setting of mews dwellings and to ensure all new proposals are respectful and appropriate in its context.

#### 15.13.5.1 Design and Layout

- The distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised. Innovative and high-quality design will be required.
- Private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling.

#### 5.2.11. 15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city.

All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.

#### 5.2.12. Appendix 5 (Transport and Mobility: Technical Requirements).

#### 4.3.8 Mews Parking

- All parking provision in mews lanes, where provided, will be in off-street garages, forecourts or courtyards, subject to conservation and access criteria.
- Car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available. Each development will be assessed on a case-by-case basis.
- Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles.
- A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required.
- In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated.
- All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided, save for lanes where existing footpaths are present

### **5.3. Natural Heritage Designations**

- North Dublin Bay SAC (Site 000206) c. 6.1 km northeast
- South Dublin Bay SAC (Site Code 000210) c. 2.8 km east
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 2.8 km east
- North Bull Island SPA (Site Code 004006) c. 6.1 km northeast
- Grand Canal pNHA (Site Code 002104) c. 0.06 km south

## **6.0 EIA Screening**

- 6.1. 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.

## **7.0 The Appeal**

7.1. The grounds of the appeal may be summarised as follows.

### Summary

- Proposal provides adequate accessibility and is accessible for emergency vehicles and refuse collection.
- Proposal consistent with Z1 zoning objective.
- Development represents a more efficient and sustainable use in a centrally located site.
- Proposal will enhance streetscape along Little Fitzwilliam Place.
- Proposal will avoid any overbearing impacts on adjacent properties.
- Proposed housing meets CDP and national guideline standards.
- Proposal achieves compact growth in accordance with national and regional policy provisions.
- Proposal will avoid any overbearing impacts on adjacent properties.

### Laneway Concerns

#### Laneway Width

- A drawing submitted by Tent Engineers, with the application, demonstrates by swept path analysis that emergency, refuse and delivery vehicles can safely navigate the laneway.
- The removal of car parking spaces will reduce traffic movements and improve safety on the laneway.

- The laneway functions as a low-traffic shared surface consistent with s. 15.13.5.4 of the DCC CDP. Existing dimensions for the lane are 4.5m to 5.5m, sufficient for shared use.

#### Emergency Vehicle Access

- Detailed fire strategy submitted with the application demonstrates fire tenders and other emergency vehicles can reach the site safely.
- A further fire strategy submitted with F.I. demonstrates an alternative solution to overcome vehicle access for fire tenders by way of Domestic Sprinkler System consistent with BS 9251 2021 which reduces risk for occupants and the fire department.

#### Refuse and Servicing Arrangements

- Proposed refuse and service arrangements are integrated to the development ensuring minimum disruption to laneway users.

#### Addressing the Reverse Manoeuvre Concern

- The reverse manoeuvres are mitigated by the exceptionally low traffic volume on the laneway.
- The installation of bollards on one side of the laneway could create a segregated pedestrian pathway.
- The delivery and service plan is consistent with Table 15.1 of the DCC CDP, 2022 – 2028.

#### Vehicle Types

- The majority of service trips made to the development will be comprised of light goods vehicles up to 6m in length. The lane is suitably sized to cater for light goods vehicles.

#### Residential Trip Generation

- The average daily trips to the development is estimated at 1.42 vehicles (2.84 two-way movements).

- The majority of delivery vehicles generated by the residential component will be 3.5t vans or below (e.g. mopeds) and could therefore be accommodated on the lane.

### Planning Precedents

Rear of no. 33 Baggot St. (**Reg. Ref, 4707/22**). Permission allows for alterations to an existing office mews, including its continued use and enhancement.

- The current proposal and Reg. Ref. 4707/22 rely on the same access.
- Office uses typically have more operational demands than residential, requiring more frequent deliveries and servicing than residential developments.
- Permission to grant for an office mews use confirms that Little Fitzwilliam Place can support developments within its constraints.
- No concerns in relation to endangering public safety by reason of traffic hazard were raised with the office mews development. This is the reason for refusal in the current proposal.
- The refusal in the current proposal is inconsistent with the established planning context.

Rear of no. 13 & 14 Longwood Ave., Dublin 8 Baggot St. (**Reg. Ref. WEB1475/22**).

