



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321923-25**

### Development

Change of use from offices to medical facility.

### Location

3 Bath Place, Blackrock, Co. Dublin  
A94 R3K7.

### Planning Authority

Dún Laoghaire-Rathdown County Council.

### Planning Authority Reg. Ref.

D24A/0629/WEB.

### Applicant(s)

Tropical Medical Bureau.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party.

### Appellant(s)

Dr. Graham Fry.

### Observer(s)

None.

**Date of Site Inspection**

17<sup>th</sup> April, 2025

**Inspector**

Aiden O'Neill

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**Appendix 1 – Form 1: EIA Pre-Screening**

**Appendix 2 - AA Screening Determination**

## **1.0 Site Location and Description**

- 1.1. The proposed development site, c. 0.083ha in area, comprises a 3-storey building of c. 109m<sup>2</sup> at the corner of Bath Place, Blackrock Town Centre. To the north is a public car park and further north is the Blackrock DART station. To the north-west is a 1-3-storey retail/office building at 4 Main Street. Adjacent to no. 4 Main Street is no. 2 Main Street which trades as a pub (The Idrone) on the ground floor facing the DART station. To the south-west is a 2-storey bank premises at no. 6 Main Street. To the south-east are the side elevations of the 2-storey estate agency no. 8 Main Street, and a residential use at no. 2 Bath Place, and at no. 27 Idrone Terrace, separated by Idrone Lane, a back/service road, with bins predominantly located along the southern side.
- 1.2. The ground floor of no. 3 Bath Place is occupied by a separate café use (trading as September), with external north-east facing seating area.
- 1.3. Tropical Medical Bureau is accessed from a side door on the ground floor, and occupies the 1<sup>st</sup> and 2<sup>nd</sup> floor. The side door has a small A4 landscape sign fixed on the inside. On the day of the site visit, both floors were fully in use as a medical facility, with the 1<sup>st</sup> floor functioning as a reception and medical suites, with office and Board room on the 2<sup>nd</sup> floor. Tropical Medical Bureau commenced trading at the end of October, 2024, and provides pre-travel medicines. It employs 6 people. Of relevance to the appeal is that the premises has 2no. standard waste bins located on Idrone Lane.

## **2.0 Proposed Development**

- 2.1 The proposed development seeks permission for a change of use of 3 Bath Place, Blackrock, Co. Dublin from offices to medical facility. The applicant is stated to the owner of the premises.
- 2.2 The plans that accompany the application include a layout of the proposed use, with first floor reception area, waiting area, medical rooms, and upstairs board room/office, toilet facilities, and waiting area.
- 2.3 It is stated that no external alterations to the building are proposed. The side elevation includes a sign above the ground floor entrance.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse permission on 29<sup>th</sup> January, 2025 for 2no. reasons as follows:

1. The subject site is located along a main routeway, which is heavily trafficked within the village of Blackrock. On the basis of information submitted, it is considered that the development, as proposed, would lead to the endangerment of public safety as a result of obstruction of the a public carriageway by the proposed storage of refuse bins/receptacles on the carriageway at Idrone Lane which would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The development, therefore, would be seriously injurious to public safety and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, which proposes to store multiple bins on a public roadway would have a negative visual impact on the streetscape and the Blackrock Village Candidate Architectural Conservation Area, would negatively impact on the quality of the public road, and would set an undesirable precedent for similar types of development in the area. Therefore, to permit the development as proposed would be seriously injurious to the residential and visual amenities of Blackrock Village and would be contrary to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, and contrary to the proper planning and sustainable development of the area.

#### **3.1.1. Conditions**

N/A

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

#### **3.2.1. Planning Reports**

- The report of the Senior Executive Planner dated 7<sup>th</sup> October, 2024 notes that the proposed change of use complies with the DC zoning objective and is acceptable. The

Planning Authority welcomes the reuse of the existing premises, particularly on the upper levels.

- The proposed development site is within the candidate ACA, however it is noted that no elevational changes are proposed. Any signage proposals require careful consideration.
- The proposed development is not considered to result in adverse impacts on the residential amenities in the area.
- The change of use would not materially affect the existing footpaths and connections to the DART station and the seafront, subject to appropriate waste management proposals
- The proposed development will not materially alter the existing drainage arrangements servicing the site.
- While noting the waste regulations in relation to medical facilities are subject to separate legislation, the location of the site fronting a heavily trafficked public realm is noted, and the Planning Authority is not satisfied that waste can be appropriately stored on site. The applicant should detail waste management proposals.
- A Request for Further Information issued on 7<sup>th</sup> October, 2024, requesting details on the storing of waste bins that shall not obstruct the public road/carriageway/footpath on Idrone Lane/Bath Place; an operational waste management plan; and details of signage.
- The applicant responded on 2<sup>nd</sup> January, 2025 with the following details:
  - The proposed change of use is distinct from the operations of September Café, also located at 3 Bath Place.
  - A medical facility generates significantly less waste than a Café, consisting primarily of recyclable materials and producing no food waste that could attract vermin or cause spillage.
  - It is planned to utilise two bins—one for recycling and one for general waste—with weekly collections.
  - All medical waste (e.g., used needles and syringes) will be managed by Stericycle, a licensed medical waste management company. Such waste will be stored securely within the clinic and removed by Stericycle. No medical waste will be disposed of in the recycling or general waste bins.

- The concerns raised in the Third Party submission are unrelated to the proposed medical facility.
- Due to operational constraints, including the facility's location on the first and second floors, internal bin storage is not feasible. Therefore, it is proposed to store bins in the public lane, as has been historically accepted by the Council.
- Given the minimal waste generation of the proposed facility, it is that a detailed Operational Waste Management Plan (OWMP) is unnecessary.
- Revised elevations are enclosed, indicating the location for the proposed LED signage, c. 9" x 18", which will be over the entrance to the clinic with the TMB logo on it.
- The report of the Senior Executive Planner dated 29<sup>th</sup> January, 2025 notes that the responses are inadequate. The submitted drawing does not demonstrate the location of the internal bin storage nor its type and size.
- The long-term storage of bins on Idrone Lane is unacceptable, resulting in a further obstruction of the public carriageway and the creation of a traffic hazard along Idrone Lane. While it is accepted that there are physical constraints within the site, the proposed development is unacceptable as it would result in a traffic hazard arising from the use of the public road for private commercial bin storage, and would also have a negative visual impact on the streetscape of the ACA and would set an undesirable precedent.
- No operational waste management plan has been submitted.
- Inadequate information has been provided in relation to signage.
- The Senior Executive Planner's report is the basis for the Planning Authority's decision to refuse planning permission.

### 3.2.2. Other Technical Reports

- The report of the Senior Executive Engineer, Transportation Planning Section, dated 27<sup>th</sup> September, 2024 recommended either further information demonstrating arrangements for the storing of waste bins at the development, for both long term storage and staging at collection days. The drawings shall demonstrate that the location of both the storage and

staging areas shall not obstruct the public road/carriageway/footpath on Idrone Lane/Bath Place, or conditional permission including the provision of the storage of waste.

- The report of the Senior Executive Engineer, Transportation Planning Section, dated 21<sup>st</sup> January, 2025 recommended refusal due to the endangerment of public safety as a result of the obstruction of the a public carriageway by the proposed storage of refuse bins/receptacles on the carriageway at Idrone Lane.
- The report of the Senior Executive Scientist, DLR Environmental Enforcement / Waste Management, dated 1<sup>st</sup> October, 2024 stated that DLR Environmental Enforcement Department are not satisfied that the proposal can be undertaken in accordance with standard procedures and further information requesting An Operational Waste Management Plan (OWMP) is recommended or alternatively conditional permission is recommended, to include a Public Liaison Plan, a detailed site-specific Operational Waste Management Plan, and a Pest Control Plan.
- The report of the Senior Executive Scientist, DLR Environmental Enforcement / Waste Management, dated 16<sup>th</sup> January, 2025 that DLR Environmental Enforcement Department remain unsatisfied that the proposal can be undertaken in accordance with standard procedures and further information requesting An Operational Waste Management Plan (OWMP) is recommended or alternatively conditional permission is recommended, to include a Public Liaison Plan, a detailed site-specific Operational Waste Management Plan, and a Pest Control Plan.

### **3.3. Prescribed Bodies**

- The report of the EHO dated 20<sup>th</sup> September, 2024 states that proposal is acceptable subject to the provision of suitable and sufficient refuse facilities for the storage of waste material.
- The report of the EHO dated 15<sup>th</sup> January, 2025 also states that proposal is acceptable subject to the provision of suitable and sufficient refuse facilities for the storage of waste material.

### **3.4. Third Party Observations**

- 1no. third-party observation on behalf Idrone Terrace Residents Association seeks to draw the Council's attention to the continuing disregard of the byelaws and regulations with



respect to storage and presentation of waste/bins by the owner's tenant (September Cafe) also located at 3 Bath Place on a public thoroughfare, at the back of private residences in 26 and 27 Idrone Terrace. They refuse to relocate their bins to the curtilage of their property, causing nuisance to the residents, in spite of space being available adjacent to their outdoor terrace and further space in the adjacent parking area. The bins frequently an obstruction to larger vehicles entering the lane and frequently obstruct the private entrances to the rear of nos. 26 and 27. Prior to determination of this application that the council seeks and secures an undertaking from the owner-applicant that ALL bins from 3 Bath Place, irrespective of which tenant, will be ordinarily stored within their property, or that the application be denied.

#### **4.0 Planning History**

- The site forms part of the Part 8 (PC/IC/01/23) Living Street Blackrock Village project, approved on 3<sup>rd</sup> July, 2023, a public realm improvement project which aims to enhance the attractiveness, liveability, connectivity and economic vibrancy of Blackrock Village. Building on the temporary measures implemented during the COVID restrictions of summer 2020 on Blackrock Main Street, the plan will move the village from a temporary layout to a high-quality permanent design.

#### **5.0 Policy Context**

##### **Development Plan**

- The applicable Plan is the Dún Laoghaire-Rathdown County Development Plan 2022-2028
- The proposed development site is zoned DC, District Centre, which seeks to protect, provide for and/or improve mixed use district centre facilities. Policy Objective RET 6 seeks to promote the ongoing redevelopment of Blackrock as a sustainable mixed-use District Centre, and also seeks to encourage the renewal and provide for the public realm improvement of the area between the DART station and Main Street, and also improve pedestrian connections to the seafront.

- No. 3 Bath Place is not a Protected Structure, nor is it listed on the NIAH. It is located in the candidate Blackrock Architectural Conservation Area. Nos. 4 and 6 Main Street are Protected Structures.
- The site is within a Candidate Architectural Conservation Area (ACA). Objective HER18 states that it is a Policy Objective that development proposals within a candidate Architectural Conservation Area will be assessed having regard to the impact on the character of the area in which it is to be placed.
- Section 11.12.4 of the Plan sets out the policies with respect to new development in an ACA. This includes any new street furniture (such as bins, lighting, signage-poles etc.) which shall be of a high quality with consideration given to their siting and location.
- Section 12.3.2.6 of the Plan states that larger scale and group medical practices should normally only be located in Neighbourhood, District and Major Town Centre zonings. They should not have negative impacts in terms of generating overspill of car parking, traffic hazard, negative impact on adjoining residential uses, and should complement the existing uses and buildings and should have only modest signage.
- Section 12.6.8 of the Plan sets out the policies with respect to shopfronts, signage, advertising and public art. This states that advertising signs, where permitted, should be simple in design and sympathetic to the surroundings and features of the building on which they will be displayed.
- Section 12.9.6 of the Plan requires the submission of an Operational Waste Management Plan.
- Policy Objective PHP37 with respect to Public Realm Design states that it is a policy objective that all development proposals should contribute positively to an enhanced public realm. This will include detailed consideration of all street furniture (including litter bins).
- The provisions of the Blackrock Local Area Plan 2015-2025 also apply to the site.
- Section 3.6 of the Blackrock LAP provides a public realm strategy developed for Blackrock. The main focus of the strategy includes to refocus and re-orientate Blackrock village core and the Main Street to properly re-engage with its seafront. The overall aim is to create an environment within Blackrock that encourages an uncluttered, legible, accessible, and usable street environment that caters for a variety of activities and

events, facilitates the continuing function as a significant shopping destination whilst at the same time respecting the underlying historic character and fabric of the village core.

- The Public Realm Strategy (Drawing 4) identifies Bath Street as a Village Core Street and a specific objective to improve pedestrian connectivity to the seafront.
- Objective BK07 states that it is Council Policy to encourage a high standard of public realm upgrade / improvements throughout Blackrock in accordance with the Public Realm Strategy.
- Objective BK09 states that it is Council policy to upgrade the public realm along Main Street and Rock Hill in order to provide a more attractive streetscape and an improved pedestrian environment in the village core.
- Objective UDS1 states that it is an objective of the Council to strengthen the urban structure of Blackrock by ensuring that any new development incorporated a coherent, legible and permeable urban form protects and compliments the character of the street or area in which it is set – in terms of proportion, enclosure, building line, design and by the marrying of new modern architecture with historic structures.

#### **5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

N/A.

#### **5.2. Natural Heritage Designations**

The proposed development site is c.0.072km to the south-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024); the South Dublin Bay SAC (Site Code: 000210); and the South Dublin Bay pNHA (Site Code: 000210).

### **6.0 EIA Screening**

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- The First Party appeal makes the following points
  - The site is a recently acquired tenancy on the 1<sup>st</sup> and 2<sup>nd</sup> floors.
  - The applicant was formed in 1988 and provides a specialist and essential health service of c. 30,000 patients each year across 20 clinics in Ireland, as well as a 24/7 emergency contact facility to care for health issues while individuals are overseas and in ill health.
  - The storage, the contents and the disposal of refuse is the major concern, but this relates to the ground floor use, a separate tenancy and not in any way related to the applicant.
  - Waste materials include standard paper packaging, low-level kitchen waste; confidential material (collected by a shredding company); and medical waste.
  - Medical waste is secured within specialised containers, 'yellow bins', which are collected by a registered and specialist company on request.
  - Confidential materials and medical waste are collected separately to the standard waste bins are present no risk to patients or members of the public.
  - The standard grey and green bins which contain standard waste are positioned 40m away from 26 and 27 Idrone Terrace on the opposite side of Idrone Lane, and have no residential amenity or traffic impacts. The large industrial bins are believed to relate to the café use.

### **7.2. Applicant Response**

- N/A

### 7.3. Planning Authority Response

- The Planning Authority's response dated 25<sup>th</sup> February, 2025 states the following:
  - The applicant has commenced trading on the first floor and no permission is in place for this use, and therefore the use is unauthorised. Retention Permission is required.
  - The Applicant was invited to detail their proposals in respect of operational waste management plans and signage details.
  - The site is located in Blackrock candidate ACA (cACA) and along the access route from the village to the DART and bus station, coastal and public park areas, well as the proposed Active Travel Scheme cycle path route.
  - Having regard to the site area outlined in red, the Planning Authority were not satisfied that the Applicant could manage their waste within their site boundary and sought further information. The Applicant's response was not considered to be adequate. Signage details were required to contribute positively to the streetscape in this cACA.
  - The appeal details are noted, however a number of matters have not been provided:
    - A waste management plan has not been provided.
    - It has not been detailed where it is proposed to store bins, internally and externally.
    - The type and scale of waste bin has not been identified.
    - No safety measures in respect of the disposal of medical waste are detailed.
    - It is unclear if third party consent is required.
    - The location of bins has not been identified and therefore no assessment of the impact of the proposed development on the cACA or main access route to the DART, park areas and any third party property can be made.
    - It has not been demonstrated that signage details complies with the Council's requirements.

- The Planning Authority note the Transportation Planning, Environmental Enforcement and EHO Reports. However, given the limited site area and failure to submit adequate details in respect of location, scale and type of waste and signage, it is considered that assessment of these matters is paramount to ensure that the proposed development does not adversely impact on the existing character, amenity and free flow of pedestrian, cycle and vehicular traffic.
- The Planning Authority requests that the decision to refuse permission is upheld. Any future application should be for retention and should contain comprehensive waste management and signage proposals, and any third party consents if required.

#### **7.4. Observations**

- None on file.

#### **7.5. Further Responses**

- None on file.

### **8.0 Assessment**

8.1 Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

8.2 The main issues are as follows:

- Proposed change of use.
- Waste management issues.
- Signage issues.

8.3 Proposed Change of Use.

8.3.1 The application sought permission for a change of use from office to medical facility on the vacant first and second floor of 3 Bath Place, Blackrock Village.

- 8.3.2 It is noted that no external works are proposed to the existing elevations.
- 8.3.3 The change of use to a medical facility accords with the District Centre (DC) zoning objective.
- 8.3.4 The proposed change of use is also in accordance with Policy Objective RET 6 of the Plan, which seeks to promote the ongoing redevelopment of Blackrock as a sustainable mixed-use District Centre.
- 8.3.5 The location of the proposed medical facility on a DC zoned site, which would be regarded as a larger scale practice, is also aligned with Section 12.3.2.6 of the Plan.
- 8.3.6 The vacant nature of the premises was also a key consideration of the Planning Authority in supporting the proposed change of use.
- 8.3.7 In addition, of note is that no car parking is proposed to facilitate the proposed change of use, which given its location relative existing public transport and public parking, as well as the existing pedestrian connectivity, is also accepted.
- 8.3.8 However, as noted by the Planning Authority, and also on the day of the site visit, the 1<sup>st</sup> and 2<sup>nd</sup> floor is already in active use by the applicant as a medical facility providing pre-travel medicines, employing 6 people. The 1<sup>st</sup> floor was functioning as a reception and medical suites, with office and Board room on the 2<sup>nd</sup> floor. The existing use commenced trading at the end of October, 2024.
- 8.3.9 The change of use for which permission is sought has, therefore, already occurred.
- 8.3.10 The existing use, for which no permission exists, is unauthorised in this context.
- 8.3.11 In the circumstances, it would be my recommendation that the Board is precluded from granting permission for the proposed development of a change of use from office to medical facility at 3 Bath Place, Blackrock, Co. Dublin, as the change of use has already occurred. Permission is required in the first instance for the retention of the change of use from office to medical facility at 3 Bath Place, Blackrock, Co. Dublin.
- 8.4 Waste Management Issues
- 8.4.1 The 2<sup>no.</sup> reasons for refusal relate to the storage of waste on Idrone Lane and the negative effect it would have on public safety by reason of a traffic hazard as a result of the storage of bins from the proposed medical facility obstructing the Lane. It is also stated that the proposed development would have a negative visual impact on the streetscape and the Blackrock Village Candidate Architectural Conservation Area.

- 8.4.2 The reasons for refusal principally stem from the lack of information provided by the applicant on the location for the storage of waste, and that, given its size, there appears to be no scope to store waste at the proposed development site.
- 8.4.3 On the day of the site visit, at least 5no. large bins and 7no. standard bins, including those of the applicant, were stored on Idrone Lane generally in the space between the edge of the buildings and the double yellow line either side of the Lane. The large bins are all located along the southern edge of the Lane. It appears that these bins are usually stored at this location, notwithstanding that there is a sign placed on the rear elevation of no. 27 Idrone Terrace that says 'No Bins'. These bins did not appear to cause any conflict with pedestrians or vehicles using the Lane.
- 8.4.4 It would therefore appear to me that it is common practice for businesses and residents in the vicinity to store bins on Idrone Lane. The configuration of the Lane would appear to accommodate the storage of such bins. In my opinion, therefore, the storage of bins would not negatively impact on the quality of the public road, and would not set an undesirable precedent for similar types of development in the area, as such storage already occurs on Idrone Lane.
- 8.4.5 I also noted on the day of the site visit that kegs were also stored for collection on the public realm immediately outside the Idrone pub at no. 2 Main Street. There was also a skip being collected by a waste truck which had clearly been stored in the same area for a period of time. These activities did not appear to conflict with pedestrian or vehicular movements in any significant way.
- 8.4.6 Such activity would be expected to occur in a busy town centre location, and, as evidenced on site, it appears to occur without significant issue, and would not lead to the endangerment of public safety.
- 8.4.7 It is also noted that the application is for a change of use of 3 Bath Place, and it is understood that there was previously an office use at the premises. It is considered that there would not be any material increase in waste production arising from the proposed change of use.
- 8.4.8 In addition, and other than a small menu board associated with the café use, there are no bins or other obstructions on Bath Place itself to prevent the movement of pedestrians or vehicles, thereby supporting its role as a key active link between the town centre and the



DART and bus station, public park and seafront. Bath Place was observed as being heavily trafficked by pedestrians, cyclists and vehicles on the day of the site visit.

- 8.4.9 I also note that the Senior Executive Planner commented that the proposed development is not considered to result in adverse impacts on the residential amenities in the area.
- 8.4.10 The applicant has clarified in the response to the RFI and in the appeal the type of waste generation and means for managing same, including the use of 2no. specialist companies for confidential waste and medical waste. This latter waste appears to be stored on site pending collection. The 2no. bins stored on Idrone Terrace are for standard waste.
- 8.4.11 I note the original report of the Dún Laoghaire-Rathdown County Council's Transportation Planning Section, the reports of the Dún Laoghaire-Rathdown County Council's Environmental Enforcement, and the report of the EHO, which, will raising concerns about the lack of information on the management of waste, nevertheless suggested conditions for the provision of waste management details, including an Operational Waste Management Plan. I would be inclined to agree that, having regard to the information provided by the applicant, and to the existing storage of bins on Idrone Lane, that matters in respect of waste management, including storage, could be conditioned.
- 8.4.12 I also note that the 2<sup>nd</sup> reason for refusal is predicated on concerns about the impact of the external storage of waste on the Blackrock cACA, however, it would be my opinion that, having regard to the established practice of same, no issue with respect to impact on the cACA arises.
- 8.4.13 I further note that the 2<sup>nd</sup> reason for refusal states that the proposed development would be contrary to the provisions of the Plan, however no such provisions are cited. In my opinion, the proposed development complies with the DC zoning objective, policy objective RET 6 in respect of District Centre uses, and Section 12.3.2.6 of the Plan in that the proposed development does not have negative impacts in terms of generating overspill of car parking, traffic hazard, nor does it have a negative impact on adjoining residential uses. The proposed development complements the existing uses and buildings and only has modest signage.

## **9.0 AA Screening**

- 9.1 See Appendix 2 attached to this report. I have considered the permission for a change of use

from office to medical facility at 3 Bath Place, Blackrock, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 9.2 The proposed development site is c.0.072km to the south-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the South Dublin Bay SAC (Site Code: 000210).
- 9.3 The proposed development consists of permission for a change of use from office to medical facility at 3 Bath Place, Blackrock, Co. Dublin.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- 9.6 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Recommendation**

- 10.1 I recommend that permission for the development be refused for the following reasons and considerations.

## **11.0 Reasons and Considerations**

The change of use from offices to medical facility on the first and second floor of 3 Bath Place, Blackrock, Co. Dublin, for which permission is sought, has already occurred. The existing medical use is unauthorised. In the circumstances, the Board is precluded from granting permission for the proposed development of a change of use from office to medical facility at 3 Bath Place, Blackrock, Co. Dublin. Permission is required in the first instance for the retention of the change of use from office to medical facility at 3 Bath Place, Blackrock, Co. Dublin.

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.

28<sup>th</sup> April, 2025

*Ad. O'Neill*

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

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-321923-25		
<b>Proposed Development Summary</b>	Change of use from offices to medical facility		
<b>Development Address</b>	3 Bath Place, Blackrock, Co. Dublin A94 R3K7		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Tick if relevant and proceed to Q2.
		<b>No</b> √	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank		Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

*Ad onull*

28<sup>th</sup> April, 2025.

Inspector:

\_\_\_\_\_

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

## Appendix 2 - AA Screening Determination Test for likely significant effects

AA Screening where no screening report was submitted, and no significant AA issues arise.

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b> <b>Case file: ABP-319551-24</b>				
<b>Brief description of project</b>	Normal Planning appeal Permission for a change of use from office to medical facility.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The proposed development site is located at 3 Bath Place, Blackrock, Co. Dublin.  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.			
<b>Screening report</b>	No Dún Laoghaire-Rathdown County Council screened out the need for AA.			
<b>Natura Impact Statement</b>	No			
<b>Relevant submissions</b>	None			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further screening Y/N
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)	14 no. bird species	0.072km	No direct connection	Y
South Dublin Bay SAC (Site Code: )	14no. habitats	0.072km	No direct connection	Y

000210)				
<p>The proposed development site is located c.0.72km to the south-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the South Dublin Bay SAC (Site Code: 000210).</p> <p><b>Further Commentary / discussion</b></p> <p>Due to the location of the development site and the distance between the site and the nearest designated site, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.</p>				
<p><b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b></p> <p><b>AA Screening matrix</b></p>				
<b>Site name</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>			
	<b>Impacts</b>	<b>Effects</b>		
<b>Site</b>	Direct: none Indirect:	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. Conservation objectives would not be undermined.		
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)	localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during operation			
Light-bellied Brent Goose (Branta bernicla hrota) [A046]				
Oystercatcher (Haematopus ostralegus) [A130]				
Ringed Plover (Charadrius hiaticula) [A137]				
Grey Plover (Pluvialis squatarola) [A141]				
Knot (Calidris canutus) [A143]				
Sanderling (Calidris alba) [A144]				
Dunlin (Calidris alpina) [A149]				
Bar-tailed Godwit (Limosa lapponica) [A157]				
Redshank (Tringa totanus) [A162]				
Black-headed Gull (Chroicocephalus ridibundus) [A179]				
Roseate Tern (Sterna dougallii) [A192]				
Common Tern (Sterna				

hirundo) [A193]  Arctic Tern (Sterna paradisaea) [A194]  Wetland and Waterbirds [A999]		
South Dublin Bay SAC (Site Code: 000210)  Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during operation	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b> I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No mitigation measures are required to come to these conclusions.		
<b>Screening Determination</b>  <b>Finding of no likely significant effects</b> In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210) 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: <ul style="list-style-type: none"><li>The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.</li></ul>		



*Ad onull*

28<sup>th</sup> April, 2025

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