- The minimum width of this laneway is 3.3m and falls short of the minimum carriageway width of 4.8m, required for potential mews developments, or 5.5m where no verges or footpaths are provided.
- The site was considered appropriate for additional development, reinforcing the principle that the laneway widths should not preclude development where access arrangements can be demonstrated.

Rear of no. 54 Ranelagh Road, Dublin 6 with access from Orchard Lane. (**Reg. Ref. 2896/21**).

- The narrow laneway on Orchard Lane does not meet the minimum standards in terms of lane width, however despite these technical shortcomings, the development was deemed acceptable to the PA.

- This demonstrates that minor shortfalls in technical standards do not preclude the development of mews dwellings.

### Policy Context

- The proposal is consistent with NPF policies to develop underutilised land and achieve compact growth.
- The proposal is consistent with the following policy documents in achieving quality urban intensification development.
  - Urban Development and Building Height Guidelines
  - Regional Spatial and Economic Strategy, 2019 – 2031.
  - Quality Housing for Sustainable Communities – Guidelines
  - Housing for All – A New Housing Plan for Ireland
- In respect of Compact Settlement Guidelines (2024) the proposal meets the relevant private open space requirements and separation distances.
- The proposed development is consistent with CDP provisions such as zoning, mews development (s. 15.13.5), car parking, private open space provision, residential density, residential and visual amenity.
- The proposed infill development protects the character of the area which includes protected structures and conservation areas. The proposal is consistent with policy objective CHC4 (to protect the special interest and character of conservation areas).

7.1.1. The appeal submission includes an Engineering report, and this is summarised as follows;

- Comprehensive swept path analysis demonstrating that emergency, refuse vehicles can adequately access the site
- Traffic volume reduction on the laneway as no car parking proposed.
- The width of the shared surface dimension is 4.5m – 5.5m for the laneway.
- Detailed fire strategy submitted demonstrating compliance with fire regulations.
- Dedicated bin storage.

- Impractical to eliminate reverse manoeuvres along the laneway.
- The reverse manoeuvre is mitigated by exceptionally low traffic volumes on the laneway.
- Installation of bollards on one side of the laneway could create segregated pedestrian pathway, enhancing safety for vulnerable users. Such measure could be conditioned by the Board.
- Precedents include LA Ref. 4707/23 granted by DCC (on the existing laneway). Proposed design consistent with that in LA Ref 4707/23.
- Proposal consistent with DCC CDP policies promoting car free living.

## 8.0 **Assessment**

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Vehicular Access
- Other Matters

### 8.1. **Principle of Development**

- 8.1.1. The appeal site is zoned both Z1 (Sustainable Residential Neighbourhoods) and Z8 (Georgian Conservation Area). However, the proposed mews development is located on the portion of the site that is zoned Z1 and the stated objective for such land use is

*‘To protect, provide and improve residential amenities’.*

- 8.1.2. Section 14.3.1 of the Dublin City Council City Development Plan, 2022 – 2028, (DCC CDP) advises that permissible uses are uses generally acceptable in principle in the relevant zone, but subject to normal planning considerations. Residential is a

permissible use within the land use zoning Z1, as such the proposed 2 no. mews are permitted in principle within the Z1 zoning objective. The proposed development, therefore, comprising of 2 no. residential mews is consistent in principle with the zoning provisions of the current Development Plan.

- 8.1.3. In addition to meeting the zoning objective of the development plan, the development represents a brownfield intensification of an urban site which is situated within close proximity to the city centre. The development would contribute to compact growth and would be consistent with DCC CDP policies to achieve urban consolidation (Policy SC1) and compact growth (Policy SC11).
- 8.1.4. The intensification of the development site is also consistent with the National Planning Framework – First Revision<sup>1</sup> policies such as compact growth (NPO 7 and NPO 9) and increased density (NPO 45). Further the development proposal is consistent with EMRA Regional Spatial Economic Strategy (2019 – 2031) policies to achieve compact growth (RPO 3.2) and brownfield regeneration (RPO 3.3).
- 8.1.5. I would therefore conclude that the proposed mixed-use development which involves the intensification of an existing urban site is consistent with the policy provisions of the Dublin City Council City Development Plan, 2022 – 2028, and national and regional policy objectives to achieve compact growth and brownfield regeneration and accordingly I would consider that the principle of development is acceptable, subject to other planning considerations addressed below.

## 8.2. **Vehicular Access**

- 8.2.1. The PA in refusing permission for the proposed development concluded that the existing access lane proposed to serve the residential development is currently substandard and therefore contrary to section 15.13.5.4 of the DCC CDP.
- 8.2.2. The PA considered that the proposed development would result in the reversal of vehicular movements including deliveries, emergency vehicles and refuse vehicles onto or off Little Fitzwilliam Place and that this arrangement would endanger public safety by reason of traffic hazard. I would acknowledge that the Transportation Planning Division, in their report dated 4<sup>th</sup> November 2024, highlighted concerns in

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<sup>1</sup> April 2025

the absence of turning facilities along the lane to allow service vehicles such as delivery vans, refuse vehicles and others to turn and exit, as such it was considered that the proposal and arrangement would endanger public safety by reason of traffic hazard and that the proposal would be contrary to s. 15.13.5.4 of the DCC CDP. I would also note that the Transportation Planning Division submits that Little Fitzwilliam Place has a consistent width of 4.8m and that the closest that a fire tender can reach to the site is c. 49m.

- 8.2.3. The Transportation Planning Division concluded that there is no established precedent for residential mews developments along Little Fitzwilliam Place and that the proposed development would set an undesirable precedent that would exacerbate a traffic hazard. The PA therefore recommended refusal on the basis of the concerns on traffic safety raised by the Transportation Planning Division of DCC.
- 8.2.4. The first party appeal submission, which as noted above in para. 7.0 of this report, includes a submission from Engineering Consultants, which sets out that the proposed development does not present a traffic hazard, is compliant with relevant transportation policies and adheres to established precedents. In this regard the appeal submits that the lane currently serves as a shared surface and the width of the lane varies from 4.5m to 5.5m, and that given the low traffic volume and the very low vehicle speeds the lane is considered a suitable shared space. The appeal submission claims that the removal of car parking spaces from the subject site will reduce traffic on the lane. The appeal also argues that the laneway is easily accessible by a variety of vehicles, and the application includes a comprehensive swept path analysis of vehicle movements, including those of emergency vehicles, refuse vehicles, servicing and private vehicles. Further the appeal submits that the installation of bollards on one side of the laneway could create a segregated pedestrian pathway, enhancing safety for vulnerable users. The applicants consider that this measure could be achieved by condition by the Board.
- 8.2.5. Firstly, in terms of assessment, the Commission will note that no car parking provision is provided for the proposed development, and I would note this is acceptable to both the Transportation Planning Division and the PA. The development site is located within the Car Parking Zone 1 of Map J of the DCC CDP and in accordance with Table 2 (Maximum Car Parking Standards for Various Land Uses) of Appendix 5 of the CDP the required car parking is 0.5 spaces per dwelling

within Car Parking Zone 1. Section 15.13.5.4 (Access for mews) and section 4.3.8 (Mews Car Parking) of Appendix 5 of the current City Council Development Plan advises that car free mews developments maybe permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available. The subject site is located within walking distance of the city centre, Luas Green Line and multiple city centre bus routes, and having regard to the minor scale of development, the city centre location and the provisions within both section 15.13.5.4 and s. 4.3.8 of Appendix 5, I would consider that the proposed development, without car parking provision, is acceptable.

- 8.2.6. Notwithstanding the appellants arguments in relation to vehicular access, noted above in para. 8.2.4, the current City Council Development Plan, in section 15.13.5.4 (Access for mews) and at Appendix 5, section 4.3.8 requires that mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles.
- 8.2.7. Further section 4.3.8 of Appendix 5 of the Plan states that a minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required and in cases where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated.
- 8.2.8. I noted from the submitted plans that the length of Little Fitzwilliam Place is approximately 47m and that the laneway has no footpaths and that the width of the laneway is 4.8m. The 4.8m width is consistent with the measurement of the laneway as contained in the Transportation Planning Division report. Having regard to my site assessment I noted that Little Fitzwilliam Place would be suitable for singular traffic movements and would not be sufficiently wide to accommodate two-way traffic movements. Furthermore, the properties with rear access onto Little Fitzwilliam Place have vehicular access and in most cases the properties include garages to accommodate car parking for the principle buildings which face onto Baggot Street. A mews carriageway of 4.8m as proposed in the current development before the Commission, would fall short of the minimum widths for mews carriageways as required in section 4.3.8 of Appendix 5 of the Plan, which noted above requires a minimum width of 5.5m, where no verges or footpaths are provided, as is the case along the subject laneway.



- 8.2.9. The appellant submitted a swept path analysis with both the application and the appeal submission for fire tenders, refuse vehicles, ambulances and 4x4 cars to demonstrate safe vehicular access to the site. With the exception of the fire tender the submitted swept path analysis demonstrates 'driving in' movements to the site for all other vehicles along Little Fitzwilliam Place. However, as there are no turning facilities at the end of Little Fitzwilliam Place the swept path analysis illustrates that the 'driving out' movements will be by reversing. In the case of the fire tender the vehicle will drive to within c. 49m of the site and will not drive in or out along Little Fitzwilliam Place. In respect of compliance with the fire regulations I have considered this under para 8.3 (other matters) below.
- 8.2.10. I would consider that having regard to the width of the lane, which is less than the minimum required carriageway for a mews development, and the absence of any turning facilities that the reversing of vehicles along the full stretch of the laneway, c. 47m, would not provide for safe access and egress for all vehicles and would provide inadequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles.
- 8.2.11. I would acknowledge the appellant's comment that the proposed development will eliminate car parking thereby reducing traffic volumes along the lane. Notwithstanding, the car parking requirement, as noted above, for the proposed 2no. mews houses is 1 no. space, which, in my view, would not have a significant impact on the laneway and its removal would have negligible impact on the laneway in terms of traffic. I also note the appellants comment that the reverse manoeuvre is mitigated by exceptionally low traffic volumes on the laneway. However, I would note that there is a total of 8 no. properties that have access onto the rear laneway, and the reversing of traffic movements along the laneway for refuse vehicles, ambulances and 4x4 cars from the development site would result in an undesirable precedent in terms of traffic hazard.
- 8.2.12. The appellant also submits that the installation of bollards on one side of the laneway could create a segregated pedestrian pathway, enhancing safety for vulnerable uses which could be conditioned by the Board. However, the laneway is located outside of the applicant's red line boundary included in their Site Location Map, and as such the Commission would not be in a position to impose conditions on such lands as they are outside of the application site boundary.

8.2.13. The appeal submission includes reference to a number of planning precedents whereby mews developments were granted permission in several different mews lanes within the city. I have reviewed these developments, and I would note that there is a variance in these laneways in terms of location and context, and these sites differ to that of the appeal site. I would therefore consider that the current application must be considered on its own merits. In relation to L.A. Ref. 4707/23, submitted with the appeal as a precedent, this relates to an office mews development onto Little Fitzwilliam Place which would differ to the current residential development and would have different traffic demands. I would not therefore consider it a relevant precedent for the development proposal and that each development is considered on its own merits.

8.2.14. I also note the appeal submission refers that the proposed development is consistent with CDP policies to promote car free living in the city. I would agree that the principle of the proposed development is consistent with the policy objectives of the CDP to achieve a modal shift, notwithstanding the proposed development would result in a traffic hazard which has not been adequately addressed in the application or the appeal.

8.2.15. Conclusion

I would consider that the laneway from which the proposed mews dwellings would gain access, based on the width of the laneway, would not provide for safe access and egress for all vehicles and would provide inadequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. The proposed development would result in reversal of vehicular movements, including deliveries, emergency vehicles and refuse vehicles, onto or off Little Fitzwilliam Place and this arrangement would endanger public safety by reason of traffic hazard. In conclusion therefore I would consider that the proposed mews development would be contrary to the aims and objectives of the Dublin City Development Plan, 2022 – 2028, in particular section 15.13.5.4. and section 4.3.8 of Appendix 5, in terms of the width of the laneway. I would consider that the proposal would set an undesirable precedent and would therefore be contrary to the proper planning and sustainable development of the area.

8.3. Other Matters

- 8.3.1. As noted above fire tenders can reach within c. 49m of the site. The applicant proposes a fire sprinkler system consistent with BS 9251 2021 as an alternative to vehicle access for fire tenders to the site to ensure compliance with the fire regulations.
- 8.3.2. In respect of compliance with Fire Regulations of the Building Regulations I would note that the Building Regulations are a separate code to the Planning and Development Act, 2000 (as amended) and having regard to the advice in section 7.8 of the Development Management Guidelines (2007) which advises that the planning system will not free a developer from responsibilities under other codes. As such the developer in this case will have to ensure compliance with the Building Regulations separately to this planning application.

## **9.0 AA Screening**

- 9.1. I have considered case ABP-321433-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises of the construction of 2 no. residential mews located to the rear of protected structures which are in office use. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) both located c. 2.88 km to the east of the development site. The North Dublin Bay SAC (Site 000206) is located c. 6.1 km northeast of the development site, and North Bull Island SPA (Site Code 004006) is located 6.7 km northeast.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- The absence of any ecological pathway from the development site to the nearest European Site.
  - The minor scale of development proposed.
  - Location-distance from nearest European site.

- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive**

- 10.1. Refer to Appendix 3. I conclude that on the basis of objective information, that the proposed development, subject to standard construction practice during construction phase and SUDs features and flood risk mitigation measures, 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 refused for the reason set out below.

## **12.0 Reasons and Considerations**

1. The existing laneway of Little Fitzwilliam Place from which the proposed mews dwellings would gain access is currently substandard and contrary to the relevant provisions of the Dublin City Development Plan, 2022-2028, including those outlined for access for mews development in section 15.13.5.4 and section 4.3.8 of Appendix 5 of the development plan. The proposed development would result in reversal of vehicular movements, including deliveries, emergency vehicles and refuse vehicles, onto or off Little Fitzwilliam Place and that this arrangement would endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for other sites along the laneway, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

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Kenneth Moloney  
Senior Planning Inspector

28<sup>th</sup> October 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321433-24
<b>Proposed Development Summary</b>	PROTECTED STRUCTURES: Demolition of single-storey garage and construction of two mews dwellings with all associated site work.
<b>Development Address</b>	29-30 Baggot Street Lower, Dublin 2.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-321433-24
<b>Proposed Development Summary</b>	PROTECTED STRUCTURES: Demolition of single-storey garage and construction of two mews dwellings with all associated site work.
<b>Development Address</b>	29-30 Baggot Street Lower, Dublin 2.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<p>The proposed development is for the construction of 2 no. mews residential units with access from the laneway. Proposed Unit 1 has a maximum height of 3-storeys and is a 4-bedroom residential unit. The floor area of this unit is 130 sq. metres and private open space of 40.5 sq. metres is provided. The proposed Unit 2 is two-storeys in height and is a 2-bedroom unit. The floor area of this unit is 80 sq. metres, and the private open space provision is 40.3 sq. metres.</p> <p>There are established office and residential properties within the local area and the proposal is not considered exceptional in the context of neighbouring properties.</p> <p>During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. Any potential contamination arising from the development would be limited in scale, having regard to the modest scale of the development the proposal would have a localised impact. Demolition works are proposed. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (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	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance. The development site is the curtilage of protected structures, and the proposed development would have an impact on the character of</p>



<p>capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>the protected structures, however these impacts are localised.</p> <p>The nearest designated European Sites to the appeal site are the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024), both located approximately 2.8 kms east of the proposed development. The European Sites, North Dublin Bay SAC (000206) and North Bull Island SPA (004006), are located c. 6.1 km northeast of the proposed development.</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the scale of the proposed development (i.e. part 2-storey and 3-storey in height) and the limited nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p>EIA is not required.</p>
<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p>N/A</p>

There is a real likelihood of significant effects on the environment.	N/A.
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**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)

### Appendix 3 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-321433-24	Townland, address	29-30 Baggot Street Lower, Dublin 2.
Description of project		Demolition of single-storey garage and construction of two mews dwellings with all associated site work.	
Brief site description, relevant to WFD Screening,		The appeal site is located in an established city centre area.	
Proposed surface water details		Public drain	
Proposed water supply source & available capacity		Public services	
Proposed wastewater treatment system & available capacity, other issues		Public services	

Others?			No			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	1.8 km to the west of the development site.	Poddle_010 IE_EA_09P030800	Poor	At Risk	Nutrients, Organic	Yes – surface run-off
Groundwater Waterbody	Underlying site	Dublin IE_EA_G_008	Good	Review	None	Yes
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	<u>Surface</u> Site clearance / Construction	Poddle_010	Existing surface water run-off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice  Distance to watercourse	No	Screened out
2.	<u>Ground</u> Site clearance / Construction	Dublin	Pathway exists	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface run-off	Poddle_010	Surface water drainage system in the area	Hydrocarbon spillage	Public surface water drains	No	Screened out

2.	Discharges to Ground	Dublin	Pathway exists	Spillages	Standard operational management.	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA